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# Legislative Journal.

Session 1955.

141st of the General Assembly.

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HARRISBURG, PA., THURSDAY, DECEMBER 1, 1955.

No. 112.

## HOUSE OF REPRESENTATIVES

THURSDAY, December 1, 1955

The House met at 1:00 p. m.

The SPEAKER (Hiram G. Andrews) in the Chair.

### PRAYER

The Chaplain, Reverend Harold J. Crouse, Pastor of Trinity Luthern Church, York, offered the following prayer:

O Christ, Thou eternal Dayspring from on High, make our minds sanctuaries of Thy light and truth as we launch out into the deep sea of life's experience and service today.

We thank Thee for these Legislators gathered together in this great assembly of free people. Here in these men and women we behold different gifts, talents, abilities, temperments, moods, philosophies, creeds, races. O Lord, sanctify each one with Thy peace and presence so that when a final verdict is reached and legislation is made on given policies, Thy revealed glory may be reflected and an added blessing may be given to free men.

This is the petition of our souls that we lift to Thy Throne of Grace, through Jesus Christ, our Lord. Amen.

### JOURNAL APPROVAL POSTPONED

The SPEAKER. If there is no objection, the approval of the Journal for Wednesday, November 30, 1955 will be postponed until printed. The Chair hears none.

### BILLS INTRODUCED AND REFERRED

By Mr. POLEN.

HOUSE BILL No. 1907.

An Act making an appropriation to the House of Representatives of the General Assembly for the salaries of officers and employees and mileage of members.

Referred to the Committee on Appropriations.

By Mr. YETTER.

HOUSE BILL No. 1908.

An Act authorizing abatement of real estate taxes because of destruction or damage of property by flood, or the refund or credit of the amount of such taxes against future taxes by certain political subdivisions.

Referred to the Committee on Rules.

### SENATE MESSAGE

#### SENATE BILLS FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence, bills numbered and entitled as follows:

#### SENATE BILL No. 151.

An Act amending the act of June 20, 1919 (P. L. 521) entitled as amended "An act providing for the imposition and collection of certain taxes upon the transfer of property passing from a decedent who was a resident of this Commonwealth at the time of his death and of property within this Commonwealth of a decedent who was a nonresident of the Commonwealth at the time of his death defining and taxing transfers made in contemplation of death defining as a transfer and taxing the right of survivorship in property as to which such right exists and making it unlawful for any corporation of this Commonwealth or national banking association located therein to transfer the stock of such corporation or banking association standing in the name of any such decedent until the tax on the transfer thereof has been paid and providing penalties and citing certain acts for repeal" exempting certain persons corporations and organizations from tax on the transfer of property inherited or received by them.

Referred to the Committee on Ways and Means.

#### SENATE BILL No. 249.

An Act amending the act of June 24, 1937 (P. L. 2051) entitled "An act relating to public assistance; providing for and regulating assistance to certain classes of persons designated and defined as dependent children, aged persons, blind persons and other persons requiring relief; providing for the administration of this act by the Department of Public Assistance, and county boards of assistance hereby created for this purpose; authorizing the Department of Public Assistance to cooperate with, and to accept and disburse moneys received from, the United States Government for assistance to such persons; providing for the liquidation of the State Emergency Relief Board, Boards of Trustees of the Mothers' Assistance Fund, and Boards of Trustees of Pension Fund for the Blind; and repealing laws relating to mothers' assistance, pensions for the blind, old age assistance, and the State Emergency Relief Board," increasing monthly pension allowance; abolishing maximum income allowance; crediting encumbrances in reality valuation; and abolishing the sum of income and pension as a ceiling for pension receivable.

Referred to the Committee on Welfare.

#### SENATE BILL No. 257.

An Act validating the action of any school board which has heretofore employed any teacher who was related to a member of the board without strictly complying with the law relating to such employment and relieving the members of the board from all liability.

Referred to the Committee on Education.

#### SENATE BILL No. 332.

An Act amending the act of May 1, 1929 (P. L. 905), entitled "An act for the protection of the public safety;



regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," authorizing the issuance of duplicate registration cards at the option of the owner, and fixing the fee therefor.

Referred to the Committee on Motor Vehicles.

#### SENATE BILL No. 410.

An Act relating to the satisfaction of mortgages in cities and counties of the first class by the recording of a satisfaction piece prescribing forms therefor and fixing the fees thereof.

Referred to the Committee on Judiciary.

#### SENATE BILL No. 480.

An Act amending the act of May 25, 1951 (P. L. 415), entitled "An act relating to habeas corpus; conferring jurisdiction upon the judges of the courts of common pleas; prescribing venue; defining procedure in all cases; authorizing service to be made upon persons anywhere in the Commonwealth; providing for the imposition of costs; allowing appeals; specifying the appellate court to which appeals may be taken; and repealing inconsistent legislation, including that conferring jurisdiction on courts of quarter sessions," extending jurisdiction as to habeas corpus to courts of quarter sessions.

Referred to the Committee on Judiciary.

#### SENATE BILL No. 582.

An Act amending the act of August 19, 1953 (P. L. 1104), entitled "An act relating to the acknowledgement of instruments, the attestation of documents, the administration of oaths and affirmations, the execution of depositions and affidavits, and other notarial acts, heretofore or hereafter taken before any commissioned officer of the armed forces of the United States, and providing that such instruments and documents executed by any person who is a member of or actually present with the armed forces of the United States or is outside the United States for certain purposes shall be legal, valid and binding, and providing for the form of the instrument or document and what proof shall be sufficient of the authority of such commissioned officer so to act," extending adavit provisions to include the spouse of a member of the armed forces.

Referred to the Committee on Judiciary.

#### SENATE BILL No. 602.

An Act amending the act of May 1, 1929 (P. L. 1005) entitled, as amended, "An act relating to and regulating tractors and their operation; providing for their registration by the Department of Revenue upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department

of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of tractors; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, and townships, within the Commonwealth, liability for damages caused by the negligent operation of tractors; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees and miscellaneous receipts; making an appropriation; and providing for refunds," changing the height and width standards for tractor cleats or grouser and guide bands.

Referred to the Committee on Motor Vehicles.

#### SENATE BILL No. 685.

An Act amending the act of June 24, 1939 (P. L. 685) entitled "An act designating certain life insurance companies as limited life insurance companies and further describing the powers thereof" regulating the powers of limited life insurance companies.

Referred to the Committee on Insurance.

#### SENATE BILL No. 686.

An Act amending the act of May 7, 1935 (P. L. 130), entitled "An act providing for the service of process in civil suits on nonresident operators or nonresident owners, or a resident who becomes a nonresident and conceals his whereabouts, of aircraft operated within or above the Commonwealth of Pennsylvania and making the operation of such an aircraft within or above the Commonwealth of Pennsylvania, the equivalent of the appointment of the Secretary of Revenue of the Commonwealth of Pennsylvania as the agent of the said nonresident upon whom civil process may be served; and providing for further notice to the defendant in any such suit," making the consent deemed to have been given by a nonresident operator or owner of an aircraft involved in an accident or collision within this Commonwealth for appointment of the Secretary of the Commonwealth as his agent for service of process irrevocable and binding upon his personal representatives; providing for service of process when the nonresident operator or owner has died prior to the commencement of an action, and making changes to conform with existing laws.

Referred to the Committee on Judiciary.

#### SENATE BILL No. 687.

An Act amending the act of May 14, 1929 (P. L. 1721), entitled "An act providing for the service of process in civil suits on nonresident operators, or nonresident owners, of motor vehicles operated within the Commonwealth of Pennsylvania and making the operation of such a motor vehicle on the public highways of the Commonwealth of Pennsylvania the equivalent of the appointment of the Secretary of Revenue of the Commonwealth of Pennsylvania as the agent of the said nonresident, upon whom civil process may be served; and providing for further notice to the defendant in any such suit," making the consent deemed to have been given by a nonresident operator or owner of a motor vehicle involved in an accident or collision within this Commonwealth for appointment of the Secretary of the Commonwealth as his agent for service of process irrevocable and binding upon his personal representatives; providing for service of process when the nonresident operator or owner has died prior to the commencement of an action, and making changes to conform with existing law.

Referred to the Committee on Judiciary.

#### SENATE BILL No. 688.

An Act amending the act of May 26, 1949 (P. L. 1828), entitled "An act concerning the investment powers and



duties of guardians, committees, trustees, and other fiduciaries, except personal representatives, and prescribing the nature and kind of investments which may be made and retained by such fiduciaries," by making further provision respecting the qualification of common stock for investment where there is a predecessor or constituent corporation, and by changing the requirements of an interest bearing deposit.

Referred to the Committee on Judiciary.

SENATE BILL No. 690.

An Act amending the act of April 24, 1947 (P. L. 80), entitled "An act relating to the descent of the real personal estates of persons dying intestate and the procedure in reference thereto," and repealing parts thereof, limiting right of a spouse on partial intestacy and in selection of allowance; and revising procedure for setting aside spouse's allowance, establishing title to real estate when spouse claims entire estate, and distribution to the Commonwealth as statutory heir.

Referred to the Committee on Judiciary.

SENATE BILL No. 691.

An Act amending the act of April 24, 1947 (P. L. 100), entitled "An act relating to the incidents of legal and equitable interests in real and personal property, including the validity thereof, the powers, rights and duties of persons with respect thereto, and the disposition of interest which fail, and containing provisions concerning termination of trusts, releases and disclaimers of powers and interests, perpetuities, accumulations, charitable estates, rights of a surviving spouse in property as to which the decedent has retained certain powers, spendthrift trusts, limited estates in property, rules of interpretation, estates pur autre vie, estates in fee tail, and the Rule in Shelley's Case," revising and changing provision relating to power of court to terminate trusts heretofore created, release or disclaimer by beneficiary of spendthrift trust, income accumulations, conveyances to defeat marital rights, and elections against such conveyances the conveyor's will and the procedure therefor.

Referred to the Committee on Judiciary.

SENATE BILL No. 692.

An Act amending the act of June 28, 1951 (P. L. 638), entitled "An act relating to the jurisdiction powers and duties of registers of wills and regulating proceedings before them and the costs thereof the effects of their acts and appeals therefrom" changing the procedure on probate of wills probated outside the Commonwealth.

Referred to the Committee on Judiciary.

SENATE BILL No. 694.

An Act repealing the act of June 7, 1917 (P. L. 337) entitled "An act relating to the jurisdiction powers and procedure of the several orphans' courts in proceedings for the partition and valuation of real estate and for the sale of real estate for the purpose of distribution and the fees costs and expenses therein" with exceptions.

Referred to the Committee on Judiciary.

SENATE BILL No. 696.

An Act relating to the administration and distribution of incompetents' estates both as a real and personal property and the procedure relating thereto including the disposition of such estates or portions thereof and the determination of title thereto without the appointment of a guardian in certain cases the appointment bond removal and discharge of guardians of such estates their powers duties and liabilities the rights of persons dealing with such guardians and the rights of persons claiming an in-

terest in such estates or in property distributed therefrom whether as claimants or distributees and containing provisions concerning the determination of incompetency and the powers duties and liabilities of foreign guardians and also generally dealing with the jurisdiction powers and procedure of the orphans' court and the common pleas court relating to incompetents' estates.

Referred to the Committee on Judiciary.

SENATE BILL No. 697.

An Act amending the act of April 18, 1949 (P. L. 512), entitled "An act relating to the administration and distribution of decedents' estates, trust estates, minors' estates and absentees' estates, both as to real and personal property, and the procedure relating thereto; including the disposition of such estates or portions thereof and the determination of title thereto without the appointment of a fiduciary in certain cases; the appointment, bond, removal and discharge of fiduciaries of such estates, their powers, duties and liabilities; the rights of persons dealing with such fiduciaries, and the rights of persons claiming an interest in such estates or in property distributed therefrom whether as claimants or distributees, and containing provisions concerning guardians of the person of minors, the powers, duties and liabilities of sureties and of foreign fiduciaries, the abatement, survival and control of actions and rights of action, and the presumption of death; and also generally dealing with the jurisdiction, powers and procedure of the orphans' court and of the register of wills in all matters relating to fiduciaries" revising and changing provisions relating to first complete advertisement of the grant of letters, payment of accrued pensions without letters, amount of estates distributed on petition, family exemptions, place for grant of letters, inventory and appraisement and objections thereto, claims against decedents against personal representatives and against decedents' property, awards to nonresident beneficiaries, presumption of release or extinguishment, amount of minors' estates administered without guardian, and exercise of powers by foreign fiduciaries.

Referred to the Committee on Judiciary.

SENATE BILL No. 698.

An Act amending the act of May 15, 1933 (P. L. 624), entitled, as amended "An act relating to the business of banking, and to the exercise of fiduciary powers by corporations; providing for the organization of corporations with fiduciary powers, and of banking corporations with or without fiduciary powers, including the conversion of national banks into State banks, and for the licensing of private bankers and employees' mutual banking associations; defining the rights, powers, duties, liabilities, and immunities of such organizations, of existent corporations authorized to engage in a banking business, with or without fiduciary powers, of private bankers and employees' mutual banking associations, and of the officers, directors, trustees, shareholders, attorneys, and other employees of all such corporations, employees' mutual banking associations or private bankers, or of affiliated corporations, associations, or persons; restricting the exercise of banking powers by any other corporation, association, or person, and of fiduciary powers by any other corporation; conferring powers and imposing duties upon the courts, prothonotaries, recorders of deeds, and certain State departments, commissions, and officers; imposing penalties; and repealing acts and parts of acts," further providing for authorized investments of savings banks.

Referred to the Committee on Banking and Building and Loan Associations.

SENATE BILL No. 759.

An Act amending the act of March 10, 1949 (P. L. 30) entitled "An act relating to the public school system in-



cluding certain provisions applicable as well to private and parochial schools amending revising consolidating and changing the laws relating thereto" limiting reimbursement for depreciation to school districts using their own vehicles in pupil transportation.

Referred to the Committee on Education.

SENATE BILL No. 767.

An Act amending the act of August 9, 1955 (Act No. 130) entitled "An act relating to counties of the third fourth fifth sixth seventh and eighth classes amending revising consolidating and changing the laws relating thereto" changing technical provisions with respect to plans required to be submitted to the county planning commission.

Referred to the Committee on Counties.

SENATE BILL No. 775.

An Act making an appropriation to the Joint Committee appointed by the Senate and House of Representatives to investigate the Pennsylvania Training School at Morgantown.

Referred to the Committee on Appropriations.

SENATE BILL No. 789.

An Act to amend the act approved the ninth day of August one thousand nine hundred fifty-five (P. L. ) (Act No. 130) entitled "An act relating to counties of the third fourth fifth sixth seventh and eighth classes amending revising consolidating and changing the laws relating thereto" by authorizing collection of data concerning deceased veterans of armed conflicts and authorizing the erection of monuments to veterans of armed conflicts.

Referred to the Committee on Military Affairs.

SENATE BILL No. 790.

An Act to amend the act approved the twenty-eighth day of July one thousand nine hundred fifty-three (P. L. 723) entitled "An act relating to counties of the second class amending revising consolidating and changing the laws relating thereto" by authorizing collection of data concerning deceased veterans of armed conflicts and authorizing the erection of monuments to veterans of armed conflicts.

Referred to the Committee on Military Affairs.

SENATE BILL No. 797.

An Act amending the act of June 24, 1921 (P. L. 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" requiring entrance of bond in appeals from board of adjustment ruling affecting zoning regulations.

Referred to the Committee on Townships.

SENATE BILL No. 833.

An Act amending the act of May 1, 1933 (P. L. 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" authorizing townships to improve public streets or roads without petition and collect the costs thereof from owners of abutting properties.

Referred to the Committee on Townships.

SENATE BILL No. 835.

An Act amending the act of August 9, 1955 (Act No. 130) entitled "An act relating to counties of the third fourth fifth sixth seventh and eighth classes amending revising consolidating and changing the laws relating thereto" au-

thorizing the appointment of solicitors by clerks of the court of quarter sessions and oyer and terminer in third and fourth class counties and prescribing their duties.

Referred to the Committee on Counties.

SENATE BILL No. 852.

An Act amending the act of April 12, 1951 (P. L. 90) entitled "An act relating to alcoholic liquors alcohol and malt and brewed beverages amending revising consolidating and changing the laws relating thereto regulating and restricting the manufacture purchase sale possession consumption importation transportation furnishing holding in bond holding in storage traffic in and use of alcoholic liquors alcohol and malt and brewed beverages and the person engaged or employed therein defining the powers and duties of the Pennsylvania Liquor Control Board providing for the establishment and operation of State liquor stores for the payment of certain license fees to the respective municipalities and townships for the abatement of certain nuisances and in certain cases for search and seizure without warrant prescribing penalties and forfeitures providing for local option and repealing existing laws" permitting holders of bonded warehouse licenses issued by the Pennsylvania Liquor Control Board to receive in bond certain liquor and alcohol for storage in bond in this Commonwealth regulating the release of such liquor and alcohol for delivery.

Referred to the Committee on Liquor Control.

SENATE BILL No. 871.

An Act authorizing certain mutual insurance companies other than life insurance companies now in existence under the provisions of the act of May 17, 1921 (P. L. 682) its supplements and amendments to reincorporate as mutual life insurance companies outlining the requirements and procedure and defining the rights of dissenting members.

Referred to the Committee on Insurance.

## RESOLUTIONS INTRODUCED AND REFERRED

By Mr. WORLEY (Concurrent) RESOLUTION No. 130

In the House of Representatives, November 30, 1955.

The General Assembly requires for its use comprehensive factual information concerning the effectiveness of the system employed in State penal institutions with respect to social rehabilitation; therefore be it

Resolved (the Senate concurring), That the Joint State Government Commission be directed to study and investigate the effectiveness of the system employed in the penal institutions of the Commonwealth of Pennsylvania with respect to social rehabilitation of prisoners; and be it further

Resolved, That the Joint State Government Commission report to the next regular session of the General Assembly its findings and recommendations with drafts of legislation necessary to carry the recommendations into effect.

Referred to the Committee on Rules.

By Mr. WORLEY. RESOLUTION (Not Printed)

In the House of Representatives, November 30, 1955.

The recent death of Reid Eppelman of Littlestown, Adams County, Pennsylvania, is a great loss to his community.

Mr. Eppelman was at one time a member of the Adams County Republican Executive Committee, and served for twelve years as the tax collector of the Borough of Littlestown, Pennsylvania. By trade, he was a laborer and foreman of the aluminum division of the Littlestown Hardware and Foundry Company. He was a member of the Masonic Order, P. O. S. Y. A., Moose, Eagles, Lions, and the Littlestown Fish and Game Association; therefore be it



Resolved, That the members of this House of Representatives extend their individual sympathies to the widow, children and grandchildren of the late Mr. Reid Eppelman in their hour of sorrow; and be it further

Resolved, That a copy of this resolution be sent to Mrs. Reid Eppelman, at Littlestown, Adams County, Pennsylvania.

Referred to the Committee on Rules.

### FORMER MEMBER WELCOMED

The SPEAKER. The Chair notes the presence in the Hall of the House of a former Member from Delaware County, the Honorable Jay Sproul.

The Chair is glad to welcome him once again.

### SENATE MESSAGE

#### RESOLUTIONS FOR CONCURRENCE

The Clerk of the Senate being introduced presented an extract from the Journal of the Senate, which was read as follows:

Serial No. 156.

In the Senate, November 14, 1955.

Whereas, August 30 to September 8, 1956, marks the 200th anniversary of the expedition led by Pennsylvania's own Colonel John Armstrong starting at Fort Shirley, Shirleysburg, Huntingdon County, and culminating in the attack and destruction of the Indian town at Kittanning, Armstrong County, and

Whereas, this expedition was the first organized retaliation of the Pennsylvania provincial forces against the French and Indians following General Braddock's disastrous defeat at the Monongahela crossings and gave new hope and protection to the harassed Pennsylvania frontier by inflicting a serious blow upon the hostile Indians, and

Whereas, this expedition was organized and conducted on Pennsylvania soil and was made up of Pennsylvania forces and was led by a noted Pennsylvania commander and constituted a decisive engagement in the French and Indian War which finally determined the fate of Anglo-Saxon civilization in North America; therefore be it

Resolved (the House of Representatives concurring, That the General Assembly congratuates the Pennsylvania Federation of Historical Societies and the historical societies of Huntingdon, Blair, Cambria, Indiana, and Armstrong counties upon the initiative taken in plans to commemorate this important anniversary in Pennsylvania's great history; and respectfully requests the Governor of the Commonwealth, The Honorable George M. Leader, to prepare and issue a suitable proclamation designating August 30 and September 8, 1956, as Armstrong Expedition Days and calling upon the public, parochial, and private schools, and the civic, patriotic, and historical bodies of the Commonwealth to observe with suitable ceremonies and pageants the 200th anniversary of this decisive event in Pennsylvania's heroic past.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

Referred to the Committee on Rules.

The Clerk of the Senate being introduced presented an extract from the Journal of the Senate, which was read as follows:

Serial No. 158.

In the Senate, November 21, 1955.

Whereas, The nursing profession plays a vital role in the health care of the Commonwealth of Pennsylvania and

Whereas, A continued renewal and extension of its ranks through the attraction of young people to the

profession is of the first importance to the Commonwealth's future health and welfare; and

Whereas, There are many problems facing the nursing profession which can only be solved through the aid of an informed and sympathetic public; and

Whereas, It is proper and fitting that public attention and recognition should be focused on the great contributions, past and present, that the nursing profession in all its branches has made to Pennsylvania's welfare and security; therefore, be it

Resolved (The House of Representatives concurring), That the General Assembly designate the week of May 12 in each year as Pennsylvania Nurse Week, in honor of the nurses of the state and in recognition of the vitally important service they have faithfully rendered in the promotion of health and welfare. The Governor is authorized and requested to issue annually a proclamation calling upon all the people of the Commonwealth to cooperate in the observance of such week.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

Referred to the Committee on Rules.

### LEAVE OF ABSENCE

By unanimous consent leave of absence was granted as follows:

Mr. O'Neil for Mr. BRETH for today's session.

### BILLS SIGNED BY SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

#### HOUSE BILL No. 748.

An Act amending the act of June 17, 1913 (P. L. 507) entitled "An act to provide revenue for State and county purposes and in cities coextensive with counties for city and county purposes imposing taxes upon certain classes of personal property providing for the assessment and collection of the same providing for the duties and compensation of prothonotaries and recorders in connection therewith and modifying existing legislation which provided for raising revenue for State purposes" by making said act applicable to all taxes heretofore and hereafter levied and remaining uncollected

#### HOUSE BILL No. 749.

An Act amending the act of June 17 1913 (P. L. 507) entitled "An act to provide revenue for State and county purposes and in cities coextensive with counties for city and county purposes imposing taxes upon certain classes of personal property providing for the assessment and collection of the same providing for the duties and compensation of prothonotaries and recorders in connection therewith and modifying existing legislation which provided for raising revenue for State purposes" by allowing appeals in certain cases to be taken to the County Court of Allegheny County.

#### HOUSE BILL No. 985.

An Act amending the act of May 26, 1949 (P. L. 1828) entitled "An act concerning the investment powers and duties of guardians committees trustees and other fiduciaries except personal representatives and prescribing the nature and kind of investments which may be made and retained by such fiduciaries" further prescribing the nature and kind of investments which may be made and retained by fiduciaries

#### HOUSE BILL No. 1144.

An Act amending the act of May 15, 1933 (P. L. 796) entitled, as amended, "An act providing for the preservation of the records or photographic film reproductions,



or photographic or photostatic copies thereof, of banks, bank and trust companies, trust companies, savings banks, private banks, and national banking associations; providing that such photographic film reproductions or photographic or photostatic copies shall be admissible in evidence equally and with the same force and effect as the original records; providing a means for the final adjustment and settlement of depositors' accounts; saving certain parts of acts from repeal; and imposing penalties for violations," providing further for the preservation of records and their admissibility in evidence

## HOUSE BILL No. 1212.

An Act amending the act of May 4, 1927 (P. L. 519) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" authorizing the burgess of a borough to request that matters upon which the council has cast a tie or split vote be tabled until a special session of the council and to cast the deciding vote if necessary at that time

## HOUSE BILL No. 1259.

An Act authorizing the commitment to the Department of Public Welfare in any city of the first class persons convicted of crimes and sentences by courts situate within such city to a city or county penal institution where such Department has established a correctional diagnostic and classification service and authorizing the transfer of prisoners between such institutions by the Department

## HOUSE BILL No. 1473.

An Act amending the act of March 10, 1949 (P. L. 30) entitled "An act relating to the public school system including certain provisions applicable as well to private and parochial schools amending revising consolidating and changing the laws relating thereto" clarifying the taxing power of school districts of the second third and fourth classes to pay the minimum salaries and increments of the teaching and supervisory staff

## HOUSE BILL No. 1512.

An Act authorizing cooperative return of parole and probation violators and the making of contracts or deputization of persons pursuant thereto

## HOUSE BILL No. 1613.

An Act to further amend section 1 of the act, approved the thirteenth day of June, one thousand nine hundred seven (P. L. 640), entitled "An act to provide revenue by levying a tax upon the shares of stock of companies incorporated under the provisions of section twenty-nine of an act, entitled 'An act to provide for the incorporation and regulation of certain corporations,' approved April twenty-ninth, one thousand eight hundred and seventy-four, and the supplements thereto; for the insurance of owners of real estate, mortgages, and others interested in real estate, from loss by reason of defective titles, liens, and encumbrances; and of companies entitled to the benefits of, and of companies having any of the powers of, companies entitled to the benefits of an act, entitled 'An act conferring upon certain fidelity, insurance, safety deposit, trust, and savings companies the powers and privileges of companies incorporated under the provisions of section twenty-nine of an act, entitled 'An act to provide for the incorporation and regulation of certain corporations,' approved April twenty-ninth, Anno Domini one thousand eight hundred and seventy-four, and of the supplements thereto,' approved June twenty-seventh, one thousand eight hundred and ninety-five, commonly known as title insurance or trust companies," by requiring every title insurance or trust company, bank and trust company or trust company to compute and pay the State tax on shares of capital stock when making reports and extending the date for making such reports.

## HOUSE BILL No. 1620.

An Act amending the act of June 11, 1935 (P. L. 326) entitled "An act relating to counties of the first class defining deceased service persons providing for contributions by the county to the funeral expenses for such persons and their widows providing for the erection and care of markers headstones and flags and for the compilation of war records" extending the definition of "deceased service persons" to include service personnel serving in an armed conflict

## HOUSE BILL No. 1621.

An Act amending the act of May 2, 1929 (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" authorizing collection of data concerning deceased veterans of armed conflicts authorizing the erection of monuments for and giving retirement benefits to veterans of armed conflicts

## HOUSE BILL No. 1622.

An Act amending the act of May 2, 1929 (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" extending the definition of "deceased service persons" to include service personnel serving in an armed conflict

## HOUSE BILL No. 1623.

An Act amending the act of May 2, 1929 (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" extending retirement benefits to veterans of armed conflicts

## HOUSE BILL No. 1625.

An Act amending the act of May 22, 1945 (P. L. 837) entitled as amended "An act providing for and requiring in certain cases preference in appointments to and retention in public position or on public works for honorably discharged persons who served in the military or naval service during any war in which the United States engaged and in certain cases for the widows and wives of such persons" extending civil service preference to veterans of armed conflicts

## HOUSE BILL No. 1626.

An Act amending the act of May 21 1943 (P. L. 302) entitled as amended "An act providing for the admission of children to and their education and maintenance in and their discharge from the Scotland School for Veterans' Children prohibiting discharging children or taking children from said school or children from leaving the same without an order of the Board of Trustees of the Scotland School for Veterans' Children and prescribing penalties" extending its provisions to children of veterans of armed conflicts

## HOUSE BILL No. 1690.

An Act amending the act of May 21, 1943 (P. L. 322) entitled "An act providing for the issuance of certified copies of death birth and marriage certificates and divorce decrees by county officers free of charge to disabled war veterans and their dependents in death and compensation cases and prescribing penalties" extending its provisions to veterans of armed conflicts

## HOUSE BILL No. 1723.

An Act to further amend section two hundred five of the act approved the ninth day of April one thousand nine hundred twenty-nine (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the



Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employees in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employees of certain departments boards and commissions shall be determined" by providing that State policemen assigned to duty with the Pennsylvania Turnpike Commission shall not be counted against the total number of officers and men in the State Police Force.

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

### REPORTS FROM COMMITTEES

Mr. THOMAS H. W. JONES from the Committee on Elections and Apportionment, reported as committed, House Bill No. 128, entitled:

An Act amending the "Pennsylvania Election Code" approved June 3, 1937 (P. L. 1333), permitting electors who have changed their residence from one election district to another during a certain period to vote in the election district in which they are registered with certain exceptions.

Mrs. REIBMAN from the Committee on Elections and Apportionment, reported as committed, House Bill No. 388, entitled:

An Act amending the "Pennsylvania Election Code," approved June 3, 1937, (P. L. 1333), extending voting rights to bedridden or hospitalized veterans when not absent from county of residence.

Mr. FLYNN from the Committee on Elections and Apportionment, reported as committed, House Bill No. 413, entitled:

A Joint Resolution proposing an amendment to article eight of the Constitution of the Commonwealth of Pennsylvania providing for absentee voting.

Mr. WHITENIGHT from the Committee on Agriculture and Dairy Industries, reported as committed, House Bill No. 926, entitled:

An Act amending the "Milk Control Law" approved April 28, 1937 (P. L. 417), requiring testing of composite sample within five days after taken.

Mr. FLYNN from the Committee on Elections and Apportionment reported as committed, House Bill No. 1405, entitled:

An Act amending "The First Class City Permanent Registration Act," approved March 30, 1937 (P. L. 305), removing limitations on the power of the commission to establish offices for receipt of applications for registration, and changing the provisions of the act as to registration of electors before municipal elections.

Mr. McGEE from the Committee on Public Health and Sanitation reported as amended, House Bill No. 1793, entitled:

An Act amending the act of June 12, 1931 (P. L. 510), entitled "An act providing for the licensure and regulation of certain private nursing homes and private hospitals; \* \* \*," extending the act to private convalescent homes conducted for profit; requiring licensing under the act for treatment, care or nursing by reason of pregnancy; \* \* \*

### FORMER MEMBER WELCOMED

The SPEAKER. The Chair welcomes to the Hall of the House another former Member, the gentleman from Indiana, Mr. William McMillen, with whom in times past the Speaker has very frequently crossed parliamentary swords.

### PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. POLEN asked and obtained permission for the Committee on Appropriations to meet during the session of the House.

### BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 491, entitled:

An Act regulating and prescribing working hours of police matrons in cities of the second class

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1754, entitled:

An Act amending the act of June 2, 1891 (P. L. 176) entitled "An act to provide for the health and safety of persons employed in and about the anthracite coal mines of Pennsylvania and for the protection and preservation of property connected therewith" changing applicability of act

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1849, entitled:

An Act amending the act of May 31, 1945 (P. L. 1198) entitled "An act providing for the conservation and improvement of land affected in connection with the mining of bituminous coal by the open pit mining method regulating such mining and providing penalties" further regulating mining operations requiring the filing of maps changing provisions with respect to registration bonds backfill overburden enforcement of the act and penalties and providing for the payment of fines into a special fund.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1874, entitled:

An Act amending the act of July 15, 1897 (P. L. 287), entitled "An act to protect the lives and limbs of miners from the dangers resulting from incompetent miners working in the anthracite coal mines of this Commonwealth, and to provide for the examination of persons seeking employment as miners in the anthracite region,



and to prevent the employment of incompetent persons as miners in anthracite coal mines, and providing penalties for a violation of the same," prescribing powers and duties of certain miners examining boards.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of Senate Bill No. 813, entitled:

An Act amending the act of October 27, one thousand nine hundred fifty-five (Act No. 222) entitled "An act prohibiting certain practices of discrimination because of race, color, religious creed, ancestry, age or national origin, by employers, employment agencies, labor organizations, and others, as herein defined; creating the Pennsylvania Fair Employment Practice Commission in the Department of Labor and Industry; defining its functions, powers and duties; providing for procedure and enforcement; providing for formulation of an educational program to prevent prejudice; providing for judicial review and enforcement; and imposing penalties," providing that termination of employment under a bona fide retirement or pension plan shall not constitute an unfair employment practice.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of Senate Bill No. 837, entitled:

An Act to further amend the act approved the eighteenth day of July one thousand nine hundred seventeen (P. L. 1043) entitled "An act establishing a public school employees' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing employees defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon boards having the employment of public school employees exempting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" increasing the amount of retirement or compensation payments to persons now retired receiving survivor annuities or State compensation under the public school employees' retirement system in conformity with provisions of amendment of Section II of Article 3 of the Constitution.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of Senate Bill No. 838, entitled:

An Act to further amend the act approved the twenty-seventh day of June one thousand nine hundred twenty-three (P. L. 858) entitled "An act establishing a State employees' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing State employees defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon the heads of departments in which State employees serve excepting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" providing for minimum retirement allowances for present beneficiaries and appropriations for payment of the costs thereof in conformity with provisions of amendment of Section 11 of Article 3 of the Constitution

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

### BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 319, entitled:

An Act amending the act of April 12, 1951 (P. L. 90) entitled "An act relating to alcoholic liquors alcohol and malt and brewed beverages amending revising consolidating and changing the laws relating thereto regulating and restricting the manufacture purchase sale possession consumption importation transportation furnishing holding in bond holding in storage traffic in and use of alcoholic liquors alcohol and malt and brewed beverages and the persons engaged or employed therein defining the powers and duties of the Pennsylvania Liquor Control Board providing for the establishment and operation of State liquor stores for the payment of certain license fees to the respective municipalities and townships for the abatement of certain nuisances and in certain cases for search and seizure without warrant prescribing penalties and forfeitures providing for local option and repealing existing laws" permitting the exchange of certain retail dispenser's licenses for liquor licenses and establishing procedure therefor and establishing procedure therefor

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 776, entitled:

An Act reenacting and amending the title and act of June 27, 1939 (P. L. 1125) entitled as amended "An act providing for the regulation and supervision of nonprofit medical dental and osteopathic service corporations organized to provide medical dental or osteopathic services to subscribers of low income by the Department of Health and the Insurance Department and defining the functions of such departments with respect thereto authorizing certain departments commissions officers and other agencies of the State and its political subdivisions to subscribe under certain circumstances to the medical dental and osteopathic service plan of such corporations on behalf of persons of low income prescribing legal investments for the funds of such corporations and the rights of doctors of medicine doctors of dental surgery and doctors of osteopathy to register with such corporations conferring authority on the Department of Health and on the Insurance Commissioner each within its own sphere of lawful activity to regulate and supervise such corporations conferring certain rights powers duties and immunities upon such corporations and their officers and members prescribing the conditions on which such corporations may exercise their powers exempting such corporation from taxation prohibiting any person copartnership association common law trust or corporation except a nonprofit medical dental and osteopathic service corporation from providing medical dental or osteopathic services on a nonprofit plan in return for prepayment periodical or lump sum payments providing penalties for the violation of and mandatory and injunctive relief for the enforcement of the provisions of this act" including in the plan chiropody services and defining "chiropody services" for the purpose of this act only

The first section was read.

On the question,

Will the House agree to the section?

### BILL RECOMMITTED

Mr. READINGER. Mr. Speaker, I move that this bill be recommitted to the Committee on Insurance.



The motion was agreed to.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 814, entitled:

An Act amending the act of June 11 1915 (P. L. 938) entitled "An act to regulate and establish the fees to be charged and collected by the several clerks of the courts of oyer and terminer general jail delivery and quarter sessions of the peace in counties of this Commonwealth having a population of over eight hundred thousand and less than one million five hundred thousand inhabitants as computed by the last preceding United States census" changing and fixing fees in counties of the second class.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1082, entitled:

An Act making an appropriation to The Franklin Institute of the State of Pennsylvania at Philadelphia Pennsylvania for defraying part of expenses of the 250th Anniversary Celebration of the birth of Benjamin Franklin

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1164, entitled:

An Act amending the act of April 9, 1929 (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" further providing for the powers and duties of the Advisory Council on Affairs of the Handicapped and authorizing the Secretary of Labor and Industry to appoint an executive secretary and other necessary personnel

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1289, entitled:

An Act amending the act of May 4, 1927 (P. L. 519) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" authorizing the issuance of non-debt revenue bonds for capital improvements to certain public service facilities

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1306, entitled:

An Act making an appropriation to the Philadelphia College of Osteopathy Philadelphia Pennsylvania for maintenance and support

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1348, entitled:

An Act amending the act of May 1, 1933 (P. L. 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" changing the procedure in appointment of special school police and abolishing liability of the board of school directors for compensation of such police

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1456, entitled:

An Act amending the act of May 1, 1933 (P. L. 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" authorizing supervisors to annually appropriate money for certain nursing services

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1517, entitled:

An Act amending the act of May 2, 1945 (P. L. 382) entitled "An act providing for the incorporation as bodies corporate and politic of 'Authorities' for municipalities counties and townships prescribing the rights powers and duties of such Authorities heretofore or hereafter incorporated authorizing such Authorities to acquire construct improve maintain and operate projects and to borrow money and issue bonds therefor providing for the payment of such bonds and prescribing the rights of the holders thereof conferring the right of eminent domain on such Authorities authorizing such Authorities to enter into contracts with and to accept grants from the Federal Government or any agency thereof and conferring exclusive jurisdiction on certain courts over rates" further regulating the membership of the governing body of an Authority

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1720, entitled:

An Act to amend the act approved the twenty-fourth



day of June one thousand nine hundred thirty-nine (P. L. 842) entitled "An act relating to the acquisition of rights to divert water from rivers streams natural lakes and ponds or other surface waters within the Commonwealth or partly within and partly without the Commonwealth defining various words and phrases vesting in the Water and Power Resources Board certain powers and authorities for the conservation control and equitable use of the waters within the Commonwealth in the interests of the people of the Commonwealth making available for public water supply purposes water rights heretofore or hereafter acquired but not used providing for hearings by the Water and Power Resources Board and for appeals from its decisions fixing fees granting to all public water supply agencies heretofore or hereafter created the right of eminent domain as to waters and the land covered by said waters repealing all acts or parts of acts inconsistent herewith including Act No 109 P. L. 152 approved April 13, 1905 Act No 307 P. L. 455 approved June 7, 1907 Act No 64 P. L. 258 approved April 8, 1937" by further regulating the period within which water rights must be acquired

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1815, entitled:

An Act authorizing council of any incorporated town to create the office of town manager and prescribe his powers and duties

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1819, entitled:

An Act enabling the department of procurement of cities of the first class to establish by resolution the requirements of responsible bidders for city printing

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1820, entitled:

An Act enabling county commissioners of counties of the first class to establish by resolution the requirements of responsible bidders for county printing

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1873, entitled:

An Act to further amend the act approved the seventeenth day of May one thousand nine hundred twenty-one (P. L. 789) entitled as amended "An act relating to insurance establishing an insurance department and amending revising and consolidating the law relating to the licensing qualification regulation examination suspension and dissolution of insurance companies Lloyds associations reciprocal and interinsurance exchanges and certain societies and orders the examination and regulation of fire insurance rating bureaus and the licensing and regu-

lation of insurance agents and brokers the service of legal process upon foreign insurance companies associations or exchanges providing penalties and repealing existing laws" by changing provisions relating to certain legal proceedings.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1877, entitled:

An Act amending the act of March 10, 1949 (P. L. 30) entitled "An act relating to the public school system including certain provisions applicable as well to private and parochial schools amending revising consolidating and changing the laws relating thereto" changing the basis for reimbursement on account of rentals payable to the State Public School Building Authority municipality authorities and nonprofit corporations and the conditions therefore and limitations on approval of projects for reimbursement purposes providing for reimbursement on account of sinking fund charges on indebtedness for school buildings hereafter constructed and making an appropriation

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1881, entitled:

An Act making an appropriation to the Department of Public Instruction for payment to school districts on account of approved reimbursable rental payable to the State Public School Building Authority municipality authorities and nonprofit corporations

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate Bill No. 53, entitled:

An Act providing for the revocation of commission of notaries public issuing checks without funds on deposit

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

#### BILL PASSED OVER

There being no objection

Senate Bill No. 105, Printer's No. 337 was passed over at the request of the SPEAKER.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate Bill No. 325, entitled:

An Act amending the act of May 4 1927 (P. L. 519) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" further regulating the incorporation of boroughs changing certain penalties and making such changes retroactive fixing the expense allowance for delegates to the meetings of the State Association of Boroughs providing for the creation of capital reserve funds for capital expenditures and the advertising of notices relative to land subdivision ordinances



And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate Bill No. 400, entitled:

An Act amending the act of May 23, 1907 (P. L. 227) entitled "An act relating to husband and wife and to enlarge the rights and remedies of married women in case of desertion or non-support by husbands" including desertion of children and extending the right of action.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate Bill No. 511, entitled:

An Act amending the act of April 12 1951 (P. L. 90) entitled "An act relating to alcoholic liquors alcohol and malt and brewed beverages amending revising consolidating and changing the laws relating thereto regulating and restricting the manufacture purchase sale possession consumption importation transportation furnishing holding in bond holding in storage traffic in and use of alcoholic liquors alcohol and malt and brewed beverages and the persons engaged or employed therein defining the powers and duties of the Pennsylvania Liquor Control Board providing for the establishment and operation of State liquor stores for the payment of certain license fees to the respective municipalities and townships for the abatement of certain nuisances and in certain cases for search and seizure without warrant prescribing penalties and forfeitures providing for local option and repealing existing laws regulating the exchange of and further limiting the transfer of licenses permitting transfer of distributor's and importing distributor's licenses anywhere within the same county.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate Bill No. 520, entitled:

An Act amending the act of May 4, 1927 (P. L. 519) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" further regulating the procedure to be followed in enacting necessary ordinances in the course of preparing a consolidation codification or revision of ordinances

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate Bill No. 773, entitled:

An Act amending the act of May 1, 1929 (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; pre-

scribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles, imposing penalties; imposing certain costs upon counties, providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," prohibiting the operation of motor vehicles the mufflers of which have internal parts removed and changing penalties.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

### TIME EXTENDED ON BILLS

Mr. SNIDER asked and obtained unanimous consent to extend the time five days on House Bill No. 1527, Printer's No. 1069, on page 13 of today's calendar, bills on second reading postponed.

Mr. KENT asked and obtained unanimous consent to extend the time five days on House Bill No. 1685, Printer's No. 949, on page 14 of today's calendar, bills on second reading postponed.

### STATEMENT BY SPEAKER

The SPEAKER. Counting all of the Members who were present in the Hall of the House yesterday at any time, and to the Members who are here today who were not here yesterday, gives us a roll call of 172 Members. That is the roll call we will use on the quick roll calls. If there is anyone who has come into the Hall of the House in the last fifteen or twenty minutes, they should notify the Chief Clerk. On fast roll calls the roll call will be 172. We will give those who want to vote "no," the opportunity to do so.

### BILLS ON FINAL PASSAGE

#### BILLS PASSED OVER

There being no objection

House Bill No. 1311, Printer's No. 1102,

House Bill No. 1695, Printer's No. 1168 and

House Bill No. 1706, Printer's No. 841,

were passed over at the request of the SPEAKER.

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 1777, as follows:

An Act to further amend the act approved the ninth day of April one thousand nine hundred twenty-nine (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor



Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" by further defining the powers of the Department of Property and Supplies relating to automobiles

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section two thousand four hundred seven of the act approved the ninth day of April one thousand nine hundred twenty-nine (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" as last amended by the act approved the third day of June one thousand nine hundred forty-three (P. L. 833) is hereby further amended by adding at the end thereof a new paragraph to read as follows

Section 2407 Automobiles

\* \* \*

Subject to the approval of the Board of Commissioners of Public Grounds and Buildings the Department of Property and Supplies may sell automobiles owned by the Commonwealth when it deems it is in the public interest to do so The proceeds of such sales shall be paid into the State Treasury shall be credited to the appropriation to the department for the purchase of automobiles or to any Department Board or Commission having authority to purchase automobiles with money appropriated to it and are hereby appropriated to the respective department board or commission for the purchase of automobiles

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

#### YEAS—171

Adam,	Gelfand,	Lovett,	Rudisill,
Amarando,	George,	Mahan,	Sarra,
Anderson, M. S.,	Goldstein,	Markley,	Scarcell,
Anderson, S. A.,	Gramlich,	McCann,	Schuster,
Ashton,	Greenwood,	McGee,	Sherman,
Auker,	Guss,	McKeever,	Sigman,
Banker,	Guthrie,	McLaughlin,	Smith, O. C.,
Barnatovich,	Hamilton, W. H.,	McWherter,	Snider,
Bazin,	Hass,	Meholchick,	Stank,
Bell,	Haudensfield,	Metz,	Steckel,
Boles,	Helm,	Mihm,	Stephens,
Bonner,	Henzel,	Mikula,	Stevenson,
Bower,	Hewitt,	Miller,	Stoner,
Branca,	Hocker,	Mills,	Strausser,
Brelschi,	Horst,	Monroe,	Stroup,
Brennan, A. P.,	Houk,	Moody,	Swartz,
Brennan, J. J.,	Isaacs,	Moran,	Taylor,
Brenninger,	Jenkins,	Muldowney,	Thomas,
Brown,	Johnson,	Munley,	Toll,
Bucchin,	Jones, G. E.,	Murphy,	Tompkins,
Bullen,	Jones, T. H. W.,	Murray, J. J.,	Toomey,

Capano,	Jump,	Musto,	Varallo,
Cianfrani,	Kamyk,	Needham,	Varner,
Cioffi,	Kehler,	Oglvie,	Vaughan,
Comer,	Keller,	O'Neil,	Wall,
Connelly,	Kent,	Pacchioli,	Wallace,
Curwood,	Kline,	Parry,	Walsh,
Davis,	Knecht,	Pashley,	Wargo,
Donahue,	Kolankiewicz,	Paulhamus,	Waterhouse,
Down,	Kooker,	Petrosky,	Weidner,
Ehrgood,	Kornick,	Polaski,	Wescott,
Ellberg,	Kratz,	Polen,	Wheeler,
Erb,	Kromer,	Pomeroy,	Whitenight,
Eshleman,	Kubacki,	Price,	Willaredt,
Ewing,	Lafore,	Pursley,	Williams,
Farabaugh,	Leiby,	Readinger,	Wilt,
Filo,	Lelsey,	Reibman,	Wood,
Flint,	Leonard,	Reidenbach,	Yetter,
Flynn,	Leven,	Renwick,	Yetter,
Frank,	Light,	Rigby,	Young,
Frost,	Limper,	Rosen,	Ziegler,
Gaffney,	Lippincott,	Royer,	Andrews,
Garlock,	Lopresti,	Rubin,	Speaker

#### NAYS—1

Worley,

#### NOT VOTING—37

Agnew,	Foster,	Mages,	Olsen,
Blair,	Frascella,	Maxwell,	Pettigrew,
Boory,	Gibb,	McCormack,	Rovansek,
Breth,	Gibson,	McInroy,	Smith, Wm. B.,
Cochran,	Hamilton, R. K.,	Moscip,	Stebbins,
Cooper,	Heavey,	Mullen,	Stone,
Donaldson,	Holt,	Murray, H. P.,	Thompson,
Dougherty,	Lawyer,	Murray, P. G.,	Verona,
Fineman,	Lutty,	Naugle,	Welsh,
Floyd,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

#### BILLS PASSED OVER

There being no objection

House Bill No. 1823, Printer's No. 1103 and

House Bill No. 1825, Printer's No. 1104.

were passed over at the request of the SPEAKER.

#### BILLS ON FINAL PASSAGE POSTPONED

##### TIME EXTENDED ON BILLS

Mr. READINGER asked and obtained unanimous consent to extend the time five days on House Bill No. 68, Printer's No. 1021, on page 18 of today's calendar, bills on final passage postponed.

Mr. READINGER asked and obtained unanimous consent to extend the time five days on House Bill No. 368, Printer's No. 622, on page 19 of today's calendar, bills on final passage postponed.

#### BILLS ON THIRD READING

##### BILL PASSED OVER

There being no objection

House Bill No. 592, Printer's No. 1156.

were passed over at the request of the SPEAKER.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 623 as follows:

An Act amending the act of March 10, 1949 (P. L. 30) entitled "An act relating to the public school system including certain provisions applicable as well to private and parochial schools amending revising consoli-



dating and changing the laws relating thereto" providing for payment by the Commonwealth to school districts for the acceptance of non-residence inmates of children's institutions into its schools.

Section 1 Subsection (c) of section 2503 act of March 10, 1949 (P. L. 30) known as the "Public School Code of 1949" amended August 10, 1951 (P. L. 1197) is amended to read

**\* \* \***  
Section 2503 Payments on Account of Tuition

(c) Each school district regardless of classification which accepts any non-resident child in its school under the provisions of section one thousand three hundred five or section one thousand three hundred six of the act to which this is an amendment shall be paid by the Commonwealth an amount equal to the tuition charge per elementary pupil or the tuition charge per high school pupil as the case may be as defined in section two thousand five hundred sixty-one of the act to which this is an amendment for each pupil so accepted. In the case of pupils attending the district's public schools for less than a full school term the tuition charges shall be prorated by reference to the period of time over which such pupil actually attended the district's schools.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

**YEAS—172**

Adam,	Gelfand,	Lovett,	Rudisill,
Amarando,	George,	Mahan,	Sarra,
Anderson, M. S.,	Goldstein,	Markley,	Scarcell,
Anderson, S. A.,	Gramlich,	McCann,	Schuster,
Ashton,	Greenwood,	McGee,	Sherman,
Auker,	Guss,	McKeever,	Sigman,
Banker,	Guthrie,	McLaughlin,	Smith, C. O.,
Barnatovich,	Hamilton, W. H.,	McWherter,	Snider,
Bazin,	Hass,	Meholchick,	Stank,
Bell,	Haudenschild,	Metz,	Steckel,
Boies,	Helm,	Mihm,	Stephens,
Bonner,	Henzel,	Mikula,	Stevenson,
Bower,	Hewitt,	Miller,	Stoner,
Branca,	Hocker,	Mills,	Strausser,
Brelsach,	Horst,	Monroe,	Stroup,
Brennan, A. P.,	Houk,	Moody,	Swartz,
Brennan, J. J.,	Isaacs,	Moran,	Taylor,
Brenninger,	Jenkins,	Muldowney,	Thomas,
Brown,	Johnson,	Munley,	Toll,
Bucchin,	Jones, G. E.,	Murphy,	Tompkins,
Bullen,	Jones, T. H. W.,	Murray, J. J.,	Toomey,
Capano,	Jump,	Musto,	Varallo,
Cianfrani,	Kamyk,	Needham,	Varnier,
Cioffi,	Kehler,	Ogilvie,	Vaughan,
Comer,	Keller,	O'Neill,	Wall,
Connelly,	Kent,	Pacchioli,	Wallace,
Curwood,	Kline,	Parry,	Walsh,
Davis,	Knecht,	Pashley,	Wargo,
Donahue,	Kolankiewicz,	Paulhamus,	Waterhouse,
Down,	Kooker,	Petrosky,	Weidner,
Ehrgood,	Kornick,	Polaski,	Wescott,
Ellberg,	Kratz,	Polen,	Wheeler,
Erb,	Kromer,	Pomeroy,	Whitenight,
Eshleman,	Kubacki,	Price,	Willaredt,
Ewing,	Lafore,	Pursley,	Williams,
Farabaugh,	Leiby,	Readinger,	Wilt,
Filo,	Leisey,	Reibman,	Wood,
Flint,	Leonard,	Reidenbach,	Worley,
Flynn,	Leven,	Renwick,	Yetter,
Frank,	Light,	Rigby,	Yetzer,
Frost,	Limper,	Rosen,	Young,
Gaffney,	Lippincott,	Royer,	Ziegler,
Garlock,	Lopresti,	Rubin,	Andrews,

Speaker

**NAYS—0**

**NOT VOTING—37**

Agnew,	Foster,	Magee,
Blair,	Frascella,	Maxwell,
Boory,	Gibb,	McCormack,

Olsen,
Pettigrew,
Rovanske,

Breth,
Oochran,
Cooper,
Donaldson,
Dougherty,
Fineman,
Floyd,

Gibson,
Hamilton, R. K.,
Heavey,
Holt,
Lawyer,
Lutty,

McInroy,
Moscip,
Mullen,
Murray, H. P.,
Murray, P. G.,
Naugle,

Smith, Wm. B.,
Stebbins,
Stone,
Thompson,
Verona,
Welsh,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

**BILLS PASSED OVER**

There being no objection,

House Bill No. 832, Printer's No. 287.

House Bill No. 833, Printer's No. 288.

House Bill No. 949, Printer's No. 1106.

House Bill No. 1073, Printer's No. 1166.

House Bill No. 1129, Printer's No. 1154.

House Bill No. 1219, Printer's No. 383.

House Bill No. 1231, Printer's No. 1109.

House Bill No. 1314, Printer's No. 883.

House Bill No. 1352, Printer's No. 1098.

House Bill No. 1367, Printer's No. 1099 and

House Bill No. 1368, Printer's No. 1100,

were passed over at the request of the SPEAKER.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1399, as follows:

An Act requiring employers to pay for medical examination fee where such examination is a condition of employment.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 (a) The term "employer" as used in this act shall mean and include an individual a partnership an association or corporation a legal representative trustee receiver trustee in bankruptcy and any common carrier by rail motor water air or express company doing business in or operating within the Commonwealth

(b) The term "employee" shall mean and include every person who may be permitted required or directed by any employer as defined in section 2 in consideration of direct or indirect gain or profit to engage in any employment

Section 2 It shall be unlawful for any employer to require any employee or applicant for employment to pay the cost of a medical examination or the cost of furnishing any medical records required by the employer as a condition of employment if the applicant accepts the employment and the applicant or employee works for the employer for one work week

Section 3 An employer violating the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be fined the sum of not less than ten dollars (\$10) nor more than one hundred dollars (\$100) It shall be the duty of the Department of Labor and Industry to enforce the provisions of this act

Section 4 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question.

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

**YEAS—172**

Adam,	George,	Lovett,	Rudisill,
Auker,	Goldstein,	Mahan,	Sarra,



Amarando,	Gramlich,	Markley,	Scarcelli,
Anderson, M. S.,	Greenwood,	McCann,	Schuster,
Anderson, S. A.,	Guss,	McGee,	Sherman,
Ashton,	Guthrie,	McKeever,	Sigman,
Banker,	Hamilton, W. H.,	McLaughlin,	Smith, C. C.,
Barnatovich,	Hass,	McWherter,	Snider,
Bazin,	Haudenschild,	Meholchick,	Stank,
Bell,	Helm,	Metz,	Steckel,
Boles,	Henzel,	Mihm,	Stephens,
Bonner,	Hewitt,	Mikula,	Stevenson,
Bower,	Hocker,	Miller,	Stoner,
Branca,	Horst,	Mills,	Strausser,
Brelsch,	Houk,	Monroe,	Stroup,
Brennan, A. P.,	Isaacs,	Moody,	Swartz,
Brennan, J. J.,	Jenkins,	Moran,	Taylor,
Brenninger,	Johnson,	Muldowney,	Thomas,
Brown,	Jones, G. E.,	Munley,	Toll,
Buchin,	Jones, T. H. W.,	Murphy,	Tompkins,
Bullen,	Jump,	Murray, J. J.,	Toomey,
Capano,	Kamyk,	Musto,	Varallo,
Cianfrani,	Kehler,	Needham,	Varner,
Cioffi,	Keller,	Ogilvie,	Vaughan,
Comer,	Kent,	O'Neil,	Wall,
Connelly,	Kline,	Pacchioli,	Wallace,
Curwood,	Knecht,	Parry,	Walsh,
Davis,	Kolankiewicz,	Pashley,	Wargo,
Donahue,	Kooker,	Paulhamus,	Waterhouse,
Down,	Kornick,	Petrosky,	Weidner,
Ehrgood,	Kratz,	Polaski,	Wescott,
Ellberg,	Kromer,	Polen,	Wheeler,
Erb,	Kubacki,	Pomeroy,	Whitenight,
Eshleman,	Lafore,	Price,	Willaredt,
Ewing,	Leiby,	Pursley,	Williams,
Farabaugh,	Leisey,	Readinger,	Wilt,
Filo,	Leonard,	Reibman,	Wood,
Flint,	Leven,	Reidenbach,	Worley,
Flynn,	Light,	Renwick,	Yetter,
Frank,	Limper,	Rigby,	Yetzer,
Frost,	Lippincott,	Rosen,	Young,
Gaffney,	Lopresti,	Royer,	Ziegler,
Garlock,		Rubin,	Andrews,
Gelfand,			Speaker

## NAYS—0

## NOT VOTING—37

Agnew,	Foster,	Magee,	Olsen,
Blair,	Frascella,	Maxwell,	Pettigrew,
Boory,	Gibb,	McCormack,	Rovansek,
Breth,	Gibson,	McInroy,	Smith, Wm. B.,
Cochran,	Hamilton, R. K.,	Moscrip,	Stebbins,
Cooper,	Heavey,	Mullen,	Stone,
Donaldson,	Holt,	Murray, H. P.,	Thompson,
Dougherty,	Lawyer,	Murray, P. G.,	Verona,
Fineman,	Lutty,	Naugle,	Welsh,
Floyd,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

## BILL PASSED OVER

There being no objection,

House Bill No. 1470, Printer's No. 1153, was passed over at the request of the SPEAKER.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1530, as follows:

An Act amending the act of June 23 1931 (P. L. 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" increasing the amount of tax which may be levied and collected for general revenue purposes.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 2531 act of June 23 1931 (P. L. 932) known as "The Third Class City Code" reenacted revised and amended June 28, 1951 (P. L. 662) and amended June 3, 1953 (P. L. 267) is amended to read

Section 2531 Tax Levies Council may by ordinance

levy and provide for the collection of the following taxes  
1 A tax for general revenue purposes not to exceed (fifteen) twenty mills on the dollar in any one year on all persons and property taxable according to the laws of the Commonwealth for county purposes the valuation of such property to be assessed as hereinbefore provided

2 A tax in addition to the above on all persons and property taxable for county purposes for the payment of interest on bonded indebtedness and for sinking fund requirements for the payment of loans

3 A residence tax for general revenue purposes not exceeding five dollars annually on all inhabitants above the age of twenty-one years Any ordinance of council fixing the rate of taxation for any year at a mill rate shall also include a statement expressing the rate of taxation in dollars and cents on each one hundreds dollars of assessed valuation of taxable property

4 The council of any city may by ordinance in any year levy separate and different rates of taxation for city purposes on all real estate classified as land exclusive of the buildings thereon and on all real estate classified as buildings on land When real estate tax rates are so levied they shall be uniform as to all real estate within each such classification and such rates shall be determined by the requirements of the city budget as approved by council.

And said bill having been read at length the third time, considered and agreed to.

On the question.

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

## YEAS—168

Adam,	George,	Mahan,	Rudisill,
Amarando,	Goldstein,	Markley,	Sarraf,
Anderson, M. S.,	Gramlich,	McCann,	Scarcelli,
Anderson, S. A.,	Greenwood,	McGee,	Schuster,
Ashton,	Guss,	McKeever,	Sherman,
Banker,	Guthrie,	McLaughlin,	Sigman,
Barnatovich,	Hamilton, W. H.,	McWherter,	Smith, C. C.,
Bazin,	Hass,	Meholchick,	Snider,
Bell,	Haudenschild,	Metz,	Stank,
Boles,	Helm,	Mihm,	Steckel,
Bonner,	Henzel,	Mikula,	Stephens,
Bower,	Hewitt,	Miller,	Stevenson,
Branca,	Hocker,	Mills,	Stoner,
Brelsch,	Horst,	Monroe,	Strausser,
Brennan, A. P.,	Houk,	Moody,	Stroup,
Brennan, J. J.,	Isaacs,	Moran,	Swartz,
Brenninger,	Jenkins,	Muldowney,	Taylor,
Brown,	Johnson,	Munley,	Thomas,
Buchin,	Jones, G. E.,	Murphy,	Toll,
Bullen,	Jones, T. H. W.,	Murray, J. J.,	Tompkins,
Capano,	Jump,	Musto,	Toomey,
Cianfrani,	Kamyk,	Needham,	Varallo,
Cioffi,	Kehler,	Ogilvie,	Varner,
Comer,	Keller,	O'Neil,	Vaughan,
Connelly,	Kent,	Pacchioli,	Wall,
Curwood,	Kline,	Parry,	Wallace,
Davis,	Knecht,	Pashley,	Walsh,
Down,	Kolankiewicz,	Paulhamus,	Wargo,
Ehrgood,	Kornick,	Petrosky,	Waterhouse,
Ellberg,	Kratz,	Polaski,	Weidner,
Erb,	Kromer,	Polen,	Wescott,
Eshleman,	Kubacki,	Pomeroy,	Wheeler,
Ewing,	Lafore,	Price,	Whitenight,
Farabaugh,	Leiby,	Pursley,	Willaredt,
Filo,	Leisey,	Readinger,	Williams,
Flint,	Leonard,	Reibman,	Wilt,
Flynn,	Leven,	Reidenbach,	Wood,
Frank,	Light,	Renwick,	Yetter,
Frost,	Limper,	Rigby,	Yetzer,
Gaffney,	Lippincott,	Rosen,	Young,
Garlock,	Lopresti,	Royer,	Ziegler,
Gelfand,	Lovett,	Rubin,	Andrews,

Speaker

## NAYS—4

Auker,	Donahue,	Kooker,	Worley,
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## NOT VOTING—37

Agnew.	Foster.	Magee	Olsen.
Blair.	Frascella.	Maxwell.	Pettigrew.
Boory.	Gibb.	McCormack.	Rovansek.
Breth.	Gibson.	McInroy.	Smith, W. B.,
Cochran.	Hamilton, R. K.,	Moscip.	Stebbins.
Cooper.	Heavey.	Mullen.	Stone.
Donaldson.	Holt.	Murray, H. P.,	Thompson.
Dougherty.	Lawyer.	Murray, P. G.,	Verona.
Fineman.	Lutty.	Naugle.	Welsh.
Floyd.			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

## BILLS PASSED OVER

There being no objection,

House Bill No. 1547, Printer's No. 1105.

House Bill No. 1562, Printer's No. 607.

House Bill No. 1738, Printer's No. 1113.

House Bill No. 1750, Printer's No. 1013 and

House Bill No. 1755, Printer's No. 1070,

were passed over at the request of the SPEAKER.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1778, as follows:

An Act to authorize the transfer of certain automobiles used in child welfare programs and purchased with Federal funds to certain counties

Whereas there are presently certain vehicles title to which is in the Commonwealth of Pennsylvania Department of Property and Supplies and

Whereas these certain vehicles were purchased with Federal funds for the express purpose of aiding in the child welfare program in the counties and

Whereas to effect the purpose of the Federal grant of funds these vehicles were assigned to and have been used by the child welfare services of the various county institution districts and

Whereas several of these vehicles are to be replaced and several additional vehicles are to be purchased with allocated Federal funds and

Whereas no additional funds will be forthcoming or will be available for similar purposes in the future and

Whereas it is deemed expedient to divest the Commonwealth of responsibility for these vehicles

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The Department of Property and Supplies is hereby authorized to transfer to the county institution district of Adams County for use in the child welfare services of the county institution district of Adams County Equipment No 004-3-2294 being a 1952 vehicle bearing Serial No 14KJI-11362 or its contemplated station wagon replacement

Section 2 The Department of Property and Supplies is hereby authorized to transfer to the county institution district of Bedford County for use in the child welfare services of the county institution district of Bedford County Equipment No 004-3-2288 being a 1952 vehicle bearing Serial No 14KJI-11063

Section 3 The Department of Property and Supplies is hereby authorized to transfer to the county institution district of Cambria County for use in the child welfare services of the county institution district of Cambria County Equipment No 004-3-2162 being a 1951 vehicle bearing Serial No 14JL-1471 or its contemplated station wagon replacement

Section 4 The Department of Property and Supplies is hereby authorized to transfer to the county institution district of Clearfield County for use in the child welfare

services of the county institution district of Clearfield County Equipment No 004-3-2295 being a 1952 vehicle bearing Serial No 14KJI-11371

Section 5 The Department of Property and Supplies is hereby authorized to transfer to the county institution district of Fayette County for use in the child welfare services of the county institution district of Fayette County Equipment Nos 004-3-2293 004-3-2473 and 004-3-2474 being 1952 and two 1953 vehicles bearing Serial Nos 14KJI-11046 A53B121626 and A53B121594

Section 6 The Department of Property and Supplies is hereby authorized to transfer to the county institution district of Huntingdon County for use in the child welfare services of the county institution district of Huntingdon County Equipment No 004-3-2291 being a 1952 vehicle bearing Serial No 14KJI-11372 or its contemplated two-door sedan replacement

Section 7 The Department of Property and Supplies is hereby authorized to transfer to the county institution district of Indiana County for use in the child welfare services of the county institution district of Indiana County Equipment No 004-3-2290 being a 1952 vehicle bearing Serial No 14KJI-11030 or its contemplated two-door sedan replacement

Section 8 The Department of Property and Supplies is hereby authorized to transfer to the county institution district of McKean County for use in the child welfare services of the county institution district of McKean County Equipment No 004-3-2475 being a 1953 vehicle bearing Serial No A53B121561

Section 9 The Department of Property and Supplies is hereby authorized to transfer to the county institution district of Mifflin County for use in the child welfare services of the county institution district of Mifflin County Equipment No 004-3-2292 being a 1952 vehicle bearing Serial No 14KJI-11508 or its contemplated two-door sedan replacement

Section 10 The Department of Property and Supplies is hereby authorized to transfer to the county institution district of Snyder County for use in the child welfare services of the county institution district of Snyder County Equipment No 004-3-2163 being a 1951 vehicle bearing Serial No 14JL-31479 or its contemplated station wagon replacement

Section 11 The Department of Property and Supplies is hereby authorized to transfer to the county institution district of Sullivan County for use in the child welfare services of the county institution district of Sullivan County Equipment No 004-3-2287 being a 1952 vehicle bearing Serial No 14KJI-11048 or its contemplated four-door sedan replacement

Section 12 The Department of Property and Supplies is hereby authorized to transfer to the county institution district of Tioga County for use in the child welfare services of the county institution district of Tioga County Equipment No 004-3-2472 being a 1953 vehicle bearing Serial No A53B121594

Section 13 The Department of Property and Supplies is hereby authorized to transfer to the county institution district of Union County for use in the child welfare services of the county institution district of Union County Equipment No 004-3-2161 being a 1951 vehicle bearing Serial No 14JL-31395

Section 14 The Department of Property and Supplies is hereby authorized to transfer to the county institution district of Wayne County for use in the child welfare services of the county institution district of Wayne County Equipment No 004-3-2296 being a 1952 vehicle bearing Serial No 14KJI-11360 or its contemplated station wagon replacement

Section 15 The Department of Property and Supplies is hereby authorized to transfer to the county institution district of Bradford County for use in the child welfare services of the county institution district of Bradford County a certain four-door sedan whose purchase is contemplated with Federal funds allocated and available for the aforesaid purpose

Section 16 The Department of Property and Supplies is hereby authorized to transfer to the county institution district of Columbia County for use in the child welfare



services of the county institution district of Columbia County a certain station wagon whose purchase is contemplated with Federal funds allocated and available for the aforesaid purpose

Section 17 The Department of Property and Supplies is hereby authorized to transfer to the county institution district of Susquehanna County for use in the child welfare services of the county institution district of Susquehanna County a certain two-door sedan whose purchase is contemplated with Federal funds allocated and available for the aforesaid purpose

Section 18 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question.

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

## YEAS—172

Adam,	Gelfand,	Lovett,	Rudisill,
Amarando,	George,	Mahan,	Sarraf,
Anderson, M. S.,	Goldstein,	Markley,	Scarcell,
Anderson, S. A.,	Gramlich,	McCann,	Schuster,
Ashton,	Greenwood,	McGee,	Sherman,
Auker,	Guss,	McKeever,	Sigman,
Banker,	Guthrie,	McLaughlin,	Smith, C. O.
Barnatovich,	Hamilton, W. H.,	McWherter,	Snider,
Bazin,	Hass,	Meholchick,	Stank,
Bell,	Haudenschild,	Metz,	Steckel,
Boles,	Helm,	Mihm,	Stephens,
Bonner,	Henzel,	Mikula,	Stevenson,
Bower,	Hewitt,	Miller,	Stoner,
Branca,	Hocker,	Mills,	Strausser,
Brelsach,	Horst,	Monroe,	Stroup,
Brennan, A. P.,	Houk,	Moody,	Swartz,
Brennan, J. J.,	Isaacs,	Moran,	Taylor,
Brenninger,	Jenkins,	Muldorney,	Thomas,
Brown,	Johnson,	Munley,	Toll,
Buchin,	Jones, G. H.,	Murphy,	Tompkins,
Bullen,	Jones, T. H. W.,	Murray, J. J.,	Toomey,
Capano,	Jump,	Musto,	Varallo,
Cianfrani,	Kamyk,	Needham,	Varnier,
Cioffi,	Kehler,	Ogilvie,	Vaughan,
Comer,	Keller,	O'Neill,	Wall,
Connelly,	Kent,	Pacchioni,	Wallace,
Curwood,	Kilne,	Parry,	Walsh,
Davis,	Knecht,	Pashley,	Wargo,
Donahue,	Kolankiewicz,	Paulhamus,	Waterhouse,
Down,	Kooker,	Petrosky,	Weldner,
Ehrgood,	Kornick,	Polaski,	Wescott,
Ellberg,	Krats,	Polen,	Wheeler,
Erb,	Kromer,	Pomeroy,	Whitenight,
Eshleman,	Kubacki,	Price,	Willaredt,
Ewing,	Lafore,	Pursley,	Williams,
Farabaugh,	Leiby,	Readinger,	Wilt,
Filo,	Lelsey,	Reibman,	Wood,
Flint,	Leonard,	Reidenbach,	Worley,
Flynn,	Leven,	Renwick,	Yetter,
Frank,	Light,	Rigby,	Yetzer,
Frost,	Limper,	Rosen,	Young,
Gaffney,	Lippincott,	Royer,	Ziegler,
Garlock,	Lopresti,	Rubin,	Andrews,

Speaker

## NAYS—0

## NOT VOTING—37

Agnew,	Foster,	Magee,	Olsen,
Blair,	Frascella,	Maxwell,	Pettigrew,
Boory,	Gibb,	McCormack,	Rovansek,
Breth,	Gibson,	McInroy,	Smith, Wm. B.
Cochran,	Hamilton, R. K.,	Moscrip,	Stebbins,
Cooper,	Heavey,	Mullen,	Stone,
Donaldson,	Holt,	Murray, H. P.,	Thompson,
Dougherty,	Lawyer,	Murray, P. G.,	Verona,
Fineman,	Lutty,	Naugle,	Welsh,
Floyd,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

## BILL PASSED OVER

There being no objection

House Bill No. 1785, Printer's No. 1003.

was passed over at the request of the SPEAKER.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1786, as follows:

An Act providing for cooperation by the Commonwealth of Pennsylvania in conjunction with the State of New Jersey with the United States of America in the improvement and maintenance of the Delaware River between Allegheny Avenue Philadelphia Pennsylvania and Trenton Marine Terminal Trenton New Jersey and making an appropriation

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 It is hereby declared to be the policy and purpose of the Commonwealth to cooperate with the United States in a project for the further improvement of the Delaware River between Allegheny Avenue Philadelphia Pennsylvania and Trenton Marine Terminal Trenton New Jersey In order to effectuate such policy and purpose the Department of Forests and Waters acting for on behalf and in the name of the Commonwealth is hereby granted the following authority and powers

(a) To agree to furnish free of cost to the United States all lands easements rights-of-way and spoil disposal areas on the Pennsylvania side of the river required for the improvement of the Delaware River between Allegheny Avenue Philadelphia Pennsylvania and Trenton Marine Terminal Trenton New Jersey and for its maintenance henceforth

(b) To agree to hold and save the United States and its agents free from damage due to the construction and maintenance of the improvements of the Delaware River between Allegheny Avenue Philadelphia Pennsylvania and Trenton Marine Terminal Trenton New Jersey other than claims arising from the tortious acts of agents or employees of the United States

(c) To do all other acts and things necessary or convenient to carry out the powers expressly granted by this act and to effectuate its purpose including the power to act in the acquisition of lands privately owned in accordance with the provisions of the laws of Pennsylvania

Section 2 There is hereby appropriated to the Department of Forests and Waters the sum of fifty thousand dollars (\$50,000.00) to compensate property owners affected by the provisions of this act and to pay the necessary costs

Section 3 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

## YEAS—172

Adam,	Gelfand,	Lovett,	Rudisill,
Amarando,	George,	Mahan,	Sarraf,
Anderson, M. S.,	Goldstein,	Markley,	Scarcell,
Anderson, S. A.,	Gramlich,	McCann,	Schuster,
Ashton,	Greenwood,	McGee,	Sherman,
Auker,	Guss,	McKeever,	Sigman,
Banker,	Guthrie,	McLaughlin,	Smith, C. O.,
Barnatovich,	Hamilton, W. H.,	McWherter,	Snider,
Bazin,	Hass,	Meholchick,	Stank,
Bell,	Haudenschild,	Metz,	Steckel,
Boles,	Helm,	Mihm,	Stephens,
Bonner,	Henzel,	Mikula,	Stevenson,
Bower,	Hewitt,	Miller,	Stoner,



Branca,	Hocker,	Mills,	Strausser,
Brelsich,	Horst,	Monroe,	Stroup,
Brennan, A. P.,	Houk,	Moody,	Swartz,
Brennan, J. J.,	Isaacs,	Moran,	Taylor,
Brenninger,	Jenkins,	Muldowney,	Thomas,
Brown,	Johnson,	Munley,	Toll,
Bucchin,	Jones, G. E.,	Murphy,	Tompkins,
Bullen,	Jones, T. H. W.,	Murray, J. J.,	Toomey,
Capano,	Jump,	Musto,	Varallo,
Cianfrani,	Kamyk,	Needham,	Varner,
Cioffi,	Kehler,	Ogilvie,	Vaughan,
Comer,	Keller,	O'Neill,	Wall,
Connelly,	Kent,	Pacchioli,	Wallace,
Curwood,	Kline,	Parry,	Walsh,
Davis,	Knecht,	Pashley,	Wargo,
Donahue,	Kolankiewicz,	Paulhamus,	Waterhouse,
Down,	Kooker,	Petrosky,	Weidner,
Ehrgood,	Kornick,	Polaski,	Wescott,
Eilberg,	Kratz,	Polen,	Wheeler,
Erb,	Kromer,	Pomeroy,	Whitenight,
Eshleman,	Kubacki,	Price,	Willaredt,
Ewing,	Lafore,	Pursley,	Williams,
Farabaugh,	Leiby,	Readinger,	Wilt,
Filo,	Lelsey,	Reibman,	Wood,
Flint,	Leonard,	Reidenbach,	Worley,
Flynn,	Leven,	Ranwick,	Yetter,
Frank,	Light,	Rigby,	Yetzer,
Frost,	Limper,	Rosen,	Young,
Gaffney,	Lippincott,	Royer,	Ziegler,
Garlock,	Lopresti,	Rubin,	Andrews,

Speaker

## NAYS—0

## NOT VOTING—37

Agnew,	Foster,	Magee,	Olsen,
Blair,	Frascella,	Maxwell,	Pettigrew,
Boory,	Gibb,	McCormack,	Rovansek,
Breth,	Gibson,	McInroy,	Smith, Wm. B.,
Cochran,	Hamilton, R. K.,	Moscrip,	Stebbins,
Cooper,	Heavey,	Mullen,	Stone,
Donaldson,	Holt,	Murray, H. P.,	Thompson,
Dougherty,	Lawyer,	Murray, P. G.,	Verona,
Fineman,	Lutty,	Naugle,	Welsh,
Floyd,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1821 as follows:

An Act authorizing the Department of Welfare to enter into an agreement with the City of Philadelphia granting a license to the city to construct and maintain a sanitary and storm drainage right-of-way in over and under the grounds of the Philadelphia State Hospital

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 For the purpose of permitting the City of Philadelphia (hereinafter referred to as "city") to complete its program for construction of sewage treatment facilities the Department of Welfare is authorized to enter into an agreement with the city granting to the city a license to construct use operate inspect maintain and reconstruct sanitary and storm drainage facilities in and over the grounds of the Philadelphia State Hospital together with the right of ingress egress and regress over adjoining lands owned by the Commonwealth The department shall determine the location of the right-of-way herein granted so that it connects with other sanitary and storm drainage facilities of the city now under construction and shall not be greater in width than is reasonably necessary to construct and operate the facilities

Section 2 The agreement shall provide inter alia as follows

(1) The Commonwealth shall reserve the right to use or cultivate the surface of the ground under which the right-of-way is located provided that the use or cultivation shall not interfere with or obstruct the exercise of the rights and privileges granted to the city

(2) The Commonwealth shall reserve the right to approve all construction changes within the confines of the right-of-way granted

(3) All costs and expenses incident to the construction use operation inspection maintenance and reconstruction of the right-of-way as well as trimming cutting and removing of any trees and underbrush shall be borne by the city and such work shall be subject to the supervision of the Commonwealth

(4) The city shall be responsible for and shall reimburse the Commonwealth for any and all losses and damages to crops and property of the Commonwealth caused by the construction use operation inspection maintenance and reconstruction of the facilities

(5) The city shall indemnify the Commonwealth and save it harmless from and against all actions causes suits demands losses and liabilities by reason of injury (including death) to persons and damage to property in any way arising in connection with the rights granted to the city pursuant to the agreement with the exception of injury or damage caused by the negligence of the Commonwealth its agents servants and employees Nothing contained in the agreement shall confer upon any third person any right against the city or to vest in any third person any cause of action against the city

(6) The city shall agree to permit the connection of existing or proposed sanitary drains within the site of the Philadelphia State Hospital to the intercepting sewer to be constructed within the right-of-way granted herein subject to the payment of legally established sewer rental

(7) The city shall pay to the Commonwealth through the Superintendent of the Philadelphia State Hospital the sum of six hundred twenty-three dollars and forty-eight cents (\$623.48) based on an occupancy charge of twenty-three dollars and ninety-eight cents (\$23.98) per acre per annum payable the first day of May of each year in advance

(8) The Commonwealth shall reserve the right to revoke this license for reasonable cause or violation by the city of any terms hereof upon six months written notice of intention so to do

(9) The agreement shall include such other terms and conditions as shall be necessary to protect the interests of the Commonwealth

Section 3 This act shall take effect immediately

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

## YEAS—172

Adam,	Gelfand,	Lovett,	Rudisill,
Amarando,	George,	Mahan,	Sarra,
Anderson, M. S.,	Goldstein,	Markley,	Scarcelli,
Anderson, S. A.,	Gramlich,	McCann,	Schuster,
Ashton,	Greenwood,	McGee,	Sherman,
Auker,	Guss,	McKeever,	Sigman,
Banker,	Guthrie,	McLaughlin,	Smith, C. C.,
Barnatovich,	Hamilton, W. H.,	McWherter,	Snider,
Bazin,	Hass,	Meholchick,	Stank,
Bell,	Haudenschild,	Metz,	Steckel,
Boles,	Helm,	Mihm,	Stephens,
Bonner,	Henzel,	Mikula,	Stevenson,
Bower,	Hewitt,	Miller,	Stoner,
Branca,	Hocker,	Mills,	Strausser,
Brelsich,	Horst,	Monroe,	Stroup,
Brennan, A. P.,	Houk,	Moody,	Swartz,
Brennan, J. J.,	Isaacs,	Moran,	Taylor,
Brenninger,	Jenkins,	Muldowney,	Thomas,
Brown,	Johnson,	Munley,	Toll,
Bucchin,	Jones, G. E.,	Murphy,	Tompkins,
Bullen,	Jones, T. H. W.,	Murray, J. J.,	Toomey,
Capano,	Jump,	Musto,	Varallo,
Cianfrani,	Kamyk,	Needham,	Varner,
Cioffi,	Kehler,	Ogilvie,	Vaughan,
Comer,	Keller,	O'Neill,	Wall,



Connelly,	Kent,	Pacchioli,	Wallace,
Curwood,	Kline,	Parry,	Walsh,
Davis,	Knecht,	Pashley,	Wargo,
Donahue,	Kolankiewicz,	Paulhamus,	Waterhouse,
Down,	Kooker,	Petrosky,	Weldner,
Ehrgood,	Kornick,	Polaski,	Wescott,
Ellberg,	Kratz,	Polen,	Wheeler,
Erb,	Kromer,	Pomeroy,	Whitenight,
Eshleman,	Kubacki,	Price,	Willaredt,
Ewins,	Lafore,	Pursley,	Williams,
Farabaugh,	Leiby,	Readinger,	Wilt,
Filo,	Lelsey,	Reibman,	Wood,
Flint,	Leonard,	Reidenbach,	Yetter,
Flynn,	Leven,	Renwick,	Worley,
Frank,	Light,	Rigby,	Yetzer,
Frost,	Limper,	Rosen,	Young,
Gaffney,	Lippincott,	Royer,	Ziegler,
Garlock,	Lopresti,	Rubin,	Andrews,
			Speaker

## NAYS—0

## NOT VOTING—37

Agnew,	Foster,	Magee,	Olsen,
Blair,	Frascella,	Maxwell,	Pettigrew,
Boory,	Gibb,	McCormack,	Rovansek,
Breth,	Gibson,	McInroy,	Smith, Wm. B.,
Cochran,	Hamilton, R. K.,	Moscrip,	Stebbins,
Cooper,	Heavey,	Mullen,	Stone,
Donaldson,	Holt,	Murray, H. P.,	Thompson,
Dougherty,	Lawyer,	Murray, P. G.,	Verona,
Flanagan,	Lutty,	Naugle,	Welsh,
Floyd,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

## BILLS PASSED OVER

There being no objection

House Bill No. 1824, Printer's No. 1031 and

House Bill No. 1831, Printer's No. 1116

were passed over at the request of the SPEAKER.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1832, as follows:

An Act to further amend the act approved the first day of May one thousand nine hundred twenty-nine (P. L. 1005) entitled as amended "An act relating to and regulating tractors and their operation providing for their registration by the Department of Revenue upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayor burgesses magistrates aldermen justice of the peace the courts and the clerks thereof owners of tractors providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns and townships within the Commonwealth liability for damages caused by the negligent operation of tractors imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" by changing the maximum gross weights allowed for certain vehicles

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section six hundred eight of the act approved the first day of May one thousand nine hundred twenty-nine (P. L. 1005) entitled as amended "An act relating to and regulating tractors and their operation providing for their registration by the Department of Revenue upon payment of prescribed fees prescribing and limiting act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace

officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of tractors providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns and townships within the Commonwealth liability for damages caused by the negligent operation of tractors imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" as last amended by the act approved the fourteenth day of January one thousand nine hundred fifty-two (1951-1952 P. L. 1996) is hereby further amended to read as follows

## Section 608 Weight of Tractor and Load

(a) Tractors shall not be operated or moved upon any highway with gross weight in excess of [thirty thousand (30,000)] thirty-three thousand (33,000) pounds if of the two axle type and [forty thousand (40,000)] forty-seven thousand (47,000) pounds if of the three axle type

(b) The width of tires on the wheels of tractors shall be sufficient so that including the load on the tractor the weight shall not be in excess of eight hundred (800) pounds on any wheel for each nominal inch of width of tire on each wheel

Penalty Any person violating any of the provisions of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of fifty (\$50) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than ten (10) days

Section 2 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitutions the yeas and nays were taken and were as follows:

## YEAS—171

Adam,	Gelfand,	Lovett,	Rudisill,
Amarando,	George,	Mahan,	Sarra,
Anderson, M. S.,	Goldstein,	Markley,	Scarcelli,
Anderson, S. A.,	Gramlich,	McCann,	Schuster,
Ashton,	Greenwood,	McGee,	Sherman,
Auker,	Guss,	McKeever,	Sigman,
Banker,	Guthrie,	McLaughlin,	Smith, C. C.,
Barnatovich,	Hamilton, W. H.,	McWherter,	Snider,
Bazin,	Hass,	Meholchick,	Stank,
Bell,	Haudensfield,	Metz,	Steckel,
Boles,	Helm,	Mihm,	Stephens,
Bonner,	Henzel,	Mikula,	Stevenson,
Bower,	Hewitt,	Miller,	Stoner,
Branca,	Hocker,	Mills,	Strausser,
Brelsich,	Horst,	Monroe,	Stroup,
Brennan, A. P.,	Houk,	Moody,	Swartz,
Brennan, J. J.,	Isaacs,	Moran,	Taylor,
Brenninger,	Jenkins,	Muldowney,	Thomas,
Brown,	Johnson,	Munley,	Toll,
Bucchin,	Jones, G. E.,	Murphy,	Tompkins,
Bullen,	Jones, T. H. W.,	Murray, J. J.,	Toomey,
Capano,	Jump,	Musto,	Varallo,
Cianfrani,	Kamyk,	Needham,	Varnier,
Cioffi,	Kehler,	Ogilvie,	Vaughan,
Comer,	Keller,	O'Neill,	Wall,
Connelly,	Kent,	Pacchioli,	Wallace,
Curwood,	Kline,	Parry,	Walsh,
Davis,	Knecht,	Pashley,	Wargo,
Donahue,	Kolankiewicz,	Paulhamus,	Waterhouse,
Down,	Kooker,	Petrosky,	Weldner,
Ehrgood,	Kornick,	Polaski,	Wescott,
Ellberg,	Kratz,	Polen,	Wheeler,
Erb,	Kromer,	Pomeroy,	Whitenight,
Eshleman,	Kubacki,	Price,	Willaredt,
Ewing,	Lafore,	Pursley,	Williams,
Farabaugh,	Leiby,	Readinger,	Wilt,
Filo,	Lelsey,	Reibman,	Wood,
Flint,	Leonard,	Reidenbach,	Yetter,
Flynn,	Leven,	Renwick,	Yetzer,
Frank,	Light,	Rigby,	Young,
Frost,	Limper,	Rosen,	Ziegler,
Gaffney,	Lippincott,	Royer,	Andrews,
Garlock,	Lopresti,	Rubin,	Speaker



## NAYS—1

Worley,

## NOT VOTING—37

Agnew,	Foster,	Magee,	Olsen,
Blair,	Frascella,	Maxwell,	Pettigrew,
Boory,	Gibb,	McCormack,	Rovansek,
Breth,	Gibson,	McInroy,	Smith, Wm. B.,
Cochran,	Hamilton, R. K.,	Moscrip,	Stebbins,
Cooper,	Heavey,	Mullen,	Stone,
Donaldson,	Holt,	Murray, H. P.,	Thompson,
Dougherty,	Lawyer,	Murray, P. G.,	Verona,
Fineman,	Lutty,	Naugle,	Welsh,
Floyd,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

## BILL PASSED OVER

There being no objection

House Bill No. 1833, Printer's No. 1118

was passed over at the request of the SPEAKER.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1833, as follows:

An Act amending the act of March 10, 1949 (P. L. 30) entitled "An act relating to the public school system including certain provisions applicable as well to private and parochial schools amending revising consolidating and changing the laws relating thereto" further regulating the admission of beginners to the public schools

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 1304 act of March 10, 1949 (P. L. 30) known as the "Public School Code of 1949" amended July 27, 1953 (P. L. 629) is amended to read

Section 1304 Admission of Beginners The admission of beginners to the public schools shall be confined to the first two weeks of the annual school term in districts operating on an annual promotion basis and to the first two weeks of either the first or the second semester of the school term in districts operating on a semi-annual promotion basis except when a good reason satisfactory to the school board is furnished for failure of an applicant to attend at such time Admission shall be limited to beginners who have attained the age of five years and seven months before the first day of September if they are to be admitted in the fall and to those who have attained the age of five years and seven months before the first day of February if they are to be admitted at the beginning of the second semester The board of school directors of any school district may admit beginners who are less than five years and seven months of age in accordance with rules and regulations established by the State Council of Education The board of school directors may refuse to accept or retain beginners who have not attained a mental age of five years as determined by the county supervisor of special education or a properly certified public school psychologist in accordance with rules and regulations established by the State Council of Education

The term "beginners" as used in this section shall mean any child that should enter the lowest grade of the primary school or the lowest primary class above the kindergarten level

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

## YEAS—172

Adam.	George,	Mahan,	Sarraf,
Amarando,	Goldstein,	Markley,	Scarcelli,
Anderson, M. S.,	Gramlich,	McCann,	Schuster,
Anderson, S. A.,	Greenwood,	McGee,	Sherman,
Ashton,	Guss,	McKeever,	Sigman,
Auker,	Guthrie,	McLaughlin,	Smith, C. C.,
Banker,	Hamilton, W. H.,	McWherter,	Snider,
Barnatovich,	Hass,	Meholchick,	Stank,
Bazin,	Haudenshield,	Metz,	Steckel,
Bell,	Helm,	Mihm,	Stephens,
Boles,	Henzel,	Mikula,	Stevenson,
Bonner,	Hewitt,	Miller,	Stoner,
Bower,	Hocker,	Mills,	Strausser,
Branca,	Horst,	Monroe,	Stroup,
Breisch,	Houk,	Moody,	Swartz,
Brennan, A. P.,	Isaacs,	Moran,	Taylor,
Brennan, J. J.,	Jenkins,	Muldowney,	Thomas,
Brenninger,	Johnson,	Munley,	Toll,
Brown,	Jones, G. E.,	Murphy,	Tompkins,
Bucchin,	Jones, T. H. W.,	Murray, J. J.,	Toomey,
Bullen,	Jump,	Musto,	Vaughan,
Capano,	Kamyk,	Needham,	Varallo,
Cianfrani,	Kehler,	Ogilvie,	Varnier,
Cioffi,	Keller,	O'Neill,	Wall,
Comer,	Kent,	Pacchioli,	Wallace,
Connelly,	Kline,	Parry,	Walsh,
Curwood,	Knecht,	Pashley,	Wargo,
Davis,	Kolankiewicz,	Paulhamus,	Waterhouse,
Donahue,	Kooker,	Petrosky,	Weidner,
Down,	Kornick,	Polaski,	Wescott,
Ehrgood,	Kratz,	Polen,	Wheeler,
Ellberg,	Kromer,	Pomeroy,	Whitenight,
Erb,	Kubacki,	Price,	Willaredt,
Eshleman,	Lafore,	Pursley,	Williams,
Ewing,	Leiby,	Readinger,	Wilt,
Farabaugh,	Lelsey,	Reibman,	Wood,
Filo,	Leonard,	Reidenbach,	Worley,
Flint,	Leven,	Renwick,	Yetter,
Flynn,	Light,	Rigby,	Yetzer,
Frank,	Limper,	Rosen,	Young,
Frost,	Lippincott,	Royer,	Ziegler,
Gaffney,	Lopresti,	Rubin,	Andrews,
Garlock,	Lovett,	Rudisill,	Speaker
Gelfand,			

## NAYS—0

## NOT VOTING—37

Agnew,	Floyd,	Lutty,	Naugle,
Blair,	Foster,	Magee,	Olsen,
Boory,	Frascella,	Maxwell,	Pettigrew,
Breth,	Gibb,	McCormack,	Rovansek,
Cochran,	Gibson,	McInroy,	Smith, W. B.,
Cooper,	Hamilton, R. K.,	Moscrip,	Stebbins,
Donaldson,	Heavey,	Mullen,	Stone,
Dougherty,	Holt,	Murray, H. P.,	Thompson,
Fineman,	Lawyer,	Murray, P. G.,	Verona,
			Welsh,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1848 as follows:

An Act amending the act of May 1, (P. L. 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors bur-



gesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" excluding the weight of safety devices in determining gross weight

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 903 act of May 1, 1929 (P. L. 905) known as "The Vehicle Code" amended June 30, 1955 (P. L. 225) as amended by adding after subsection (h) a new subsection to read

Section 903 Weight of Vehicles and Loads

\* \* \*

(i) When any commercial motor vehicle or truck tractor is equipped with a safety device designed to stop it in emergencies the weight thereof not exceeding six hundred (600) pounds shall be excluded in determining gross weight

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

#### YEAS—172

Adam,	Gelfand,	Lopresti,	Rubin,
Amarando,	George,	Lovett,	Rudisill,
Anderson, M. S.,	Goldstein,	Mahan,	Sarrafi,
Anderson, S. A.,	Gramlich,	Markley,	Scarcelli,
Ashton,	Greenwood,	McCann,	Schuster,
Auker,	Guss,	McGee,	Sherman,
Banker,	Guthrie,	McKeever,	Sigman,
Barnatovich,	Hamilton, W. H.,	McLaughlin,	Smith, C. C.,
Bazin,	Hass,	McWherter,	Snider,
Bell,	Haudenschild,	Meholchick,	Stank,
Boles,	Helm,	Metz,	Steckel,
Bonner,	Henzel,	Mihm,	Stephens,
Bower,	Hewitt,	Mikula,	Stevenson,
Branca,	Hocker,	Miller,	Stoner,
Brelsch,	Horst,	Mills,	Strausser,
Brennan, A. P.,	Houk,	Monroe,	Stroup,
Brennan, J. J.,	Isaacs,	Moody,	Swartz,
Brenninger,	Jenkins,	Moran,	Taylor,
Brown,	Johnson,	Muldowney,	Thomas,
Bucchin,	Jones, G. E.,	Munley,	Toll,
Bullen,	Jones, T. H. W.,	Murphy,	Tompkins,
Capano,	Jump,	Murray, J. J.,	Toomey,
Cianfrani,	Kamyk,	Musto,	Vallo,
Cloff,	Kehler,	Needham,	Varner,
Comer,	Keller,	Ogilvie,	Vaughan,
Connelly,	Kent,	O'Neill,	Wall,
Curwood,	Kilne,	Pacchioli,	Wallace,
Davis,	Knecht,	Parry,	Walsh,
Donahue,	Kolankiewicz,	Pashley,	Wargo,
Down,	Kooker,	Paulhamus,	Waterhouse,
Ehrgood,	Kornick,	Petrosky,	Weidner,
Ellberg,	Kratz,	Polaski,	Wescott,
Erb,	Kromer,	Polen,	Wheeler,
Eshleman,	Kubacki,	Pomeroy,	Whitenight,
Ewing,	Lafore,	Price,	Willaredt,
Farabaugh,	Leiby,	Pursley,	Williams,
Filo,	Lelsey,	Readinger,	Wilt,
Flint,	Leonard,	Reibman,	Wood,
Flynn,	Leven,	Reidenbach,	Worley,
Frank,	Light,	Renwick,	Yetter,
Frost,	Limper,	Rigby,	Yetzer,
Gaffney,	Lippincott,	Rosen,	Young,
Garlock,		Royer,	Ziegler,
			Andrews,

Speaker

#### NAYS—0

#### NOT VOTING—37

Agnew,	Foster,	Magee,	Olsen,
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Blair,	Frascella,	Maxwell,	Pettigrew,
Boory,	Gibb,	McCormack,	Rovansek,
Breth,	Gibson,	McInroy,	Smith, Wm. B.,
Cochran,	Hamilton, R. K.,	Moscip,	Stebbins,
Cooper,	Heavey,	Mullen,	Stone,
Donaldson,	Holt,	Murray, H. P.,	Thompson,
Dougherty,	Lawyer,	Murray, P. G.,	Verona,
Fineman,	Lutty,	Naugle,	Welsh,
Floyd,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1860 as follows:

An Act amending the act of May 1, 1929 (P. L. 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" further regulating official inspections of motor vehicles trailers and semi-trailers

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Subsection (a) of section 823 act of May 1, 1929 (P. L. 905) known as "The Vehicle Code" amended August 19, 1953 (P. L. 1155) is amended to read

#### Section 823 Official Inspections

(a) On and after the first day of every May and until and including the thirty-first (31) day of July and on and after the first day of every November and until and including the thirty-first (31) day of January and within thirty (30) days from the time an accident report was made or required to be made to the department pursuant to subsection (a) of section one thousand two hundred fourteen (1214) of this act if the motor vehicle was damaged in any manner in excess of one hundred dollars (\$100) in the accident reported or required to be reported every owner of a motor vehicle (except a commercial motor vehicle motor bus motor omnibus truck tractor trailer semi-trailer motorcycle or bicycle with motor attached) being operated in this Commonwealth shall submit such motor vehicle to such inspection of its mechanism and equipment as may be designated by the secretary

Every owner of a commercial motor vehicle motor bus motor omnibus truck tractor trailer and semi-trailer being operated in this Commonwealth except trailers or semi-trailers having a chassis and body weight of less than one thousand (1000) pounds shall submit the same to such inspection of its mechanism and equipment as may be designated by the Secretary on or after the first day of every August and until and including the thirty-first day of October and on and after the first day of every February and until and including the last day of April and within thirty (30) days from the time an accident report was made or required to be made to the department pursuant to subsection (a) of section one



thousand two hundred fourteen (1214) of this act if the commercial motor vehicle motor bus motor omnibus truck tractor trailer or semi-trailer motorcycle or bicycle with motor attached was damaged in any manner in excess of one hundred dollars (\$100) in the accident reported or required to be reported

Motor vehicles trailers and semi-trailers determined by the department to be exempt from registration under the provisions of section four hundred one subsection (d) of this act and antique motor vehicles if operated on the public highways of this Commonwealth only during the period between sunrise and sunset shall be exempt from the lighting equipment provisions of this act

\* \* \*  
Section 2 This act shall take effect August 1 1956

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

#### YEAS—171

Adam,	George,	Lovett,	Rudisill,
Amarando,	Goldstein,	Mahan,	Sarra,
Anderson, M. S.,	Gramlich,	Markley,	Scarcell,
Anderson, S. A.,	Greenwood,	McCann,	Schuster,
Ashton,	Guss,	McGee,	Sherman,
Banker,	Guthrie,	McKeever,	Sigman,
Barnatovich,	Hamilton, W. H.,	McLaughlin,	Smith, C. C.,
Bazin,	Hass,	McWherter,	Snider,
Bell,	Haudenschild,	Meholchick,	Stank,
Boles,	Helm,	Metz,	Steckel,
Bonner,	Henzel,	Mihm,	Stephens,
Bower,	Hewitt,	Mikula,	Stevenson,
Branca,	Hocker,	Miller,	Stoner,
Brennan, A. P.,	Horst,	Mills,	Strausser,
Brelsch,	Houk,	Monroe,	Stroup,
Brennan, J. J.,	Isaacs,	Moody,	Swartz,
Brenninger,	Jenkins,	Moran,	Taylor,
Brown,	Johnson,	Muldowney,	Thomas,
Bucchin,	Jones, G. E.,	Munley,	Toll,
Bullen,	Jones, T. H. W.,	Murphy,	Tompkins,
Capano,	Jump,	Murray, J. J.,	Toomey,
Cianfrani,	Kamyk,	Musto,	Varallo,
Cloft,	Kehler,	Needham,	Varnier,
Comer,	Keller,	Ogilvie,	Vaughan,
Connelly,	Kent,	O'Neil,	Wall,
Curwood,	Kline,	Pacchioli,	Wallace,
Davis,	Knecht,	Parry,	Walsh,
Donahue,	Kolankiewicz,	Pashley,	Wargo,
Down,	Kooker,	Paulhamus,	Waterhouse,
Ehrgood,	Kornick,	Petrosky,	Wescott,
Ellberg,	Kratz,	Polaski,	Weidner,
Erb,	Kromer,	Polen,	Wheeler,
Eshleman,	Kubacki,	Pomeroy,	Whitenight,
Ewing,	Lafore,	Price,	Willardt,
Farabaugh,	Leiby,	Pursley,	Williams,
Filo,	Lelsey,	Readinger,	Wilt,
Flint,	Leonard,	Reibman,	Wood,
Flynn,	Leven,	Reidenbach,	Worley,
Frank,	Light,	Renwick,	Yetter,
Frost,	Limper,	Rigby,	Yetzer,
Gaffney,	Lippincott,	Rosen,	Young,
Garlock,	Lopresti,	Royer,	Ziegler,
Garfand,		Rubin,	Andrews,

Speaker

#### NAYS—1

Auker,

#### NOT VOTING—37

Agnew,	Foster,	Magee,	Olsen,
Blair,	Frascella,	Maxwell,	Pettigrew,
Boory,	Gibb,	McCormack,	Rovansek,
Breth,	Gibson,	McInroy,	Smith, Wm. B.,
Cochran,	Hamilton, R. K.,	Moscrip,	Stebbins,
Cooper,	Heavey,	Mullen,	Stone,
Donaldson,	Holt,	Murray, H. P.,	Thompson,
Dougherty,	Lawyer,	Murray, P. G.,	Verona,
Fineman,	Lutty,	Naugle,	Welsh,
Floyd,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1862 as follows:

An Act amending the act of May 1, 1929 (P. L. 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" making it a crime to commit a fraud regarding any form or application filed with the department

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Subsection (j) and the second paragraph of the penalty clause of section 620 act of May 1, 1929 (P. L. 905) known as "The Vehicle Code" amended August 24, 1951 (P. L. 1368) is amended to read

Section 620 Violation of License Provisions It shall be unlawful for any person to comit any of the following acts

\* \* \*

(j) To use a false or fictitious name or give a false or fictitious address in any application or form required under the provisions of this act or make a false statement or conceal a material fact or otherwise commit a fraud in any application affidavit or form

Penalty \* \* \*

Any person violating any of the provisions of subsection (j) of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of one hundred (\$100) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than twenty (20) days

\* \* \*

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

#### YEAS—170

Adam,	George,	Lovett,	Rudisill,
Amarando,	Goldstein,	Markley,	Sarra,
Anderson, M. S.,	Gramlich,	Mahan,	Scarcell,
Anderson, S. A.,	Greenwood,	McCann,	Schuster,
Ashton,	Guss,	McGee,	Sherman,
Auker,	Guthrie,	McKeever,	Sigman,
Barnatovich,	Hamilton, W. H.,	McLaughlin,	Smith, C. C.,
Bazin,	Hass,	McWherter,	Snider,
Bell,	Haudenschild,	Meholchick,	Stank,
Boles,	Helm,	Metz,	Steckel,
Bonner,	Henzel,	Mihm,	Stephens,
Bower,	Hewitt,	Mikula,	Stevenson,
Branca,	Hocker,	Miller,	Stoner,
Brelsch,	Horst,	Mills,	Strausser,
Brennan, A. P.,	Houk,	Monroe,	Stroup,
Brennan, J. J.,	Isaacs,	Moody,	Swartz,



Brenninger,	Jenkins,	Moran,	Taylor,
Brown,	Johnson,	Muldowney,	Thomas,
Bucchin,	Jones, G. E.,	Munley,	Toll,
Bullen,	Jones, T. H. W.,	Murphy,	Tompkins,
Capano,	Jump,	Murray, J. J.,	Toomey,
Cianfrani,	Kamyk,	Musto,	Varallo,
Cioffi,	Kehler,	Needham,	Varnier,
Comer,	Keller,	Ogilvie,	Vaughan,
Connelly,	Kent,	O'Neil,	Wall,
Curwood,	Kline,	Pacchioli,	Wallace,
Davis,	Knecht,	Parry,	Walsh,
Donahue,	Kolankiewicz,	Pashley,	Wargo,
Down,	Kooker,	Paulhamus,	Waterhouse,
Ehrgood,	Kornick,	Petrosky,	Weidner,
Ellberg,	Kratz,	Polaski,	Wescott,
Erb,	Kromer,	Polen,	Wheeler,
Eshleman,	Kubacki,	Pomeroy,	Whitenight,
Ewing,	Lafore,	Price,	Willaredt,
Farabaugh,	Leiby,	Pursley,	Williams,
Filo,	Lelsey,	Readinger,	Wilt,
Flint,	Leonard,	Reibman,	Wood,
Flynn,	Leven,	Reidenbach,	Yetter,
Frank,	Light,	Renwick,	Yetzer,
Frost,	Limper,	Rigby,	Young,
Gaffney,	Lippincott,	Rosen,	Ziegler,
Garlock,	Lopresti,	Royer,	Andrews,
Gelfand,		Rubin,	Speaker

## NAYS—2

Banker, Worley,

## NOT VOTING—37

Agnew,	Foster,	Magee,	Olsen,
Blair,	Frascella,	Maxwell,	Pettigrew,
Boory,	Gibb,	McCormack,	Rovansek,
Breth,	Gibson,	McInroy,	Smith, Wm. B.,
Cochran,	Hamilton, R. K.,	Moscrip,	Stebbins,
Cooper,	Heavey,	Mullen,	Stone,
Donaldson,	Holt,	Murray, H. P.,	Thompson,
Dougherty,	Lawyer,	Murray, P. G.,	Verona,
Fineman,	Lutty,	Naugle,	Welsh,
Floyd,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1863, as follows:

An Act amending the act of May 1, 1929 (P. L. 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" further regulating lighting equipment lights and devices and the use thereof and prescribing penalties

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Subsections (a) (d) and (e) and the penalty clause of section 801 act of May 1, 1929 (P. L. 905) known

as "The Vehicle Code" amended June 29, 1937 (P. L. 2329) and subsections (d) and (e) amended August 24, 1951 (P. L. 1368) are amended and subsection (d.1) is added to read

## Section 801 Required Lighting Equipment

(a) When Lights Must Be Displayed Every vehicle upon a highway within this Commonwealth during the period from [one 1] one-half ( $\frac{1}{2}$ ) hour after sunset to [one (1)] one-half ( $\frac{1}{2}$ ) hour before sunrise and at any other time when there is not sufficient light to render clearly discernible persons and vehicles on the highways at a distance of five hundred (500) feet ahead shall be equipped with lighted lamps and illuminating devices as in this section respectively required for different classes of vehicles

\* \* \*

(d) Rear Lamps and Illumination of Rear Registration Plate Every motor vehicle and every trailer or semi-trailer attached to a motor vehicle and every vehicle which is being drawn at the end of a combination of vehicles shall carry at the rear at least [one lamp] two lamps of a type which at the time of [its] their use is approved by the secretary and which [exhibits] exhibit a red light plainly visible under normal atmospheric conditions from a distance of five hundred (500) feet to the rear of such vehicle [Either such rear lamp] Such rear lamps or a separate lamp shall be so constructed and placed that the number plate carried on the rear of such vehicle shall under like conditions be so illuminated by a white light as to be read from a distance of fifty (50) feet to the rear of such vehicle When the rear number plate is illuminated by an electric lamp other than the required rear [lamp said two (2)] lamps the three (3) lamps shall be turned on or off only by the same control switch at all times whenever head lamps are lighted

(d.1) Stop Lamps Every motor vehicle and every trailer or semi-trailer attached to a motor vehicle and every vehicle which is being drawn at the end of a combination of vehicles shall carry at the rear at least two (2) stop lamps one on each side of the rear of the vehicle of a type which at the time of their use are approved by the Secretary of Revenue

(e) Reflectors and Reflective Materials Every motor bus motor omnibus commercial motor vehicle trailer or semi-trailer when operated on a highway may display reflective materials and shall display at each side of the rear a red reflector meeting the following requirements

Whenever a red reflector is so used or whenever reflectors are used as hereinafter provided it or they shall be mounted upon the vehicle at a height not to exceed sixty (60) inches and not less than twenty-four (24) inches above the ground upon which the vehicle stands and every such reflector shall be of a type which at the time of its use is approved by the secretary and shall be so designed and maintained as to be visible at night from all distances within five hundred (500) feet to fifty (50) feet from such vehicle when directly in front of or opposite to a motor vehicle displaying lawfully lighted head lamps as provided in this act

Within the limitations of this subsection the secretary may adopt standard specifications governing the use and display of reflective materials on the vehicles designated herein and it shall be unlawful for any person to use or display any reflective materials as provided herein in violation of the standard specifications so adopted

\* \* \*

Penalty Any person violating any of the provisions of subsections (a) (b) (c) (d) (d.1) or (e) of this section 801 shall upon summary conviction before a magistrate be sentenced to pay a fine of ten (\$10) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than five (5) days Any person violating any of the provisions of subsections (f) (g) (h) or (i) of this section 801 shall upon summary conviction before a magistrate be sentenced to pay a fine of two (\$2) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than one (1) day



And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

## YEAS—161

Adam,	George,	Mahan,	Sarra,
Amarando,	Goldstein,	Markley,	Scarcell,
Anderson, M. S.,	Gramlich,	McCann,	Schuster,
Anderson, S. A.,	Greenwood,	McGee,	Sherman,
Ashton,	Guss,	McKeever,	Sigman,
Barnatovich,	Guthrie,	McLaughlin,	Smith, C. C.,
Bazin,	Hamilton, W. H.,	McWherter,	Snider,
Bell,	Hass,	Meholchick,	Stank,
Boles,	Haudenshield,	Metz,	Steckel,
Bonner,	Helm,	Mihm,	Stephens,
Bower,	Hewitt,	Mikula,	Stevenson,
Branca,	Henzel,	Miller,	Stoner,
Brelsich,	Horst,	Mills,	Strausser,
Brennan, A. P.,	Houk,	Monroe,	Stroup,
Brennan, J. J.,	Isaacs,	Moody,	Swartz,
Brenninger,	Jenkins,	Moran,	Taylor,
Brown,	Johnson,	Muldowney,	Thomas,
Bucchin,	Jones, G. E.,	Munley,	Toll,
Bullen,	Jump,	Murphy,	Tompkins,
Capano,	Kamyk,	Murray, J. J.,	Varallo,
Cianfrani,	Kehler,	Musto,	Varner,
Cioffi,	Keller,	Needham,	Vaughan,
Comer,	Kent,	Oglivie,	Wall,
Connelly,	Kline,	O'Neil,	Wallace,
Curwood,	Knecht,	Pacchioli,	Walsh,
Davis,	Kolankiewicz,	Parry,	Wargo,
Down,	Kooker,	Pashley,	Waterhouse,
Ehrgood,	Kornick,	Paulhamus,	Weldner,
Ellberg,	Kratz,	Petrosky,	Wescott,
Erb,	Kromer,	Polaski,	Wheeler,
Ewing,	Kubacki,	Polen,	Whitenight,
Farabaugh,	Lafore,	Pomeroy,	Willaredt,
Filo,	Leiby,	Readinger,	Williams,
Flint,	Lelsey,	Reibman,	Wilt,
Flynn,	Leonard,	Reidenbach,	Wood,
Frank,	Leven,	Renwick,	Yetter,
Frost,	Limper,	Rigby,	Yetzer,
Gaffney,	Lippincott,	Rosen,	Young,
Garlock,	Lopresti,	Royer,	Ziegler,
Gelfand,	Lovett,	Rubin,	Andrews,
		Rudisill,	Speaker

## NAYS—11

Auker,	Eshleman,	Light,	Toomey,
Banker,	Hocker,	Price,	Worley,
Donahue,	Jones, T. H. W.,	Pursley,	

## NOT VOTING—37

Agnew,	Floyd,	Lutty,	Naugle,
Blaiz,	Foster,	Magee,	Olsen,
Boory,	Frascella,	Maxwell,	Pettigrew,
Breth,	Gibb,	McCormack,	Rotvasek,
Cochran,	Gibson,	McInroy,	Smith, Wm. B.,
Cooper,	Hamilton, R. K.,	Moscrip,	Stebbins,
Donaldson,	Heavey,	Mullen,	Stone,
Dougherty,	Holt,	Murray, H. P.,	Thompson,
Fineman,	Lawyer,	Murray, P. G.,	Verona,
			Welsh,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

## BILL PASSED OVER

There being no objection,

House Bill No. 1864, Printer's No. 1125.

was passed over at the request of the SPEAKER.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1868, as follows:

An Act amending the act of May 1, 1929 (P. L. 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" prohibiting driving on the wrong side of a divided highway

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 1004 act of May 1, 1929 (P. L. 905) known as "The Vehicle Code" amended August 24, 1951 (P. L. 1368) is amended to read

Section 1004 Drive on Right Side of Highway Upon all highways of sufficient width except upon one way streets the driver of a vehicle shall drive the same upon the right half of the highway and shall drive as closely as possible to the right-hand edge or curb of such highway unless it is impracticable to travel on such side of the highway and except when overtaking and passing another vehicle subject to the limitations applicable in overtaking and passing set forth in this act Provided however That the provisions of this section shall not apply to ridden animals of the National Guard or the Regular Army of the United States of America when actually engaged in training or maneuvers Upon all highways which are divided either physically or by proper markings the driver of a vehicle shall not drive the same against the direction of traffic

Penalty Any person violating any of the provisions of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of ten (\$10) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than five (5) days

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

## YEAS—172

Adam,	George,	Mahan,	Sarra,
Amarando,	Goldstein,	Markley,	Scarcell,
Anderson, M. S.,	Gramlich,	McCann,	Schuster,
Anderson, S. A.,	Greenwood,	McGee,	Sherman,
Ashton,	Guss,	McKeever,	Sigman,
Auker,	Guthrie,	McLaughlin,	Smith, C. C.,
Banker,	Hamilton, W. H.,	McWherter,	Snider,
Barnatovich,	Hass,	Meholchick,	Stank,
Bazin,	Haudenshield,	Metz,	Steckel,
Bell,	Helm,	Mihm,	Stephens,
Boles,	Henzel,	Mikula,	Stevenson,
Bonner,	Hewitt,	Miller,	Stoner,
Bower,	Hocker,	Mills,	Strausser,
Branca,	Horst,	Monroe,	Stroup,
Brelsich,	Houk,	Moody,	Swartz,
Brenninger,	Isaacs,	Moran,	Taylor,
Brennan, A. P.,	Jenkins,	Muldowney,	Thomas,
Brennan, J. J.,	Johnson,	Munley,	Toll,
Brown,	Jones, G. E.,	Murphy,	Tompkins,
Bucchin,	Jones, T. H. W.,	Murray, J. J.,	Toomey,



Bullen,	Jump,	Musto,	Varallo,
Capano,	Kamyk,	Needham,	Varner,
Cianfrani,	Kehler,	Ogilvie,	Vaughan,
Cioffi,	Keller,	O'Neill,	Wall,
Comer,	Kent,	Pacchioni,	Wallace,
Connelly,	Kline,	Parry,	Walsh,
Curwood,	Knecht,	Pashley,	Wargo,
Davis,	Kolankiewicz,	Paulhamus,	Waterhouse,
Donahue,	Kooker,	Petrosky,	Weidner,
Down,	Kornick,	Polaski,	Wescott,
Ehrgood,	Kratz,	Polen,	Wheeler,
Ellberg,	Kromer,	Pomeroy,	Whitenight,
Erb,	Kubacki,	Price,	Willaredt,
Eshleman,	Lafore,	Pursley,	Williams,
Ewing,	Leiby,	Readinger,	Wilt,
Farabaugh,	Lelsey,	Reibman,	Wood,
Filo,	Leonard,	Reidenbach,	Worley,
Flint,	Leven,	Renwick,	Yetter,
Flynn,	Light,	Rigby,	Yetzer,
Frank,	Limper,	Rosen,	Young,
Frost,	Lippincott,	Royer,	Ziegler,
Gaffney,	Lopresti,	Rubin,	Andrews,
Garlock,	Lovett,	Rudisill,	Speaker
Gelfand,			

NAYS—0

NOT VOTING—37

Agnew,	Foster,	Magee,	Olsen,
Blair,	Frascella,	Maxwell,	Pettigrew,
Boory,	Gibb,	McCormack,	Rovansek,
Breth,	Gibson,	McInroy,	Smith, Wm. B.,
Oochran,	Hamilton, R. K.,	Moscrip,	Stebbins,
Cooper,	Heavey,	Mullen,	Stone,
Donaldson,	Holt,	Murray, H. P.,	Thompson,
Dougherty,	Lawyer,	Murray, P. G.,	Verona,
Fineman,	Luty,	Naugle,	Welsh,
Floyd,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1869, as follows:

An Act amending the act of May 1, 1929 (P. L. 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" making it unlawful for any person to lend or permit the use of an operator's license or learner's permit not issued to him

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Clause (b) and the penalty clause of section 620 act of May 1, 1929 (P. L. 905) known as "The Vehicle Code" amended August 24, 1951 (P. L. 1368) are amended to read

Section 620 Violation of License Provisions It shall be

unlawful for any person to commit any of the following acts

\* \* \*

(b) To lend to or knowingly permit the use of by one not entitled thereto any operator's license or learner's permit whether or not the license or permit was issued to the person so lending or permitting the use thereof

\* \* \*

Penalty Any person violating any of the provisions of [subsections] clauses (a) (b) (c) or (d) of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of fifty (\$50) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than ten (10) days

Any person violating any of the provisions of [subsection] clause (j) of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of one hundred (\$100) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than twenty (20) days

Any person violating any of the provisions of [subsections] clauses (e) (f) (g) (h) or (i) of this section shall be guilty of a misdemeanor and shall upon conviction thereof in a court of quarter sessions be sentenced to pay a fine of not less than one hundred (\$100) dollars and not more than five hundred (\$500) dollars and costs of prosecution or undergo imprisonment for not more than three (3) years or suffer both such fine and imprisonment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—172

Adam,	George,	Mahan,	Sarrafi,
Amarando,	Goldstein,	Markley,	Scarcelli,
Anderson, M. S.,	Gramlich,	McCann,	Schuster,
Anderson, S. A.,	Greenwood,	McGee,	Sherman,
Ashton,	Guss,	McKeever,	Sigman,
Auker,	Guthrie,	McLaughlin,	Smith, C. C.,
Banker,	Hamilton, W. H.,	McWherter,	Snider,
Barnatovich,	Hass,	Meholchick,	Stank,
Bazin,	Haudenschild,	Metz,	Steckel,
Bell,	Helm,	Mihm,	Stephens,
Boies,	Henzel,	Mikula,	Stevenson,
Bonner,	Hewitt,	Miller,	Stoner,
Bower,	Hocker,	Mills,	Strausser,
Branca,	Horst,	Monroe,	Stroup,
Breisch,	Houk,	Moody,	Swarts,
Brennan, A. P.,	Isaacs,	Moran,	Taylor,
Brennan, J. J.,	Jenkins,	Muldowney,	Thomas,
Brenninger,	Johnson,	Munley,	Toll,
Brown,	Jones, G. E.,	Murphy,	Tompkins,
Bucchin,	Jones, T. H. W.,	Murray, J. J.,	Toomey,
Bullen,	Jump,	Musto,	Varallo,
Capano,	Kamyk,	Needham,	Varner,
Cianfrani,	Kehler,	Ogilvie,	Vaughan,
Cioffi,	Keller,	O'Neill,	Wall,
Comer,	Kent,	Pacchioni,	Wallace,
Connelly,	Kline,	Parry,	Walsh,
Curwood,	Knecht,	Pashley,	Wargo,
Davis,	Kolankiewicz,	Paulhamus,	Waterhouse,
Donahue,	Kooker,	Petrosky,	Weidner,
Down,	Kornick,	Polaski,	Wescott,
Ehrgood,	Kratz,	Polen,	Wheeler,
Ellberg,	Kromer,	Pomeroy,	Whitenight,
Erb,	Kubacki,	Price,	Willaredt,
Eshleman,	Lafore,	Pursley,	Williams,
Ewing,	Leiby,	Readinger,	Wilt,
Farabaugh,	Lelsey,	Reibman,	Wood,
Filo,	Leonard,	Reidenbach,	Worley,
Flint,	Leven,	Renwick,	Yetter,
Flynn,	Light,	Rigby,	Yetzer,
Frank,	Limper,	Rosen,	Young,
Frost,	Lippincott,	Royer,	Ziegler,
Gaffney,	Lopresti,	Rubin,	Andrews,
Garlock,	Lovett,	Rudisill,	Speaker
Gelfand,			

NAYS—0



## NOT VOTING—37

Agnew,	Poster,	Magee,	Olsen,
Blair,	Frascella,	Maxwell,	Pettigrew,
Boory,	Gibb,	McCormack,	Rovansek,
Breth,	Gibson,	McInroy,	Smith, Wm. B.,
Cochran,	Hamilton, R. K.,	Moscip,	Stebbins,
Cooper,	Heavy,	Mullen,	Stone,
Donaldson,	Holt,	Murray, H. P.,	Thompson,
Dougherty,	Lawyer,	Murray, P. G.,	Verona,
Fineman,	Lutty,	Naugle,	Welsh,
Floyd,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of Senate Bill No. 156 as follows:

An Act amending the act of June 1, 1945 (P. L. 1242) entitled "An act relating to roads streets highways and bridges amending revising consolidating and changing the laws administered by the Secretary of Highways and by the Department of Highways relating thereto" authorizing the department to provide for certain work on municipally owned public utilities

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The act of June 1, 1945 (P. L. 1242) known as the "State Highway Law" is amended by adding after section 412 a new section to read

Section 412.1 Adjustment of municipally owned public utility facilities whenever in the construction reconstruction widening or relocation of any state highway bridge or tunnel or any part thereof it becomes necessary in the opinion of the secretary to change alter adjust or relocate any water line gas line or sanitary sewer owned and operated as a public utility by a city borough incorporated town or township the department may make such change alteration adjustment or relocation as may be required as a part of such construction reconstruction widening or relocation The department may also enter into agreements with any such city borough incorporated town or township for the sharing in the costs of such change alteration adjustment or relocation in any case where in the opinion of the secretary such costs should be shared by the department and a city borough incorporated town or township and the department is unable to agree with such city borough incorporated town or township to a division of the costs the department may proceed with the work and petition the Pennsylvania Public utility commission for a determination of the costs to be borne by each party.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

## YEAS—172

Adam,	Gelfand,	Lovett,	Rudisill,
Amarando,	George,	Mahan,	Sarrat,
Anderson, M. S.,	Goldstein,	Markley,	Scarcelli,
Anderson, S. A.,	Gramlich,	McCann,	Schuster,
Ashton,	Greenwood,	McGee,	Sherman,
Auker,	Guss,	McKeever,	Sigman,
Banker,	Guthrie,	McLaughlin,	Smith, O. O.,
Barnatovich,	Hamilton, W. H.,	McWherter,	Snider,
Bazin,	Hass,	Meholchick,	Stank,
Bell,	Haudenshield,	Metz,	Steckel,
Botes,	Helm,	Mihm,	Stephens,
Bonner,	Henzel,	Mikula,	Stevenson,
Bower,	Hewitt,	Miller,	Stoner,
Branca,	Hocker,	Mills,	Strausser,

Brelsch,	Horst,	Monroe,	Stroup,
Brennan, A. P.,	Houk,	Moody,	Swarts,
Brennan, J. J.,	Isaacs,	Moran,	Taylor,
Brenninger,	Jenkins,	Muldowney,	Thomas,
Brown,	Johnson,	Munley,	Toll,
Bucchin,	Jones, G. E.,	Murphy,	Tompkins,
Bullen,	Jones, T. H. W.,	Murray, J. J.,	Toomey,
Capano,	Jump,	Musto,	Varallo,
Cianfrani,	Kamyk,	Needham,	Varner,
Cloft,	Kehler,	Ogilvie,	Vaughan,
Comer,	Keller,	O'Neill,	Wall,
Connelly,	Kent,	Pacchioni,	Walsh,
Curwood,	Kline,	Parry,	Wallace,
Davis,	Knecht,	Pashley,	Wargo,
Donahue,	Kolankiewicz,	Paulhamus,	Waterhouse,
Down,	Kooker,	Petrosky,	Weidner,
Ehrgood,	Kornick,	Polaski,	Wescott,
Ellberg,	Kratz,	Polen,	Whitenight,
Erb,	Kromer,	Pomeroy,	Wheeler,
Eshleman,	Kubacki,	Price,	Willaredt,
Ewing,	Lafore,	Pursley,	Williams,
Farabaugh,	Leiby,	Readinger,	Wilt,
Filo,	Leisey,	Reibman,	Wood,
Flint,	Leonard,	Reidenbach,	Worley,
Flynn,	Leven,	Renwick,	Yetter,
Frank,	Light,	Rigby,	Yetzer,
Frost,	Limper,	Rosen,	Young,
Gaffney,	Lippincott,	Royer,	Ziegler,
Garlock,	Lopresti,	Rubin,	Andrews,

Speaker

## NAYS—0

## NOT VOTING—37

Agnew,	Foster,	Magee,	Olsen,
Blair,	Frascella,	Maxwell,	Pettigrew,
Boory,	Gibb,	McCormack,	Rovansek,
Breth,	Gibson,	McInroy,	Smith, Wm. B.,
Cochran,	Hamilton, R. K.,	Moscip,	Stebbins,
Cooper,	Heavy,	Mullen,	Stone,
Donaldson,	Holt,	Murray, H. P.,	Thompson,
Dougherty,	Lawyer,	Murray, P. G.,	Verona,
Fineman,	Lutty,	Naugle,	Welsh,
Floyd,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House of Representatives has passed the same without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of Senate Bill No. 165 as follows:

An Act amending the act of June 30 1947 (P. L. 1183) entitled "An act relating to strikes by public employees prohibiting such strikes providing that such employees by striking terminate their employment providing for reinstatement under certain conditions providing for a grievance procedure and providing for hearings before civil service and tenure authorities and in certain cases before the Pennsylvania Labor Relations Board" changing the method of selecting panels for the adjustment of grievances of certain school district employees and imposing additional duties on such panels

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Clause (b) of section 1 act of June 30 (P. L. 1183) entitled "An act relating to strikes by public employees prohibiting such strikes providing that such employees by striking terminate their employment providing for reinstatement under certain conditions providing for a grievance procedure and providing for hearings before civil service and tenure authorities and in certain cases before the Pennsylvania Labor Relations Board" amended August 26 1953 (P. L. 1474) is amended to read

Section 1 As used in this act

\* \* \*

(b) The word "strike" means the failure to report for duty the wilful absence from one's position the stoppage of work or the abstinence in whole or in part from the full



faithful and proper performance of the duties of employment for the purpose of inducing influencing or coercing a change in the conditions or compensation or the rights privileges or obligations of employment Provided however That nothing contained in this act shall be construed to limit impair or affect the right of any public employe to the expression or communication of a view grievance complaint or opinion on any matter related to the conditions or compensation of public employment or the betterment thereof so long as the same is not designed to and does not interfere with the full faithful and proper performance of the duties of employment nor to limit impair or affect the right of any such employe to attend meetings conferences or hearings relating to such matters so long as such attendance is not designed to interfere with the full faithful and proper performance of the duties of employment for the further purpose of equitably carrying out the provisions of this act In order to avoid or minimize any possible controversies by making available full and adequate governmental facilities for the adjustment of grievances the governmental agency involved at the request of the public employes shall within fifteen (15) days of such request set up a panel of three members one to be selected by the employes one by the governmental agency and the two so selected to select a third member If within fifteen (15) days of their selection the two members selected by the governmental agency and the employes involved are unable to agree on the third member of the panel either the governmental agency or the public employes may petition the Court of Common Pleas of Dauphin County if the controversy involves the Commonwealth of Pennsylvania its agencies boards commissions or any of its authorities to select the third member of the panel If the controversy involves any political subdivision of the Commonwealth or any other authority within a political subdivision such petition for the selection of a third member of the panel shall be presented to the court of common pleas of the county wherein the political subdivision or the authority is situated Upon receipt of such a petition the proper court shall select the third member The members of the panel shall be compensated for all necessary expenses by the Commonwealth or the political subdivision thereof or the authority involved The panel shall meet within fifteen (15) days If the grievance can be adjusted through negotiation and informal conferences between the various parties it shall be so adjusted If the conference negotiations do not result in rulings satisfactory to all parties concerned within thirty (30) days of a request made for a hearing by any of the parties concerned the panel shall afford the public employes and the governmental agency a full hearing Within thirty (30) days of the close of such hearing the panel shall make their findings copy of which shall be forthwith sent to the Governor to the General Assembly and to the head of the agency or political subdivision involved Upon receipt of the findings of the panel the Governor or the head of the State agency or political subdivision involved may take administrative measures to remedy the complaints If the Governor or the head of the State agency or political subdivision finds that the situation complained of can only be remedied by legislative action the Governor may refer the matter to the Legislature for correction or the head of the State agency or political subdivision may refer the matter to the proper law-making body If the members of the panel decide that legal counsel is necessary they may with the approval of the Attorney General engage local counsel to advise them on the questions involved [Provided however That in] In the case of grievances or controversies involving professional employes of the public school system of the Commonwealth the school board or Board of Public Education at the request of the employes shall set up a panel of three members one an employe of the school district to be selected by the employes one a member of the board of school directors or Board of Public Education to be selected by such body and the third shall be the State Superintendent of Public Instruction or his nominee The members of the panel shall serve without compensation but shall receive all necessary traveling expenses which

shall be paid by the school district or Board of Public Education involved

In the case of grievances or controversies involving employes other than professional employes of the public school system of the Commonwealth the school board or board of public education at the request of the employes shall set up a panel of three members one to be selected by such employes one to be selected by the Board of School Directors or Board of Public Education and the two so selected to select a third member The panel shall meet within fifteen (15) days and shall consider all grievances submitted to it by the authorized representatives of such employes The members of the panel shall serve without compensation but shall receive all necessary traveling expenses which shall be paid by the school district involved

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

#### YEAS—172

Adam,	George,	Mahan,	Sarra,
Amarando,	Goldstein,	Markley,	Scarcelli,
Anderson, M. S.,	Gramlich,	McCann,	Schuster,
Anderson, S. A.,	Greenwood,	McGee,	Sherman,
Ashton,	Guss,	McKeever,	Sigman,
Auker,	Guthrie,	McLaughlin,	Smith, C. C.,
Banker,	Hamilton, W. H.,	McWherter,	Snider,
Barnatovich,	Hass,	Meholchick,	Stank,
Bazin,	Haudenschild,	Metz,	Steckel,
Bell,	Helm,	Mihm,	Stephens,
Boles,	Henzel,	Mikula,	Stevenson,
Bonner,	Hewitt,	Miller,	Stoner,
Bower,	Hocker,	Mills,	Strausser,
Branca,	Horst,	Monroe,	Stroup,
Breisch,	Houk,	Moody,	Swarts,
Brennan, A. P.,	Isaacs,	Moran,	Taylor,
Brennan, J. J.,	Jenkins,	Muldowney,	Thomas,
Brenninger,	Johnson,	Munley,	Toll,
Brown,	Jones, G. E.,	Murphy,	Tompkins,
Buccin,	Jones, T. H. W.,	Murray, J. J.,	Toomey,
Bullen,	Jump,	Musto,	Varallo,
Capano,	Kamyk,	Needham,	Varnar,
Cianfrani,	Kehler,	Ogilvie,	Vaughan,
Cioffi,	Keller,	O'Neill,	Wall,
Comer,	Kent,	Pacchioli,	Wallace,
Connelly,	Kilne,	Parry,	Walsh,
Curwood,	Knecht,	Pashley,	Wargo,
Davis,	Kolankiewicz,	Paulhamus,	Waterhouse,
Donahue,	Kooker,	Petrosky,	Weidner,
Down,	Kornick,	Polaski,	Wescott,
Ehrgood,	Kratz,	Polen,	Wheeler,
Ellberg,	Kromer,	Pomeroy,	Whitenight,
Erb,	Kubacki,	Price,	Willard,
Eshleman,	Lafore,	Pursley,	Williams,
Ewing,	Leiby,	Readinger,	Wilt,
Farabaugh,	Leisey,	Reibman,	Wood,
Filo,	Leonard,	Reidenbach,	Worley,
Flint,	Leven,	Renwick,	Yetter,
Flynn,	Light,	Rigby,	Yetzer,
Frank,	Limper,	Rosen,	Young,
Frost,	Lippincott,	Royer,	Ziegler,
Gaffney,	Lopresto,	Rubin,	Andrews,
Garlock,	Lovett,	Rudisill,	Speaker
Gelfand,			

#### NAYS—0

#### NOT VOTING—37

Agnew,	Foster,	Magee,	Olsen,
Blair,	Frascella,	Maxwell,	Pettigrew,
Boory,	Gibb,	McCormack,	Rovansek,
Breth,	Gibson,	McInroy,	Smith, Wm. B.,
Cochran,	Hamilton, R. K.,	Moscrip,	Stebbins,
Cooper,	Heavey,	Mullen,	Stone,
Donaldson,	Holt,	Murray, H. P.,	Thompson,
Dougherty,	Lawyer,	Murray, P. G.,	Verona,
Fineman,	Lutty,	Naugle,	Welsh,
Floyd,			



The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House of Representatives has passed the same without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of Senate Bill No. 528 as follows:

An Act authorizing and empowering the Delaware River Port Authority to finance construct erect acquire operate maintain and own a new toll bridge for vehicular traffic across the Delaware River between Philadelphia County Pennsylvania and Burlington County or Camden County New Jersey at a location to be selected by the said Delaware River Port Authority between a point or points within a three mile radius of the intersection of State Road and Levick Street in the City of Philadelphia Pennsylvania and a point or points within a three mile radius of the intersection of New Jersey State Route No 73 Market Street and Temple Boulevard in the borough of Palmyra County of Brlington New Jersey together with such approaches thereto and such highway connections as may be necessary or desirable and granting and defining and continuing certain powers of eminent domain and other functions powers duties and privileges all of said actions to be taken pursuant to and in accordance with this act and the Compact or Agreement and amendments or supplements thereto between New Jersey and Pennsylvania dated July 1 1931 August 23 1951 and August 30 1951 and the consent by the Congress of the United States thereto

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The Delaware River Port Authority (hereinafter sometimes called the "Authority") after investigation and study having concluded plans with estimates of cost and means of financing for a new project for transportation across the Delaware River within the Port District consisting of a new toll bridge for vehicular traffic across the Delaware River between a point or points within a three mile radius of the intersection of State Road and Levick Street in the City of Philadelphia State of Pennsylvania and a point or points within a three mile radius of the intersection of New Jersey State Route No. 73 Market Street and Temple Boulevard in the borough of Palmyra County of Burlington State of New Jersey together with such approaches thereto and such highway connections as may be necessary or desirable (hereinafter sometimes called collectively "new toll bridge") and the Authority having made to the Legislatures of the Commonwealth of Pennsylvania and the State of New Jersey a detailed report dealing only with said project and having requested of said Legislatures authority to proceed with the project described in said report all pursuant to in accordance with and as provided in the Compact or Agreement between the Commonwealth of Pennsylvania and the State of New Jersey hereinafter mentioned the Authority is hereby authorized and empowered to finance construct erect acquire operate maintain and own such a new toll bridge for vehicular traffic together with such approaches thereto and highway connections as the Authority may deem necessary or desirable and to proceed with the said project outlined in said detailed report The Authority in addition to other public purposes provided for it and other powers and duties conferred upon it and not in limitation thereof and notwithstanding any of the provisions of any Act shall have among its authorized purposes such financing construction erection acquisition operation maintenance and ownership of such new toll bridge for vehicular traffic all pursuant to in accordance with and as provided in this Act and the Agreement or Compact and the Amendments and Supplements thereto (hereinafter sometimes called the "Compact") between the Commonwealth of Pennsylvania and State of New Jersey creating The Delaware River Port Authority as a body corporate and politic

and defining its powers and duties which said Compact as amended or supplemented is duly authorized by the Acts of the Commonwealth of Pennsylvania approved June 12 1931 Act No 200 P. L. 575 July 18 1951 Act No. 214 P. L. 1010 August 10 1951 Act No 274 P. L. 1206 and by the laws of the State of New Jersey approved June 30 1931 Chapter 391 P. L. 1931 June 26 1951 Chapter 287 P. L. 1951 June 26 1951 Chapter 288 P. L. 1951 and has been duly consented by the Congress of the United States by Public Resolution No. 26 72nd Congress (S J Resolution 41) approved June 14 1932 Public Law 573 Chapter 921 82nd Congress Second Session approved July 17 1952 Public Law 574 Chapter 922 82nd Congress Second Session approved July 17 1952.

Section 2 For the effectuation of any of its purposes authorized by this Act the Authority is hereby granted in addition to and in support of any other powers heretofore or hereafter granted to it power and authority to acquire in its name by purchase or otherwise on such terms and conditions and in such manner as it may deem proper or by the exercise of the power of eminent domain any land and other property which it may determine is reasonably necessary for the new toll bridge referred to in this act or for the construction of such approaches thereto or highway connections as the Authority shall deem necessary and any and all rights title and interest in such land and other property including public lands parks playgrounds reservations highways or parkways owned by or in which any county city borough town township village or other political subdivision of the Commonwealth of Pennsylvania or State of New Jersey has any right title or interest or parts thereof or rights therein and any fee simple absolute or any lesser interest in private property and any fee simple absolute in easements upon or the benefit of restrictions upon abutting property to preserve and protect such bridge the approaches thereto or highway connections Upon the exercise of the power of eminent domain under this Act except as provided in Article XII of the Compact the compensation to be paid with regard to property located in the Commonwealth of Pennsylvania shall be ascertained and paid as provided by the Act of July 9 1919 (P L 814) and acts amendatory thereof and supplementary thereto insofar as the provisions thereof are applicable and not inconsistent with the provisions of the Compact and of this act and upon the exercise of the power of eminent domain except as provided by Article XII of the Compact the compensation to be paid with regard to property located in the State of New Jersey shall be ascertained and paid in the manner provided in chapter one of Title 20 of the Revised Statutes of New Jersey insofar as the provisions thereof are applicable and not inconsistent with the provisions of the Compact and of this Act The Authority may join in separate subdivisions in one petition or complaint the descriptions of any number of tracts or parcels of land or property to be condemned and the names of any number of owners and other parties who may have an interest therein and all such land or property included in said petition or complaint may be condemned in a single proceeding provided however that separate awards shall be made for each tract or parcel of land or property and provided further that each of said tracts or parcels of land or property lies wholly in or has a substantial part of its value lying wholly within the same county

Section 3 The Commonwealth of Pennsylvania and State of New Jersey hereby consent to the use and occupation by the Authority of any real property of the said States which may be or become necessary or convenient to the effectuation of the authorized purposes of the Authority including lands lying under water and lands already devoted to public use

Section 4 The term "property" as used herein includes lands structures franchises and interests in land including lands under water and riparian rights and any and all things and rights usually included within the said term and includes not only fees simple absolute but also any and all lesser interests such as easements rights of way uses leases licenses and all other incorporeal hereditaments and every state interest or right legal or equitable includ-



ing terms of years and liens thereon by way of judgments mortgages or otherwise claims for damages to real estate and includes also personal property franchises and any other rights granted by any statute or covenant

Section 5 The Authority and its duly authorized agents and employees may enter upon any land in the Commonwealth of Pennsylvania and State of New Jersey for the purpose of making such surveys maps or other examinations thereof as it may deem necessary or convenient for the purpose of constructing the bridge approaches and highway connections authorized hereby

Section 6 In addition to all tax exemptions given by the Compact to the Authority to its property and to the bonds or other securities or obligations issued by it no property real or personal nor its transfer or use shall be subject to any tax by the Commonwealth of Pennsylvania or the State of New Jersey or any political subdivisions of either of them imposed on the purchase use sale transfer or on the privilege of transferring title to such property or on the execution delivery or recording of any written instrument in connection therewith to or by the Authority in carrying out the project authorized by this Act or in carrying out any other undertaking of the Authority

Section 7 Notwithstanding any of the provisions of this Act the Authority shall not in connection with the new toll bridge construct any approach or highway connection in the Commonwealth of Pennsylvania unless and until the Department of Highways of said Commonwealth shall have filed with the Authority its written consent to the location and general plans of the approaches and highways connections and the Authority shall not in connection with the new toll bridge construct any approach or highway connection in the State of New Jersey unless and until the State Highway Department of said State shall have filed with the Authority its written consent to the location and general plans of the approaches and highway connections As used in this paragraph the term "approach" or "highway connection" means and includes any highway road or structure for passage of vehicles located inland of any of the established bulkhead lines of the Delaware River including any highway road or structure for passage of vehicles necessary to create access to the new toll bridge referred to in this Act or to connect such bridge with a highway system or other traffic facilities or necessary to facilitate the flow of traffic in the vicinity of such bridge

Section 8 As provided in the compact and in any event not in derogation of any powers granted therein or in any manner heretofore the Authority is authorized to establish levy collect and combine tolls rents rates and other charges and revenues in accordance with the Compact and the Congressional consents thereto as it may deem convenient or necessary for the use of the new toll bridge and of other bridges projects and other undertakings authorized by the Compact and to use and pledge the same as provided in the Compact and the Congressional consents thereto The new toll bridge may be constructed in whole or in part with funds to be raised by the Authority on bonds or other securities or obligations issued or incurred by it pursuant to the Compact

Nothing contained in this Act or in any other Act shall be deemed to prevent the Authority if it shall acquire by purchase or condemnation the existing Tacony-Palmyra Bridge in accordance with the powers heretofore conferred upon it by the Compact and the Congressional Consents thereto and by the consents to such acquisition heretofore given by the Governors of the Commonwealth of Pennsylvania and the State of New Jersey which powers and consents are hereby continued and confirmed from discontinuing the operation of said Tacony-Palmyra bridge Provided however that the Authority shall not cease to operate the present Tacony-Palmyra Bridge until the new Toll bridge authorized by this Act shall have been completed and placed in operation

Section 9 Notwithstanding any provision of this Act the Authority shall have no power to pledge the credit of the Commonwealth of Pennsylvania or the credit of the State of New Jersey or the credit of any county city borough village township or other municipality of said Commonwealth or of said State or to create any debt

of said Commonwealth or of said State or of such municipality

Section 10 Any powers vested in the Authority by this act shall be in addition to and not in diminution of the powers heretofore vested by law in the Authority

Section 11 This act shall take effect immediately but the Delaware River Port Authority shall not proceed with construction of the new toll bridge until or unless the State of New Jersey shall have enacted a substantially similar act

Section 12 The provisions of the agreement or Compact authorized by the Acts of the Commonwealth of Pennsylvania approved the 12th day of June 1931 (P. L. 575) the 18th day of July 1951 (P. L. 1010) and the 10th day of August 1951 (P. L. 1206) and by the Acts of the State of New Jersey approved the 30th day of June 1931 Chapter 391 the 26th day of June 1951 Chapter 288 and the 26th day of June 1951 Chapter 287 are maintained in full force and effect

Section 13 If any provision of this Act or the application thereof to any person or circumstance is held invalid such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application and to this end the provisions of this Act are declared to be severable

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

#### YEAS—172

Adam,	George,	Mahan,	Sarra,
Amarando,	Goldstein,	Markley,	Scarcell,
Anderson, M. S.,	Gramlich,	McCann,	Schuster,
Anderson, S. A.,	Greenwood,	McGee,	Sherman,
Ashton,	Guss,	McKeever,	Sigman,
Auker,	Guthrie,	McLaughlin,	Smith, C. C.,
Banker,	Hamilton, W. H.,	McWherter,	Snider,
Barnatovich,	Hass,	Meholchick,	Stank,
Bazin,	Haudenschild,	Metz,	Steckel,
Bell,	Helm,	Mihm,	Stephens,
Boles,	Henzel,	Mikula,	Stevenson,
Bonner,	Hewitt,	Miller,	Stoner,
Bower,	Hocker,	Mills,	Strausser,
Branca,	Horst,	Monroe,	Stroup,
Brelsich,	Houk,	Moody,	Swartz,
Brennan, A. P.,	Isaacs,	Moran,	Taylor,
Brennan, J. J.,	Jenkins,	Muldowney,	Thomas,
Brenninger,	Johnson,	Munley,	Toll,
Brown,	Jones, G. E.,	Murphy,	Tompkins,
Bucchin,	Jones, T. H. W.,	Murray, J. J.,	Toomey,
Bullen,	Jump,	Musto,	Varallo,
Capano,	Kamyk,	Needham,	Varner,
Cianfrani,	Kehler,	Ogilvie,	Vaughan,
Cioffi,	Keller,	O'Neil,	Wall,
Comer,	Kent,	Pacchioli,	Wallace,
Connelly,	Kline,	Parry,	Walsh,
Curwood,	Knecht,	Pashley,	Wargo,
Davis,	Kolankiewicz,	Paulhamus,	Waterhouse,
Donahue,	Kooker,	Petrosky,	Weidner,
Down,	Kornick,	Polaski,	Wescott,
Ehrgood,	Kratz,	Polen,	Wheeler,
Ellberg,	Kromer,	Pomeroy,	Whitenight,
Erb,	Kubacki,	Price,	Willaredt,
Eshleman,	Lafore,	Pursley,	Williams,
Ewing,	Leiby,	Readinger,	Wilt,
Farabaugh,	Lelsey,	Reibman,	Wood,
Filo,	Leonard,	Reidenbach,	Worley,
Flint,	Leven,	Renwick,	Yetter,
Flynn,	Light,	Rigby,	Yetter,
Frank,	Limper,	Rosen,	Young,
Frost,	Lippincott,	Royer,	Ziegler,
Gaffney,	Lopresti,	Rubin,	Andrews,
Garlock,	Lovett,	Rudisill,	Speaker
Gelfand,			

#### NAYS—0

#### NOT VOTING—37

Agnew,	Foster,	Magee,	Olsen,
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Blair,	Frascella,	Maxwell,	Pettigrew,
Boory,	Gibb,	McCormack,	Rovansek,
Breth,	Gibson,	McInroy,	Smith, Wm. B.,
Cochran,	Hamilton, R. K.,	Moscrip,	Stebbins,
Cooper,	Heavey,	Mullen,	Stone,
Donaldson,	Holt,	Murray, H. P.,	Thompson,
Dougherty,	Lawyer,	Murray, P. G.,	Verona,
Fineman,	Lutty,	Naugle,	Welsh,
Floyd,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House of Representatives has passed the same without amendment.

#### BILL PASSED OVER

There being no objection

Senate Bill No. 543, Printer's No. 231  
was passed over at the request of the SPEAKER.

Agreeably to order,

The House proceeded to the third reading and consideration of Senate Bill No. 723, as follows:

An Act amending the act of March 10 1949 (P. L. 30) entitled "An act relating to the public school system including certain provisions applicable as well to private and parochial schools amending revising consolidating and changing the laws relating thereto" authorizing joint school committees to manage designated functions of joint schools or departments.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 1707 act of March 10 1949 (P. L. 30) known as the "Public School Code of 1949" amended July 27 1953 (P. L. 629) is amended to read

Section 1707 Joint School Committee or Committees (A) The boards of school directors establishing any joint school or department may supervise and direct its affairs jointly in the same manner as the affairs of individual school districts are managed or they may agree that the affairs of such joint school or department may be managed by a joint school committee or that designated functions may be managed by separate joint school committees within the limits of the budget adopted by the joint board Where such management is delegated to a joint school committee or joint school committees every school board establishing joint schools or departments shall at the annual meeting during the month of December select one or more of its members who with the members chosen in like manner in the other districts shall constitute the joint school committee or joint school committees [This] (B) Where one joint school committee is established the committee shall have all the powers and duties and be subject to all the liabilities with reference to the supervision maintenance and regulation of such joint schools or departments as are now conferred or imposed by law upon school boards generally (C) Where more than one joint school committee is established each committee shall have all the powers and duties and be subject to all the liabilities with reference to the supervision maintenance and regulation of the particular function or functions of such joint schools or departments delegated to it as are now conferred or imposed by law upon school boards generally The affirmative vote of a majority of all the members of [this] any committee duly recorded showing how each member voted shall be required in order to take action upon those subjects enumerated in section five hundred eight of this act Failure to comply with the provisions of this act shall render void and unenforceable the acts of [the] any joint school committee with reference thereto The joint board and the joint school committee or joint school committees if authorized shall organize annually during the month of December by electing a president and secretary and the expenses of maintaining the joint school or department shall be paid by warrant drawn on the joint board treas-

ure by the president and secretary of the joint board or the joint school committee directing the affairs of the joint school or department generally or by the president and secretary of the joint school committee directing the particular function involved

Section 2 This act shall take effect immediately

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

#### YEAS—171

Adam,	George,	Mahan,	Sarraf,
Amarando,	Goldstein,	Markley,	Scarcelli,
Anderson, M. S.,	Gramlich,	McCann,	Schuster,
Anderson, S. A.,	Guss,	McGee,	Sherman,
Ashton,	Guthrie,	McKeever,	Sigman,
Banker,	Hamilton, W. H.,	McLaughlin,	Smith, C. O.,
Barnatovich,	Hass,	McWherter,	Snider,
Bazin,	Haudenschild,	Meholchick,	Stank,
Bell,	Helm,	Metz,	Steckel,
Boles,	Henzel,	Mihm,	Stephens,
Bonner,	Hewitt,	Mikula,	Stevenson,
Bower,	Hocker,	Miller,	Stoner,
Branca,	Horst,	Mills,	Strausser,
Breisch,	Houk,	Monroe,	Stroup,
Brennan, A. P.,	Isaacs,	Moody,	Swartz,
Brennan, J. J.,	Jenkins,	Moran,	Taylor,
Brenninger,	Johnson,	Muldowney,	Thomas,
Brown,	Jones, G. E.,	Munley,	Toll,
Buechin,	Jones, T. H. W.,	Murphy,	Tompkins,
Bullen,	Jump,	Murray, J. J.,	Toomey,
Capano,	Kamyk,	Musto,	Varallo,
Clanfrani,	Kehler,	Needham,	Varnier,
Cloff,	Keller,	Ogilvie,	Vaughan,
Comer,	Kent,	O'Neill,	Wall,
Connelly,	Kline,	Pacchioni,	Wallace,
Curwood,	Knecht,	Parry,	Walsh,
Davis,	Kolankiewicz,	Pashley,	Wargo,
Donahue,	Kooker,	Paulhamus,	Waterhouse,
Down,	Kornick,	Petrosky,	Weidner,
Ehrgood,	Kratz,	Polaski,	Wescott,
Ellberg,	Kromer,	Polen,	Wheeler,
Erb,	Kubacki,	Pomeroy,	Whitenight,
Eshleman,	Lafore,	Price,	Willaredt,
Ewing,	Leiby,	Pursley,	Williams,
Farabaugh,	Leven,	Readinger,	Wilt,
Filo,	Leisey,	Reibman,	Wood,
Flint,	Leonard,	Reidenbach,	Worley,
Flynn,	Light,	Renwick,	Yetter,
Frank,	Limper,	Rigby,	Yetzer,
Frost,	Lippincott,	Rosen,	Young,
Gaffney,	Lopresti,	Royer,	Ziegler,
Garlock,	Lovett,	Rubin,	Andrews,
Gelfand,		Rudisill,	Speaker

#### NAYS—1

#### NOT VOTING—37

Auker,

Agnew,	Foster,	Magee,	Olsen,
Blair,	Frascella,	Maxwell,	Pettigrew,
Boory,	Gibb,	McCormack,	Rovansek,
Breth,	Gibson,	McInroy,	Smith, Wm. B.,
Cochran,	Hamilton, R. K.,	Moscrip,	Stebbins,
Cooper,	Heavey,	Mullen,	Stone,
Donaldson,	Holt,	Murray, H. P.,	Thompson,
Dougherty,	Lawyer,	Murray, P. G.,	Verona,
Fineman,	Lutty,	Naugle,	Welsh,
Floyd,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House of Representatives has passed the same without amendment.

#### REPORTS FROM COMMITTEE

Mr. SARRAF from the Committee on Appropriations, reported as committed, House Bill No. 1907, entitled:



An Act making an appropriation to the House of Representatives of the General Assembly for the salaries of officers and employes and mileage of members.

Mr. SARRAF from the Committee on Appropriations, re-reported as amended House Bill No. 570, entitled:

An Act regulating and prescribing the working hours and vacation periods of police officers employed by any county city except the city of Philadelphia borough town or township having a regular police force consisting of five or more full time police officers.

### SENATE MESSAGE

#### AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

#### HOUSE BILL No. 670.

An Act amending the act of April 9 1929 (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" revising and expanding the State Mental Health program providing for the appointment of a deputy to be known as Commissioner of Mental Health and creating an advisory council on Mental Health in the Department of Welfare prescribing their powers and duties and changing the powers and duties of the boards of trustees of the several State mental institutions and juvenile delinquent institutions and the terms of members of boards of trustees of certain state institutions

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows: Amend Title, page 2, line 16, by inserting after the word "institutions" the following: "and juvenile delinquent institutions and the terms of members of boards of trustees of certain state institutions"; Section 3, page 7, line 11, by striking out after the word "Institutions" the letter "a"; Section 3, page 16, line 15, by striking out after the word "be" the word "four" and inserting the word "six"; Section 3, page 7, line 17, by inserting the following:

The terms of the first three members of all boards the members of which now serve for terms of four years appointed by the Governor on or after the third Tuesday of January 1959 shall expire on the third Tuesday of January 1961 the terms of the next three members appointed shall expire on the third Tuesday of January 1963 the terms of the next three members appointed shall expire on the third Tuesday of January 1965 their successors and all members of all boards appointed to suc-

ceed members who have served six year terms shall be appointed for terms of six years from the date of the expiration of the preceding term vacancies happening before the expiration of a term shall be filled for the unexpired term

Amend Section 3, page 12, line 12, by removing bracket after the word "from" and the letter "(b)" before the word "from"; Section 4, page 14, line 15, by striking out the word "thirty" after the word "have" and inserting in lieu thereof the word "twenty," line 15, by striking out after the word "whom" the words "one-third" and inserting in lieu thereof the word "five"; page 14, line 16, by striking out after the word "institutions" the following: "five superintendents of state mental institutions" and inserting in lieu thereof the words: "five members of the Pennsylvania Medical Society and ten to be laymen"; Section 5, page 15, by striking out all of line 13 and part of 14, as follows: "exercise the powers and perform the duties heretofore by law vested in and imposed upon" and inserting in lieu thereof the following: "approve or disapprove the advice and recommendations of"; Section 6, page 16, line 3, by inserting after the word "psychiatrist" the following: "with at least seven years' training and experience in the care of patients"; Section 6, page 17, line 8, by striking out after the word "The" the word "boards" and inserting in lieu thereof the following: "powers and duties of the boards"; page 17, line 9, by striking out after the word "each" the words "of the following named" and striking out after the word "State" the words "mental institutions" and inserting in lieu thereof the word "institutions"; page 17, line 10, by inserting after the word "Welfare" the following: "caring for the mentally ill feeble-minded mentally retarded mentally deficient and juvenile delinquents"; page 17 line 12, by striking out after the word "shall" the words "have the power and its duty shall be" and inserting in lieu thereof the words "be only as defined in this section"; page 18, by striking out all of lines 3 and 4 as follows: "(c) To examine the budget of the institution and make recommendations thereon to the superintendent"; page 18, line 5, by striking out at the beginning of the line the figure "(d)" and inserting in lieu thereof the letter "(c)"; page 18, line 5, by striking out after the word "to" the words "consult with the" and inserting in lieu thereof the words "advise and make recommendations to the"; page 18, line 8, by striking out at the beginning of the line the letter "(e)" and inserting in lieu thereof the letter "(d)"; page 18, line 8, by striking out after the word "to" the words "consult with" and inserting in lieu thereof "advise and make recommendations to"; page 18, line 11, by striking out at the beginning of the line the letter "(f)" and inserting in lieu thereof the letter "(e)"; page 18, line 16, by striking out at the beginning of the line the letter "(g)" and inserting in lieu thereof the letter "(f)"; page 18, line 19, by striking out after the word "the" the words "powers and duties of the boards of trustees of the several State mental institutions shall be governed exclusively by this section"; page 19, line 2, by striking out at the beginning of the line the words "this section does" and inserting in lieu thereof the following: "provisions of this section shall be applicable to the boards of trustees in all of the state mental institutions within the department of welfare caring for mentally ill feeble-minded mentally retarded mentally deficient and juvenile delinquents but shall";

Section 6, page 19, by striking out the following:

(3) The boards of trustees of the several State mental institutions shall exercise the foregoing powers in respect to the following institutions

Board of Trustees of Allentown State Hospital of Allentown State Hospital

Board of Trustees of Clarks Summit State Hospital of Clarks Summit State Hospital

Board of Trustees of Danville State Hospital of Danville State Hospital

Board of Trustees of Dixmont State Hospital of Dixmont State Hospital

Board of Trustees of Embreeville State Hospital of Embreeville State Hospital

Board of Trustees of Farview State Hospital of Farview State Hospital



Board of Trustees of Harrisburg State Hospital of Harrisburg State Hospital

Board of Trustees of Hollidaysburg State Hospital of Hollidaysburg State Hospital

Board of Trustees of Mayview State Hospital of Mayview State Hospital

Board of Trustees of Norristown State Hospital of Norristown State Hospital

Board of Trustees of Philadelphia State Hospital of Philadelphia State Hospital

Board of Trustees of Retreat State Hospital of Retreat State Hospital

Board of Trustees of Somerset State Hospital of Somerset State Hospital

Board of Trustees of Torrance State Hospital of Torrance State Hospital

Board of Trustees of Warren State Hospital of Warren State Hospital

Board of Trustees of Wernersville State Hospital of Wernersville State Hospital

Board of Trustees of Woodville State Hospital of Woodville State Hospital

Board of Trustees of Laurelton State Village of Laurelton State Village

Board of Trustees of Pennhurst State School of Pennhurst State School

Board of Trustees of Polk State School of Polk State School

Board of Trustees of Selinsgrove State School of Selinsgrove State School

On the question,

Will the House agree to the amendments made by the Senate?

#### COMMUNICATION AND BILL LAID ON TABLE

Mr. READINGER. Mr. Speaker, I move that the communication from the Senate together with the bill be laid on the table.

The motion was agreed to.

#### SENATE MESSAGE

##### AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

##### HOUSE BILL No. 1172.

An Act amending the act of June 14, 1923 (P. L. 710) entitled "An act allowing and regulating boxing sparring and wrestling matches and exhibitions establishing a State Athletic Commission making an appropriation therefor and appropriating moneys received for monument and memorial purposes and prescribing penalties" prohibiting the use of a fictitious or assumed name for the purpose of participating in any amateur boxing match or exhibition

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

THE SPEAKER. The Clerk will read the amendments. The Clerk read the amendments as follows:

Amend Section 1, page 2, line 18, by inserting after the word "exhibition" the following:

"Unless such fictitious or assumed name is first registered with the Pennsylvania Boxing Commission"

On the question,

Will the House concur in the amendments made by the Senate?

#### COMMUNICATION AND BILL LAID ON TABLE

Mr. READINGER. Mr. Speaker, I move that the communication from the Senate together with the bill be laid on the table.

The motion was agreed to.

#### SENATE MESSAGE

##### AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

##### HOUSE BILL NO. 1361.

An Act authorizing the creation of regional planning commissions by counties cities boroughs towns or townships authorizing interstate participation in regional planning under certain conditions and conferring powers and imposing duties on regional planning commissions

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

THE SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend Article II, page 3, line 1 by striking out after the word "regions" the following:

and in recognition of the need for procedures which will provide foresight and coordination in determining the nature location and extent of the uses of land and the structures upon it including among other things adequate provision for traffic the promotion of safety from fire and other dangers adequate provisions for light and air the promotion of the healthful and convenient distribution and density of population the promotion of good civic design efficiency and economy in the expenditure of public funds and the adequate provision of public utilities and other public improvements

line 19, by striking out after the word "bodies" the word "The" and inserting in lieu thereof the words "A majority of the"; page 4, line 13, by striking out after the word "any" the words "officers or"; line 18 by inserting after the word "may" the words "with the consent of the legislative bodies"; page 5, line 1, by striking out after the word "governments" the words "or from individuals corporation or foundations"; line 17, by striking out the words "government or any of its agencies or made available from any other source public or private" and inserting in lieu thereof the words "or state governments or any of their agencies"; line 20 by inserting after the word "Federal" the words "or state"; page 6, by striking out all of lines 7 to 12 inclusive as follows:

Section 205 Delegated Powers of Regional Planning Commission The legislative body of any political subdivision except any city of the first class which is governed by a Home Rule Charter may delegate to the regional planning commission by ordinance or resolution any or all of the powers and duties of the local planning commission of the political subdivision with respect to the territory of the political subdivision

line 13, by striking out after the word "Section" the numeral "206" and inserting in lieu thereof the numeral "205"; line 18 by inserting after the word "subdivisions" the word "and" and by striking out after the word "officials" the words "and all quasi public agencies"; page 7, line 3, by striking out after the word "Section" the numeral "207" and inserting in lieu thereof the numeral "206"; line 14, by striking out after the word "Section" the numeral "208" and inserting in lieu thereof the numeral "207"; line 18, by striking out after the word "Section" the numeral "209" and inserting in lieu thereof the numeral "208".

On the question,



Will the House concur in the amendments made by the Senate?

#### COMMUNICATION AND BILL LAID ON TABLE

Mr. READINGER. Mr. Speaker, I move that the communication from the Senate together with the bill be laid on the table.

The motion was agreed to.

#### SENATE MESSAGE

##### AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

##### HOUSE BILL NO. 1834.

An Act making an appropriation to the Senate and House of Representatives of the General Assembly for the payment of salaries of officers and employees mileage of members and incidental expenses for the balance of the legislative session of 1955

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

THE SPEAKER. The Clerk will read the amendments. The Clerk read the amendments as follows:

Amend the title, page 1, line 1, by inserting after the word "the" the words "Senate and"; line 2, by inserting after the second word "of" the words "salaries of officers and employees".

Amend Section 1, page 2, by inserting after line 5 the following:

To the Senate

For the payment of the salaries of the officers and employes of the Senate Session of one thousand nine hundred fifty-five also for the payment of the session and recess salaries of all officers and employes whose positions are now or may hereafter be created and for the payment of which provision is not otherwise made also for the payment of any increase which may now or hereafter be authorized in the recess and session salaries of the officers and employees of the Senate whose present salaries are provided for this section the sum of twenty thousand dollars (\$20,000)

For the payment of mileage of fifty Senators the sum of four thousand dollars (\$4,000)

For the payment of incidental expenses of the Senate to be extended by the chief clerk of the sum of six thousand dollars (\$6,000)

On the question,

Will the House concur in the amendments made by the Senate?

#### COMMUNICATION AND BILL LAID ON TABLE

Mr. READINGER. Mr. Speaker, I move that the communication from the Senate together with the bill be laid on the table.

The motion was agreed to.

#### SENATE MESSAGE

##### SENATE INSISTS ON AMENDMENTS NON-CONCURRED IN BY HOUSE

The Clerk of the Senate being introduced, informed that the Senate has insisted upon its amendments, non-

concurred in by the House of Representatives, to House Bill No. 1630 entitled:

An Act amending the act of May 1, 1929 (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," regulating registration of antique motor vehicles.

#### COMMUNICATION AND BILL LAID ON TABLE

Mr. READINGER. Mr. Speaker, I move that the communication from the Senate together with the bill be laid on the table.

The motion was agreed to.

#### SENATE MESSAGE

##### AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

##### HOUSE BILL No. 445.

An Act amending the act of May 1, 1929 (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," further regulating passing school buses and eliminating school bus stop signs

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

THE SPEAKER. The Clerk will read the amendments. The Clerk read the amendments as follows:



Amend the title, page 2, last line of title, by inserting after the word "buses" the following: "and eliminating school bus stop signs".

Amend Section 1, page 2, line 1, by inserting after the word and numeral "Section 1" the following:

Clause (10) of subsection (B) of Section 828, Act of May 1, 1929 (P. L. 905) known as "the Vehicle Code" added May 26, 1949 (P. L. 1884) is amended to read

Section 828 School Buses Safety Requirements.

(B) No person shall own or operate a school bus carrying school children on the highways of this Commonwealth in a school bus that in addition to the other requirements of this act does not conform with the following

(1) Every school district transporting pupils by school bus shall establish and maintain loading zones at or near all schools to or from which pupils are transported [off the highway loading zones and shall establish and designate school bus loading zones along the highways traversed by school buses by erecting thereat official "school bus stop" signs such signs as may be required by this section shall be furnished and maintained by the school districts and shall be erected by the authorities responsible for the maintenance of the highway]

Such loading zones shall be located off the travelable portion of the highway wherever practicable the secretary of highways with respect to state highways and local authorities with respect to highways under their jurisdiction shall have the authority to determine if any school bus loading zone established as herein provided is hazardous to any other users of the highway and if he so finds he may discontinue the same or cause it to be relocated to a point where such hazard will be eliminated

Section 2.

Amend page 4, line 13, by striking out after the figure "1017.1" the words "act of May 1, 1929 (P. L. 905) known as 'the Vehicle Code'" and inserting in lieu thereof the words "of the Act"; line 16, by striking out after the word "Section" the figure "2" and inserting in lieu thereof the figure "3"; page 6, by striking out all of lines 14 and 15 as follows: "The provisions of this section shall not be applicable in any city of the first second second class A or third class".

On the question,

Will the House concur in the amendments made by the Senate?

Mr. READINGER. Mr. Speaker, I request that the House concur in the amendments made by the Senate.

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—172

Adam,	Gelfand,	Lopresti,	Sarraf,
Amarando,	Mahan,	Lovett,	Scarcelli,
Anderson, M. S.,	George,	Markley,	Schuster,
Anderson, S. A.,	Goldstein,	McCann,	Sherman,
Ashton,	Gramlich,	McGee,	Sigman,
Auker,	Greenwood,	McKeever,	Smith, C. C.,
Banker,	Guss,	McLaughlin,	Snider,
Barnatovich,	Guthrie,	McWherter,	Stank,
Bazin,	Hamilton, W. H.,	Meholchick,	Steckel,
Bell,	Hass,	Metz,	Stephens,
Boles,	Haudenshield,	Mihm,	Stevenson,
Bonner,	Helm,	Mikula,	Stoner,
Bower,	Henzel,	Miller,	Strausser,
Branca,	Hewitt,	Mills,	Stroup,
Brelsich,	Hocker,	Monroe,	Swartz,
Brennan, A. P.,	Horst,	Moody,	Taylor,
Brennan, J. J.,	Houk,	Moran,	Thomas,
Brenninger,	Isaacs,	Muldowney,	Toll,
Brown,	Jenkins,	Munley,	Tompkins,
Bucchin,	Johnson,	Murphy,	Toomey,
Bullen,	Jones, G. E.,	Murray, J. J.,	Varallo,
Capano,	Jones, T. H. W.,	Musto,	Varnier,
Cianfrani,	Jump,	Needham,	Vaughan,
Cioffi,	Kamyk,	Oglvie,	Wall,
Comer,	Kehler,	O'Neil,	Wallace,
Connelly,	Keller,	Pacchioli,	Walsh,
		Parry,	Wargo,

Ourwood,  
Davis,  
Donahue,  
Down,  
Ehrgood,  
Ellberg,  
Erb,  
Eshleman,  
Ewing,  
Farabaugh,  
Filo,  
Flint,  
Flynn,  
Frank,  
Frost,  
Gaffney,  
Garlock,

Kent,  
Kline,  
Knecht,  
Kolankiewicz,  
Kooker,  
Kornick,  
Kratz,  
Kromer,  
Kubacki,  
Lafore,  
Leiby,  
Lelsey,  
Leonard,  
Leven,  
Light,  
Limper,  
Lippincott,

Pashley,  
Paulhamus,  
Petrosky,  
Polaski,  
Polen,  
Pomeroy,  
Price,  
Pursley,  
Readinger,  
Reibman,  
Reidenbach,  
Renwick,  
Rigby,  
Rosen,  
Royer,  
Rubin,  
Rudisill,

Waterhouse,  
Weidner,  
Wescott,  
Wheeler,  
Whitenight,  
Willaredt,  
Williams,  
Wilt,  
Wood,  
Worley,  
Yetter,  
Yetzer,  
Young,  
Ziegler,  
Andrews,  
Speaker

NAYS—0

NOT VOTING—37

Agnew,  
Blair,  
Boory,  
Breth,  
Cochran,  
Cooper,  
Donaldson,  
Dougherty,  
Fineman,  
Floyd,

Foster,  
Frascella,  
Gibb,  
Gibson,  
Hamilton, R. K.,  
Heavey,  
Holt,  
Lawyer,  
Lutty,

Magee,  
Maxwell,  
McCormack,  
McInroy,  
Moscrip,  
Mullen,  
Murray, H. P.,  
Murray, P. G.,  
Naugle,

Olsen,  
Pettigrew,  
Rovasek,  
Smith, Wm. B.,  
Stebbins,  
Stone,  
Thompson,  
Verona,  
Welsh,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

## SENATE MESSAGE

### AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

#### HOUSE BILL No. 820.

An Act amending the Act of July 28, 1953 (P. L. 723) entitled "An act relating to counties of the second class amending revising consolidating and changing the laws relating thereto" further regulating the repayment of money collected upon forfeited recognizances and the satisfaction of judgment liens against real property arising therefrom

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend Section 1, page 2, line 13, by striking out after the word "commissioners" the word "may" and inserting in lieu thereof the word "shall."

On the question,

Will the House concur in the amendments made by the Senate?

Mr. READINGER. Mr. Speaker, I request that the House concur in the amendments made by the Senate.

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—172

Amarando,  
Anderson, M. S.,  
Adam,  
Anderson, S. A.,  
Ashton,

Gelfand,  
George,  
Goldstein,  
Gramlich,  
Greenwood,

Lovett,  
Mahan,  
Markley,  
McCann,  
McGee,

Rudisill,  
Sarraf,  
Scarcelli,  
Schuster,  
Sherman,



Auker,	Guss,	McKeever,	Sigman,
Banker,	Guthrie,	McLaughlin,	Smith, O. C.,
Barnatovich,	Hamilton, W. H.,	McWherter,	Snider,
Bazin,	Hass,	Meholchick,	Stank,
Bell,	Haudenshield,	Metz,	Steckel,
Boles,	Helm,	Mihm,	Stephens,
Bonner,	Henzel,	Mikula,	Stevenson,
Bower,	Hewitt,	Miller,	Stoner,
Branca,	Hocker,	Mills,	Strausser,
Breisch,	Horst,	Monroe,	Stroup,
Brennan, A. P.,	Houk,	Moody,	Swartz,
Brennan, J. J.,	Isaacs,	Moran,	Taylor,
Brenninger,	Jenkins,	Muldowney,	Thomas,
Brown,	Johnson,	Munley,	Toll,
Bucchin,	Jones, G. E.,	Murphy,	Tompkins,
Bullen,	Jones, T. H. W.,	Murray, J. J.,	Toomey,
Capano,	Jump,	Musto,	Varallo,
Cianfrani,	Kamyk,	Needham,	Varner,
Cioffi,	Kehler,	Ogilvie,	Vaughan,
Comer,	Keller,	O'Neill,	Wall,
Connelly,	Kent,	Pacchioli,	Wallace,
Curwood,	Kline,	Pashley,	Walsh,
Davis,	Knecht,	Paulhamus,	Wargo,
Donahue,	Kolankiewicz,	Petrosky,	Waterhouse,
Down,	Kooker,	Polaski,	Weldner,
Ehrgood,	Kornick,	Polen,	Wescott,
Ellberg,	Kratz,	Pomeroy,	Wheeler,
Erb,	Kromer,	Price,	Whitenight,
Eshleman,	Kubacki,	Pursley,	Willaredt,
Ewing,	Lafore,	Readinger,	Williams,
Farabaugh,	Leibey,	Reidman,	Wilt,
Filo,	Lelsey,	Reidenbach,	Wood,
Flint,	Leonard,	Renwick,	Worley,
Flynn,	Leven,	Rigby,	Yetter,
Frank,	Light,	Rosen,	Yetzer,
Frost,	Limper,	Royer,	Young,
Gaffney,	Lippincott,	Rubin,	Ziegler,
Garlock,	Lopresti,		Andrews,

Speaker

## NAYS—0

## NOT VOTING—37

Agnew,	Foster,	Magee,	Olsen,
Blair,	Frascella,	Maxwell,	Pettigrew,
Boory,	Gibb,	McCormack,	Rovansek,
Breth,	Gibson,	McInroy,	Smith, W. B.,
Cochran,	Hamilton, R. K.,	Moscrip,	Stebbins,
Cooper,	Heavy,	Mullen,	Stone,
Donaldson,	Holt,	Murray, H. P.,	Thompson,
Dougherty,	Lawyer,	Murray, P. G.,	Verona,
Fineman,	Lutty,	Naugle,	Welsh,
Floyd,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

## SENATE MESSAGE

## AMENDED SENATE BILL NONCONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has nonconcurred in the amendments made by the House of Representatives to Senate bill numbered and entitled as follows:

## SENATE BILL No. 457.

An Act amending the act of June 23, 1931 (P. L. 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" further providing for appropriations by such cities to official police pension funds

Mr. READINGER. Mr. Speaker, I move that the House recede from its amendments nonconcurred in by the Senate to Senate Bill No. 457.

And said bill having been read at length the third time, considered and agreed to.

On the question,  
Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

## YEAS—172

Adam,	George,	Lovett,	Rudisall,
Amarando,	Goldstein,	Mahan,	Sarrar,
Anderson, M. S.,	Gramlich,	Markley,	Scarcelli,
Anderson, S. A.,	Greenwood,	McCann,	Schuster,
Ashton,	Guss,	McGee,	Sherman,
Auker,	Guthrie,	McKeever,	Sigman,
Banker,	Hamilton, W. H.,	McLaughlin,	Smith, C. O.,
Barnatovich,	Hass,	McWherter,	Snider,
Bazin,	Haudenshield,	Meholchick,	Stank,
Bell,	Helm,	Metz,	Steckel,
Boles,	Henzel,	Mihm,	Stephens,
Bonner,	Hewitt,	Mikula,	Stevenson,
Bower,	Hocker,	Miller,	Stoner,
Branca,	Horst,	Mills,	Strausser,
Breisch,	Houk,	Monroe,	Stroup,
Brennan, A. P.,	Isaacs,	Moody,	Swartz,
Brennan, J. J.,	Jenkins,	Moran,	Taylor,
Brenninger,	Johnson,	Muldowney,	Thomas,
Brown,	Jones, G. E.,	Munley,	Toll,
Bucchin,	Jones, T. H. W.,	Murphy,	Tompkins,
Bullen,	Jump,	Murray, J. J.,	Toomey,
Capano,	Kamyk,	Musto,	Varallo,
Cianfrani,	Kehler,	Needham,	Varner,
Cioffi,	Keller,	Ogilvie,	Vaughan,
Comer,	Kent,	O'Neill,	Wall,
Connelly,	Kline,	Pacchioli,	Wallace,
Curwood,	Knecht,	Parry,	Walsh,
Davis,	Kolankiewicz,	Pashley,	Wargo,
Donahue,	Kooker,	Paulhamus,	Waterhouse,
Down,	Kornick,	Petrosky,	Weldner,
Ehrgood,	Kratz,	Polaski,	Wescott,
Ellberg,	Kromer,	Polen,	Wheeler,
Erb,	Kubacki,	Pomeroy,	Whitenight,
Eshleman,	Lafore,	Price,	Willaredt,
Ewing,	Leibey,	Pursley,	Williams,
Farabaugh,	Lelsey,	Readinger,	Wilt,
Filo,	Leonard,	Reidman,	Wood,
Flint,	Leven,	Reidenbach,	Worley,
Flynn,	Light,	Renwick,	Yetter,
Frank,	Limper,	Rigby,	Yetzer,
Frost,	Lippincott,	Rosen,	Young,
Gaffney,	Lopresti,	Royer,	Ziegler,
Garlock,		Rubin,	Andrews,
Gelfand,			

Speaker

## NAYS—0

## NOT VOTING—37

Agnew,	Foster,	Magee,	Olsen,
Blair,	Frascella,	Maxwell,	Pettigrew,
Boory,	Gibb,	McCormack,	Rovansek,
Breth,	Gibson,	McInroy,	Smith, W. B.,
Cochran,	Hamilton, R. K.,	Moscrip,	Stebbins,
Cooper,	Heavy,	Mullen,	Stone,
Donaldson,	Holt,	Murray, H. P.,	Thompson,
Dougherty,	Lawyer,	Murray, P. G.,	Verona,
Fineman,	Lutty,	Naugle,	Welsh,
Floyd,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House of Representatives has passed the same without amendment.

## COMMUNICATION AND BILL TAKEN FROM TABLE

Mr. READINGER. Mr. Speaker, I move that House Bill No. 620, Printer's No. 1042 together with the communication from the Senate be taken from the table.

The motion was agreed to.

## SENATE MESSAGE

## AMENDED HOUSE BILL RETURNED FOR CONCURRENCE



The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

# HOUSE BILL No. 620.

An Act amending the act of May 1, 1929 (P. L. 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" further regulating speed in certain political subdivisions further prescribing enforcement and penal provisions and imposing duties on certain pedestrians

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend title, page 2, line 12 by striking out after the word "speed" the words "designating a traffic court".

Amend section 3, page 5, line 17 by striking out the brackets before the word "one" and following the figures "(1/4)"; line 18 by striking out after the figure "(1/4)" the following: "one eighth (1/8)"; line 19 by striking out at the beginning of the line the following: "clearly marked as a police vehicle which shall be"; page 6, line 10, by striking out after the word "timed", the following: "in the manner above set forth for a distance of not less than one quarter (1/4) mile" and inserting in lieu thereof the following: "for a distance of not less than one-quarter (1/4) mile by a peace officer using a motor vehicle equipped with a speedometer tested for accuracy within a period of thirty (30) days prior to the alleged violation".

Amend section 4, page 7, line 13 by striking out after the part word "trate" the following: "or before a special traffic court as provided in subsection (c) of this section"; page 9, by striking out lines 3 to 14 inclusive the follows:

(c) Except in cities of the first and second class Local authorities in cities boroughs incorporated towns or townships of the first class may designate a magistrate's court as a special traffic court before which all information or notices to appear charging violations of any of the summary provisions of this act shall may be brought. The duties of the traffic court shall be rotated or divided equally between the justices of the peace or aldermen in such subdivisions as may establish a traffic court A justice of the peace or aldermen may waive his privilege of serving in traffic court by notice in writing to the governing body of the political subdivision from which he is elected or appointed Whenever a special traffic court as provided in this section or by any other act has been designated any salaried police

line 17 by inserting after the second "the" the words "first and"; page 10, line 3 by striking out after the word "the" the word "court" and inserting in lieu thereof the following: "nearest available magistrate"; line 12, by striking out after the word "the" the following: "special

traffic court" and inserting in lieu thereof the following: "nearest available magistrate"; page 11, line 2 by striking out after the word "to" the following: "the court" and inserting in lieu thereof the following "such magistrate"; line 3, by striking out after the word "appear" the following: "at the special traffic court"; line 5 by striking out after the word "fine" the following: "to the special traffic court"

On the question,

Will the House concur in the amendments made by the Senate?

Mr. READINGER. Mr. Speaker, I request that the House concur in the amendments made by the Senate.

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

## YEAS—172

Adam,	Gelfand,	Lovett,	Rudisill,
Amarando,	George,	Mahan,	Sarra,
Anderson, M. S.,	Goldstein,	Markley,	Scarcell,
Anderson, S. A.,	Gramlich,	McCann,	Schuster,
Ashton,	Greenwood,	McGee,	Sherman,
Auker,	Guss,	McKeever,	Sigman,
Banker,	Guthrie,	McLaughlin,	Smith, C. O.,
Barnatovich,	Hamilton, W. H.,	McWherter,	Snider,
Bazin,	Hass,	Meholchick,	Stank,
Bell,	Haudenshield,	Metz,	Steckel,
Boles,	Helm,	Mihm,	Stephens,
Bonner,	Henzel,	Mikula,	Stevenson,
Bower,	Hewitt,	Miller,	Stoner,
Branca,	Hocker,	Mills,	Strausser,
Breisch,	Horst,	Monroe,	Stroup,
Brennan, A. P.,	Houk,	Moody,	Swartz,
Brennan, J. J.,	Isaacs,	Moran,	Taylor,
Brenninger,	Jenkins,	Muldowney,	Thomas,
Brown,	Johnson,	Munley,	Toll,
Bucchin,	Jones, G. E.,	Murphy,	Tompkins,
Bullen,	Jones, T. H. W.,	Murray, J. J.,	Toomey,
Capano,	Jump,	Musto,	Varallo,
Cianfrani,	Kamyk,	Needham,	Varner,
Cioffi,	Kehler,	Ogilvie,	Vaughan,
Comer,	Keller,	O'Neil,	Wall,
Connelly,	Kent,	Pacchioli,	Wallace,
Curwood,	Kline,	Parry,	Walsh,
Davis,	Knecht,	Pashley,	Wargo,
Donahue,	Kolankiewicz,	Paulhamus,	Waterhouse,
Down,	Kooker,	Petrosky,	Weidner,
Ehrgood,	Kornick,	Polaski,	Wescott,
Ellberg,	Kratz,	Polen,	Wheeler,
Erb,	Kromer,	Pomeroy,	Whitenight,
Eshleman,	Kubacki,	Price,	Willaredt,
Ewing,	Lafore,	Purley,	Williams,
Farabaugh,	Leiby,	Readinger,	Wilt,
Filo,	Leisey,	Reibman,	Wood,
Flint,	Leonard,	Reidenbach,	Worley,
Flynn,	Leven,	Renwick,	Yetter,
Frank,	Light,	Rigby,	Yetzer,
Frost,	Lamper,	Rosen,	Young,
Gaffney,	Lippincott,	Royer,	Ziegler,
Garlock,	Lopresti,	Rubin,	Andrews,

Speaker

## NAYS—0

## NOT VOTING—37

Agnew,	Foster,	Magee,	Olsen,
Blair,	Frascella,	Maxwell,	Pettigrew,
Boory,	Gibb,	McCormack,	Rovaneck,
Breth,	Gibson,	McInroy,	Smith, Wm. B.,
Cochran,	Hamilton, R. K.,	Moscrip,	Stebbins,
Cooper,	Heavey,	Mullen,	Stone,
Donaldson,	Holt,	Murray, H. P.,	Thompson,
Dougherty,	Lawyer,	Murray, P. G.,	Verona,
Fineman,	Lutty,	Naugle,	Welsh,
Floyd,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

## SENATE MESSAGE

AMENDED SENATE BILL NON-CONCURRED IN  
BY SENATE



The Clerk of the Senate being introduced, informed that the Senate has non-concurred in the amendments made by the House of Representatives to Senate bill numbered and entitled as follows:

SENATE BILL No. 785.

An Act to provide for the ordinary expenses of the Department of Public Instruction for two years beginning June first one thousand nine hundred fifty-five and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred fifty-five and making appropriations to the Department of Public Instruction for reimbursements to school districts

Mr. READINGER. Mr. Speaker, I move that the House insists on its amendments nonconcurrent in by the Senate.

Mr. JOHNSON. Mr. Speaker, I would like to explain to the membership just what this bill is that we have up now for a nonconcurrence vote.

It is Senate Bill 785. If you recall, back on October 12th, I believe it was, the bill came over from the Senate, which called for school subsidy payments in the amount of \$421 million together with \$31 million added to the bill, which would provide a \$150 a year raise for school teachers. On the floor of the House here on October 14th this House amended the bill by adding some \$110 million worth of amendments to the bill.

We on the Republican side did not go along with the amendments because we wanted the bill passed that evening or the next day without amendments so it could be put on the Governor's desk and signed and so that the school teachers could receive their money during November and early December at the latest.

For some reason the Democratic side of the House and the Democratic high command insisted on this bill being loaded-down with these amendments so that it would not be able to pass and be placed on the Governor's desk.

The bill went back to the Senate with the \$110 million in amendments, and the Senate chose not to go along with the House amendments because they wanted the House to recede from their amendments, so that the bill even then could be immediately placed on the Governor's desk, so that if the School Districts could not receive all their money six per cent of it could be sent out immediately.

Now, the motion today should be that this House recede from its amendments totalling \$110 million, so that this bill could go to the Governor today and so that he could sign the bill and checks could be made out and the schools could get their money.

You have a motion here now wherein you say the House shall insist on its amendments. If further delayed, we will have a conference committee with the Senate and goodness knows when the schools will get their money.

I stated here on the 14th of October that we Republicans were not holding up this school subsidy bill, we were ready and willing that day to pass the bill, to put it on the Governor's desk. I know there is a feeling statewide that we Republicans are obstructionists and are holding up this school subsidy bill. But that is not true. We have not held it up five minutes. If you had done what we wanted you to do in October, the schools would have their money now and we, the Legislature, would

not be criticized the way we are throughout Pennsylvania by denying the schools this money.

I further pointed out that there would be \$900 million worth of taxes coming into this state of ours during this biennium, whether we pass another tax bill or not. Therefore, there is some money, if not ample money, to pay the schools at least a token payment, so that the school teachers can be paid in December.

I have told the Majority Leader that today we will go along and insist on your amendments so that a conference committee can be appointed.

Why? Because as of today if we say that we want to recede from our amendments and don't go along with you, with the token House we have here today, it will further delay the bill, will further delay the conference committee and will further delay the taking care of our obligations to our schools.

Therefore, I am asking the Republican side of the House, even though we went against the amendments when they were first put in, we must now vote to insist on the amendments so that an early conference committee can be appointed so that the schools will get their money.

I, therefore, ask the Republican side of the House to vote for the motion made by Mr. Readinger, that we insist on the amendments, so that the schools will get their money by reason of a conference report which we hope will come very soon.

Mr. POLEN. Mr. Speaker, I am very glad the gentleman from McKean has told us that the Republican side of the House will support us in our position.

However, the statements he made on the 14th of October and again today are so erroneous that I feel it my duty at this time to bring out the true facts.

As I stated, on the 14th of October, when we were considering the amendments to Senate Bill 785, the Senate had completely eliminated the item of transportation, which amounts to \$29,761,000. Our amendments put that back in, and I think very properly, Mr. Speaker, because those amounts due for transportation are the most overdue.

There is presently due for transportation reimbursement, it was due in September of 1955, \$14,171,865. The gentleman from McKean does not seem disturbed about that item. I do not think he is any more disturbed today than he has been in the past.

I am going to give you the manner in which these transportation payments have been paid. You would think that we were holding them up, we have been accused of holding them up. Just look at the record. The payment due in September of 1952 for transportation reimbursement was paid on May 6, 1953; the payment due in September of 1953, for transportation reimbursement was paid on April 8, 1954, and the payment due in September of 1954 for transportation reimbursement was paid on February 9, 1955—this year.

I think that we should do first things first. The transportation payment was due first. It affects the rural districts more than any other place, and I think those are the districts that are hardest hit. I think it was very important and I think it was very proper that we put back the transportation into Senate Bill 785 and that we now insist upon our amendments.

I am going to read what the gentleman from McKean



said, it is on page 4266 of the Legislative Journal of October 14th. He said, and I quote:

"Actually the money is available for this bill today. What we should do is to forget about these amendments. Let us pass this bill as is, put it on the Governor's desk and have it be signed so that the school people will get their money now and early in November \* \* \*"

"The money is there. Let us not worry about a tax program for that because we have the money, we have \$907 million."

Mr. Speaker, the gentleman was talking about the estimated yield of the taxes on the books. That is true, it is approximately \$907 million, but the gentleman well knows that is the amount that is estimated to be received from now until May 31, 1957. That money is not available now, and he knows it is not available now.

Let us look again at the record. The day he was speaking when he said we had the money and all we needed to do was to pass this bill and put it on the Governor's desk, what was the financial condition of the Commonwealth?

Here are the official figures of the General Fund balance from the Treasurer of Pennsylvania on that date. On October 14, 1955, there was a balance of \$19,216,412.13 in the General Fund. At the close of business yesterday, November 30, 1955, there was a balance of \$15,734,413.29.

I do not know what kind of a financial wizard he may be, but if he can tell me how we are going to pay approximately 130-some-odd million dollars due the schools with a cash balance, which is dangerously low, of approximately \$15 million, if he can tell me how we are going to pay these bills, I would like to hear it.

I will say further, Mr. Speaker, on the borrowing power that he well knows, he mentioned it on October 14th, we have already borrowed \$60 million, which would leave approximately \$30 million that could be borrowed. Even if we borrowed that and even if we converted every cash investment of the General Fund into cash, which would take approximately 30 days, we would not begin to have enough money to make these payments that are due.

I am very much concerned about this because a great number of school directors and school administrators have talked to me and they said, "What about this \$907 million that Mr. Johnson says is there to pay the bills? What is the matter with you people down there that you won't pass this bill and let it be paid?"

Mr. Speaker, I turn to page 4263 of the Journal and I find the gentleman from Philadelphia, Mr. Smith, I will quote, said as follows:

"Governor Leader has decreed that there will not be any payments to any school districts until he gets his tax program through this Legislature."

Turning to page 4264 of the Journal, the gentleman said in speaking of getting the money for the schools and I quote:

"There are two steps, and two very simple steps, required to permit this state to meet its obligations to our schools without defaulting in any sense of the word. First, enactment by this House of Senate Bill 785 in the form in which it was reported from the Appropriations Committee yesterday. That is the first step. The second step

is that Governor Leader's signature has to be put on the bill. That is all that is necessary to make this money available to the schools, and he knows it."

Mr. Speaker, the figures I am giving were not pulled out of the air, they are official figures that any one can verify.

I am going to give you the amounts of money that are now due and past due.

For instruction, or for the normal reimbursement for teachers' salaries, as it is generally known, there is due and payable in October of this year to the fourth class school districts of Pennsylvania, that is the small, usually rural districts, \$43,292,967. There is due the first, second and third class districts of Pennsylvania, payable in November of this year, \$52,742,895. There was due in September of this year for transportation reimbursement \$14,171,865. There are tuition payments of \$13 million due, vocational payments of \$1,930,143, state public school building authority rentals of \$3,314,446 and for reimbursement to the municipal authorities for school rentals \$4,747,750. I think that is in excess of \$130 million that is now due. As to the last four items there is no date specified when they are due, that is tuition, vocational, educational rentals and municipal authority rentals, but they are normally paid when the proper reports and certifications are in.

So we are faced with a problem of payments to the schools of over \$130 million with a cash balance of a little over \$15 million and with a borrowing capacity of approximately \$30 million. I cannot see how the gentlemen on the other side can lay the blame for this situation at the door of the Democratic administration.

Mr. Speaker, if anyone wants to verify the figures I have given, they can readily verify them because they are available to any Member of this House and any citizen of this Commonwealth. I am convinced they are correct.

As to the question of taxes which the gentleman mentioned, he said he was trying to get a tax program over, the question of taxes is vital because we did pass and if the Senate passed either the classified income tax program or the excise tax program which is now before them, we would have a borrowing capacity of at least \$40 or \$45 million, and with the \$30 million that we have we could make partial payments to the school districts of Pennsylvania. The gentleman from McKean, Mr. Johnson, said today that this money could be paid and token payments could be made. Actually, the cash balance of this Commonwealth is at the danger point now. Fiscal experts have told us—and I am quoting the State Treasurer—that we should have a normal operating balance of around \$40 to \$50 million.

So, I say, Mr. Speaker, if the Senate of Pennsylvania had passed this bill 1595, a lot of delay would have been saved. It could have been back over here and this other bill would not have been necessary. But that would not solve the fiscal problem of Pennsylvania, it would not make the money available to the schools of Pennsylvania. The schools of Pennsylvania cannot be paid because the money is not available due to our failure to pass a tax program.

Mr. Speaker, I would say it would appear that we are holding these up, that we are delinquent. I am just



going to give you the records again of when they were paid in the past.

In 1952 the payments for reimbursement to fourth class school districts due in October were made December 5, 1952. We have not yet reached that date. That was certainly a normal year, there was no tax problem, the Legislature was not even in session, but they were not paid until December 5, 1952, although they were due in October.

We will go to 1953. The payments due in October, 1953—they did a little better that year—were paid on November 19, 1953.

We will take last year, 1954. That was certainly a normal year, there was no Legislature in session, there was no tax problem to my knowledge. The payments due in October were paid on November 30, 1954.

We will take the first, second and third class school districts. The payments due in November, 1952, were paid on December 15, 1952.

In 1953 they did just about the same. The payments were due in November and they paid them December 15, 1953.

In 1954 they were due in November and they paid them December 3, 1954.

Mr. Speaker, I say to this House that the real reason—and I think the people of Pennsylvania are entitled to know the real reasons—these schools payments cannot be made and have not been made is due to the opposition of the Minority party in this House and the Majority party of the Senate, and their failure to concur in the tax program.

Mr. JOHNSON. Mr. Speaker, I just want to make a short reply.

The SPEAKER. I think the Chair does not offend against the proprieties if he suggests that so far as is humanly possible we, none of us, endeavor to make political capital out the unhappy situation that now confronts us.

Mr. JOHNSON. Mr. Speaker, I appreciate your remarks.

The only thing I would say, having been home in rural Pennsylvania and having been button-holed by the average man on the street, I think he does have a feeling that there is culpability on both sides and—

The SPEAKER. The Chair was in no way reproaching the gentleman from McKean, Mr. Johnson.

Mr. JOHNSON. I just want to say in short answer to Mr. Polen, granted that on October 19th there was \$19 million cash in bank, he admits they had a borrowing power of \$30 million, which, if they would exercise it, would make \$49 million in the bank. I am not saying they should pay the schools the whole \$49 million. If there is \$42 million due, a check for \$15 million to the schools now in December would certainly come in mighty handy to them.

We were informed, as Mr. Polen has pointed out, that it has been the policy to pay the transportation payments after the first of the year generally. Therefore, we were not excited about the transportation payments, but the important payment was the subsidy payment payable in November and some in December. I will grant you that.

We still say that back in October with that bill in front of us we could have put it on the Governor's desk and funds certainly could have been found to have made

a token payment, or one or two token payments, to the school districts now before the first of the year.

I did not say the state had \$907 million cash in bank. I said that existing taxes will bring in \$907 million during this biennium. I believe I have a figure that approximately \$20 million a month is coming in right now from taxes. Of course, on March 15th and in April the tremendously large corporate tax payments will be coming in. I do not think that that is any excuse for the fact that you did not have the money. I think good husbandry would call for the state to borrow the money to make these payments at 1.1 per cent instead of our school districts being forced to borrow at 6 per cent as a lot of them do on short term paper.

Therefore, I reiterate that we should have done this job in October, and I am sure that the money would have been found either through borrowing or through obtaining a part of the cash in the bank, to help the schools out before Christmas.

Therefore, I still request the Republican side of the House to vote for the motion made by Mr. Readinger for the reasons stated.

On the question recurring,

Will the House agree to the motion?

It was agreed to.

Ordered, That the Clerk inform the Senate accordingly.

The SPEAKER. The Chair thanks the Members of the House for the temper with which this discussion was conducted.

### QUESTION OF PERSONAL PRIVILEGE

Mr. FLINT. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman will state it.

Mr. FLINT. Mr. Speaker, in regard to House Bill 257, when that measure came before this body on two different occasions, I voted in the negative. On September 27th, it was before us on final passage, and on October 13th. The report has been erroneously circulated in my constituency that I changed my vote before the completion of the roll call. I take this occasion emphatically to deny that report.

### RESOLUTION TO SUPPLY LOST BILL

Mr. LEONARD offered a resolution which was read, considered and adopted as follows:

In the House of Representatives, December , 1955.

Resolved, That Senate Bill No. 467, Printer's No. 195, entitled:

"An Act providing for the creation and incorporation as municipal corporations of joint service districts by cities of the third class, boroughs, towns and townships to carry out certain of their municipal functions, prescribing the officers and powers and duties of such districts and the duties of participating municipalities; and conferring jurisdiction on courts of quarter sessions in connection therewith."

having been referred to the Committee on Judiciary Special in the House of Representatives, September 1, 1955, and the official copy thereof cannot be found, the Chief Clerk of the House is directed to request the Senate to furnish to the House Committee on Judiciary



Special a certified copy thereof, which shall be substituted for the original.

### PERMISSION TO ADDRESS HOUSE

Mr. READINGER asked and obtained unanimous consent to address the House.

Mr. Speaker, I have requested permission to address the House for just a moment to advise the Members who are still here that we are going to have a session next Monday afternoon at 4:30, which is the usual time for our meeting. We expect to work Monday and Tuesday and possibly Wednesday.

It is unfortunate that there were quite a few absentees this week due to the fact that we saw fit to meet on Wednesday and Thursday instead of the usual time, due to the opening of the hunting season on Monday.

While it may have been a noble experiment, I am afraid we are not going to try it anymore. It seems as though when we meet on days other than day the Members have become accustomed to, we have difficulty getting them to rearrange their affairs and to come here.

I think it is quite understandable that some of our Members who have businesses and fixed programs find it difficult to make those rearrangements. So I say it is doubtful that in the future we will meet on any days other than the usual Monday, Tuesday, Wednesday and occasionally including Thursday.

It is the intention of my office to have a letter sent through the Chief Clerk's office to every Member today, advising them that the session will be held at 4:30 next Monday.

I presume the Republican Party will have its caucus at the usual time, and if it desires that information to be inserted in the letter it will be done.

The Democratic Members will caucus at the usual time of 2:30 next Monday.

The SPEAKER. The Chair might observe that we read in the book that Nimrod was a mighty hunter. In these days I think it is far more noble to be a good legislator than to be a noble hunter.

Mr. READINGER. Mr. Speaker, I should have added in my comments that the session tomorrow morning will be a consent session at 11:00 a. m. instead of 10:00 a. m.

The SPEAKER. Since when have we gone into consent sessions?

Mr. CHARLES C. SMITH. You seem to have a dead one here. I am anxious to find out what kind of a consent session we are going to have, I mean the Legislature.

The SPEAKER. Which was dead, the telephone or the man?

Mr. CHARLES C. SMITH. Well, after sitting through these two sessions, I think the man is, probably. I was just wondering, is the Majority Leader fooling or kidding about a consent session tomorrow? Is it just to move up first reading bills?

Mr. READINGER. Simply to move up bills.

Mr. CHARLES C. SMITH. It's strictly consent.

Mr. READINGER. Well, today's session is a persuasive consent calendar.

Mr. CHARLES C. SMITH. I just wanted to know the differences between the two consent sessions. I thank the Majority Leader.

### ADJOURNMENT

Mr. GAFFNEY. Mr. Speaker, I move that this House do now adjourn until Friday, December 2, 1955 at 11:00 a. m.

The motion was agreed to, and (at 3:13 p. m.) the House adjourned.







# Legislative Journal.

Session 1955.

141st of the General Assembly.

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HARRISBURG, PA., FRIDAY, DECEMBER 2, 1955.

No. 113.

## HOUSE OF REPRESENTATIVES

FRIDAY, December 2, 1955

The House met at 11:00 a. m.

The CHIEF CLERK (Benjamin L. Long). The Speaker has directed the Chief Clerk to announce that he has appointed the gentleman from Erie, Mr. Waterhouse as Speaker pro tempore for today's session. The gentleman will come to the rostrum.

Mr. WATERHOUSE IN THE CHAIR

### JOURNAL APPROVAL POSTPONED

The SPEAKER. If there is no objection, the approval of the Journal for Thursday, December 1, 1955 will be postponed until printed. The Chair hears none.

### BILLS INTRODUCED AND REFERRED

The SPEAKER pro tempore. The Speaker has referred the following House Bills:

By Mr. McWHERTER. HOUSE BILL No. 1909.

An Act to validate certain acknowledgments and to regulate the effect thereof.

Referred to the Committee on Judiciary.

By Mr. WILBUR H. HAMILTON. HOUSE BILL No. 1910.

An Act amending the "Pennsylvania Election Code", approved June 3, 1937, P. L. 1333, further providing for the compensation of election officials in counties of the first and second classes; and extending the time for closing polls.

Referred to the Committee on Elections and Apportionment.

By Mr. McCANN. HOUSE BILL No. 1911.

An Act amending the "Municipality Authorities Act of 1945" approved May 2, 1945 (P. L. 382) further regulating the sale of Authority bonds.

Referred to the Committee on Rules.

### RESOLUTIONS INTRODUCED AND REFERRED

The SPEAKER pro tempore. The Speaker has referred the following resolutions:

By Messrs. CIANFRANI, KOLANKIEWICZ, GAFFNEY, Mrs. MUNLEY, Mr. NEEDHAM, Mrs. VARALLO, MESSRS. SCARCELLI, AMARANDO, DOUGHERTY, GRANVILLE E. JONES, HEAVEY, LIMPER, TOLL, and PACCHIOLI. RESOLUTION No. 131.

In the House of Representatives, December 1, 1955.

The State Board of Medical Education and Licensure of the Commonwealth of Pennsylvania issued a ruling on December 13, 1951 to accept for internship and licensure in Pennsylvania only graduates from foreign medical schools that are recommended for approval by a recognized accrediting agency such as the American Medical Association. The credentials of each applicant, however, must be evaluated and approved by the board even though the medical school has been recommended for approval by the American Medical Association.

Since the end of World War II, Pennsylvania has not recognized the medical doctor diplomas of the Italian medical schools, although the neighboring states of New York, Connecticut, New Jersey and the states of Illinois and California do recognize such diplomas.

Italian universities admit to medical schools American students who have passed a very careful screening.

The ruling of the Pennsylvania State Board of Medical Education and Licensure imposes financial burdens, hardships and many inconveniences on future doctors who have obtained medical education in Italy; therefore be it

Resolved, That the House of Representatives protests the regulation and ruling of the State Board of Medical Education and Licensure as being unreasonable and discriminatory; and be it further

Resolved, That a committee of five members of the House of Representatives be appointed by the Speaker of the House to investigate the policies, methods and practice of the State Board of Medical Education and Licensure with respect to acceptance for internship and licensure of graduates of foreign medical schools; and be it further

Resolved, That said committee make a report of its findings and recommendations to the General Assembly as soon as possible.

Referred to the Committee on Rules.

By Messrs. FRANK and BARNATOVICH.

RESOLUTION No. 132.

In the House of Representatives, November 30, 1955.

The manufactured products of Pennsylvania business concerns have long commanded the respect and admiration of those persons who demand quality of material and expert workmanship.

To the citizens of Pennsylvania it is of the utmost importance that the Commonwealth of Pennsylvania and its agencies procure high quality manufactured products and other merchandise when purchasing material and supplies for public works. Such items are most frequently the results of Pennsylvania industry and Pennsylvania workmanship.

The purchase of manufactured products, materials and supplies in Pennsylvania helps to maintain the prosperity of Pennsylvania business, the well being and continued employment of Pennsylvania skilled craftsmen and other workmen, and goes far towards guaranteeing high quality material and workmanship; therefore be it

Resolved, That the Department of Property and Supplies and other agencies and instrumentalities of the Commonwealth of Pennsylvania are hereby requested by this House of Representatives to give preference whenever



possible within the existing mandates and specifications of law, to products, materials and supplies manufactured in Pennsylvania.

Referred to the Committee on Rules.

By Messrs. FRANK and BARNATOVICH.

#### RESOLUTION No. 133.

In the House of Representatives, November 30, 1955.

The union label has become recognized as the hallmark of quality in this country.

Unions are not only the guardians of the rights of prerogatives of their members, but have reached such stature that union made merchandise is continuously proven to be superior in craftsmanship, quality, design and utility.

Clothing, furniture office supplies, building material and other products and supplies made by union workmen are the results of the efforts of the best trained and most efficient and skilful workmen which this country has been able to produce, working ever more cooperatively and peaceably with management, and in an atmosphere of mutual respect and confidence with modern, enlightened, and enterprising employers; therefore be it

Resolved, That this House of Representatives hereby requests the Department of Property and Supplies and other State and public agencies and instrumentalities to give proper consideration to the importance of purchasing union made and union labelled materials, supplies and products for public works and buildings and other public enterprises.

Referred to the Committee on Rules.

#### BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 128, entitled:

An Act amending the "Pennsylvania Election Code" approved June 3, 1937 (P. L. 1333) permitting electors who have changed their residence from one election district to another during a certain period to vote in the election district in which they are registered with certain exceptions.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 388, entitled:

An Act amending the "Pennsylvania Election Code" approved June 3, 1937 (P. L. 1333) extending voting rights to bedridden or hospitalized veterans when not absent from county of residence.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 413, entitled:

A Joint Resolution proposing an amendment to article eight of the Constitution of the Commonwealth of Pennsylvania providing for absentee voting.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 926, entitled:

An Act amending the "Milk Control Law" approved April 28, 1937 (P. L. 417) requiring testing of composite sample within five days after taken.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1405, entitled:

An Act amending "The First Class City Permanent Registration Act" approved March 30, 1937 (P. L. 305) removing limitations on the power of the commission to establish offices for receipt of applications for registration and changing the provisions of the act as to registration of electors before municipal elections.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1793, entitled:

An Act amending the act of June 12, 1931 (P. L. 510) entitled "An act providing for the licensure and regulation of certain private nursing homes and private hospitals \* \* \*" extending the act to private convalescent homes conducted for profit requiring licensing under the act for treatment care or nursing by reason of pregnancy \* \* \*

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1907, entitled:

An Act making an appropriation to the House of Representatives of the General Assembly for the salaries of officers and employes and mileage of members

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

#### BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 491, entitled:

An Act regulating and prescribing working hours of police matrons in cities of the second class

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 570, entitled:

An Act regulating and prescribing the working hours and vacation periods of police officers employed by any county city except the city of Philadelphia borough town or township having a regular police force consisting of five or more full time police officers

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1754, entitled:

An Act amending the act of June 2, 1891 (P. L. 176) entitled "An act to provide for the health and safety of persons employed in and about the anthracite coal mines of Pennsylvania and for the protection and preservation



of property connected therewith" changing applicability of act

The first section was read.

On the question,

Will the House agree to the section?

Mr. READINGER offered the following amendments:

Amend Sec. 1 (Sec. 1), page 4, line 4, by striking out bracket after "justice".

Amend Sec. 1 (Sec. 1), page 4, line 5, by inserting bracket after "occurred".

They were agreed to.

The section was agreed to as amended.

The second section and title were separately read and agreed to.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1849, entitled:

An Act amending the act of May 31, 1945 (P. L. 1198) entitled "An act providing for the conservation and improvement of land affected in connection with the mining of bituminous coal by the open pit mining method regulating such mining and providing penalties" further regulating mining operations requiring the filing of maps changing provisions with respect to registration bonds backfill overburden enforcement of the act and penalties and providing for the payment of fines into a special fund

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1874, entitled:

An Act amending the act of July 15, 1897 (P. L. 287) entitled "An act to protect the lives and limbs of miners from the dangers resulting from incompetent miners working in the anthracite coal mines of this Commonwealth and to provide for the examination of persons seeking employment as miners in the anthracite region and to prevent the employment of incompetent persons as miners in anthracite coal mines and providing penalties for a violation of the same" prescribing powers and duties of certain miners examining boards

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate Bill No. 105, entitled:

An Act amending the act of May 1, 1929 (P. L. 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that

records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" exempting war amputees and paralytics from the payment of certain fees in connection with motor vehicles.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

### BILL PASSED OVER

There being no objection

Senate Bill No. 813, Printer's No. 322

was passed over at the request of the SPEAKER pro tempore.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate Bill No. 837, entitled:

An Act to further amend the act approved the eighteenth day of July one thousand nine hundred seventeen (P. L. 1043) entitled "An act establishing a public school employees' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing employees defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon boards having the employment of public school employees exempting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" increasing the amount of retirement or compensation payments to persons now retired receiving survivor annuities or State compensation under the public school employees' retirement system in conformity with provisions of amendment of section 11 of article 3 of the constitution

The first section was read.

On the question,

Will the House agree to the section?

Mr. READINGER offered the following amendments:

Amend Sec. 1, page 2, line 1, by striking out "Sub-section 4 of".

Amend Sec. 1, page 3, line 4, by inserting after "approved" "the twenty-fifth day of April, one thousand nine hundred forty-nine (Pamphlet Laws 752)".

Amend Sec. 1, page 3, line 6, by striking out "and".

Amend Sec. 1, page 3, line 7, by inserting after "1818)" "and the twenty-sixth day of September, one thousand nine hundred fifty-one (Pamphlet Laws 1450)".

Amend Sec. 1 (Sec. 14), page 3, by inserting after line 10

1. Any contributor who is an employe sixty-two years of age or older or who is a member of the one one-hundred-fortieth (1/40) class and has completed thirty-five years of credited service of the Commonwealth may retire for superannuation by filing with the retirement board a written statement, duly attested, setting forth at what time, subsequent to the execution of said application, he or she desires to be retired. Said application shall retire said contributor at the time so specified, or in the discretion of the retirement board, at the end of the school term in which the time so specified occurs.

2. Every contributor who has attained or shall attain the age of seventy years shall be retired by the retirement board for superannuation, forthwith, or at the end of the school term in which said age of seventy years is attained.



### Allowance on Superannuation Retirement.

3. On retirement for superannuation a contributor who is an employee shall receive a retirement allowance which shall consist of:

I. An employee's annuity, which shall be the actuarial equivalent of his or her accumulated deductions; and

II. A State annuity, the amount of which shall be determined as follows:

(A) If the contributor is a member of the one one-hundred-sixtieth (1/160) class—

(a) A State annuity of one one-hundred-sixtieth (1/160) of his or her final salary for each year of service; and

(b) In addition thereto, if a present employee, a further State annuity of one one-hundred-sixtieth (1/160) of his or her final salary for each year of prior service as certified to said present employee in the certificate issued to him or her by the retirement board under the provisions of section eleven of this act.

(B) If the contributor is a member of the one one-hundred-fortieth (1/140) class—

(a) A state annuity of one one-hundred-fortieth (1/140) of his or her final salary for each year of service and

(b) In addition thereto, if a present employee, a further State annuity of one one-hundred-fortieth (1/140) of his or her final salary for each year of prior service as certified to said present employee in the certificate issued to him or her by the retirement board under the provisions of section eleven of this act; and

(c) In addition thereto, an additional State annuity which shall be equivalent to the amount, if any, by which the employee's annuity is less than the State annuity for service rendered after the thirtieth day of June, one thousand nine hundred nineteen.

[(d)] (C) In addition [thereto] to the provisions of clauses II (A) and (B) above in the event of the retirement of a contributor prior to September first, one thousand nine hundred fifty, if a member of the one one-hundred-sixtieth (1/160) class, or in the event of such retirement on and after July first, one thousand nine hundred fifty, if a member of the one one-hundred-fortieth (1/140) class, a further State annuity which shall be equivalent to the amount, if any, by which the superannuation retirement allowance otherwise payable is less than one thousand two hundred dollars (\$1200) where the contributor has forty years or more of credited service in this Commonwealth, or if less than forty years of such service, then such proportional amount of such one thousand two hundred dollars (\$1200) as the years of such credited service bear to forty years.

Amend Sec. 1 (Sec. 14), page 5, line 19, by striking out all of said line.

Amend Sec. 1 (Sec. 14), page 7, line 3, by inserting a bracket before "the".

Amend Sec. 1 (Sec. 14), page 7, line 3, by striking out the brackets before "September" and after "forty-nine".

Amend Sec. 1 (Sec. 14), page 7, line 4, by striking out "March 1956".

Amend Sec. 1 (Sec. 14), page 7, line 4, by inserting a bracket after "is" and inserting immediately thereafter "November 8, 1955, or any time thereafter until and including the effective date of this act, was".

Amend Sec. 1 (Sec. 14), page 8, line 5, by inserting after "elected" "All increased payments provided for by this reenactment and amendment of subsection 4 of section 14 of this act shall commence as of November 8, 1955, or on the date of retirement if later than November 8, 1955".

They were agreed to.

The section was agreed to as amended.

The second section was read and agreed to.

The title was read.

On the question,

Will the House agree to the title?

Mr. READINGER offered the following amendments:

Amend Title, page 1, line 1 of Title, by striking out "of".

Amend Title, page 2, last line of Title, by inserting after "Constitution" "and harmonizing the provisions of past amendments".

They were agreed to.

The title was agreed to as amended.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate Bill No. 838, entitled:

An Act to further amend the act approved the twenty-seventh day of June one thousand nine hundred twenty-three (P. L. 858) entitled "An act establishing a State employees retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing State employees defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon the heads of departments in which State employees serve excepting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" providing for minimum retirement allowances for present beneficiaries and appropriations for payment of the costs thereof in conformity with provisions of amendment of section 11 of article 3 of the constitution.

The first section was read.

On the question,

Will the House agree to the section?

Mr. READINGER offered the following amendments:

Amend Sec. 1 (Sec. 13.1), page 6, line 6, by inserting brackets before and after "is" and inserting immediately thereafter "on November 8, 1955, or at any time thereafter, until and including the effective date of this act was".

Amend Sec. 1 (Sec. 13.1), page 6, line 7, by inserting bracket before "as".

Amend Sec. 1 (Sec. 13.1), page 6, lines 8 and 9, by striking out "Reenacting and Amending".

Amend Sec. 1 (Sec. 13.1), page 6, line 9, by inserting bracket after "act".

Amend Sec. 1 (Sec. 13.1), page 7, by inserting between lines 14 and 15 "The further State annuity provided for hereby shall commence as of November 8, 1955 or on the date of retirement if later than November 8, 1955."

They were agreed to.

The section was agreed to as amended.

The second section and title were separately read and agreed to.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for third reading.

### BILLS ON FINAL PASSAGE AND THIRD READING PASSED OVER

The SPEAKER pro tempore. All bills on the final passage and third reading calendars will be passed over, if there is no objection. The Chair hears none.

### RESOLUTION TO SUPPLY LOST BILL

Mr. SNIDER offered a resolution which was read, considered and adopted as follows:

In the House of Representatives, December 2, 1955.

Resolved, That House Bill No. 1080, Printer's No. 478, entitled:



"An Act amending the act of May 1, 1929 (P. L. 1005), entitled as amended 'Vehicle Code', providing for the titling of, including lines, encumbrances and legal claims against tractors; regulating the possession and sale of tractors; giving the Department of Revenue additional powers to make regulations for the administration of the act; and fixing penalties".

having been referred to the Committee on Motor Vehicles May 4, 1955, and recommitted to the Committee on Agriculture and Dairy Industries, June 20, 1955, and the official copy thereof cannot be found, the Chief Clerk of the House is directed to furnish to the Committee on Agriculture and Dairy Industries a certified copy thereof, which shall be substituted for the original.

### COMMUNICATION FROM GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

#### APPROVAL OF HOUSE CONCURRENT RESOLUTION RECALLING

HOUSE BILL No. 834.

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, December 1, 1955.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Concurrent Resolution recalling from the Governor House Bill No. 834, Printer's No. 1036, for the purpose of amendment.

Accordingly, the original bill is herewith returned.

GEORGE M. LEADER.

#### COMMUNICATION AND BILL LAID ON TABLE

Mr. READINGER. Mr. Speaker, I move that the communication from the Governor together with the bill be laid on the table.

The motion was agreed to.

### COMMUNICATIONS FROM GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

#### APPROVAL OF HOUSE CONCURRENT RESOLUTION RECALLING

HOUSE BILL No. 1105.

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, December 1, 1955.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Concurrent Resolution recalling from the Governor House Bill No. 1105, Printer's No. 531, for the purpose of amendment.

Accordingly, the original bill is herewith returned.

GEORGE M. LEADER.

#### COMMUNICATION AND BILL LAID ON TABLE

Mr. READINGER. Mr. Speaker, I move that the communication from the Governor together with the bill be laid on the table.

The motion was agreed to.

### FORMER PAGE WELCOMED

The SPEAKER pro tempore. The Chair welcomes to the Hall of the House a very good-looking serviceman. In checking we find he was one of the pages here during this session, Jay E. Hoover, who is going to be located in Limestone, Maine. He is with the Air Corps, Airman Third Class. We are certainly glad to have you with us today and hope you come to see us again when you are in town.

### ADJOURNMENT

Mr. WORLEY. Mr. Speaker, I move that this House do now adjourn until Monday, December 5, 1955 at 4:30 p. m.

The motion was agreed to, and (at 11:50 a. m.) the House adjourned.







# Legislative Journal.

Session 1955.

141st of the General Assembly.

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HARRISBURG, PA., MONDAY, DECEMBER 5, 1955.

No. 114.

## SENATE

MONDAY, December 5, 1955.

The Senate met at 2:00 o'clock, p. m., Eastern Standard Time.

The PRESIDENT (Lieutenant-Governor Roy E. Furman) in the Chair.

### PRAYER

The Chaplain, Rev. PENNOD L. DUNLAP, Pastor of Mt. Zion Baptist Church, Steelton, offered the following prayer:

May we bow our heads in a moment of silence in tribute of respect to the passing of Senator Davis?

(Observance of moment of silence.)

Rev. DUNLAP. Our Father in Heaven, we come to Thee today mindful of the fact that Thou art God and besides Thee there is no other. O God, as we come to ask Thy blessing upon this Assembly, we do not come because it is customary, but because each of us feels the deep need of Thee. We realize that we can do nothing apart from Thee. We pray that Thou wouldst have mercy.

We pray for the President of our United States, Mr. Eisenhower. We ask that Thou wouldst give him health; make him know that Thou canst give to him the wisdom necessary to lead this Government.

We pray for the Governor of this State. We ask that he will be shown, through Thy wisdom, that the government is upon the shoulders of Jesus Christ and that to him will be given the wisdom and the knowledge to lead his people rightly.

Make these Senators today mindful of the fact that they are here to do business for Thee, in the Name of Jesus. Make them see that they have a responsibility to the people whom they serve, to Thee, O God, and to themselves.

Bless, we pray thee, the bereaved family of the Senator. Help them, through the comforting words of Thy word, to know that Thou art too merciful to be unjust, too wise to err and too loving to be unkind.

Bless this deliberation, we ask Thee, in the Name of Jesus, Amen.

### JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. MAHANY and

Mr. LANE, further reading was dispensed with, and the Journal was approved.

### REMARKS BY MAJORITY LEADER UPON THE DEATH OF SENATOR WILLIAM H. DAVIS

Mr. MAHANY. Mr. President, just a week ago we, in this Senate, witnessed the swearing-in ceremonies of Senator William H. Davis. At that time, we were all impressed with the gentleman who had been recently elected. We were also impressed with the host of friends who accompanied him to Harrisburg to witness the swearing-in ceremonies, and also the fine tribute of flowers which we saw here last Monday, in honor of the lately departed Senator William H. Davis.

We were all shocked a short time ago to find that death had once again entered our midst and taken from us one of our Members, Senator Davis, who expired and left this mortal life about 1:00 o'clock today.

Therefore, Mr. President, our present plan is to have a meeting of the Finance Committee, and eliminate the consideration of today's Calendar and then adjourn shortly thereafter in respect to our lately departed brother.

### RECESS

Mr. MAHANY. Mr. President, I now move that the Senate do take a recess for five minutes, for the purpose of holding a meeting of the Committee on Finance.

Mr. TAYLOR. Mr. President. I second the motion.

The motion was agreed to.

### AFTER RECESS

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

### REPORT FROM COMMITTEE

Mr. SEYLER. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. SEYLER from the Committee on Finance, reported as committed House Bill No. 1879, entitled:

An Act to provide revenue for Commonwealth purposes by imposing a tax on the sale storage or consumption of certain tangible personal property providing for licenses reports payment of tax interest and penalties assessments collections liens reviews and appeals conferring powers and imposing duties upon the Department of Revenue public officers manufacturers wholesalers retailer corporations partnerships associations and individuals.



## PARLIAMENTARY INQUIRY

Mr. BARR. Mr. President, I rise to a question of parliamentary inquiry.

The PRESIDENT. The gentleman from Allegheny, Mr. Barr, will state his question of parliamentary inquiry.

Mr. BARR. Mr. President, as I understand it, there is nothing in the Senate Rules which prohibits the amending of a bill on First Reading.

I would like for the Chair to make a ruling on this matter, because I would like to amend House Bill No. 1879 which has just been reported from committee. When may I offer my amendments?

The PRESIDENT. In reply to the Senator from Allegheny, Mr. Barr, the amendments can be offered to the bill that was just reported from committee, and is presently on the table, provided unanimous consent of the Senate is given to the offering of the amendments.

## HOUSE BILL No. 1879 TAKEN FROM TABLE

Mr. BARR. Mr. President, I now call from the table House Bill No. 1879, Printer's No. 1136, for the purpose of offering amendments at this time.

## HOUSE BILL No. 1879, PRINTER'S No. 1136, AMENDED

Mr. BARR. Mr. President, I ask unanimous consent to offer amendments to House Bill No. 1879, Printer's No. 1136. These amendments are offered on behalf of my colleagues, Senator Lane, Senator Seyler, Senator Silvert and myself, and I would also like to state that they are Administration amendments, drawn by the legal department.

The PRESIDENT. Is there objection? The Chair hears none.

Messrs. BARR, LANE, SEYLER and SILVERT offered the following amendments to House Bill No. 1879, entitled:

An Act to provide revenue for Commonwealth purposes by imposing a tax on the sale storage or consumption of certain tangible personal property providing for licenses reports payment of tax interest and penalties assessments collections liens reviews and appeals conferring powers and imposing duties upon the Department of Revenue public officers manufacturers wholesalers retailers corporations partnerships associations and individuals.

The Clerk read the amendments as follows:

Amend page 1, line 2 of the title, by striking out after the word "the" and before the word "use" the following: "sale" and inserting in lieu thereof the following: "manufacture"; amend page 1, line 3 of the title, by striking out after the word "or" and before the word "of" the following: "consumption" and inserting in lieu thereof the following "purchase." Amend page 1, line 3 of the title, by inserting after the word "certain" and before the word "tangible" the following: "manufactured"; amend page 2, line 2 of the title, by inserting at the end of the line after the word "individuals" the following: "and making an appropriation"; amend Section 2, page 2, line 10, by striking out at the end of the line after the word "drinks" the following: "and alcoholic beverages"; and inserting in lieu thereof the following: "malt beverages spirituous and vinous liquors and alcohol"; amend Section 2, page 2, line 13, by striking out at the end of the line after the word "drinks" the following: "and confections"; amend Section 2, page 2, by inserting between

lines 13 and 14 the following: "(d) 'Lease' The grant of possession or use of manufactured tangible personal property with reservation of title in the grantor"; Amend Section 2, page 2, line 14, by striking out at the beginning of the line before the quotation mark the following: "(d)" and inserting in lieu thereof the following: "(e)"; amend Section 2, page 2, line 16, by inserting after the word "transportation" and before the word "and" the following: "construction or improvement of real estate publishing of books newspapers magazines and other periodicals";

Amend Section 2, page 3, line 4, by striking out at the beginning of the line before the quotation mark the following: "(e)" and inserting in lieu thereof the following: "(f)"; amend Section 2, page 3, line 5, by striking out after the word "subsection" and before the word "of" the following: "(d)" and inserting in lieu thereof the following: "(e)"; amend Section 2, page 4, line 3, by striking out at the beginning of the line before the quotation mark the following: "(F)" and inserting in lieu thereof the following: "(g)"; amend Section 2, page 4, line 4, by striking out at the end of the line after the word "Consideration" the following: "for the lease or first transfer of"; amend Section 2, page 4, by striking out lines 5 and 6 and inserting in lieu thereof the following: "paid to the manufacturer for manufactured tangible personal property"; amend Section 2, page 4, line 7, by striking out after the word "where" and before the word "person" the following: "another" and inserting in lieu thereof the following: "any"; amend Section 2, page 4, line 10, by inserting after the word "IS" and before the word "an" the following: "usually"; amend Section 2, page 4, line 10, by striking out after the word "an" and before the word "element" the following: "ordinary and necessary"; amend Section 2, page 4, line 12, by inserting after the word "the" and before the word "value" the following: "fair market"; amend Section 2, page 4, line 13, by striking out at the end of the line after the word "license" the following: "at the time of the lease or first"; amend Section 2, page 4, by striking out lines 14 and 15; amend Section 2, page 5, line 1, by inserting after the word "property" and before the word "by" the following: "either"; amend Section 2, page 5, line 1, by striking out at the end of the line after the word "by" the following: "any" and inserting in lieu thereof the following: "the";

Amend Section 2, page 5, line 2, by inserting at the end of the line after the word "taxpayer" the following: "or any predecessor in title"; amend Section 2, page 5, line 4, by striking out after the word "one" and before the word "is" the following: "(B)" and inserting in lieu thereof the following: "(a) (2)"; amend Section 2, page 5, line 5, by striking out at the end of the line after the word "property" the following: "with" and inserting in lieu thereof the following "the"; amend Section 2, page 5, line 6, by striking out at the beginning of the line before the word "the" the following: "respect to which such tax is imposed" and inserting in lieu thereof the following: "use of which is taxed"; amend Section 2, page 5, by inserting between lines 10 and 11 the following: "(5) In any transaction not at arm's length the manufacturer's sale price shall not be less than the prevailing market price for similar manufactured tangible personal property"; amend Section 2, page 5, line 11, by



striking out at the beginning of the line before the quotation mark the following: "(g)" and inserting in lieu thereof the following: "(h)"; amend Section 2, page 5, line 12, by inserting after the word "partnership" and before the word "corporation" the following: "or"; amend Section 2, page 5, line 12, by striking out at the end of the line after the word "corporation" the following: "Political Subdivision"; amend Section 2, page 5, by striking out line 13; amend Section 2, page 5, line 14, by striking out at the beginning of the line before the word "Whenever" the following: "United States or the Commonwealth"; amend Section 2, page 5, by inserting between lines 18 and 19 the following:

"(i) 'Rental' (1) The consideration paid for the lease of manufactured tangible personal property

"(2) In any transaction not at arm's length the rental shall not be less than the prevailing market price for similar manufactured tangible personal property"; amend Section 2, page 5, line 19, by striking out at the beginning of the line before the quotation mark the following: "(h)" and inserting in lieu thereof the following: "(j)"; amend Section 2, page 5, line 20, by striking out at the end of the line after the syllables "erty" the following: "to the general public" and inserting in lieu thereof the following: "for other than resale"; amend Section 2, page 6, by striking out lines 1 to 4, inclusive, and inserting in lieu thereof the following:

"(k) 'Sale' Any transfer for consideration of the ownership or title to manufactured tangible personal property including all transactions in which the possession of property is transferred but the seller retains the title as security for payment of the selling price whether such transactions be designated as bailment leases, conditional sales or otherwise"; amend Section 2, page 6, line 5, by striking out at the beginning of the line before the quotation mark the following: "(j)" and inserting in lieu thereof the following: "(l)"; amend Section 2, page 6, line 7, by striking out at the beginning of the line before the quotation mark the following: "(k)" and inserting in lieu thereof the following: "(m)"; amend Section 2, page 6, line 8, by inserting after the word "property" and before the word "which" the following: "(l)"; amend Section 2, page 6, line 8, by striking out after the word "ingredient" and before the word "actual" the following: "or"; amend Section 2, page 6, line 9, by inserting after the word "part" and before the word "of" the following: "or container"; amend Section 2, page 6, line 9, by inserting at the end of the line after the word "property" the following: "or (2) which will be immediately consumed in the process of manufacturing any tangible personal property"; amend Section 2, page 6, line 10, by striking out at the beginning of the line before the quotation mark the following: "(l)" and inserting in lieu thereof the following: "(n)"; amend Section 2, page 6, line 12, by striking out at the beginning of the line before the quotation mark the following: "(m)" and inserting in lieu thereof the following: "(o)"; amend Section 2, page 6, line 15, by striking out at the beginning of the line before the quotation mark the following: "(n)" and inserting in lieu thereof the following: "(p)"; amend Section 2, page 6, line 15, by striking out after the word "person" and before the article "a" the following: "not" and inserting in lieu thereof the following: "who sells manufactured tangible personal property other than"; amend Section 2, page 6,

line 15, by inserting after the word "manufacturer" and before the word "retailer" the following: "or";

Amend Section 2, page 6, line 15, by striking out at the end of the line after the word "retailer" the following: "or con-"; amend Section 2, page 6, by striking out line 16, and inserting in lieu thereof the following: "Whenever any person comes within the definitions of both wholesaler and retailer, he shall be considered a wholesaler"; amend Section 201, page 6, by striking out line 9; amend Section 201, page 7, by striking out lines 1 to 20, inclusive; amend Section 201, page 8, by striking out lines 1 to 3, inclusive, and inserting in lieu thereof the following:

"Section 201 Imposition of Tax

"(a) There is hereby imposed a tax of three and one-half per centum (3½%) of the manufacturer's sales price

"(1) upon the manufacture or storage by the manufacturer within the Commonwealth of all tangible personal property not taxable under paragraphs (3) and (4) hereof, payable by the manufacturer at the time of the sale thereof by him;

"(2) upon the use within the Commonwealth of all manufactured tangible personal property purchased or otherwise acquired by the taxpayer after the effective date of this act, payable by the person who uses such property at the time of his first use of such property within the Commonwealth after the effective date of this act except where a tax imposed under this act and computed on a basis other than rental value has been paid with respect to such property and credit has not been determined pursuant to section two hundred three (d);

"(i) Provided however That if any person brings manufactured tangible personal property into the Commonwealth with the intent to use such property within the Commonwealth for a period not to exceed six (6) months and not to sell such property such person may upon notice to the department within ten (10) days of the commencement of use of such property within the Commonwealth elect to pay a tax upon the use of such property equal to three and one-half per centum (3½%) of the fair rental value of such property for the actual period of use not to exceed six (6) months. Should such property remain in the Commonwealth for longer than six (6) months or should the taxpayer sell such property within the Commonwealth the taxpayer shall be liable for a tax upon the use of such property of three and one-half per centum (3½%) of the manufacturer's sale price but shall be allowed a credit equal to fifty per centum (50%) of the tax paid pursuant to the election provided for in this subparagraph:

"(ii) And further provided that the tax on the use of manufactured tangible personal property imposed under this paragraph (2) which manufactured tangible personal property has depreciated in value by reason of previous use shall not exceed three and one-half per centum (3½%) of the fair market value thereof:

"(iii) And further Provided That the tax imposed by this paragraph (2) shall not apply to the use of spirituous and vinous liquors and alcohol sold to the Liquor Control Board and industrial equipment and machinery the purchase or use of which are taxed under paragraphs (3) and (4) of this subsection (a) except that a taxpayer may elect to be taxed on the use of such industrial equipment and machinery under subparagraph (i) of this paragraph (2).



"(3) upon the use by the Liquor Control Board of the Commonwealth of all spirituous and vinous liquors and alcohol purchased after the effective date of this act, and payable at the time of acquisition thereof by the Board;

"(4) upon the manufacture, use or purchase of industrial equipment and machinery which was not in use within the Commonwealth by a person other than the manufacturer thereof on the effective date of this act unless a tax has been previously paid with respect thereto under this paragraph (4) or unless a tax based upon the manufacturer's sale price has been previously paid with respect thereto under subparagraph (i) of paragraph (2) and excepting industrial equipment and machinery actually employed within the Commonwealth by the manufacturer thereof on the effective date of this act. If such manufacture, use or purchase is for the purpose of sale or resale, the tax shall not be imposed on such manufacture, use or purchase but shall be imposed upon the first subsequent purchase not made for resale. The tax imposed by this paragraph (4) shall be collected by the taxpayer's vendor at the time of payment or delivery, whichever is sooner, if such vendor is doing business in the Commonwealth. If such vendor is not doing business in the Commonwealth the taxpayer shall pay such tax directly to the department at the time of payment or delivery, whichever is sooner.

"Where the use or purchase of industrial equipment or machinery which has been in actual use outside the Commonwealth becomes taxable under this paragraph (4) the amount of the tax shall not exceed three and one-half per centum (3½%) of the fair market value thereof at the time the use or purchase becomes taxable.

"(b) There is hereby imposed a tax of three and one-half per centum (3½%) of the rental paid upon the possession or use within the Commonwealth of manufactured tangible personal property under any lease or contract granting the right of possession or use of such property payable by the lessee, possessor, or user at the time or times of payment of the rental therefor, except in any case where tax previously has been paid under subsection (a) upon the manufacture use or purchase of such property and credit has not been determined with respect to such property pursuant to section two hundred three (d).";

Amend Section 202, page 8, line 6, by striking out after the word "the" and before the word "or" the following: "sale" and inserting in lieu thereof the following: "manufacture"; Amend Section 202, page 8, line 6, by inserting after the word "Fertilizer" and before the word "On" the following: "to be used"; Amend Section 202, page 8, line 7, by striking out at the beginning of the line before the word "Farm" the following: "The" and inserting in lieu thereof the following: "a"; Amend Section 202, page 8, by striking out lines 8 and 9, and inserting in lieu thereof the following: "(b) the manufacture or use of tangible personal property for further manufacture which is to be used by a manufacturer"; Amend Section 202, page 8, line 10, by striking out after the word "The" and before the word "Or" the following: "Sale" and inserting in lieu thereof the following: "manufacture"; Amend Section 202, page 8, line 10, by inserting after the word "of" and before the word "tangible" the following: "manufactured"; Amend Section 202, page 8, line 12, by striking out at the beginning of the line before the word "sold" the following:

"(1)"; Amend Section 202, page 8, line 14, by striking out after the word "such" and before the word "property" the following: "tangible personal"; Amend Section 202, page 8, by inserting between lines 14 and 15, the following: "(d) gasoline and other motor fuels"; Amend Section 202, page 8, by striking out lines 15 to 18, inclusive; Amend Section 202, page 8, by inserting between lines 18 and 19, the following:

"(e) The manufacture, storage or use of manufactured tangible personal property by any taxpayer bound by a contract entered into prior to the date of approval of this act to sell such property at a specified prices which price is not subject to adjustment or modification by reason of the tax imposed by this act in such case the tax imposed by this act shall be payable by the first purchaser thereof who is not required under a contract entered into prior to the date of approval of this act to sell such property at a specified price which price is not subject to adjustment or modification by reason of the tax imposed by this act. The provisions of this subsection shall apply with respect to the manufacture or use of manufactured tangible personal property purchased or to be purchased for incorporation into or attachment to real estate in the performance of a contract for the construction of a building or improvements thereto or the sale of said real estate entered into prior to the date of approval of this act under which the purchaser of said manufactured tangible personal property is required to sell the said building make such improvements or sell such real estate at a price not subject to adjustment by reason of the tax hereby imposed: Provided, however, That unless notice of such contract is given by the taxpayer to the department within forty-five (45) days after the effective date of this act the exclusion allowed by this subsection shall not apply.";

Amend Section 203, page 9, line 6, by inserting after the word "under" and before the word "this" the following: "subsection two hundred three (a) of"; Amend Section 203, page 9, line 6, by inserting after the word "to" and before the word "tangible" the following: "manufactured"; Amend Section 203, page 9, line 10, by inserting after the word "sold" and before the word "to" the following: "or leased"; Amend Section 203, page 9, line 11, by striking out after the parenthesis and before the word "sold" the following: "except for alcoholic beverages"; Amend Section 203, page 9, line 11, by inserting after the word "sold" and before the word "to" the following: "or leased"; Amend Section 203, page 9, line 16, by inserting after the word "documentary" and before the word "of" the following: "uroof" and inserting in lieu thereof the following: "proof"; Amend Section 203, page 9, line 18, by striking out at the end of the line after the word "the" the following: "probable" and inserting in lieu thereof the following: "estimated"; Amend Section 203, page 9, line 19, by striking out at the end of the line after the word "such" the following: "tangible personal"; Amend Section 203, page 10, line 2, by striking out after the word "the" and before the word "tax" the following: "probable" and inserting in lieu thereof the following: "estimated"; Amend Section 203, page 10, line 3, by inserting at the beginning of the line before the word "tangible" the following: "manufactured"; Amend Section 203, page 10, by inserting between lines 5 and 6, the following: "And further Provided That no credit shall



be allowed unless the manufacture, storage or use of the manufactured tangible personal property upon which the tax was paid was for the purpose of resale.

"(b) Credit for Direct Sales.—Where upon application by the taxpayer the department determines that by reason of his own use or direct sales to others than wholesalers which use or method of distribution is contrary to the prevailing methods of distribution or operation of other manufacturers in the industry, the manufacturer's sale price with respect to certain manufactured tangible personal property is higher than the manufacturer's sale price charged by competitive manufacturers in the same industry for similar tangible personal property, the department may in accordance with rules and regulations established by it determine the taxable manufacturer's sale price for the applicant's tangible personal property and allow a credit based upon the excess of the manufacturer's sale price as determined under section two (g) over the taxable manufacturer's sale price as established hereunder.";

Amend Section 203, page 10, line 6, by striking out at the beginning of the line before the word "Tentative" the following: "(B)" and inserting in lieu thereof the following: "(c)"; Amend Section 203, page 11, line 15, by striking out at the beginning of the line before the word "actual" the following: "(C)" and inserting in lieu thereof the following: "(d)"; Amend Section 203, page 11, line 18, by striking out at the beginning of the line before the word "of" the following: "section (A)" and inserting in lieu thereof the following: "sections (a) and/or (b)"; Amend Section 203, page 11, line 18, by striking out at the end of the line after the word "section" the following: "with respect to all"; Amend Section 203, page 11, by striking out lines 19 and 20; Amend Section 203, page 12, by striking out lines 1 and 2 and inserting in lieu thereof the following: "(e) Credit in hardship cases

"When necessary to prevent hardship the department may permit a taxpayer who sells manufactured tangible personal property with respect to which tax is imposed under this act to claim a credit with respect to the specific portion of the property sold to another person who customarily ships a substantial portion thereof outside the Commonwealth or customarily sells a substantial portion thereof to the United States or to the Commonwealth or to the instrumentalities or political subdivisions thereof. In such case the credit shall be claimed by the person liable for the tax and the person so purchasing the property and all successors in title shall treat such property as though a tax has not been paid with respect to it.

"(f) Limitation on credit

"In no case shall the credit allowed with respect to certain manufactured tangible personal property exceed three and one-half per centum (3½%) of the value of such property at the time of the transaction upon which credit is based.";

Amend Section 204, page 12, line 5, by striking out after the word "three" and before the word "is" the following: "(C)" and inserting in lieu thereof the following: "(d)"; Amend Section 301, page 12, line 11, by inserting after the word "application" and before the word "Every" the following: "(1)"; Amend Section 301, page 12, line 15, by striking out at the end of the line after the word "therefor" the following: "Such"; Amend Section 301, page 12,

by striking out lines 16 to 18, inclusive; Amend Section 301, page 13, by striking out lines 1 to 5, inclusive, and inserting in lieu thereof the following:

"(2) Any person engaged in the business of erecting, altering, improving or repairing buildings or otherwise altering or improving real estate shall on or before the thirtieth day after the effective date of this act or prior to the beginning of business thereafter make application to the department on a form prescribed by the department for a license and pay to the department the sum of two dollars (\$2.00) therefor.

"(b) Department to Issue Licenses.—The department shall either prior to the first day of March, one thousand nine hundred fifty-six, or the tenth day after the receipt of an application whichever shall last occur issue the license applied for under subsection (a) of this section. Such license shall be nonassignable and of permanent duration.

"(c) Penalty for Engaging in Certain Activities Without a License.—Any person who after the first day of March, one thousand nine hundred fifty-six shall manufacture, wholesale, or retail, tangible personal property or shall engage in the business of erecting improving altering or repairing buildings or otherwise altering or improving real estate without having first been licensed by the department pursuant to the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars (\$1,000.00) or to undergo imprisonment not exceeding one (1) year or both together with costs of prosecution. The penalties imposed by this section shall be in addition to any other penalties imposed by this act."; Amend Section 301, page 13, line 6, by striking out at the beginning of the line before the word "Liability" the following: "(c)" and inserting in lieu thereof the following: "(d)"; Amend Section 301, page 13, line 6, by striking out at the end of the line after the word "any" the following: "manufacturer wholesaler or"; Amend Section 301, page 13, line 7, by striking out at the beginning of the line before the word "to" the following: "retailer" and inserting in lieu thereof the following: "person"; Amend Section 420, page 14, line 5, by inserting after the word "month" and before the word "A" the following: "by every licensee"; Amend Section 420, page 14, line 10, by inserting after the word "year" and before the word "Such" the following: "by every licensee"; Amend Section 420, page 14, by inserting between lines 12 and 13, the following: (c) Other Returns. Any person other than a licensee liable to pay to the department any tax under this act shall file a return within ten (10) days after becoming liable for such tax."; Amend Section 421, page 14, line 14, by striking out after the word "a" and before the word "whose" the following: "taxpayer"; and inserting in lieu thereof the following: "license"; Amend Section 445, page 20, line 15, by inserting after the word "Proof" and before the word "In" the following: "It shall be presumed that all sales are made from inventory on a first in first out basis and the burden of proving that a tax has been paid under this act with respect to certain manufactured tangible personal property shall be upon the person so asserting."; Amend Section 446, page 21, by striking out lines 6 to 13, inclusive, and inserting in lieu thereof the following: "and selling or



leasing tangible personal property the use or purchase of which is subject to tax under sections two hundred one (a) (2), two hundred one (a) (4) or two hundred one (b) of this act shall at the time of making the sale or lease or at such other time as the tax becomes payable collect the tax from the purchaser or lessee and remit said tax to the department.”; Amend Section 471, page 27, line 10, by inserting at the end of the line after the word “aggregate” the following: “but in no case shall the amount added be less than ten dollars (\$10.00).”;

Amend Section 473, page 29, by striking out lines 17 to 20, inclusive; Amend Section 473, page 30, by striking out lines 1 and 2, and inserting in lieu thereof the following: “(a) Fraudulent Annual Return.—Any person who with intent to defraud the Commonwealth shall wilfully make or cause to be made any return required by this act which is false shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding two thousand dollars (\$2,000.00) or undergo imprisonment by separate or solitary confinement at labor not exceeding three (3) years or both.”; Amend page 35, by inserting between lines 17 and 18, the following: “Section 503. Appropriation.—So much of the proceeds of the tax imposed by this act as shall be necessary for the payment of refunds provided for hereunder is hereby appropriated for the payment of such refunds.”; Amend Section 503, page 35, line 18, by striking out after the word “Section” and before the word “Effective” the following: “503”; and inserting in lieu thereof the following: “504”.

On the question,

Will the Senate agree to the amendments?

#### AMENDMENTS ADOPTED

Mr. LANE. Mr. President, I move that the amendments to House Bill No. 1879 be adopted.

Mr. DENT. Mr. President, I second the motion.

The motion was agreed to.

The PRESIDENT. The bill, as amended, will lie upon the table.

#### STUDENTS FROM BRATTON-McVEYTOWN-OLIVER HIGH SCHOOL, MIFFLIN COUNTY, PRESENTED TO SENATE

Mr. WADE. Mr. President, I would like to announce that we are honored today by a visit from a group of students from the Bratton-McVeytown, Oliver High School, located at McVeytown, Pennsylvania. They are led by their teachers, Mrs. Theodore Paller and Mr. Robert H. Fleck. The students are members of the twelfth grade from this school.

I regret very much that, on account of unfortunate occurrence among our membership today, we are not going to have a regular session. However, I would like for the Chair, if he will, to welcome them here.

The PRESIDENT. The Chair, on behalf of the Members of the Senate, welcomes this distinguished group. We

hope that you will enjoy your visit with us even though it will be a brief one. The Session will not continue very long today, but we hope you can come back at a later date and have a longer visit.

#### BILL ON FIRST READING

Mr. MAHANY. Mr. President, I move that the Senate do now proceed to the first reading of the bill reported from committee for the first time at today's Session.

Mr. BARR. Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 1879, entitled:

An Act to provide revenue for Commonwealth purposes by imposing a tax on the sale storage or consumption of certain tangible personal property providing for licenses reports payment of tax interest and penalties assessments collections liens reviews and appeals conferring powers and imposing duties upon the Department of Revenue public officers manufacturers wholesalers retailers corporations partnerships associations and individuals.

And said bill having been read at length the first time, and agreed to as amended.

Ordered, To be laid aside for second reading.

#### REMARKS BY SENATOR JOSEPH M. BARR UPON THE DEATH OF SENATOR WILLIAM H. DAVIS

Mr. BARR. Mr. President, when Senator Mahany spoke prior to the Finance Committee Meeting, I had intended to join with him in his remarks regarding the passing away of our colleague, Senator Davis.

I only had the pleasure of knowing Senator Davis for two days. Last Monday, I did have the opportunity of sitting with him for a short visit, and last Tuesday, at noon, I was with him in the club room. I was informed by Senator Schmidt that he had the pleasure of having dinner with Senator Davis last evening.

At this time, Mr. President, on behalf of my colleagues on this side, I join with the Members on the other side in extending our sympathy to the family and friends of Senator Davis in Luzerne County.

#### ADJOURNMENT

#### IN RESPECT TO THE LATE SENATOR WILLIAM H. DAVIS

Mr. MAHANY. Mr. President, I move that the Senate do now adjourn in respect to our late colleague and brother, Senator William H. Davis, of Luzerne County, until Tuesday, December 6, 1955, at 11:00 o'clock, a. m., Eastern Standard Time.

Mr. DENT. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 3:58 o'clock, p. m., Eastern Standard Time, until Tuesday, December 6, 1955, at 11:00 o'clock, a. m., Eastern Standard Time.



## HOUSE OF REPRESENTATIVES

MONDAY, December 5, 1955

The House met at 4:30 p. m.

The SPEAKER (Hiram G. Andrews) in the Chair.

## PRAYER

Reverend Charles L. Delaney, Jr., Assistant Pastor, Christ Lutheran Church, York, guest Chaplain, offered the following prayer:

Our Father and Our God:

We, Thy servants, do give Thee most hearty thanks that Thou has called us to serve Thy people.

We ask that Thou would be in the midst of us now as we set our hearts and minds to that which has become our responsibility.

As Thou knowest the needs of all men, everywhere, we ask that Thou would impart to us an extra measure of Thy Grace and Wisdom in order that this assembly may be the means of enriching the life of this great Commonwealth.

Keep ever before us the faith and trust of those whom we serve, and make us ever worthy of that trust, that has brought us where we are.

We thank Thee, Our Father, for the great gift of Freedom. But, lest we become complacent and indifferent to the ways of free men, we ask that Thou would stand as a guard against any thought or action that would lead us to speak or act against the freedom which Thou has entrusted to our care.

Therefore, we ask that Thou would strengthen us where we are weak; Enlighten us where there is doubt; guide us lest we go astray.

All this we pray that in the days to come we may look back and say, surely Thou has been with us in all things.

And, again we pray that what we accomplish here may be an inspiration to men everywhere, especially those in other lands who look to us for the deeper meanings of freedom.

Continue to teach us through our experiences in this assembly that we may be worthy to be called Thy faithful servants and to glorify thy Holy Name through Jesus Christ, Thy Son, Our Lord. Amen.

## JOURNAL APPROVAL POSTPONED

The SPEAKER. If there is no objection, the approval of the Journal for Friday, December 3, 1955 will be postponed until printed. The Chair hears none.

## BILLS INTRODUCED AND REFERRED

By Mr. WATERHOUSE. HOUSE BILL No. 1912.

An Act levying an excise tax on retail sales of tangible personal property, and providing for the collection thereof; imposing powers and duties on certain State and county officers; providing for the licensing of vendors, and imposing duties upon vendors and consumers; imposing penalties and providing for the use of the proceeds of the tax for purposes of education, health and welfare.

Referred to the Committee on Ways and Means.

By Mr. WATERHOUSE. HOUSE BILL No. 1913.

An Act levying an excise tax on the storage, use or

other consumption of tangible personal property; providing for the collection thereof; providing for the registration of sellers; imposing duties on sellers and consumers; imposing duties on certain State and County officers; prescribing penalties; and providing for the use of the proceeds of the tax for purposes of education, health and welfare.

Referred to the Committee on Ways and Means.

## COMMUNICATIONS

## RESOLUTION URGING ADOPTION OF STATE POEM

The SPEAKER laid before the House Resolutions adopted by Lady Clarion Rebekah Lodge, Northwestern Counties Council Veterans of Foreign Wars of U.S. and Parker D. Cramer Post No. 2145, Veterans of Foreign Wars of U.S. urging the adoption of a State Poem.

Referred to the Committee on Judiciary Special.

## BILLS SIGNED BY SPEAKER

Bills numberd and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

## HOUSE BILL No. 445.

An Act amending the act of May 1 1929 (P. L. 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" further regulating passing school buses and eliminating school bus stop signs.

## HOUSE BILL No. 620.

An Act amending the act of May 1, 1929 (P. L. 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and pro-



viding for refunds" further regulating speed in certain political subdivisions further prescribing enforcement and penal provisions and imposing duties on certain pedestrians

#### HOUSE BILL No. 820.

An Act amending the Act of July 28, 1953 (P. L. 723) entitled "An Act relating to counties of the second class amending revising consolidating and changing the laws relating thereto" further regulating the repayment of money collected upon forfeited recognizances and the satisfaction of judgment liens against real property arising therefrom

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

#### HEALTH SERVICE ANNUAL REPORT— FIRST AID ROOM

The SPEAKER laid before the House the Health Service Annual Report (First Aid Room) for August, 1954 to August, 1955—Department of Property and Supplies.

#### PERMISSION TO ADDRESS HOUSE

Mr. AGNEW asked and obtained unanimous consent to address the House.

Today marks the history-making merger of the C.I.O. and the A.F.L. This is perhaps the most significant economic event of the century. It deserves at least brief comment today in this House.

I am certain that every member of this House joins me in extending my congratulations to labor on this merger and my best wishes for its complete success.

Speaking as one who is opposed by labor politically and who has no hope or desire for a political endorsement by labor, perhaps it is even more appropriate that I should be the one to make these remarks and extend congratulations.

Labor leaders now have a tremendous opportunity, a real challenge, to help build a more sound and stable national economy. I believe that this marriage will give birth to a more productive economy, less labor strife and greater industrial freedom. The product of this union should be, and I believe will be, a re-dedication by labor to the traditional principles of the private enterprise system.

This merger represents increased stature for the labor movement, together with greater perogatives and greater responsibilities. The child conceived by Samuel Gompers has attained the wisdom and dignity of its adult years.

It is my hope and my belief that this merger will be of great benefit to the workingmen, the national economy and the general welfare of all our people.

#### PHILIPPINES VISITORS WELCOMED

The SPEAKER. We have the pleasure today of having present with us in the Hall of the House two distinguished visitors, Mrs. Gerarda S. Llave, Librarian of the House of Representatives Library, which is a part of the Legislative Reference Service of the Philippine Republic, and Mr. Amador L. Gonzales, Assistant Chief, Bills and Index Division, House of Representatives of the Philippine Republic.

They are studying legislative services in the United

States for a period of six months under the sponsorship of the International Cooperation Administration.

The Chair sincerely hopes these visitors will be able to go back to the Legislature of which they are a part and report that this was the most orderly, the most handsome and the ablest legislative assembly they had ever seen, with the exception of their own.

#### POCONO TOWNSHIP HIGH SCHOOL STUDENTS WELCOMED

The SPEAKER. The Chair welcomes to the Hall of the House a delegation of students from the Pocono Township High School of Monroe County under the supervision of their teacher, Mr. Robert J. Bollock. They are the guests of the gentleman from Monroe, Mr. Yetter.

#### BRATTON-McVEYTOWN-OLIVER HIGH SCHOOL STUDENTS WELCOMED

The SPEAKER. The Chair welcomes to the Hall of the House a delegation of students from the Bratton-McVeytown-Oliver High School of Mifflin County under the supervision of their teachers, Mrs. Theo Paller and Mr. Robert H. Fleck. They are the guests of the gentleman from Mifflin, Mr. Price.

#### LEAVES OF ABSENCE

By unanimous consent leave of absence was granted as follows:

Mr. Erb for Mr. KROMER for the week.

Mr. Lopresti for Mr. ROVANSEK for the week because of illness.

Mr. Kolankiewicz for Mr. McKEEVER for today's session because of illness.

Mr. Kolankiewicz for Mr. COMER because of death in the family.

Mr. Kolankiewicz for Mr. FINEMAN because of illness.

#### FORMER MEMBER WELCOMED

The SPEAKER. The Chair welcomes to the Hall of the House, the former very distinguished Member who served as Minority Floor Leader very, very capably, the gentleman from Philadelphia, Mr. Reuben E. Cohen.

#### DALLASTOWN HIGH SCHOOL WELCOMED

The SPEAKER. The Chair welcomes to the Hall of the House a delegation from the Senior Class of the Dallastown High School of York County under the supervision of their teacher Mr. Clair Trout. They are the guests of the gentleman from York, Mr. Hass.

#### REPORT FROM COMMITTEE

Mr. KORNICK from the Committee on Mines and Mining, reported as committed, House Bill No. 1875, entitled:

An Act amending the "Anthracite Coal Mining Law", approved June 2, 1891, P. L. 176, changing duties of mine foremen and assistants with respect to mine examinations and safety.

#### SENATE BILLS NOS. 837 AND 838 MADE SPECIAL ORDER

Mr. READINGER. Mr. Speaker, I move that Senate Bill No. 837 Printer's No. 392 and Senate Bill No. 838 Printer's No. 393 on page 17 of today's calendar, bills on



third reading, be made a special order of business immediately.

The motion was agreed to.

The SPEAKER. The Chair lays before the House the first bill on special order fixed for this time, being Senate Bill No. 837.

Agreeably to order,

The House proceeded to the third reading and consideration Senate Bill No. 837, as follows:

An Act to further amend the act approved the eighteenth day of July one thousand nine hundred seventeen (P. L. 1043) entitled "An act establishing a public school employees' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing employees defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon boards having the employment of public school employees exempting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" increasing the amount of retirement or compensation payments to persons now retired receiving survivor annuities or State compensation under the public school employees' retirement system in conformity with provisions of amendment of section 11 of article 3 of the Constitution and harmonizing the provisions of past amendments

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section fourteen of the act approved the eighteenth day of July one thousand nine hundred seventeen (P. L. 1043) entitled "An act establishing a public school employees' retirement system and creating a retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing employees defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon boards having the employment of public school employees exempting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" as last amended by the acts approved the twenty-fifth day of April one thousand nine hundred forty-nine (P. L. 752) the twenty-third day of May one thousand nine hundred forty-nine (P. L. 1804) the twenty-sixth day of May one thousand nine hundred forty-nine (P. L. 1818) and the twenty-sixth day of September one thousand nine hundred fifty-one (P. L. 1450) is hereby further amended to read as follows

#### SUPERANNUATION RETIREMENT

Section 14 Retirement for superannuation shall be as follows

1 Any contributor who is an employe sixty-two years of age or older or who is a member of the one one-hundred-fortieth (1/140) class and has completed thirty-five years of credited service of the Commonwealth may retire for superannuation by filing with the Retirement Board a written statement duly attested setting for at what time subsequent to the execution of said application he or she desires to be retired said application shall retire said contributor at the time so specified or in the discretion of the retirement board at the end of the school term in which the time so specified occurs

2 Every contributor who has attained or shall attain the age of seventy years shall be retired by the retirement board for superannuation forthwith or at the end of the school term in which said age of seventy years is attained

Allowance of superannuation retirement

3 On retirement for superannuation a contributor who is an employe shall receive a retirement allowance which shall consist of

I An employe's annuity which shall be the actuarial

equivalent of his or her accumulated deductions and

II A state annuity the amount of which shall be determined as follows

(A) If the contributor is a member of the one one-hundred-sixtieth (1/160) class

(A) A state annuity of one one-hundred-sixtieth (1/160) of his or her final salary for each year of service and

(B) In addition thereto if a present employe a further state annuity of one one-hundred-sixtieth (1/160) of his or her final salary for each year of prior service as certified to said present employe in the certificate issued to him or her by the retirement board under the provisions of section eleven of this act

(B) If the contributor is a member of the one one-hundred-fortieth (1/140) class

(A) A state annuity of one one-hundred-fortieth (1/140) of his or her final salary for each year of service and

(B) In addition thereto if a present employe a further state annuity of one one-hundred-fortieth (1/140) of his or her final salary for each year of prior service as certified to said present employe in the certificate issued to him or her by the retirement board under the provisions of section eleven of this act and

(C) In addition thereto an additional state annuity which shall be equivalent to the amount if any by which the employe's annuity is less than the state annuity for service rendered after the thirtieth day of June one thousand nine hundred nineteen

[(D)] (C) In addition [thereto] to the provisions of Clauses II (A) and (B) above in the event of the retirement of a contributor prior to September first one thousand nine hundred fifty if a member of the one one-hundred-sixtieth (1/160) class or in the event of such retirement on and after July first one thousand nine hundred fifty if a member of the one one-hundred-fortieth (1/140) class a further state annuity which shall be equivalent to the amount if any by which the superannuation retirement allowance otherwise payable is less than one thousand two hundred dollars (\$1200) where the contributor has forty years or more of credited service in this Commonwealth or if less than forty years of such service then such proportional amount of such one thousand two hundred dollars (\$1200) as the years of such credited service bear to forty years

4 Any person sixty-two years of age or older who was a classroom teacher principal supervising principal or superintendent in the public schools of Pennsylvania for at least twenty years and who separated from school service for any reason prior to the first day of July one thousand nine hundred and nineteen and who was not thereafter engaged in school service except temporarily for not more than two whole school years or any person who was a class-room teacher principal supervising principal or superintendent in the public schools of Pennsylvania for at least fourteen years and who separated from school service because of physical or mental disability prior to the first day of July one thousand nine hundred and nineteen and who still is unable to teach because of such disability shall receive a State compensation equal to one-eighth of his or her final salary for each year of school service but not less than fifty dollars (\$50) per month if such former teacher shall agree in writing and hold himself or herself ready under the direction of the board of school directors to advise and counsel with school officials to visit and counsel with new teachers to act as substitute teacher when able to examine and report on public school work to visit pupils' homes in the interest of child welfare to attend educational conferences and addresses and to be concerned with other educational work as may be deemed necessary and helpful to community-school interest In the case of a present employe or a new entrant who on [the first day of September one thousand nine hundred forty-nine] November 8, 1955 or any time thereafter until and including the effective date of this act was in receipt of a disability retirement allowance provided in section 13 or a superannuation retirement allowance as provided in this section in addition to the benefits provided in such sections there shall be provided a further State annuity



which shall be equivalent to the amount if any by which such disability retirement allowance or superannuation retirement allowance otherwise payable is less than one thousand two hundred dollars (\$1200) where the contributor has forty years or more of credited service in this Commonwealth or if less than forty years of such service then such proportional amount of such one thousand two hundred dollars (\$1200) as the years of such credited service bear to forty years. In the event that a member is receiving a reduced superannuation retirement allowance because of having elected an option such additional State annuity if any shall be related to the amount of the full retirement allowance he would have received if no option had been elected and in the event that a member when entering upon a superannuation retirement allowance has elected an option providing for a survivor annuity and the member has later died and the survivor beneficiary is in receipt of a survivor annuity then the additional State annuity if any payable to such survivor beneficiary shall be such reduced amount as under the rules is related to the additional State annuity if any which would have been payable to the retired member if such option had not been elected all increased payments provided for by this reenactment and amendment of subsection 4 of section 14 of this act shall commence as of November 8, 1955 or on the date of retirement if later than November 8, 1955. The General Assembly shall from time to time appropriate moneys sufficient to make payments under this subsection. Provided That any teacher who is entitled to receive State compensation hereunder and who is receiving a retirement allowance under the provisions of a local teachers' retirement system shall receive from the Commonwealth only the difference between the compensation to which such teacher would otherwise be entitled under the provisions of this subsection and the annual amount received by such teacher from such local teachers' retirement system.

Any employe on retirement for superannuation who returns to active school service during the continuation of World War II shall not upon return to retirement for superannuation receive any smaller retirement allowance than that received prior to such return to active school service.

Section 2 The provisions of this act shall become effective immediately upon final enactment.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

## YEAS—183

Adam,	Gelfand,	Mahan,	Sarraf,
Agnew,	Gibb,	Markley,	Schuster,
Amarando,	Gibson,	Maxwell,	Sherman,
Anderson, S. A.,	Goldstein,	McCann,	Sigman,
Ashton,	Gramlich,	McCormack,	Smith, C. C.,
Auker,	Greenwood,	McGee,	Smith, Wm. B.,
Banker,	Guss,	McInroy,	Snider,
Barnatovich,	Guthrie,	McLaughlin,	Stank,
Bazin,	Hamilton, R. K.,	McWherter,	Stebbins,
Bell,	Hamilton, W. H.,	Meholchick,	Steckel,
Boles,	Hass,	Metz,	Stephens,
Bonner,	Haudenschild,	Mihm,	Stevenson,
Boory,	Heavey,	Mikula,	Stone,
Bower,	Helm,	Miller,	Stoner,
Branca,	Henzel,	Mills,	Strausser,
Breisch,	Hewitt,	Monroe,	Stroup,
Brennan, A. P.,	Hocker,	Moody,	Swartz,
Brennan, J. J.,	Holt,	Moran,	Taylor,
Breth,	Horst,	Moscrip,	Thomas,
Brown,	Houk,	Muldowney,	Thompson,
Buechin,	Isaacs,	Munley,	Toll,
Bullen,	Jenkins,	Murphy,	Toomey,
Cianfrani,	Johnson,	Murray, H. P.,	Varallo,
Cioffi,	Jones, G. E.,	Murray, J. J.,	Varner,
Cochran,	Jones, T. H. W.,	Murray, P. G.,	Vaughan,
Connelly,	Jump,	Musto,	Verona,
Cooper,	Kamyk,	Naugle,	Wall,
Curwood,	Keller,	Needham,	Wallace,

Davis,	Kent,	Ogilvie,	Walsh,
Donahue,	Knecht,	Olsen,	Wargo,
Dougherty,	Kolankiewicz,	O'Neill,	Waterhouse,
Ehrgood,	Kooker,	Pacchioli,	Weidner,
Ellberg,	Kornick,	Parry,	Welsh,
Erb,	Kubacki,	Pashley,	Wescott,
Eshleman,	Lawyer,	Paulhamus,	Wheeler,
Ewing,	Leiby,	Petrosky,	Whitenight,
Farabaugh,	Lelsey,	Polaski,	Willaredt,
Filo,	Leonard,	Polen,	Williams,
Flint,	Leven,	Pomeroy,	Wilt,
Floyd,	Light,	Pursley,	Wood,
Foster,	Limper,	Readinger,	Worley,
Frank,	Lippincott,	Reibman,	Yetter,
Frascella,	Lopresti,	Renwick,	Yetzer,
Frost,	Lovett,	Rigby,	Young,
Gaffney,	Lutty,	Royer,	Ziegler,
Garlock,		Rudisill,	Andrews,

Speaker

## NAYS—0

## NOT VOTING—26

Anderson, M. S.,	Fineman,	Lafore,	Reidenbach,
Blair,	Flynn,	Magee,	Rosen,
Brenninger,	George,	McKeever,	Rovansek,
Capano,	Kehler,	Mullen,	Rubin,
Comer,	Kline,	Pettigrew,	Scarcelli,
Donaldson,	Kratz,	Price,	Tompkins,
Down,	Kromer,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed the same with amendments in which the concurrence of the Senate is requested.

The SPEAKER. The Chair lays before the House the next bill on special order fixed for this time, being Senate Bill No. 838.

Agreeably to order,

The House proceeded to the third reading and consideration of Senate Bill No. 838, as follows:

An Act to further amend the act approved the twenty-seventh day of June one thousand nine hundred twenty-three (P. L. 858) entitled "An act establishing a State employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing State employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon the heads of departments in which State employes serve excepting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" providing for minimum retirement allowances for present beneficiaries and appropriations for payment of the costs thereof in conformity with provisions of amendment of section 11 of article 3 of the constitution.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 13.1 of the act approved the twenty-seventh day of June one thousand nine hundred twenty-three (P. L. 858) entitled "An act establishing a State employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing State employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon the heads of departments in which State employes serve excepting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" added January 19 1952 (P. L. 2176) is re-enacted and amended to read



\* \* \*

### Minimum Allowances for Present Beneficiaries

Section 13.1 (a) Every beneficiary who on November 8 1955 or at any time thereafter until and including the effective date of this act was receiving either a disability or superannuation retirement allowance under this act [as of ninety days after the effective date of this act] shall receive in addition to the benefits otherwise provided by this act a further State annuity which shall be equivalent to the amount if any by which such retirement allowance otherwise payable is less than one thousand two hundred dollars (\$1200) annually where the contributor has twenty-five years or more of credited service in this Commonwealth or if less than twenty-five years of such service then such proportional amount of such one thousand two hundred dollars (\$1200) as the years of such credited service bear to twenty-five years

If the whole or any portion of such superannuation retirement allowance is based upon membership in the one one hundred-sixtieth dollar (\$1200) annual minimum an adjustment shall be made as to such superannuation retirement allowance or any portion thereof in the ratio that one one-hundredth (1-100) bears to one one hundred-sixtieth (1-160)

In the event that a beneficiary is receiving a reduced superannuation retirement allowance because of having elected an option such additional State annuity if any shall be related to the amount of the full retirement allowance he would have received if no option had been elected and in the event that a beneficiary when entering upon a superannuation retirement allowance has elected an option providing for a survivor annuity and the beneficiary has later died and the survivor beneficiary is in receipt of a survivor annuity then the additional State annuity if any payable to such survivor beneficiary shall be such reduced amount as under the rules is related to the additional State annuity if any which would have been payable to the retired member if such option had not been elected

The further state annuity provided for hereby shall commence as of November 8 1955 or on the date of retirement if later than November 8 1955

(b) The General Assembly shall from time to time appropriate moneys sufficient to make payments under this section based on estimates submitted by the board

Section 2 The provisions of this act shall become effective immediately

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

### YEAS—183

Adam,	Gelfand,	Mahan,	Sarra,
Agnew,	Gibb,	Markley,	Schuster,
Amarando,	Gibson,	Maxwell,	Sherman,
Anderson, S. A.,	Goldstein,	McCann,	Sigman,
Ashton,	Gramlich,	McCormack,	Smith, C. C.,
Auker,	Greenwood,	McGee,	Smith, Wm. B.,
Banker,	Guss,	McInroy,	Snider,
Barnatovich,	Guthrie,	McLaughlin,	Stank,
Bazin,	Hamilton, R. K.,	McWherter,	Stebbins,
Bell,	Hamilton, W. H.,	Meholchick,	Steckel,
Boles,	Hass,	Metz,	Stephens,
Bonner,	Haudenschild,	Mihm,	Stevenson,
Boory,	Heavey,	Mikula,	Stone,
Bower,	Helm,	Miller,	Stoner,
Branca,	Henzel,	Mills,	Strausser,
Brelschi,	Hewitt,	Monroe,	Stroup,
Brennan, A. P.,	Hocker,	Moody,	Swartz,
Brennan, J. J.,	Holt,	Moran,	Taylor,
Breth,	Horst,	Moscrip,	Thomas,
Brown,	Houk,	Muldowney,	Thompson,
Buechin,	Isaacs,	Munley,	Toll,
Bullen,	Jenkins,	Murphy,	Toomey,
Cianfrani,	Johnson,	Murray, H. P.,	Varallo,
Cloff,		Murray, J. J.,	Varner,

Cochran,	Jones, G. E.,	Murray, P. G.,	Vaughan,
Connelly,	Jones, T. H. W.,	Musto,	Verona,
Cooper,	Jump,	Naugle,	Wall,
Curwood,	Kamyk,	Needham,	Wallace,
Davis,	Keller,	Ogilvie,	Walsh,
Donahue,	Kent,	Olsen,	Wargo,
Dougherty,	Knecht,	O'Neill,	Waterhouse,
Ehrgood,	Kolankiewicz,	Pacchioni,	Weldner,
Ellberg,	Kooker,	Parry,	Welsh,
Erb,	Kornick,	Pashley,	Wescott,
Eshleman,	Kubacki,	Paulhamus,	Wheeler,
Ewing,	Lawyer,	Petrosky,	Whitenight,
Farabaugh,	Leiby,	Polaski,	Willaredt,
Filo,	Leisey,	Polen,	Williams,
Flint,	Leonard,	Pomeroy,	Wilt,
Floyd,	Leven,	Pursley,	Wood,
Foster,	Light,	Readinger,	Worley,
Frank,	Limper,	Reibman,	Yetter,
Frasella,	Lippincott,	Renwick,	Yetzer,
Frost,	Lopresti,	Rigby,	Young,
Gaffney,	Lovett,	Royer,	Ziegler,
Garlock,	Lutty,	Rudisill,	Andrews,

Speaker

NAYS—0

NOT VOTING—26

Anderson, M. S.,	Fineman,	Lafore,	Reidenbach,
Blair,	Flynn,	Musce,	Rosen,
Brenninger,	George,	McKeever,	Rovensk,
Capano,	Kehler,	Mullen,	Rubin,
Comer,	Kline,	Pettigrew,	Scarcelli,
Donaldson,	Kratz,	Price,	Tompkins,
Down,	Kromer,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed the same with amendments in which the concurrence of the Senate is requested.

### BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 128, entitled:

An Act amending the act of June 3, 1937 (P. L. 1333), entitled "An act concerning elections, including general, municipal, special and primary elections, the nomination of candidates, primary and election expenses and election contests; creating and defining membership of county boards of elections; imposing duties upon the Secretary of the Commonwealth, courts, county boards of elections, county commissioners; imposing penalties for violation of the act, and codifying, revising and consolidating the laws relating thereto; and repealing certain acts and parts of acts relating to elections," permitting electors who have changed their residence from one election district to another during a certain period to vote in the election district in which they are registered with certain exceptions.

The first section was read and agreed to.

The second section was read.

On the question,

Will the House agree to the section?

Mr. JOHNSON offered the following amendment:

Amend Sec. 2 (Sec. 1210) page 3, line 14, by underscoring "nor"

It was agreed to.

The section was agreed to as amended.

The title was read and agreed to.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for third reading.



Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 388, entitled:

An Act amending the act of June 3, 1937 (P. L. 1333), entitled "An act concerning elections, including general, municipal, special and primary elections, the nomination of candidates, primary and election expenses and election contests; creating and defining membership of county boards of elections; imposing duties upon the Secretary of the Commonwealth, courts, county boards of elections, county commissioners; imposing penalties for violation of the act, and codifying, revising and consolidating the laws relating thereto; and repealing certain acts and parts of acts relating to elections," extending voting rights to bedridden or hospitalized veterans when not absent from county of residence.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 413, entitled:

A Joint Resolution proposing an amendment to article eight of the Constitution of the Commonwealth of Pennsylvania providing for absentee voting

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1267, entitled:

An Act amending the act of July 28 1953 (P. L. 723) entitled "An act relating to counties of the second class amending revising consolidating and changing the laws relating thereto" increasing the annual salaries of certain officers in counties of the second class

The first section was read.

On the question,

Will the House agree to the section?

Mr. VAUGHAN offered the following amendments.

Amend Sec. 1 (Sec. 1810), page 3, lines 3 and 4, by inserting a bracket before "eighteen" and after "\$18,500)" and inserting immediately thereafter: "twenty-one thousand dollars (\$21,000)."

Amend Sec. 1 (Sec. 1810), page 3, lines 4 and 5, by inserting a bracket before "fifteen" and after "\$15,500)" and inserting immediately thereafter: "eighteen thousand dollars (\$18,000)."

They were agreed to.

The section was agreed to as amended.

The second and third sections and title were separately read and agreed to.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1405, entitled:

An Act amending the act of March 30, 1937 (P. L. 115), entitled "An act to provide for the permanent personal registration of electors in cities of the first class as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a

further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; and prescribing the powers and duties of citizens, parties, bodies of electors, registration commissions, commissioners, registrars, inspectors of registration and other appointees of registration commission, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, real estate brokers, rental agents, certain public service companies, persons, firms, and corporations operating vehicles for moving furniture and household goods, and boards of school directors; and imposing penalties," removing limitations on the power of the commission to establish offices for receipt of applications for registration, and changing the provisions of the act as to registration of electors before municipal elections.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1793, entitled:

An Act amending the act of June 12, 1931 (P. L. 510) entitled "An act providing for the licensure and regulation of certain private nursing homes and private hospitals conferring certain powers and duties upon the Department of Welfare and providing penalties" extending the act to private convalescent homes conducted for profit requiring licensing under the act for treatment care or nursing by reason of pregnancy changing license fees requiring certain records to be kept by hospitals regulating the refusal to grant refuse or renew licenses and changing penalties

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1839, entitled:

An Act amending the act of May 1, 1929 (P. L. 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" changing the definition of the word "chassis" to include a rear bumper and requiring passenger motor vehicles to be equipped with certain types of exhaust pipes

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.



Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1907, entitled:

An Act making an appropriation to the House of Representatives of the General Assembly for the salaries of officers and employes and mileage of members

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

#### BILL PASSED OVER

There being no objection,

Senate Bill No. 813, Printer's No. 322, was passed over at the request of the SPEAKER.

#### BILLS ON FINAL PASSAGE

#### BILL PASSED OVER

There being no objection,

House Bill No. 1311, Printer's No. 1102, was passed over at the request of the SPEAKER.

Agreeably to order,

The House proceeded to the consideration of final passage of House Bill No. 1695, as follows:

An Act amending the act of March 7 1901 (P. L. 20) entitled "An act for the government of cities of the second class" increasing the jurisdiction of magistrates of the municipal traffic court in cities of the second class The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 3 of Article XVI-A act of March 7 1901 (P. L. 20) entitled "An act for the government of cities of the second class" added September 29 1951 (P. L. 1623) is amended to read

Section 3 Powers of the Magistrates of the Municipal Traffic Court (A) All magistrates of the municipal traffic court in each city of the second class shall have full and complete jurisdiction power and authority to receive and take criminal information on oath or affirmation of and subscribed to by the affiant accusing any person or persons of the commission of any summary offense or felony or misdemeanor arising under The Vehicle Code or any ordinance enacted pursuant thereto committed within the corporate limits of the city in which the said municipal traffic court has jurisdiction and to administer oaths issue summonses subpoenas and warrants for the arrest of the accused and hear and decide all such summary offenses impose fines and costs of prosecution and to commit to jail in default of the payment thereof and hold preliminary hearings and prosecutions for indictable offenses under The Vehicle Code and any local ordinance enacted pursuant thereto and commit to jail or bind over for trial at the next term of the proper court of the county or discharge such accused person or persons as the evidence produced at such preliminary hearing or hearings may warrant

(B) In any case where a magistrate of the Municipal Traffic Court has authority to impose a fine or penalty in a summary proceeding for any violation of the Vehicle Code or of a city ordinance dealing with the regulation of traffic if the person charged with such violation is between the ages of sixteen and eighteen years both inclusive the magistrate shall have jurisdiction in such case to the same extent as he would have if the accused person was an adult

Section 2 The act of June 2, 1933 (P. L. 1433) known as "The Juvenile Court Law" and the act of June 3, 1933 (P. L. 1449) known as the "Juvenile Court Law of Allegheny County" are repealed in so far as inconsistent with the provisions of this act

Section 3 All other acts and parts of acts are repealed in so far as inconsistent herewith

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

#### YEAS—179

Adam,	Gelfand,	Mahan,	Sarrafi,
Agnew,	Gibb,	Markley,	Schuster,
Amarando,	Gibson,	Maxwell,	Sherman,
Anderson, S. A.,	Goldstein,	McCann,	Sigman,
Ashton,	Gramlich,	McCormack,	Smith, C. C.,
Banker,	Greenwood,	McGee,	Smith, Wm. B.,
Barnatovich,	Guss,	McInroy,	Slider,
Bazin,	Guthrie,	McLaughlin,	Stank,
Bell,	Hamilton, R. K.,	McWhorter,	Stebbins,
Boies,	Hamilton, W. H.,	Meholchick,	Steckel,
Bonner,	Hass,	Metz,	Stephens,
Boory,	Haudenshield,	Mihm,	Stevenson,
Bower,	Heavey,	Miller,	Stone,
Branca,	Helm,	Mills,	Stoner,
Brelschi,	Henzel,	Monroe,	Strausser,
Brennan, A. P.,	Hewitt,	Moody,	Stroup,
Brennan, J. J.,	Hocker,	Moran,	Swartz,
Breth,	Holt,	Moscrip,	Taylor,
Brown,	Horst,	Muldowney,	Thomas,
Bucchin,	Houk,	Munley,	Toll,
Bullen,	Isaacs,	Murphy,	Toomey,
Cianfrani,	Jenkins,	Murray, H. P.,	Varallo,
Cloffi,	Johnson,	Murray, J. J.,	Varnier,
Cochran,	Jones, G. E.,	Murray, P. G.,	Vaughan,
Connelly,	Jones, T. H. W.,	Musto,	Verona,
Cooper,	Jump,	Naugle,	Wall,
Curwood,	Kamyk,	Needham,	Wallace,
Davis,	Keller,	Ogilvie,	Walsh,
Donahue,	Kent,	Olsen,	Wargo,
Dougherty,	Knecht,	O'Neill,	Waterhouse,
Ehrgood,	Kolankiewicz,	Pacchioli,	Weldner,
Ellberg,	Kooker,	Parry,	Welsh,
Erb,	Kornick,	Pashley,	Wescott,
Eshleman,	Kubacki,	Paulhamus,	Wheeler,
Ewing,	Lawyer,	Petrosky,	Whitenight,
Farabaugh,	Leiby,	Polaski,	Willaredt,
Filo,	Leisey,	Polen,	Williams,
Flint,	Leonard,	Pomeroy,	Wilt,
Floyd,	Leven,	Pursley,	Wood,
Foster,	Light,	Readinger,	Yetter,
Frank,	Limper,	Reibman,	Yetzer,
Frascella,	Lippincott,	Renwick,	Young,
Frost,	Lopresti,	Rigby,	Ziegler,
Gaffney,	Lovett,	Royer,	Andrews,
Garlock,	Lutty,	Rudisill,	Speaker

#### NAYS—4

Auker,	Mikula,	Thompson,	Worley,
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#### NOT VOTING—26

Anderson, M. S.,	Fineman,	Lafore,	Reidenbach,
Blair,	Flynn,	Magee,	Rosen,
Brenninger,	George,	McKeever,	Rovansek,
Capano,	Kehler,	Mullen,	Rubin,
Comer,	Kline,	Pettigrew,	Scarcelli,
Donaldson,	Kratz,	Price,	Tompkins,
Down,	Kromer,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

#### BILLS PASSED OVER

There being no objection,

House Bill No. 1706, Printer's No. 841,

House Bill No. 1823, Printer's No. 1103, and

House Bill No. 1825, Printer's No. 1104,

were passed over at the request of the SPEAKER.



## BILLS ON THIRD READING

## BILLS PASSED OVER

There being no objection,

House Bill No. 319, Printer's No. 1137,  
was passed over at the request of Mr. READINGER.

There being no objection,

House Bill No. 491, Printer's No. 1171,  
was passed over at the request of the SPEAKER.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 570, as follows:

An Act regulating and prescribing the working hours and vacation periods of police officers employed by any county city except the city of Philadelphia borough town or township having a regular police force consisting of five or more full time police officers.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 In any county city except the city of Philadelphia borough town or township which has a regular police force consisting of five or more full time police officers no police officer shall be on duty more than eight hours in any one day all of which shall be consecutive nor more than forty-four hours during any seven day period in the year 1956 nor more than forty hours during any seven day period in the year 1957 or thereafter The provisions of this section shall not apply during any temporary period of emergency for the suppression of riots or tumults the preservation of the public peace or in times of conflagration or public celebrations

Section 2 Each police officer shall be entitled to an annual vacation of not less than fifteen working days without diminution of his salary or compensation as fixed by ordinance

Section 3 This act shall take effect January 1 1956

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

## YEAS—183

Adam,	Gelfand,	Markley,	Schuster,
Agnew,	Gibb,	Maxwell,	Sherman,
Amarando,	Gibson,	McCann,	Sigman,
Anderson, S. A.,	Goldstein,	McCormack,	Smith, C. C.,
Ashton,	Gramlich,	McGee,	Smith, Wm. B.,
Auker,	Greenwood,	McInroy,	Snider,
Banker,	Guss,	McLaughlin,	Stank,
Barnatovich,	Guthrie,	McWherter,	Steckel,
Bazin,	Hamilton, R. K.,	Meholchick,	Stebbins,
Boles,	Hamilton, W. H.,	Metz,	Stephens,
Bonner,	Hass,	Mihm,	Stevenson,
Boory,	Haudensfield,	Mikula,	Stone,
Bower,	Heavey,	Miller,	Stoner,
Branca,	Helm,	Mills,	Strausser,
Brelscha,	Henzel,	Monroe,	Stroup,
Brennan, A. P.,	Hewitt,	Moody,	Swartz,
Brennan, J. J.,	Hocker,	Moran,	Taylor,
Bell,	Holt,	Moscrip,	Thomas,
Breth,	Horst,	Muldowney,	Thompson,
Brown,	Houk,	Munley,	Toll,
Bucchin,	Isaacs,	Murphy,	Toomey,
Bullen,	Jenkins,	Murray, H. P.,	Varallo,
Clanfrani,	Johnson,	Murray, J. J.,	Varnier,
Cloff,	Jones, G. E.,	Murray, P. G.,	Vaughan,
Cochran,	Jones, T. H. W.,	Musto,	Verona,
Connelly,	Jump,	Naugle,	Wall,
Cooper,	Kamyk,	Needham,	Wallace,
Curwood,	Keller,	Ogilvie,	Walsh,
Davis,	Kent,	Olsen,	Wargo,
Donahue,	Knecht,	O'Neil,	Waterhouse,

Dougherty,  
Ehrgood,  
Ellberg,  
Erb,  
Eshleman,  
Ewing,  
Farabaugh,  
Filo,  
Flint,  
Floyd,  
Foster,  
Frank,  
Frascella,  
Frost,  
Gaffney,  
Garlock,

Kolankiewicz,  
Kooker,  
Kornick,  
Kubacki,  
Lawyer,  
Leiby,  
Leisey,  
Leonard,  
Leven,  
Light,  
Limper,  
Lippincott,  
Lopresti,  
Lovett,  
Lutty,  
Mahan,

Pacchioli,  
Parry,  
Pashley,  
Paulhamus,  
Petrosky,  
Polaski,  
Polen,  
Pomeroy,  
Pursley,  
Readinger,  
Reibman,  
Renwick,  
Rigby,  
Royer,  
Rudisill,  
Sarraf,

Weidner,  
Welsh,  
Wescott,  
Wheeler,  
Whitenight,  
Willaredt,  
Williams,  
Wilt,  
Wood,  
Worley,  
Yetter,  
Yetzer,  
Young,  
Ziegler,  
Andrews,  
Speaker

## NAYS—0

## NOT VOTING—26

Anderson, M. S.,  
Blair,  
Brenninger,  
Capano,  
Comer,  
Donaldson,  
Down,

Fineman,  
Flynn,  
George,  
Kehler,  
Kline,  
Kratz,  
Kromer,

Lafore,  
Magee,  
McKeever,  
Mullen,  
Pettigrew,  
Price,

Reidenbach,  
Rosen,  
Rovasek,  
Rubin,  
Scarcelli,  
Tompkins,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

## BILL PASSED OVER

There being no objection

House Bill No. 592, Printer's No. 1156  
was passed over at the request of Mr. READINGER.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 814, entitled:

An Act amending the act of June 11, 1915 (P. L. 938), entitled "An act to regulate and establish the fees to be charged and collected by the several clerks of the courts of the courts of oyer and terminer, general jail delivery, and quarter sessions of the peace, in counties of this Commonwealth having a population of ever eight hundred thousand and less than one million five hundred thousand inhabitants, as computed by the last preceding United States census," changing and fixing fees in counties of the second class.

On the question,

Will the House agree to the bill on third reading?

Mr. FILO. Mr. Speaker, I ask unanimous consent to offer an amendment at this time.

The SPEAKER. The amendment will be read by the Clerk for information.

Amend Sec. 2 (Sec. 1) page 13, line 3 by striking out "three" and inserting in lieu there "five"

The SPEAKER. Will the House give unanimous consent to the offering of an amendment at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.



Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 832 as follows:

An Act amending the act of May 3, 1915 (P. L. 226) entitled "An act to establish and regulate the fees to be received and charged by the prothonotary of the courts of common pleas of this Commonwealth in counties having over eight hundred thousand and less than one million five hundred thousand inhabitants according to the last preceding United States census" changing and further fixing the fees to be charged by the prothonotary

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 1 act of May 3, 1915 (P. L. 226) entitled "An act to establish and regulate the fees to be received and charged by the prothonotary of the courts of common pleas of this Commonwealth in counties having over eight hundred thousand and less than one million five hundred thousand inhabitants according to the last preceding United States census" amended August 10, 1951 (P. L. 1221) is amended to read

Section 1 The fees to be received by the prothonotary of the courts of common pleas of this Commonwealth in counties of the second class shall be as follows

#### Action in Assumpsit

Entering issuing notice of suit reinstatement or reissue and entering sheriff's return one dollar and twenty-five cents

All other docket entries before filing of pleas or entering judgment [three] four dollars

Filing of plea or entering judgment for one defendant [one dollar] two dollars for each additional defendant twenty-five cents

#### Action in Trespass

Entering issuing notice of suit or capias ad respondendum or reinstatement or reissue and entering sheriff's return one dollar and twenty-five cents

All other docket entries before filing of pleas or entering judgment [three] four dollars

Filing of plea or entering judgment for one defendant [one dollar] two dollars for each additional defendant twenty-five cents

#### Appeals

To Supreme and Superior Courts and bond thereon with justification ten dollars Supplemental Appeals to Supreme and Superior Courts five dollars

From alderman justice of the peace and county court [three] four dollars

Receiving and entering appeals from an award of arbitrators taking recognizance and affidavit [two] three dollars

Receiving and entering appeal from board of viewers or assessors two dollars and fifty cents

Receiving and entering appeal from recount of election returns two dollars

#### Arbitrators

Entering of rule to choose fifty cents

Entering of rule to refer fifty cents

#### Assignments

Noting docketing and indexing [one dollar] two dollars and fifty cents

#### Attachment

Attachment execution domestic attachment foreign attachment and under the act of one thousand eight hundred and sixty-nine filing docketing and issuing writ one dollar and twenty-five cents

Subsequent docket entries prior to judgment [three] four dollars

Issuing attachment in contempt and motion thereof each name one dollar and twenty-five cents

Issuing attachment for defaulting witness fifty cents

Issuing attachment defaulting juror fifty cents

#### Bail

Bail-piece [one dollar] two dollars

Bail for stay entry and certificate [one dollar] two dollars

Receiving and care of cash deposit in lieu of surety one per cent on the first five hundred dollars and one-half of one per cent on the next one thousand dollars and one-fourth of one per cent on any additional amount

#### Certificate

Certifying record and seal [one dollar and fifty cents] two dollars

Issuing certificate of appointment of commissioner one dollar

Issuing certificate of appointment of master one dollar

Issuing certificate of appointment of auditor one dollar

Issuing certificate of no appeal one dollar and fifty cents

Issuing certificate of no liens for each five years or fraction thereof for each name [two] three dollars

Issuing certificate of liens for each five years or fraction thereof for each name [two] three dollars and fifty cents additional for each lien unsatisfied

Issuing certificate of no suits for each five years or fraction thereof for each name [two] three dollars

Certificate of commission to notary alderman and justice of the peace one dollar and fifty cents

Certified copy of order of court for each page or fraction thereof [fifty cents] one dollar

Certificate and seal [fifty cents] one dollar

Issuing [certied] certified copy of docket entry [one dollar and fifty cents] two dollars

Entering certificate of judgment against boroughs townships and school districts rendered by a justice or alderman fifty cents

#### Certiorari

Issuing writ and all proceedings thereon [three dollars and seventy-five cents] five dollars

#### Case Stated

Filing and docketing one dollar and twenty-five cents

All subsequent entries [three] four dollars

#### Change of Name

Filing and docketing petition [three] five dollars and seventy-five cents

#### Charter

Filing corporate charter petition for change of corporate name or alteration or amendment of charter for merger and all proceedings thereon ten dollars

#### Citation

Filing and docketing petition issuing writ and return thereon one dollar and twenty-five cents

Docketing all further proceedings [three] four dollars

#### Commission

Commission to take testimony docketing and entering thereon one dollar and twenty-five cents

Commission de lunatico inquirendo filing and docketing petition one dollar and twenty-five cents

Commission in partition and entering return two dollars

#### Condemnation of Property

Filing and docketing petition bond order of court and all subsequent docket entries [four] six dollars and seventy-five cents

#### Contract

Filing and docketing building contracts [three] four dollars

#### Costs and Fees

Collection of costs [and/or] or fees due to any person five per cent of the amount collected

#### Depositions

Entry of rule one dollar



<p>Dissolution</p> <p>Of charter or partnership filing and docketing all proceedings thereon six dollars</p> <p>Divorce</p> <p>Filing and docketing complaint issuing notice of suit and entering sheriff's return [four] dollars and twenty-five cents</p> <p>Issuing reinstatements and entering sheriff's return one dollar and twenty-five cents</p> <p>All subsequent docket entries including first certified copy of decree [three] four dollars and fifty cents Subsequent certified copies of decree two dollars each</p> <p>Election</p> <p>Reporting and certifying election of justice of the peace and all county State and other officers whose election is required to be reported and certified to the Secretary of the Commonwealth each officer certified [fifty cents] one dollar</p> <p>To be paid by the county</p> <p>Petition to open ballot-box filing and docketing and certified copy of order one dollar and seventy-five cents</p> <p>Ejectment</p> <p>Issuing notice of suit and entering sheriff's return one dollar and twenty-five cents</p> <p>Indexing and all subsequent docket entries prior to plea [three] four dollars and twenty-five cents</p> <p>Filing plea or entering judgment thereon one dollar</p> <p>Equity</p> <p>Filing of bill [two] four dollars and fifty cents for each name indexed twenty-five cents All other docket entries before filing of pleas or entering of judgment five dollars for each docket page or fraction thereof used</p> <p>Escheat</p> <p>Entry and docketing proceedings five dollars</p> <p>Estrepement</p> <p>Issuing of writ one dollar and twenty-five cents</p> <p>Exemplification</p> <p>Record from other county filing and entering the same [two] three dollars and twenty-five cents</p> <p>Feme Sole Trader</p> <p>Petition docketing and all services thereunder [four] five dollars and seventy-five cents</p> <p>Fieri Facias</p> <p>Issuing and docketing writ and entering sheriff's return [one dollar] three dollars and fifty cents</p> <p>Issuing and docketing testatum fieri facias and entering sheriff's return [one dollar] three dollars and fifty cents</p> <p>Docketing and indexing testatum fieri facias other county [two] four dollars and twenty-five cents</p> <p>Financing Statement under Uniform Commercial Code</p> <p>Filing and docketing financing statements or amendments of the same each three dollars</p> <p>Termination or satisfaction of financing statement each one dollar</p> <p>Financial Statement</p> <p>Filing and docketing one dollar and seventy-five cents</p> <p>Guardian</p> <p>Filing and docketing petition including certificate of appointment [four] five dollars and seventy-five cents</p> <p>Filing of guardian account three dollars</p> <p>Habeas Corpus</p> <p>Issuing writ one dollar and seventy-five cents Additional certified copies of order thereon one dollar each</p>	<p>Habere Facias</p> <p>Issuing writ docketing and entering sheriff's return [one dollar] three dollars and fifty cents</p> <p>Habitual Drunkards</p> <p>Filing and docketing petition and all subsequent proceedings four dollars and seventy-five cents</p> <p>Injunction</p> <p>Writ for preliminary injunction [one dollar] three dollars and twenty-five cents</p> <p>Inquiry</p> <p>Issuing of writ one dollar and twenty-five cents</p> <p>Insolvency</p> <p>Filing petition docketing and all subsequent proceedings four dollars and seventy-five cents</p> <p>Judgments</p> <p>Docketing and indexing confessed judgments [one dollar] two dollars and seventy-five cents</p> <p>Entering satisfaction thereon seventy-five cents</p> <p>Judges Detailment of</p> <p>Entry of order and certificate two dollars</p> <p>To be paid by the county</p> <p>Levari Facias</p> <p>Issuing writ docketing and entering sheriff's return [one dollar] three dollars and fifty cents</p> <p>Lien</p> <p>Release postponement restriction satisfaction or discontinuance [seventy-five] one dollar and fifty cents</p> <p>Lists</p> <p>Preparing files and records for cases on trial list each case [twenty-five] fifty cents</p> <p>To be paid by the county</p> <p>Preparing trial or argument list each case [twenty-five] fifty cents</p> <p>To be paid by the county</p> <p>Lunacy</p> <p>Filing and docketing petition and all subsequent entries therein [four] five dollars and seventy-five cents</p> <p>Mandamus</p> <p>Filing docketing petition issuing notice of suit and entering return and all other services [four] five dollars and seventy-five cents</p> <p>Mechanics' Lien</p> <p>Entering docketing and indexing [three] four dollars</p> <p>Mortgages Satisfaction Thereof</p> <p>Filing docketing petition and all subsequent proceedings including certificate [four] five dollars and seventy-five cents</p> <p>Municipal Lien</p> <p>Entering docketing and indexing where the claim is for one year and is directed to be indexed against one name only two dollars For each additional year included one dollar for each additional defendant named twenty-five cents</p> <p>Oaths of Office</p> <p>Filing and docketing one dollar and seventy-five cents</p> <p>Overseers of Election</p> <p>Filing petition for appointment one dollar and twenty-five cents</p> <p>Each certificate fifty cents</p>
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<p>Party Name</p> <p>Filing docketing and certificate for preemption of party name [three] four dollars and seventy-five cents</p>	<p>Entry of report of school auditors' docket for each page of report thirty cents</p> <p>Entering and docketing of school auditors' report two dollars</p>
<p>Perpetuating Testimony</p> <p>Filing and docketing petition [one dollar] two dollars and twenty-five cents Entering order of court thereon and recording the same three dollars</p>	<p>School Directors</p> <p>Docketing order of appointment and certificates thereof in districts of the first class two dollars</p>
<p>Partition</p> <p>Filing docketing and issuing writ of summons and entering sheriff's returns one dollar and twenty-five cents</p> <p>Subsequent docket entries prior to judgment [three] four dollars</p> <p>Entry of judgment therein one dollar for each indexed name twenty-five cents</p> <p>Writ de partitione faciendo one dollar and twenty-five cents</p>	<p>Scire Facias</p> <p>Sur mortgage filing docketing issuing writ certificate to recorder entering on scire facias and entering sheriff's return [one dollar] three dollars and seventy-five cents</p> <p>Alias writ [one dollar and twenty-five cents] two dollars</p> <p>All other writs of scire facias and alias writs filing docketing issuing indexing and entering sheriff's return [one dollar] two dollars and twenty-five cents</p>
<p>Petition</p> <p>Filing petition for oral examination as to title of property [one dollar] two dollars</p> <p>Filing and docketing any petition not herein specifically provided for [three] four dollars</p>	<p>Suggestion of Freehold</p> <p>Entry and certificate one dollar</p> <p>Subpoena</p> <p>Issuing of one dollar</p> <p>Tax Lien</p>
<p>Pleadings</p> <p>Filing appearances or answer or motion or preliminary objection or proof of service or publication or rule for answer or bill of particulars or other pleading or petition after entry of complaint petition suit or action at law or in equity or other original writ otherwise than herein specifically provided for twenty-five cents</p> <p>Fees above specified to be taxed at time of filing but to follow judgment and to be included in costs</p> <p>Filing amendment of title record or pleading fifty cents</p> <p>Framing an issue in any action two dollars</p> <p>Suggesting death or a party diminution of record or amending record each fifty cents</p>	<p>Filing and entering where tax is for one year and one defendant only is named one dollar For each additional year included one dollar For each additional defendant named twenty-five cents</p> <p>Satisfaction of each one dollar</p> <p>Filing and entering where special dockets are required and indexing on judgment index where tax is for one year and is directed to be indexed against one defendant only two dollars For each additional year included one dollar For each additional defendant named twenty-five cents</p> <p>Filing and entering suggestion and averment of unpaid tax or municipal claim and indexing judgment docket where tax or claim is for one year and is directed to be indexed against one name only one dollar For each additional year included one dollar For each additional name indexed twenty-five cents</p> <p>Preparing suggestions and averments each twenty-five cents</p> <p>Furnishing list of unsatisfied tax liens each item shown twenty-five cents</p>
<p>Possession</p> <p>Entry issuing writ and return thereon [one dollar] two dollars and seventy-five cents</p>	<p>Transcribing</p> <p>Any paper or record per page or fraction thereof [fifty cents] one dollar</p>
<p>Quo Warranto</p> <p>Filing and docketing petition issuing notice of suit and all further proceedings thereon [two] three dollars and fifty cents</p>	<p>Transcript</p> <p>Docketing and indexing transcript from alderman justice of the peace and county court three dollars</p>
<p>Receipt</p> <p>Entering or issuing seventy-five cents</p>	<p>Venditioni Exponas</p> <p>Issing writ and entering sheriff's return [one dollar] two dollars and fifty cents</p>
<p>Registration and Certificate</p> <p>Partnerships physicians veterinarians dentists and stalions one dollar</p>	<p>Verdict</p> <p>Verdict fee and indexing in judgment docket [four] five dollars</p>
<p>Remittitur</p> <p>Entering the same from Supreme or Superior Courts two dollars</p>	<p>Viewers</p> <p>Docketing petition [one dollar] two dollars and twenty-five cents</p> <p>Issuing precept one dollar and twenty-five cents</p> <p>All subsequent docket entries three dollars</p> <p>Certified copy of report three dollars</p>
<p>Replevin</p> <p>Entry issuing notice of suit and all services prior to judgment [four] five dollars and twenty-five cents</p> <p>Issuing writ of retorno habendo [one dollar] two dollars and fifty cents</p> <p>Reports</p> <p>Report to county commissioners of every judgment or lien assignment or satisfaction thereof each [ten] twenty-five cents</p> <p>Not to exceed [six] twelve hundred dollars per annum</p> <p>Entering report of treasurer and acknowledging treasurer's deed two dollars and fifty cents</p>	<p>Workhouse Release</p> <p>Making out petition and certificate one dollar</p> <p>General Provisions</p> <p>The fees for services not herein specially provided for shall be the same as for similar services</p> <p>The prothonotary shall not be required to enter or docket any suit or action or order of court or enter any judgment thereon or perform any services whatsoever until the requisite fee is paid</p>
<p>School Auditor</p> <p>Docketing order of appointment one dollar and twenty-five cents</p> <p>Each certificate issued fifty cents</p> <p>Entry of auditor's official oath fifty cents</p>	



The fees hereinbefore enumerated shall be exclusive of any State tax now levied or that may hereafter be levied  
Section 2 This act shall take effect immediately

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

## YEAS—138

Adam.	Goldstein,	Meholchick,	Smith, C. C.,
Agnew,	Greenwood,	Mihm,	Smith, Wm. B.,
Amarando,	Guss,	Mills,	Snider,
Anderson, S. A.,	Hamilton, R. K.,	Monroe,	Stank,
Barnatovich,	Hamilton, W. H.,	Moody,	Stebbins,
Bazin,	Hass,	Moran,	Steckel,
Boles,	Haudenschild,	Moscrip,	Stephens,
Bonner,	Heavey,	Muldowney,	Stone,
Boory,	Henzel,	Munley,	Strausser,
Bower,	Hewitt,	Murphy,	Swartz,
Branca,	Hocker,	Musto,	Taylor,
Brennan, A. P.,	Holt,	Naugle,	Thomas,
Brennan, J. J.,	Jenkins,	Needham,	Thompson,
Breth,	Jones, G. E.,	Ogilvie,	Toll,
Bucchin,	Kamyk,	Olsen,	Toomey,
Bullen,	Kolankiewicz,	O'Neil,	Varallo,
Cianfrani,	Kornick,	Pacchioli,	Varner,
Cloffi,	Kubacki,	Pashley,	Vaughan,
Cochran,	Lawyer,	Paulhamus,	Verona,
Connelly,	Leiby,	Petrosky,	Wall,
Curwood,	Leonard,	Polaski,	Wallace,
Davis,	Leven,	Polen,	Walsh,
Dougherty,	Limper,	Pomeroy,	Wargo,
Ellberg,	Lippincott,	Readinger,	Welsh,
Ewing,	Lopresti,	Reibman,	Wescott,
Farabaugh,	Lovett,	Renwick,	Wheeler,
Filo,	Lutty,	Rigby,	Whitenight,
Flint,	Markley,	Royer,	Williams,
Floyd,	Maxwell,	Rubin,	Yetter,
Frank,	McCann,	Rudisill,	Yetzer,
Frascella,	McCormack,	Sarra,	Young,
Gaffney,	McGee,	Scarcelli,	Ziegler,
Garlock,	McInroy,	Schuster,	Andrews,
Gelfand,	McLaughlin,	Sherman,	Speaker
Gibson,	McWherter,	Sigman,	

## NAYS—43

Ashton,	Eshleman,	Jones, T. H. W.,	Murray, P. G.,
Auker,	Foster,	Keller,	Pursley,
Banker,	Frost,	Kent,	Stevenson,
Bell,	Gibb,	Kooker,	Stoner,
Breisch,	Gramlich,	Leisey,	Tompkins,
Brown,	Guthrie,	Light,	Waterhouse,
Cooper,	Helm,	Mahan,	Weidner,
Donahue,	Horst,	Metz,	Willaredt,
Ehrgood,	Houk,	Mikula,	Wilt,
Erb,	Isaacs,	Miller,	Wood,
	Johnson,	Murray, H. P.,	Worley,

## NOT VOTING—28

Anderson, M. S.,	Fineman,	Kratz,	Parry,
Blair,	Flynn,	Kromer,	Pettigrew,
Brenninger,	George,	Lafore,	Price,
Capano,	Jump,	Magee,	Reidenbach,
Comer,	Kehler,	McKeever,	Rosen,
Donaldson,	Kline,	Mullen,	Rovansek,
Down,	Knecht,	Murray, J. J.,	Stroup,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 833 as follows:

An Act amending the act of June 12, 1919 (P. L. 476)

entitled as amended "An act to regulate and establish the fees to be charged and collected by the recorder of deeds in counties of the second-class" increasing amount of fees to be charged and collected by recorders in counties of the second class

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 1 act of June 12, 1919 (P. L. 476) entitled as amended "An act to regulate and establish the fees to be charged and collected by the recorder of deeds in counties of the second class" amended May 18, 1945 (P. L. 706) is amended to read

Section 1 Be it enacted &c That the fees to be charged and collected by the recorder of deeds in counties of the second class shall be as follows

For recording deeds the minimum fee for not more than one description or more than four legal cap typewritten pages be [three dollars and fifty cents (\$3.50)] four dollars and fifty cents (\$4.50) and for each additional description [thirty-five cents (35¢)] fifty cents (50¢) extra

For recording sheriff's deeds [three dollars (\$3.00)] four dollars (\$4.00)

For indexing deeds mortgages and all other writings with more than four names [fifteen cents (15¢)] twenty-five cents (25¢) extra for each additional name

For recording agreements leases oil and gas leases rights of way municipal ordinance vacating streets lanes or alleys or parts thereof of not more than four legal cap typewritten pages the minimum fee shall be [three dollars and fifty cents (\$3.50)] four dollars and twenty-five cents (\$4.25) and [fifty cents (50¢)] seventy-five cents (75¢) for each additional legal cap typewritten page or fractional part thereof

For recording assignments of agreements leases oil and gas leases rights of way or other instrument of writing by separate paper except such as are herein specially provided of not more than two legal cap typewritten pages the minimum fee shall be [two dollars and fifty cents (\$2.50)] three dollars and twenty-five cents (\$3.25) and [fifty cents (50¢)] seventy-five cents (75¢) for each additional page or fractional part thereof

For recording adjudication in bankruptcy two dollars and fifty cents (\$2.50)

For recording widow's election [two dollars and twenty-five cents (\$2.25)] three dollars (\$3.00)

For recording widow's appraisal [three dollars and twenty-five cents (\$3.25)] four dollars (\$4.00)

For recording release of legacies [two dollars and twenty-five cents (\$2.25)] three dollars (\$3.00)

For recording military or naval discharge one dollar (\$1.00) Fee to be paid by the county

For recording military or naval certificate of service one dollar (\$1.00) Fee to be paid by the county

For recording decree of feme sole trader [two dollars and fifty cents (\$2.50)] three dollars (\$3.00)

For recording declaration of trust of not more than one description of property or more than four legal cap typewritten pages the minimum fee shall be [three dollars and fifty cents (\$3.50)] four dollars and twenty-five cents (\$4.25) and [fifty cents (50¢)] seventy-five cents (75¢) for each additional page or fractional part thereof

For recording decree or order of court of not more than two legal cap typewritten pages [two dollars and fifty cents (\$2.50)] three dollars and twenty-five cents (\$3.25) and [fifty cents (50¢)] seventy-five cents (75¢) for each additional page or fractional part thereof

For recording mortgages of not more than one description or more than four legal cap typewritten pages the minimum fee shall be [three dollars and fifty cents (\$3.50)] four dollars (\$4.00) and each additional description [twenty-five cents (25¢)] fifty cents (50¢) extra

For recording assignment of mortgage when attached to mortgage at time of recording [one dollar (\$1.00)] one dollar and fifty cents (\$1.50)

For recording assignment of mortgage by separate paper of not more than one assignment [two dollars and twenty-five cents (\$2.25)] three dollars (\$3.00) for noting each additional assignment [twenty cents (20¢)] fifty cents (50¢)



For recording satisfaction partial payment postponement or release by separate paper [two dollars and twenty-five cents (\$2.25)] three dollars (\$3.00)

For entering satisfaction assignments partial payments releases extensions and postponements on margin of mortgage record [one dollar and fifty cents (\$1.50)] two dollars and fifty cents (\$2.50)

For entering partial payment release extension and assignment under one marginal entry [one dollar (\$1.00)] two dollars (\$2.00) for first item and [fifty cents (50¢)] seventy-five cents (75¢) for each additional item

For mortgage searches on not more than one piece of property each name [one dollar (\$1.00)] two dollars (\$2.00) and for each unsatisfied mortgage shown [fifty cents (50¢)] seventy-five cents (75¢)

For reporting mortgage lien assignment or satisfaction thereof to the county commissioners or board of assessors [ten cents (10¢)] twenty-five cents (25¢) each to be paid by the county

For recording or exemplifying of commission for notary public with bond and oath [five dollars (\$5.00)] six dollars (\$6.00) city or county officer with bond and oath [five dollars (\$5.00)] six dollars (\$6.00) justice of the peace or alderman with bond and oath [five dollars and fifty cents (\$5.50)] six dollars and fifty cents (\$6.50) special police officer [three dollars (\$3.00)] four dollars (\$4.00)

For exemplification of special police officer's oath one dollar (\$1.00)

For furnishing Auditor General with information concerning limited partnerships twenty-five cents (25¢)

For affidavit and acknowledgment of bondsmen for notary public justice of the peace or aldermen one person [fifty cents (50¢)] seventy-five cents (75¢) two persons [seventy-five cents (75¢)] one dollar (\$1.00)

For recording powers of attorney of not more than two names or more than two legal cap typewritten pages the minimum fee shall be [two dollars and fifty cents (\$2.50)] three dollars and fifty cents (\$3.50) and [fifty cents (50¢)] seventy-five cents (75¢) for each additional page or fractional part thereof

For noting any instrument on margin of record [twenty cents (20¢)] fifty cents (50¢)

For recording charters or limited partnerships of not more than four legal cap typewritten pages the minimum fee shall be [three dollars and fifty cents (\$3.50)] four dollars and fifty cents (\$4.50) and [fifty cents (50¢)] seventy-five cents (75¢) for each additional page or fractional part thereof

For recording bank bonds two dollars and fifty cents (\$2.50)

The fee for services not herein specifically provided for shall be the same as for similar services

Section 2 This act shall take effect immediately

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

## YEAS—138

Adam,	Goldstein,	Meholchick,	Smith, C. C.,
Agnew,	Greenwood,	Mihm,	Smith, Wm. B.,
Amarando,	Guss,	Mills,	Snider,
Anderson, S. A.,	Hamilton, R. K.,	Monroe,	Stank,
Barnatovich,	Hamilton, W. H.,	Moody,	Stebbins,
Bazin,	Hass,	Moran,	Steckel,
Boles,	Haudenshield,	Moscrip,	Stephens,
Bonner,	Heavey,	Muldowney,	Stone,
Boory,	Henzel,	Munley,	Strausser,
Bower,	Hewitt,	Murphy,	Swartz,
Branca,	Hocker,	Musto,	Taylor,
Brennan, A. P.,	Holt,	Naugle,	Thomas,
Brennan, J. J.,	Jenkins,	Needham,	Thompson,
Breth,	Jones, G. E.,	Ogilvie,	Toll,
Buechlin,	Kamyk,	Olsen,	Toomey,
Bullen,	Kolankiewicz,	O'Neill,	Varallo,
Cianfrani,	Kornick,	Pacchioli,	Varner,

Cioffi,	Kubacki,	Pashley,	Vaughan,
Cochran,	Lawyer,	Paulhamus,	Verona,
Connelly,	Leiby,	Petrosky,	Wall,
Curwood,	Leonard,	Polaski,	Wallace,
Davis,	Leven,	Polen,	Walsh,
Dougherty,	Limper,	Pomeroy,	Wargo,
Eilberg,	Lippincott,	Readinger,	Welsh,
Ewing,	Lopresti,	Reibman,	Wescott,
Farabaugh,	Lovett,	Renwick,	Wheeler,
Filo,	Lutty,	Rigby,	Whitenight,
Flint,	Markley,	Royer,	Williams,
Floyd,	Maxwell,	Rubin,	Yetter,
Frank,	McCann,	Rudisill,	Yetzer,
Frascella,	McCormack,	Sarrafi,	Young,
Gaffney,	McGee,	Scarcelli,	Ziegler,
Garlock,	McInroy,	Schuster,	Andrews,
Gelfand,	McLaughlin,	Sherman,	Speaker
Gibson,	McWherter,	Sigman,	

## NAYS—43

Ashton,	Foster,	Keller,	Pursley,
Auker,	Frost,	Kent,	Stevenson,
Banker,	Gibb,	Kooker,	Stoner,
Bell,	Gramlich,	Lelsey,	Tompkins,
Breisch,	Guthrie,	Light,	Waterhouse,
Brown,	Helm,	Mahan,	Weidner,
Cooper,	Horst,	Metz,	Willaredt,
Donahue,	Houk,	Mikula,	Wilt,
Ehrgood,	Isaacs,	Miller,	Wood,
Erb,	Johnson,	Murray H. P.,	Worley,
Eshleman,	Jones, T. H. W.,	Murray, P. G.,	

## NOT VOTING—28

Anderson, M. S.,	Fineman,	Kratz,	Parry,
Blair,	Flynn,	Kromer,	Pettigrew,
Brenninger,	George,	Lafore,	Price,
Capano,	Jump,	Magee,	Reidenbach,
Comer,	Kehler,	McKeever,	Rosen,
Donaldson,	Kline,	Mullen,	Rovansek,
Down,	Knecht,	Murray, J. J.,	Stroup,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 949, as follows:

An Act amending the act of March 10 1949 (P. L. 30) entitled "An act relating to the public school system including certain provisions applicable as well to private and parochial schools amending revising consolidating and changing the laws relating thereto" providing for courses of study in first aid and home nursing to be included during the last four years of any complete high school program.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 1605 act of March 10 1949 (P. L. 30) known as the "Public School Code of 1949" is amended to read

Section 1605 Courses of Study (a) It shall be the duty of the superintendent having supervision over any high school to prepare and recommend to the board of school directors maintaining the same suitable courses of study which shall be adopted by said board of school directors with such changes as they may deem wise subject to the provisions of this act During the last four years of a complete high school program there shall be included at least a four semester or equivalent course of study in the history and government of that portion of America which has become the United States of America and of the Commonwealth of Pennsylvania of such nature kind or quality as to have for its purpose the developing teaching and presentation of the principles and ideals of the American Republican Representative form of government as portrayed and experienced by the acts and policies of the framers of the Declaration of Independence



and framers of the Constitution of the United States and the Bill of Rights. The courses of study in the history of the United States including the study of the Constitution of the United States and the Constitution of this Commonwealth shall also be such as will emphasize the good worthwhile and best features and points of the social economic and cultural development the growth of the American family life high standard of living of the United States citizen the privilege enjoyed by such citizens their heritage and its derivations of and in our principles of government and having for its purpose also the instilling into every boy and girl coming out of our public schools their solemn duty and obligation to exercise their voting privilege.

(b) During the last four years of any complete high school program there shall be included a course of study in first aid or home nursing or both for the purpose of training and increasing the available supply of trained personnel for use in any program or activity undertaken pursuant to the act of March 19 1951 (P. L. 28) known as the "State Council of Civil Defense Act of 1951" as amended. The minimum time to be devoted to such courses of study and to the practical and theoretical instruction given therein shall be prescribed by the Superintendent of Public Instruction based upon the Superintendent of Public Instruction shall direct a course of study to be prepared to assist school districts in complying with the provisions of this section.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. WHITENIGHT. Mr. Speaker, this bill simply provides for courses of study in first-aid and home nursing to be included during the last four years of any complete high school program. A question has been asked me as to how this program can be adopted into the present school extra curricular. I wish to answer this by stating that this program is flexible in its application and it appoints a superintendent of the school to work out a satisfactory schedule.

I feel that this bill is vital to civil defense as well as to any public emergency. The Department of Public Instruction and Civil Defense have each studied this bill and cleared it with the Chairman on the Committee on Education.

I ask all the Members of this House to support this bill.

Mr. CHARLES C. SMITH. Mr. Speaker, may I interrogate the gentleman please?

The SPEAKER. Will the gentleman from Montour permit himself to be interrogated?

Mr. WHITENIGHT. Yes, I shall, Mr. Speaker.

Mr. CHARLES C. SMITH. Mr. Speaker, while we have no real objection to this bill, I would like to find out, does the gentleman from Montour know how much money this is going to cost the Commonwealth?

Mr. WHITENIGHT. I am under the impression, Mr. Speaker, that this bill will cost no money. However, if this isn't answered clearly enough for the gentleman, Mr. McCann the Committee Chairman will answer it.

Mr. CHARLES C. SMITH. Would I not be right that this would be considered a teaching unit?

Mr. WHITENIGHT. Well, I would say a course, just a course.

Mr. CHARLES C. SMITH. Well, it would be my understanding, Mr. Speaker, and I think we are right, if anyone on the other side would care to correct me they may

do so, that it would require a teacher, and therefore, would be a teaching unit, would be under direct subsidy by the state and would come under the subsidy program that the state now has, I feel that by doing that it is going to cost the state a considerable amount of money. While the principle is perfectly all right, I do think that we should have some answer from someone, or it should go to Appropriations Committee so that we would know the amount of money that this is going to cost the state, because if we have the right information we feel it will be quite a considerable amount.

The SPEAKER. The gentleman from Montour yields to the gentleman from Greene, Mr. McCann.

Mr. McCANN. Mr. Speaker in regard to this particular bill that the Minority Leader is debating as to the cost, the bill is now written in such a manner that the courses which are incorporated in this law are part of the same health course now in the school without any additional cost in the operating of any course in school.

I should also enlighten the House by telling you that the new version of the bill, the present Printer's number, is a compromise amendment between the Director of the State Civil Defense and the Acting Superintendent of Public Instruction. If you will notice, the bill went back to committee and was amended in its present form, and in every secondary school you have physical education or health courses. This is part of the time within that course, Mr. Speaker. There are no additional teacher units required in the present bill. I have that in writing. Is that the question that was asked?

Mr. CHARLES C. SMITH. It is, Mr. Speaker. Am I to believe that all we are doing here is setting up the curricula for a school?

Mr. McCANN. You are, upon the necessary books which will be at that time available, presented by the Superintendent of Public Instruction upon his approval. You have no actual book even at the present time for that particular course. If you notice that you will see that, sir.

Mr. CHARLES C. SMITH. Then we are being assured, Mr. Speaker, that under the gentleman's understanding there will be no additional teachers or no additional teaching units if this bill passes?

Mr. McCANN. Mr. Speaker, I have the information that this does not require any additional teaching units nor any additional teachers that now exist in the schools. I asked that specific question and was given the same answer I am giving the gentleman, Mr. Speaker.

Mr. CHARLES C. SMITH. I thank the gentleman. That answers our question, Mr. Speaker.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

#### YEAS—168

Adam,	Gibson,	McCormack,	Schuster,
Amarando,	Goldstein,	McGee,	Sigman,
Anderson, S. A.,	Gramlich,	McInroy,	Stank,
Auker,	Greenwood,	McLaughlin,	Stebbins,
Banker,	Guss,	McWherter,	Steckel,
Barnatovich,	Hamilton, R. K.,	Meholchick,	Stephens,
Bazin,	Hamilton, W. H.,	Metz,	Stevenson,
Bell,	Hass,	Mihm,	Stone,
Boles,	Haudenshield,	Mikula,	Sherman,
Bonner,	Heavey,	Mills,	Smith, C. C.,
Boory,	Helm,	Monroe,	Smith, Wm. B.,
Bower,	Hewitt,	Moody,	Snider,
Branca,	Hocker,	Moran,	Stoner,



Breisch,	Holt,	Muldowney,	Strausser,
Brennan, A. P.,	Horst,	Munley,	Stroup,
Brennan, J. J.,	Houk,	Murphy,	Swartz,
Breth,	Isaacs,	Murray, H. P.,	Taylor,
Bucchin,	Jenkins,	Murray, J. J.,	Thomas,
Bullen,	Johnson,	Murray, P. G.,	Thompson,
Cianfrani,	Jones, G. E.,	Musto,	Toll,
Cioffi,	Jones, T. H. W.,	Naugle,	Toomey,
Cochran,	Jump,	Needham,	Varallo,
Connelly,	Kamyk,	Ogilvie,	Varner,
Cooper,	Kent,	Olsen,	Vaughan,
Curwood,	Knecht,	O'Neill,	Verona,
Davis,	Kolankiewicz,	Pacchioli,	Wall,
Donahue,	Kornick,	Parry,	Wallace,
Dougherty,	Kubacki,	Pashley,	Walsh,
Ellberg,	Lawyer,	Paulhamus,	Wargo,
Ewing,	Leiby,	Petrosky,	Waterhouse,
Farabaugh,	Leonard,	Polaski,	Weidner,
Filo,	Leven,	Polen,	Welsh,
Flint,	Light,	Pomeroy,	Wescott,
Floyd,	Limper,	Readinger,	Wheeler,
Foster,	Lippincott,	Reibman,	Whitenight,
Frank,	Lopresti,	Renwick,	Williams,
Frascella,	Lovett,	Rigby,	Wilt,
Frost,	Mahan,	Royer,	Wood,
Gaffney,	Markley,	Rubin,	Worley,
Garlock,	Maxwell,	Rudisill,	Yetter,
Gelfand,	McCann,	Sarraf,	Yetzer,
Gibb,		Scarcelll,	Andrews,

Speaker

## NAYS—19

Agnew,	Eshleman,	Lelsey,	Tompkins,
Ashton,	Guthrie,	Miller,	Willaredt,
Brown,	Henzel,	Moscrip,	Young,
Ehrgood,	Keller,	Price,	Ziegler,
Erb,	Kooker,	Pursley,	

## NOT VOTING—22

Anderson, M. S.,	Down,	Kratz,	Mullen,
Blair,	Fineman,	Kromer,	Pettigrew,
Brenninger,	Flynn,	Lafore,	Reidenbach,
Capano,	George,	Magee,	Rosen,
Comer,	Kehler,	McKeever,	Rovansek,
Donaldson,	Kline,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

## BILL PASSED OVER

There being no objection

House Bill No. 1073, Printer's No. 1166 was passed over at the request of the SPEAKER.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1082 as follows:

An Act making an appropriation to The Franklin Institute of the State of Pennsylvania at Philadelphia Pennsylvania for defraying part of the expenses of the 250th Anniversary Celebration of the birth of Benjamin Franklin

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of thirty-five thousand dollars (\$35,000) or as much thereof as is necessary is appropriated to The Franklin Institute of the State of Pennsylvania at Philadelphia Pennsylvania to be used by The Franklin Institute under the name of the Commonwealth for defraying special expenses incurred in connection with the 250th Anniversary Celebration of the birth of Benjamin Franklin including the supplying and marking of historical information to newspapers magazines broadcasters and sponsors in all countries and preserving in book form papers prepared by the scientific societies of these countries in honor of Benjamin Franklin president of Pennsylvania 1785-1786-1787

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

## YEAS—187

Adam,	Gibb,	McCann,	Schuster,
Agnew,	Gibson,	McCormack,	Sherman,
Amarando,	Goldstein,	McGee,	Sigman,
Anderson, S. A.,	Gramlich,	McInroy,	Smith, C. C.,
Ashton,	Greenwood,	McLaughlin,	Smith, Wm. B.,
Auker,	Guss,	McWherter,	Snider,
Banker,	Guthrie,	Meholchick,	Stank,
Barnatovich,	Hamilton, R. K.,	Metz,	Stebbins,
Bazin,	Hamilton, W. H.,	Mihm,	Steckel,
Bell,	Hass,	Mikula,	Stephens,
Boles,	Haudenschild,	Miller,	Stevenson,
Bonner,	Heavey,	Mills,	Stone,
Boory,	Helm,	Monroe,	Stoner,
Bower,	Henzel,	Moody,	Strausser,
Branca,	Hewitt,	Moran,	Stroup,
Breisch,	Hocker,	Moscrip,	Swartz,
Brennan, A. P.,	Holt,	Muldowney,	Taylor,
Brennan, J. J.,	Horst,	Munley,	Thomas,
Breth,	Houk,	Murphy,	Thompson,
Brown,	Isaacs,	Murray, H. P.,	Toll,
Bucchin,	Jenkins,	Murray, J. J.,	Tompkins,
Bullen,	Johnson,	Murray, P. G.,	Toomey,
Cianfrani,	Jones, G. E.,	Musto,	Varallo,
Cioffi,	Jones, T. H. W.,	Naugle,	Varner,
Cochran,	Jump,	Needham,	Vaughan,
Connelly,	Kamyk,	Ogilvie,	Verona,
Cooper,	Keller,	Olsen,	Wall,
Curwood,	Kent,	O'Neill,	Wallace,
Davis,	Knecht,	Pacchioli,	Walsh,
Donahue,	Kolankiewicz,	Parry,	Wargo,
Dougherty,	Kooker,	Pashley,	Waterhouse,
Ehrgood,	Kornick,	Paulhamus,	Weidner,
Ellberg,	Kubacki,	Petrosky,	Welsh,
Erb,	Lawyer,	Polaski,	Wescott,
Eshleman,	Leiby,	Polen,	Wheeler,
Ewing,	Lelsey,	Pomeroy,	Whitenight,
Farabaugh,	Leonard,	Price,	Willaredt,
Filo,	Leven,	Pursley,	Williams,
Flint,	Light,	Readinger,	Wilt,
Floyd,	Limper,	Reibman,	Wood,
Foster,	Lippincott,	Renwick,	Worley,
Frank,	Lopresti,	Rigby,	Yetter,
Frascella,	Lovett,	Royer,	Yetzer,
Frost,	Lutty,	Rubin,	Young,
Gaffney,	Mahan,	Rudisill,	Ziegler,
Garlock,	Markley,	Sarraf,	Andrews,
Gelfand,	Maxwell,	Scarcelll,	Speaker

## NAYS—0

## NOT VOTING—22

Anderson, M. S.,	Down,	Kratz,	Mullen,
Blair,	Fineman,	Kromer,	Pettigrew,
Brenninger,	Flynn,	Lafore,	Reidenbach,
Capano,	George,	Magee,	Rosen,
Comer,	Kehler,	McKeever,	Rovansek,
Donaldson,	Kline,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order.

The House proceeded to the third reading and consideration of House Bill No. 1129 as follows:

An Act amending the act of May 17, 1929 (P. L. 1798) entitled "An act providing a fixed charge payable by the Commonwealth on lands acquired by the State and the Federal Government for forest reserves or for the purpose of preserving and perpetuating a portion of the original forests of Pennsylvania and preserving



and maintaining the same as public places and parks and the distribution of the same for county school township and road purposes in the counties school districts and townships where such forests are located and making an appropriation" requiring the Commonwealth for a limited time to pay charges to counties on certain federal forest reserves

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 1 act of May 17, 1929 (P. L. 1798) entitled "An act providing a fixed charge payable by the Commonwealth on lands acquired by the State and the Federal Government for forest reserves or for the purpose of preserving and perpetuating a portion of the original forests of Pennsylvania and preserving and maintaining the same as public places and parks and the distribution of the same for county school township and road purposes in the counties school districts and townships where such forests are located and making an appropriation" amended May 27, 1949 (P. L. 1900) is amended to read

Section 1 Be it enacted &c That (a) from and after the passage of this act all lands heretofore or hereafter acquired by the Commonwealth or by the Government of the United States for forest reserves or for the purpose of preserving and perpetuating any portion of the original forests of Pennsylvania and preserving and maintaining the same as public places and parks and which by existing laws are now exempt from taxation and all lands and property heretofore or hereafter acquired for the purpose of conservation of water or to prevent flood conditions upon which a tax is imposed by existing laws payable by the Commonwealth shall hereafter be subject to an annual charge of two and one-half cents per acre for the benefit of the county in which said lands are located two and one-half cents per acre for the benefit of the schools in the respective school districts in which such lands are located and two and one-half cents per acre for the benefit of the roads in the township where such lands are located which charge shall be payable by the Commonwealth (b) except as hereinafter provided the annual charge payable by the Commonwealth on land acquired by the Government of the United States for forest reserves is to continue only until the receipts of money by treasurers and road supervisors of the said counties and school districts and townships in which national forest reserves are located provided for in act of April twenty-seventh one thousand nine hundred twenty-five Pamphlet Laws three hundred twenty-four shall equal or exceed the amount paid by the Commonwealth in lieu of taxes This subsection shall not apply to the annual charge of two and one-half cents per acre for the benefit of the county in which the land acquired by the Government of the United States for forest reserves is located for the years 1953 1954 1955 and 1956 the charges for the benefit of the county for these years shall be paid by the Commonwealth

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

#### YEAS—187

Adam,	Gibb,	McCann,	Schuster,
Agnew,	Gibson,	McCormack,	Sherman,
Amarando,	Goldstein,	McGee,	Sigman,
Anderson, S. A.,	Gramlich,	McInroy,	Smith, C. C.,
Ashton,	Greenwood,	McLaughlin,	Smith, Wm. B.,
Auker,	Guss,	McWherter,	Snider,
Banker,	Guthrie,	Meholchick,	Stank,
Barnatovich,	Hamilton, R. K.,	Metz,	Stebbins,
Bazin,	Hamilton, W. H.,	Mihm,	Steckel,
Bell,	Hass,	Mikula,	Stephens,
Boies,	Haudenschild,	Miller,	Stevenson,
Bonner,	Heavy,	Mills,	Stone,
Boory,	Helm,	Monroe,	Stoner,
Bower,	Henzel,	Moody,	Strausser,

Branca,	Hewitt,	Moran,	Stroup,
Breisch,	Hocker,	Moscrip,	Taylor,
Brennan, A. P.,	Holt,	Muldowney,	Thomas,
Brennan, J. J.,	Horst,	Munley,	Thompson,
Breth,	Houk,	Murphy,	Toll,
Brown,	Isaacs,	Murray, H. P.,	Tompkins,
Bucchin,	Jenkins,	Murray, J. J.,	Toomey,
Bullen,	Johnson,	Murray, P. G.,	Varallo,
Cianfrani,	Jones, G. E.,	Musto,	Varner,
Cioffi,	Jones, T. H. W.,	Naugle,	Vaughan,
Cochran,	Jump,	Needham,	Verona,
Connelly,	Kamyk,	Ogilvie,	Wall,
Cooper,	Keller,	Olsen,	Wallace,
Curwood,	Kent,	O'Neil,	Walsh,
Davis,	Knecht,	Pacchioli,	Wargo,
Donahue,	Kolankiewicz,	Parry,	Waterhouse,
Dougherty,	Kooker,	Pashley,	Weidner,
Ehrgood,	Kornick,	Paulhamus,	Welsh,
Ellberg,	Kubacki,	Petrosky,	Wescott,
Erb,	Lawyer,	Polaski,	Wheeler,
Eshleman,	Leiby,	Polen,	Whitenight,
Ewing,	Lelsey,	Pomeroy,	Willaredt,
Farabaugh,	Leonard,	Price,	Williams,
Filo,	Leven,	Pursley,	Wilt,
Flint,	Light,	Readinger,	Wood,
Floyd,	Limper,	Reibman,	Worley,
Foster,	Lippincott,	Renwick,	Yetter,
Frank,	Lopresti,	Rigby,	Yetzer,
Frascella,	Lovett,	Royer,	Young,
Frost,	Lutty,	Rubin,	Ziegler,
Gaffney,	Mahan,	Rudisill,	Andrews,
Garlock,	Markley,	Sarraf,	Speaker
Gelfand,	Maxwell,	Scarcelll,	

#### NAYS—0

#### NOT VOTING—22

Anderson, M. S.,	Down,	Kratz,	Mullen,
Blair,	Fineman,	Kromer,	Pettigrew,
Brenninger,	Flynn,	Lafore,	Reidenbach,
Capano,	George,	Magee,	Rosen,
Comer,	Kehler,	McKeever,	Rovausek,
Donaldson,	Kline,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1164 as follows:

An Act amending the act of April 9, 1929 (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" further providing for the powers and duties of the Advisory Council on Affairs of the Handicapped and authorizing the Secretary of Labor and Industry to appoint an executive secretary and other necessary personnel

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 2209.1 act of April 9, 1929 (P. L. 177)



known as "The Administrative Code of 1929" added July 28, 1953 (P. L. 656) is amended to read

Section 2209.1 The Advisory Council on Affairs of the Handicapped The Advisory Council on Affairs of the Handicapped shall have the power and its duties shall be to act in an advisory capacity to all agencies of the State government dealing with the problems of the physically handicapped including the State Board of Vocational Rehabilitation the State Employment Service [and] the State Council of the Blind the Department of Public Assistance and any other agency having a substantial part of the handicapped program

The council shall consider and advise any department upon all matters relating to the administration of the affairs of the handicapped assuring impartiality and freedom from political influence in its administration taking steps to further improve rehabilitation of handicapped persons and making studies in all departments relating to the affairs of the handicapped with a view of coordinating and improving these services so as to render better service to the handicapped in each community of the State wherever employed or seeking employment and to effectuate as far as possible greater economy in the operation of these State services subject to the limitations of federal and State laws The council may make periodic reports to the Governor regarding the performance of its duties and functions The council shall have full access to information in any departments relating to the purpose of this act

The Secretary of Labor and Industry shall appoint an executive secretary and such other personnel as he shall deem necessary to aid the council in the performance of its functions The compensation of such employees and the amounts allowed them for traveling and other incidental expenses shall be deemed part of the expenses incurred in connection with the administration of this section

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

## YEAS—173

Adam,	Greenwood,	McGee,	Sherman,
Agnew,	Guss,	McInroy,	Sigman,
Amarando,	Guthrie,	McLaughlin,	Smith, C. C.,
Anderson, S. A.,	Hamilton, R. K.,	McWhorter,	Smith, Wm. B.,
Banker,	Hamilton, W. H.,	Meholchick,	Snider,
Barnatovich,	Hass,	Metz,	Stank,
Bazin,	Haudenschild,	Mihm,	Stebbins,
Bell,	Heavey,	Mikula,	Steckel,
Boles,	Helm,	Mills,	Stephens,
Bonner,	Henzel,	Monroe,	Stone,
Boory,	Hewitt,	Moody,	Stoner,
Bower,	Hocker,	Moran,	Strausser,
Branca,	Holt,	Muldowney,	Stroup,
Brelschi,	Horst,	Munley,	Swartz,
Brennan, A. P.,	Houk,	Murphy,	Taylor,
Brennan, J. J.,	Jenkins,	Murray, H. P.,	Thomas,
Breth,	Johnson,	Murray, J. J.,	Thompson,
Bucchin,	Johnson, G. E.,	Murray, P. G.,	Toll,
Bullen,	Jones, T. H. W.,	Musto,	Toomey,
Clanfrani,	Jump,	Naugle,	Varallo,
Cioffi,	Kamyk,	Needham,	Varnier,
Cochran,	Keller,	Ogilvie,	Vaughan,
Connolly,	Kent,	Olsen,	Verona,
Cooper,	Knecht,	O'Neill,	Wall,
Curwood,	Kolankiewicz,	Pacchioli,	Wallace,
Davis,	Kooker,	Parry,	Walsh,
Donahue,	Kornick,	Pashley,	Wargo,
Dougherty,	Kubacki,	Paulhamus,	Waterhouse,
Ellberg,	Lawyer,	Petrosky,	Weldner,
Eshleman,	Leiby,	Polaski,	Welsh,
Farabaugh,	Leonard,	Polen,	Wescott,
Filo,	Leven,	Pomeroy,	Wheeler,
Flint,	Light,	Price,	Whitenight,
Floyd,	Limper,	Readinger,	Willaredt,
Poster,	Lippincott,	Reibman,	Williams,
Frank,	Lopresti,	Renwick,	Wilt,

Frascella,  
Frost,  
Gaffney,  
Garlock,  
Gelfand,  
Gibb,  
Gibson,  
Goldstein,

Lovett,  
Lutty,  
Mahan,  
Markley,  
Maxwell,  
McCann,  
McCormack,

Rigby,  
Royer,  
Rubin,  
Rudisill,  
Sarraf,  
Scarcelli,  
Schuster,

Wood,  
Worley,  
Yetter,  
Yetzer,  
Young,  
Ziegler,  
Andrews,  
Speaker

## NAYS—14

Ashton,  
Auker,  
Brown,  
Ehrgood,

Erb,  
Ewing,  
Gramlich,  
Isaacs,

Leisey,  
Miller,  
Moscrip,

Pursley,  
Stevenson,  
Tompkins,

## NOT VOTING—22

Anderson, M. S.,  
Blair,  
Brenninger,  
Capano,  
Comer,  
Donaldson,

Down,  
Fineman,  
Flynn,  
George,  
Kehler,  
Kline,

Kratz,  
Kromer,  
Lafore,  
Magee,  
McKeever,

Mullen,  
Pettigrew,  
Reidenbach,  
Rosen,  
Rovanssek,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

## BILL PASSED OVER

There being no objection

House Bill No. 1219, Printer's No. 383 was passed over at the request of the SPEAKER.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1231, as follows:

An Act to further amend clause (17) of subdivision (4) of subsection (1) of section four of the act approved the fifth day of December one thousand nine hundred thirty-six (1937 P. L. 2897) entitled "An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies with personnel (with certain exceptions) selected on a civil service basis requiring employees to keep records and make reports and certain employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons providing procedure and administrative details for the determination payment and collection of such contributions and the payment of such compensation providing for cooperation with the Federal Government and its agencies creating certain special funds in the custody of the State Treasurer and prescribing penalties" by including services of industrial insurance agents within the definition of employment

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Clause (17) of subdivision (4) of subsection (1) of section four of the act approved the fifth day of December one thousand nine hundred thirty-six (1937 P. L. 2897) entitled "An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies with personnel (with certain exceptions) selected on a civil service basis requiring employers to keep records and make reports and certain employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons providing procedure and administrative details for the determination payment and collection of such contributions and the payment of such compensation providing for cooperation with the Federal Government and its agencies creating certain special funds in the custody of the State Treasurer and prescribing penalties" as last amended by the act approved the twenty-third day of May one thousand nine hundred forty-nine



(P. L. 1738) is hereby further amended to read as follows  
 Section 4 Definitions The following words and phrases as used in this act shall have the following meanings unless the context clearly requires otherwise

\* \* \*

(1) \* \* \*

\* \* \*

(4) The word "employment" shall not include

(17) Service performed by an individual for an employer as an insurance agent or real estate salesman or as an insurance solicitor or as a real estate broker or as a solicitor of applications for or salesman of shares of or certificates issued by an investment company or as an agent of an investment company if all such service performed by such individual for such employer is performed for remuneration solely by way of commission or services performed by an individual as an unsalaried correspondent for a newspaper who receives no compensation or compensation only for copy accepted for publication [.] Provided That services performed by an individual all or any part of whose remuneration is derived from the sale of policies and collection of premiums of industrial insurance shall be deemed employment within the meaning of this act "Industrial Insurance" is hereby declared to be that form of insurance either (a) under which premiums are payable monthly or oftener but other than weekly if the face amount of insurance provided in the policy is less than one thousand dollars (\$1,000) and the words "Industrial Policy" are printed upon the face of the policy

Section 2 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

#### YEAS—182

Adam,	Gibson,	McGee,	Sherman,
Agnew,	Goldstein,	McInroy,	Sigman,
Amarando,	Gramlich,	McLaughlin,	Stroup,
Anderson, S. A.,	Greenwood,	McWherter,	Smith, C. C.,
Auker,	Guss,	Meholchick,	Smith, Wm. B.,
Banker,	Guthrie,	Metz,	Snider,
Barnatovich,	Hamilton, R. K.,	Mihm,	Stank,
Bazin,	Hamilton, W. H.,	Mikula,	Stebbins,
Bell,	Hass,	Miller,	Steckel,
Boles,	Haudenshield,	Mills,	Stephens,
Bonner,	Heavey,	Monroe,	Stevenson,
Boory,	Helm,	Moody,	Stoner,
Bower,	Henzel,	Moran,	Strausser,
Branca,	Hewitt,	Moscrip,	Swartz,
Brelsich,	Hocker,	Muldowney,	Taylor,
Brennan, A. P.,	Holt,	Munley,	Thomas,
Brennan, J. J.,	Horst,	Murphy,	Thompson,
Breth,	Houk,	Murray, H. P.,	Toll,
Buechin,	Jenkins,	Murray, J. J.,	Tompkins,
Bullen,	Johnson,	Murray, P. G.,	Toomey,
Cianfrani,	Jones, G. E.,	Musto,	Varnier,
Cioffi,	Jones, T. H. W.,	Naugle,	Varallo,
Cochran,	Jump,	Needham,	Vaughan,
Connelly,	Kamyk,	Ogilvie,	Verona,
Cooper,	Keller,	Olsen,	Wall,
Curwood,	Kent,	O'Neil,	Wallace,
Davis,	Knecht,	Pacchioli,	Walsh,
Donahue,	Kolankiewicz,	Parry,	Wargo,
Dougherty,	Kooker,	Pashley,	Waterhouse,
Ehrgood,	Kornick,	Paulhamus,	Weldner,
Elberg,	Kubacki,	Petrosky,	Welsh,
Erb,	Lawyer,	Polaski,	Wescott,
Eshleman,	Leiby,	Polen,	Wheeler,
Ewing,	Leonard,	Pomeroy,	Whitenight,
Farabaugh,	Leven,	Price,	Willardt,
Filo,	Light,	Pursley,	Williams,
Flint,	Lamper,	Readinger,	Wilt,
Floyd,	Lippincott,	Reibman,	Wood,
Foster,	Lopresti,	Renwick,	Worley,
Frank,	Lovetti,	Rigby,	Yetter,
Frascella,	Lutty,	Royer,	Yetzer,
Gaffney,	Mahan,	Rubin,	

Garlock,  
Gelfand,  
Gibb,

Markley,  
Maxwell,  
McCann,  
McCormack,

Rudisill,  
Sarraf,  
Scarcelll,  
Schuster,

Young,  
Ziegler,  
Andrews,  
Speaker

#### NAYS—5

Ashton,  
Brown,

Frost,

Isaacs,

Lelsey,

#### NOT VOTING—22

Anderson, M. S.,  
Blair,  
Brenninger,  
Capano,  
Comer,  
Donaldson,

Down,  
Fineman,  
Flynn,  
George,  
Kehler,  
Kline,

Kratz,  
Kromer,  
Lafore,  
Magee,  
McKeever,  
Mullen,

Pettigrew,  
Reidenbach,  
Rosen,  
Rovanssek,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1289 as follows:

An Act amending the act of May 4, 1927 (P. L. 519) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" authorizing the issuance of non-debt revenue bonds for capital improvements to certain public service facilities

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Article XXIV act of May 4, 1927 (P. L. 519) known as "The Borough Code" reenacted and amended July 10, 1947 (P. L. 1621) is amended by adding at the end thereof a new subdivision to read

(e) Non Debt Revenue Bonds for Capital Improvements

Section 2495 Capital Improvements to Certain Public Service Facilities For the purpose of financing the cost and expense or its share of the cost and expense of capital improvements by altering improving or enlarging (i) its sewer system or sewage treatment works either singly or jointly with other municipalities or townships or both or (ii) its water works either singly or jointly with other municipalities or townships or both or (iii) its electric light or power plant or power distribution system or (iv) its gas plant or gas distribution system for its own municipal purposes including the purchase and installation of machinery and equipment any borough owning any such plant or facility may issue non-debt revenue bonds secured solely by a pledge in whole or in part of the annual rentals or charges for the use of the product or service manufactured or furnished by the entire plant system or facility on or for which the capital improvements were made The bonds shall be issued and sold in the manner provided by the Municipal Borrowing Law and shall not pledge the credit nor create any debt nor be a charge against the general revenues nor be a lien against any property of the borough

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

#### YEAS—187

Adam,  
Agnew,  
Amarando,  
Anderson, S. A.,  
Ashton,  
Auker,

Gibson,  
Goldstein,  
Gramlich,  
Greenwood,  
Guss,  
Guthrie,

McCann,  
McCormack,  
McGee,  
McInroy,  
McLaughlin,  
McWherter,

Schuster,  
Sherman,  
Sigman,  
Smith, C. C.,  
Smith, Wm. B.,  
Snider,



Banker,	Hamilton, R. K.,	Meholchick,	Stank,
Barnatovich,	Hamilton, W. H.,	Metz,	Stebbins,
Bazin,	Hass,	Mihm,	Steckel,
Bell,	Haudenshield,	Mikula,	Stephens,
Boles,	Heavey,	Miller,	Stevenson,
Bonner,	Helm,	Mills,	Stone,
Boory,	Henzel,	Monroe,	Stoner,
Bower,	Hewitt,	Moody,	Strausser,
Branca,	Hocker,	Moran,	Stroup,
Breisch,	Holt,	Moscrip,	Swartz,
Brennan, A. P.,	Horst,	Muldowney,	Taylor,
Brennan, J. J.,	Houk,	Munley,	Thomas,
Breth,	Isaacs,	Murphy,	Thompson,
Brown,	Jenkins,	Murray, H. P.,	Toll,
Bucchin,	Johnson,	Murray, J. J.,	Tompkins,
Bullen,	Jones, G. E.,	Murray, P. G.,	Toomey,
Cianfrani,	Jones, T. H. W.,	Musto,	Varallo,
Cioffi,	Jump,	Naugle,	Varner,
Cochran,	Kamyk,	Needham,	Vaughan,
Connelly,	Keller,	Ogilvie,	Verona,
Cooper,	Kent,	Olsen,	Wall,
Curwood,	Knecht,	O'Neill,	Wallace,
Davis,	Kolankiewicz,	Pacchioli,	Walsh,
Donahue,	Kooker,	Parry,	Wargo,
Dougherty,	Kornick,	Pashley,	Waterhouse,
Ehrgood,	Kubacki,	Paulhamus,	Weldner,
Ellberg,	Lawyer,	Petrosky,	Welsh,
Erb,	Leiby,	Polaski,	Wescott,
Eshleman,	Lelsey,	Polen,	Wheeler,
Ewing,	Leonard,	Pomeroy,	Whitenight,
Farabaugh,	Leven,	Price,	Willaredt,
Filo,	Light,	Pursley,	Williams,
Flint,	Limper,	Readinger,	Wilt,
Floyd,	Reibman,	Lippincott,	Wood,
Foster,	Lopresti,	Renwick,	Worley,
Frank,	Lovett,	Rigby,	Yetter,
Frascella,	Lutty,	Royer,	Yetzer,
Frost,	Gaffney,	Rubin,	Young,
Garlock,	Mahan,	Rudisill,	Ziegler,
Gelfand,	Markley,	Sarra,	Andrews,
Gibb,	Maxwell,	Scarcelll,	Speaker

## NAYS—0

## NOT VOTING—22

Anderson, M. S.,	Down,	Kratz,	Mullen,
Blair,	Fineman,	Kromer,	Pettigrew,
Brenninger,	Flynn,	Lafore,	Reidenbach,
Capano,	George,	Magee,	Rosen,
Comer,	Kline,	McKeever,	Rovansek,
Donaldson,	Kehler,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1306 as follows:

An Act making an appropriation to the Philadelphia College of Osteopathy Philadelphia Pennsylvania for maintenance and support

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of three hundred thousand dollars (\$300,000) or as much thereof as is necessary is appropriated to the Philadelphia College of Osteopathy Philadelphia Pennsylvania for the two fiscal years beginning June 1, 1955 for the general maintenance of the college and the purchase of such apparatus and equipment as the trustees may deem necessary for the best interest of the college

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

## YEAS—187

Adam,	Gibb,	McCann,	Schuster,
Agnew,	Gibson,	McCormack,	Sherman,
Amarando,	Goldstein,	McGee,	Sigman,
Anderson, S. A.,	Gramlich,	McInroy,	Smith, C. O.,
Ashton,	Greenwood,	McLaughlin,	Smith, Wm. B.,
Auker,	Guss,	McWherter,	Snider,
Banker,	Guthrie,	Meholchick,	Stank,
Barnatovich,	Hamilton, R. K.,	Metz,	Stebbins,
Bazin,	Hamilton, W. H.,	Mihm,	Steckel,
Bell,	Hass,	Mikula,	Stephens,
Boles,	Haudenshield,	Miller,	Stevenson,
Bonner,	Heavey,	Mills,	Stone,
Boory,	Helm,	Monroe,	Stoner,
Bower,	Henzel,	Moody,	Strausser,
Branca,	Hewitt,	Moran,	Stroup,
Breisch,	Hocker,	Moscrip,	Swartz,
Brennan, A. P.,	Holt,	Muldowney,	Taylor,
Brennan, J. J.,	Horst,	Munley,	Thomas,
Breth,	Houk,	Murphy,	Thompson,
Brown,	Isaacs,	Murray, H. P.,	Toll,
Bucchin,	Jenkins,	Murray, J. J.,	Tompkins,
Bullen,	Johnson,	Murray, P. G.,	Toomey,
Cianfrani,	Jones, G. E.,	Musto,	Varallo,
Cioffi,	Jones, T. H. W.,	Naugle,	Varner,
Cochran,	Jump,	Needham,	Vaughan,
Connelly,	Kamyk,	Ogilvie,	Verona,
Cooper,	Keller,	Olsen,	Wall,
Curwood,	Kent,	O'Neill,	Wallace,
Davis,	Knecht,	Pacchioli,	Walsh,
Donahue,	Kolankiewicz,	Parry,	Wargo,
Dougherty,	Kooker,	Pashley,	Waterhouse,
Ehrgood,	Kornick,	Paulhamus,	Weldner,
Ellberg,	Kubacki,	Petrosky,	Welsh,
Erb,	Lawyer,	Polaski,	Wescott,
Eshleman,	Leiby,	Polen,	Wheeler,
Ewing,	Lelsey,	Pomeroy,	Whitenight,
Farabaugh,	Leonard,	Price,	Willaredt,
Filo,	Leven,	Pursley,	Williams,
Flint,	Light,	Readinger,	Wilt,
Floyd,	Limper,	Reibman,	Wood,
Foster,	Lippincott,	Renwick,	Worley,
Frank,	Lopresti,	Rigby,	Yetter,
Frascella,	Lovett,	Royer,	Yetzer,
Frost,	Lutty,	Rubin,	Young,
Gaffney,	Mahan,	Rudisill,	Ziegler,
Garlock,	Markley,	Sarra,	Andrews,
Gelfand,	Maxwell,	Scarcelll,	Speaker

## NAYS—0

## NOT VOTING—22

Anderson, M. S.,	Down,	Kratz,	Mullen,
Blair,	Fineman,	Kromer,	Pettigrew,
Brenninger,	Flynn,	Lafore,	Reidenbach,
Capano,	George,	Magee,	Rosen,
Comer,	Kehler,	McKeever,	Rovansek,
Donaldson,	Kline,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

## BILL PASSED OVER

There being no objection

House Bill No. 1314, Printer's No. 883 was passed over at the request of Mr. READINGER.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1348, as follows:

An Act amending the act of May 1, 1933 (P. L. 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" changing the procedure in appointment of special school police and abolishing liability of the board of school directors for compensation of such police



The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 599-A act of May 1, 1933 (P. L. 103) known as "The Second Class Township Code" added January 14, 1952 (P. L. 1924) is amended to read

Section 599-A Special School Police [Upon request of the board of school directors of the school district of the township the] The board of township supervisors by resolution may appoint special school police who shall have the duty of controlling and directing traffic at or near schools and who shall be in uniform and shall display a badge or other sign of authority and who shall be vested with all the power of local police officers Such police shall serve at the pleasure of the board of township supervisors and shall not come within the civil service provisions of this act [Their compensation shall be fixed and paid by the board of school directors]

Section 2 This act shall take effect immediately

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

#### YEAS—187

Adam,	Gibb,	McCann,	Schuster,
Agnew,	Gibson,	McCormack,	Sherman,
Amarando,	Goldstein,	McGee,	Sigman,
Anderson, S. A.,	Gramlich,	McInroy,	Smith, C. C.,
Ashton,	Greenwood,	McLaughlin,	Smith, Wm. B.,
Auker,	Guss,	McWherter,	Snider,
Banker,	Guthrie,	Meholchick,	Stank,
Barnatovich,	Hamilton, R. K.,	Metz,	Stebbins,
Bazin,	Hamilton, W. H.,	Mihm,	Steckel,
Bell,	Haudenshield,	Mikula,	Stephens,
Boles,	Hass,	Miller,	Stevenson,
Bonner,	Heavey,	Mills,	Stone,
Boory,	Helm,	Monroe,	Stoner,
Bower,	Henzel,	Moody,	Strausser,
Branca,	Hewitt,	Moran,	Stroup,
Breisch,	Hocker,	Moscrip,	Swartz,
Brennan, A. P.,	Holt,	Muldowney,	Taylor,
Brennan, J. J.,	Horst,	Munley,	Thomas,
Breth,	Houk,	Murphy,	Thompson,
Brown,	Isaacs,	Murray, H. P.,	Toll,
Bucchin,	Jenkins,	Murray, J. J.,	Tompkins,
Bullen,	Johnson,	Murray, P. G.,	Toomey,
Cianfrani,	Jones, G. E.,	Musto,	Varallo,
Cioffi,	Jones, T. H. W.,	Naugle,	Varnier,
Cochran,	Jump,	Needham,	Vaughan,
Connelly,	Kamyk,	Ogilvie,	Verona,
Cooper,	Keller,	Olsen,	Wall,
Curwood,	Kent,	O'Neill,	Wallace,
Davis,	Knecht,	Pacchioni,	Walsh,
Donahue,	Kolankiewicz,	Parry,	Wargo,
Dougherty,	Kooker,	Pashley,	Waterhouse,
Ehrgood,	Kornick,	Paulhamus,	Weidner,
Ellberg,	Kubacki,	Petrosky,	Welsh,
Erb,	Lawyer,	Polaski,	Wheeler,
Eshleman,	Leiby,	Polen,	Wescott,
Ewing,	Lelsey,	Pomeroy,	Whitenight,
Farabaugh,	Leonard,	Price,	Willaredt,
Filo,	Leven,	Pursley,	Williams,
Flint,	Light,	Readinger,	Wilt,
Floyd,	Limper,	Reibman,	Wood,
Foster,	Lippincott,	Renwick,	Worley,
Frank,	Lopresti,	Rigby,	Yetter,
Frascella,	Lovett,	Royer,	Yetzer,
Frost,	Lutty,	Rubin,	Young,
Gaffney,	Mahan,	Rudisill,	Ziegler,
Garlock,	Markley,	Sarrafi,	Andrews,
Gelfand,	Maxwell,	Scarelli,	Speaker

#### NAYS—0

#### NOT VOTING—22

Anderson, M. S.,	Down,	Kratz,	Mullen,
Blair,	Fineman,	Kromer,	Pettigrew,
Brenninger,	Flynn,	Lafore,	Reidenbach,
Capano,	George,	Magge,	Rosen,
Comer,	Kehler,	McKeever,	Rovansek,
Donaldson,	Kline,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1352, as follows:

An Act amending the act of June 21, 1939 (P. L. 566) entitled "An act defining the liability of an employer to pay damages for occupational disease contracted by an employee arising out of and in the course of employment establishing an elective schedule of compensation providing procedure for the determination of liability and compensation thereunder imposing duties on the Department of Labor and Industry the Workmen's Compensation Board Workmen's Compensation Referees and deans of medical schools creating a medical board to determine controverted medical issues establishing an Occupational Disease Fund in custody of the State Workmen's Insurance Board imposing upon the Commonwealth a part of the compensation payable for certain occupational diseases making an appropriation and prescribing penalties" including brucellosis within meaning of term of occupational diseases in certain cases

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 108 act of June 21, 1939 (P. L. 566) known as "The Pennsylvania Occupational Disease Act" is amended by adding after clause (m) a new clause to read

Section 108 The term "occupational disease" as used in this act shall mean only the following diseases

\* \* \*

(n) Brucellosis occurring in any occupation in the meat industry which involves the slaughtering of live animals or the packing or cutting of bodies of dead animals

Section 2 This act shall take effect immediately

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

#### YEAS—187

Adam,	Gibb,	McCann,	Schuster,
Agnew,	Gibson,	McCormack,	Sherman,
Amarando,	Goldstein,	McGee,	Sigman,
Anderson, S. A.,	Gramlich,	McInroy,	Smith, C. C.,
Ashton,	Greenwood,	McLaughlin,	Smith, Wm. B.,
Auker,	Guss,	McWherter,	Snider,
Banker,	Guthrie,	Meholchick,	Stank,
Barnatovich,	Hamilton, R. K.,	Metz,	Stebbins,
Bazin,	Hamilton, W. H.,	Mihm,	Steckel,
Bell,	Hass,	Mikula,	Stephens,
Boles,	Haudenshield,	Miller,	Stevenson,
Bonner,	Heavey,	Mills,	Stone,
Boory,	Helm,	Monroe,	Stoner,
Bower,	Henzel,	Moody,	Strausser,
Branca,	Hewitt,	Moran,	Stroup,
Breisch,	Hocker,	Moscrip,	Swartz,
Brennan, A. P.,	Holt,	Muldowney,	Taylor,
Brennan, J. J.,	Horst,	Munley,	Thomas,
Breth,	Houk,	Murphy,	Thompson,
Brown,	Isaacs,	Murray, H. P.,	Toll,
Bucchin,	Jenkins,	Murray, J. J.,	Tompkins,
Bullen,	Johnson,	Murray, P. G.,	Toomey,
Cianfrani,	Jones, G. E.,	Musto,	Varallo,
Cioffi,	Jones, T. H. W.,	Naugle,	Varnier,
Cochran,	Jump,	Needham,	Vaughan,
Connelly,	Kamyk,	Ogilvie,	Verona,
Cooper,	Keller,	Olsen,	Wall,
Curwood,	Kent,	O'Neill,	Wallace,
Davis,	Knecht,	Pacchioni,	Walsh,
Donahue,	Kolankiewicz,	Parry,	Wargo,
Dougherty,	Kooker,	Pashley,	Waterhouse,



Ehrgood, Ellberg, Erb, Eshleman, Ewing, Farabaugh, Fllo, Flint, Floyd, Foster, Frank, Frascella, Frost, Gaffney, Garlock, Gelfand,	Kornick, Kubacki, Lawyer, Leiby, Lelsey, Leonard, Leven, Light, Limper, Lippincott, Lopresti, Lovett, Lutty, Mahan, Markley, Maxwell,	Paulhamus, Petrosky, Polaski, Polen, Pomeroy, Price, Pursley, Readinger, Reibman, Renwick, Rigby, Royer, Rubin, Rudisill, Sarraf, Scarcelli,	Weldner, Welsh, Wescott, Wheeler, Whitenight, Willaredt, Williams, Wilt, Wood, Worley, Yetter, Yetzer, Young, Ziegler, Andrews, Speaker
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## NAYS—0

## NOT VOTING—22

Anderson, M. S., Blair, Brenninger, Capano, Comer, Donaldson,	Down, Fineman, Flynn, George, Kehler, Kline,	Kratz, Kromer, Lafore, Magee, McKeever,	Mullen, Pettigrew, Reidenbach, Rosen, Rovanseck,
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The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

## BILLS PASSED OVER

There being no objection

House Bill No. 1367, Printer's No. 1099 and

House Bill No. 1368, Printer's No. 1100

were passed over to the request of the SPEAKER.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1456, as follows:

An Act amending the act of May 1, 1933 (P. L. 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" authorizing supervisors to annually appropriate money for certain nursing services. The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1 Section 702 act of May 1, 1933 (P. L. 103) known as "The Second Class Township Code" reenacted amended and revised July 10, 1947 (P. L. 1481) is amended by adding at the end thereof a new clause to read:

Section 702 Supervisors to Exercise Powers The corporate powers of townships of the second class shall be exercised by the township supervisors Where no specific authority is given for the expenditures incident to the exercise of any power hereinafter conferred or where no specific fund is designated from which such expenditures shall be made appropriations for such expenditures shall be made only from the general township fund In addition to the duties imposed upon them by section 516 hereof they shall have power

\* \* \*  
LIV Appropriations for Community Nursing Services To appropriate money annually towards nonprofit community nursing services in recognition of their services in the control of communicable disease the immunization of children the operation of child health centers (Well-Baby Clinics) instructive visits to mothers of new babies beginning in the prenatal period and family health health guidance including nutrition detection and correction of defects all of which relate to the responsibilities of local boards of health

Section 2 This act shall take effect immediately

And said bill having been read at length the third time, considered and agreed to.

On the question,  
Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

## YEAS—187

Adam, Agnew, Amarando, Anderson, S. A., Ashton, Auker, Banker, Barnatovich, Bazin, Bell, Boles, Bonner, Boory, Bower, Branca, Breisch, Brennan, A. P., Brennan, J. J., Breth, Brown, Bucchin, Bullen, Cianfrani, Cioffi, Cochran, Connelly, Cooper, Curwood, Davis, Donahue, Dougherty, Ehrgood, Ellberg, Erb, Eshleman, Ewing, Farabaugh, Fllo, Flint, Floyd, Foster, Frank, Frascella, Frost, Gaffney, Garlock, Gelfand,	Gibb, Gibson, Goldstein, Gramlich, Greenwood, Guss, Guthrie, Hamilton, R. K., Hamilton, W. H., Hass, Haudenschild, Heavey, Helm, Henzel, Hewitt, Hocker, Holt, Horst, Houk, Isaacs, Jenkins, Johnson, Jones, G. E., Jones, T. H. W., Jump, Kamyk, Keller, Kent, Knecht, Kolankiewicz, Kooker, Kornick, Kubacki, Lawyer, Leiby, Lelsey, Leonard, Leven, Light, Limper, Lippincott, Lopresti, Lovett, Lutty, Mahan, Markley, Maxwell, McCann, McCormack, McGee, McInroy, McLaughlin, McWherter, Meholchick, Metz, Mihm, Mikula, Miller, Mills, Monroe, Moody, Moran, Moscrip, Muldowney, Munley, Murphy, Murray, H. P., Murray, J. J., Murray, P. G., Musto, Naugle, Needham, Ogilvie, Olsen, O'Neill, Pacchioli, Parry, Pashley, Paulhamus, Petrosky, Polaski, Polen, Pomeroy, Price, Pursley, Readinger, Reibman, Renwick, Rigby, Royer, Rubin, Rudisill, Sarraf,	Scarcelli, Schuster, Sherman, Sigman, Smith, C. C., Smith, Wm. B., Snider, Stank, Stebbins, Steckel, Stephens, Stevenson, Stone, Stoner, Strausser, Stroup, Swartz, Taylor, Thomas, Thompson, Toll, Tompkins, Toomey, Varallo, Varner, Vaughan, Verona, Wall, Wanace, Walsh, Wargo, Waterhouse, Weldner, Welsh, Wescott, Wheeler, Whitenight, Willaredt, Williams, Wilt, Wood, Worley, Yetter, Yetzer, Young, Ziegler, Andrews, Speaker
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## NAYS—0

## NOT VOTING—22

Anderson, M. S., Blair, Brenninger, Capano, Comer, Donaldson,	Down, Fineman, Flynn, George, Kehler, Kline,	Kratz, Kromer, Lafore, Magee, McKeever,	Mullen, Pettigrew, Reidenbach, Rosen, Rovanseck,
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The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1470 as follows:

An Act amending the act of June 24, 1937 (P. L. 2051) entitled "An act relating to public assistance providing for and regulating assistance to certain classes of persons designated and defined as dependent children aged persons blind persons and other persons requiring relief providing for the administration of this act by the Department of Public Assistance and county boards of assistants hereby created for this purpose authorizing



the Department of Public Assistance to cooperate with and to accept and disburse moneys received from the United States Government for assistance to such persons providing for the liquidation of the State Emergency Relief Board Boards of Trustees of the Mothers' Assistance Fund and Boards of Trustees of Pension Fund for the Blind and repealing laws relating to mothers' assistance pensions for the blind old age assistance and the State Emergency Relief Board" including financial assistance for nursing home care within the word assistance and making an appropriation.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 2 act of June 24, 1937 (P. L. 2051) known as the "Public Assistance Law" amended August 22, 1953 (P. L. 1361) is amended to read

Section 2 Definitions As used in this act unless otherwise indicated

"Assistance" means assistance in money goods shelter medical care work relief or services provided from or with State or Federal funds for indigent persons who reside in Pennsylvania and need assistance to provide for themselves and their dependents a decent and healthful standard of living and for indigent homeless or transient persons The word assistance shall be construed to include pensions for those blind persons who are entitled to pensions as provided in this act and to include also burial for those indigent persons who were receiving assistance at the time of their death The word assistance shall also be construed to include sufficient financial assistance to enable physically disabled persons who require nursing home care as prescribed by responsible physicians to secure adequate nursing home care even though the rate of such assistance may be greater than the usual rate of assistance to persons who do not need nursing home care

"General Assistance" means assistance provided to persons entitled under this act to assistance other than dependent children aged persons blind persons and disabled persons

"Local Board" means any county board of assistance established under the provisions of this act

The masculine pronoun includes the feminine

Section 2 The sum of three million dollars (\$3,000,000) or as much thereof as may be necessary is appropriated to the Department of Public Assistance for the purpose of providing adequate home nursing care in accordance with the provisions of the act to which this is an amendment from March 1, 1956

And said bill having been read at length the third time; considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

#### YEAS—185

Adam,	Gibb,	Maxwell,	Schuster,
Agnew,	Gibson,	McCann,	Sherman,
Amarando,	Goldstein,	McCormack,	Sigman,
Anderson, S. A.,	Gramlich,	McGee,	Smith, C. C.,
Ashton,	Greenwood,	McInroy,	Smith, Wm. B.,
Banker,	Guss,	McLaughlin,	Snider,
Barnatovich,	Guthrie,	McWherter,	Stank,
Bazin,	Hamilton, R. K.,	Meholchick,	Stebbins,
Bell,	Hamilton, W. H.,	Metz,	Steckel,
Boles,	Hass,	Mihm,	Stephens,
Bonner,	Haudenschild,	Mikula,	Stevenson,
Boory,	Heavey,	Miller,	Stone,
Bower,	Helm,	Mills,	Stoner,
Branca,	Henzel,	Monroe,	Strausser,
Brelsich,	Hewitt,	Moody,	Stroup,
Brennan, A. P.,	Hocker,	Moran,	Swartz,
Brennan, J. J.,	Holt,	Muldowney,	Taylor,
Breth,	Horst,	Munley,	Thomas,
Brown,	Houk,	Murphy,	Thompson,
Bucchin,	Isaacs,	Murray, H. P.,	Toll,
Bullen,	Jenkins,	Murray, J. J.,	Tompkins,
		Murray, P. G.,	Toomey,

Cianfrani,	Johnson,	Musto,	Varallo,
Cioffi,	Jones, G. E.,	Naugle,	Varner,
Cochran,	Jones, T. H. W.,	Needham,	Vaughan,
Connelly,	Jump,	Ogilvie,	Verona,
Cooper,	Kamyk,	Olsen,	Wall,
Curwood,	Keller,	O'Neill,	Wallace,
Davis,	Kent,	Pacchioli,	Walsh,
Donahue,	Knecht,	Parry,	Wargo,
Dougherty,	Kolankiewicz,	Pashley,	Waterhouse,
Ehrgood,	Kooker,	Paulhamus,	Weidner,
Ellberg,	Kornick,	Petrosky,	Welsh,
Erb,	Kubacki,	Polaski,	Wescott,
Eshleman,	Lawyer,	Polen,	Wheeler,
Ewing,	Leiby,	Pomeroy,	Whitenight,
Farabaugh,	Leisey,	Price,	Willard,
Filo,	Leonard,	Pursley,	Williams,
Flint,	Leven,	Readinger,	Wilt,
Floyd,	Light,	Reibman,	Wood,
Foster,	Limper,	Renwick,	Worley,
Frank,	Lippincott,	Rigby,	Yetter,
Frascella,	Lopresti,	Royer,	Yetzer,
Frost,	Lovett,	Rubin,	Young,
Gaffney,	Lutty,	Rudisill,	Ziegler,
Garlock,	Mahan,	Sarrafi,	Andrews,
Gelfand,	Markley,	Scarcelli,	Speaker

#### NAYS—2

Auker,

Moscrip,

#### NOT VOTING—22

Anderson, M. S.,	Down,	Kratz,	Mullen,
Blair,	Fineman,	Kromer,	Pettigrew,
Brenninger,	Flynn,	Lafore,	Reidenbach,
Capano,	George,	Magee,	Rosen,
Comer,	Kehler,	McKeever,	Rovansek,
Donaldson,	Kline,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1517, as follows:

An Act amending the act of May 2, 1945 (P. L. 382) entitled "An act providing for the incorporation as bodies corporate and politic of 'Authorities' for municipalities counties and townships prescribing the rights powers and duties of such Authorities heretofore or hereafter incorporated authorizing such Authorities to acquire construct improve maintain and operate projects and to borrow money and issue bonds therefor providing for the payment of such bonds and prescribing the rights of the holders thereof conferring the right of eminent domain on such Authorities authorizing such Authorities to enter into contracts with and to accept grants from the Federal Government or any agency thereof and conferring exclusive jurisdiction on certain courts over rates" further regulating the membership of the governing body of an Authority

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Subsection A of section 7 act of May 2, 1945 (P. L. 382) known as the "Municipality Authorities Act of 1945" amended July 25, 1953 (P. L. 579) is amended to read

Section 7 Governing Body A The powers of each Authority shall be exercised by a governing body (herein called the "Board") composed as follows

(a) If the Authority is incorporated by one municipality the board shall consist of such number of members not less than five as shall be set forth in the articles of incorporation or amendment thereto The governing body of such municipality shall appoint the members of the board whose terms of office shall commence on the date of appointment Unless otherwise provided in the articles of incorporation or amendment thereto one member shall serve for one year one for two years one for three years one for four years and one for five years from the Janu-



any first next succeeding the date of incorporation and if there are more than five members of the board their terms shall be staggered in a similar manner Thereafter whenever a vacancy has occurred or is about to occur by reason of the expiration of the term of any member the said governing body shall appoint a member of the board for a like term to succeed the member whose term has expired or is about to expire

(b) If the Authority is incorporated by two or more municipalities the board shall consist of a number of members at least equal to the number of municipalities incorporating the Authority but in no event less than five When one or more additional municipalities join an existing Authority each of such joining municipalities shall have such membership on the board as the municipalities then members of the Authority and the joining municipalities may determine by appropriate resolutions Such member or members representing the joining municipality or municipalities shall be appointed immediately upon the admission of such municipality or municipalities into the Authority for the term of years provided in the application for membership required by section three point one of this act

The members of the board [each] the majority of whom shall be [a citizen] citizens of the municipality by which [he is] they are appointed or [a citizen] of a municipality into which one or more of the projects of the Authority extends or is to extend or to which one or more of said projects has been or is to be leased shall be appointed their terms fixed and staggered and vacancies filled and where two or more municipalities are members of the Authority shall be apportioned in such manner as the articles of incorporation the amendments thereof or the application for membership required by section three point one of this act shall provide

\* \* \*

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

#### YEAS—91

Anderson, S. A.,	Frascella,	McCann,	Rudisill,
Barnatovich,	Gaffney,	McCormack,	Scarcelli,
Bazin,	Garlock,	McGee,	Schuster,
Boles,	Gelfand,	McLaughlin,	Sherman,
Bonner,	Guss,	Meholchick,	Smith, Wm. B.,
Boory,	Hamilton, R. K.,	Mihm,	Snider,
Bower,	Hass,	Monroe,	Stank,
Branca,	Heavey,	Moran,	Stebbins,
Brelschi,	Holt,	Mullen,	Stephens,
Brennan, J. J.,	Jones, G. E.,	Munley,	Stone,
Breth,	Kamyk,	Musto,	Swartz,
Buechlin,	Kolankiewicz,	Needham,	Taylor,
Cianfrani,	Kornick,	Olsen,	Thomas,
Cioffi,	Kubacki,	O'Neil,	Toll,
Cochran,	Lawyer,	Pacchioli,	Varallo,
Curwood,	Leiby,	Pashley,	Wallace,
Davis,	Leonard,	Paulhamus,	Wargo,
Dougherty,	Leven,	Petrosky,	Welsh,
Ellberg,	Limper,	Polaski,	Wheeler,
Farabaugh,	Lopresti,	Polen,	Whitenight,
Flint,	Lovett,	Readinger,	Williams,
Floyd,	Lutty,	Reibman,	Yetter,
Frank,	Maxwell,	Renwick,	Andrews,

Speaker

#### NAYS—83

Agnew,	Gramlich,	Markley,	Smith, C. O.,
Ashton,	Greenwood,	McInroy,	Steckel,
Auker,	Guthrie,	Mikula,	Stevenson,
Banker,	Hamilton, W. H.,	Miller,	Stoner,
Bell,	Haudenschild,	Moody,	Strausser,
Brennan, A. P.,	Helm,	Moscrip,	Thompson,
Brown,	Henzel,	Murphy,	Tompkins,
Bullen,	Hewitt,	Murray, H. P.,	Toomey,
Connelly,	Hocker,	Murray, P. G.,	Varner,
Cooper,	Horst,	Naugle,	Vaughan,
Donahue,	Houk,	Ogilvie,	Wall,

Ehrgood,	Isaacs,
Erb,	Johnson,
Eshleman,	Jones, T. H. W.,
Ewing,	Jump,
Filo,	Keller,
Foster,	Kent,
Frost,	Kooker,
Gibb,	Lelsey,
Gibson,	Lippincott,
Goldstein,	Mahan,

Parry,	Walsh,
Pomeroy,	Waterhouse,
Price,	Weidner,
Pursley,	Wescott,
Rigby,	Willaredt,
Royer,	Wilt,
Rubin,	Wood,
Sarraf,	Worley,
Sigman,	Young,
	Ziegler,

#### NOT VOTING—35

Adam,	Down,
Amarando,	Fineman,
Anderson, M. S.,	Flynn,
Blair,	George,
Brenninger,	Jenkins,
Capano,	Kehler,
Comer,	Kilne,
Donaldson,	Knecht,

Kratz,
Kromer,
Lafore,
Light,
Magee,
McKeever,
McWherter,
Metz,
Mills,

Muldowney,
Murray, J. J.,
Petigrew,
Reidenbach,
Rosen,
Rovansek,
Stroup,
Verona,
Yetter,

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the bill fails.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1547, as follows:

An Act amending the act of March 10, 1949 (P. L. 30) entitled "An act relating to the public school system including certain provisions applicable as well to private and parochial schools amending revising consolidating and changing the laws relating thereto" requiring excusing of children for non-attendance for treatment by physician osteopath optometrist or dentist The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 1329 act of March 10, 1949 (P. L. 30) known as the "Public School Code of 1949" is amended to read

Section 1329 Excuses from Attending School The board of school directors of any school district may upon satisfactory evidence being furnished to it showing that any child or children are prevented from attending school or from application to study on account of any mental physical or other urgent reasons excuse such child or children from attending school as required by the provisions of this act but the term "urgent reasons" shall be strictly construed and shall not permit of irregular attendance In every such case such action by the board of school directors shall not be final until the approval of the Department of Public Instruction has been obtained Every principal or teacher in any public private or other school may for reasons enumerated above excuse any child for non-attendance during temporary periods and shall do so if requested in writing by a duly licensed physician osteopath optometrist or dentist for the purpose of treatment for the period stated in the request

Section 2 This act shall take effect immediately

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

#### YEAS—180

Adam,
Agnew,
Amarando,
Anderson, S. A.,
Ashton,
Auker,
Banker,
Barnatovich,
Bazin,
Bell,

Gibson,
Goldstein,
Gramlich,
Greenwood,
Guss,
Guthrie,
Hamilton, R. K.,
Hamilton, W. H.,
Hass,
Heavey,

McCann,
McCormack,
McGee,
McInroy,
McLaughlin,
McWherter,
Meholchick,
Metz,
Mihm,
Mikula,

Scarcelli,
Schuster,
Sherman,
Sigman,
Smith, C. O.,
Smith, Wm. B.,
Snider,
Stank,
Stebbins,
Steckel,



Boles,	Helm,	Mills,	Stephens,
Bonner,	Henzel,	Monroe,	Stevenson,
Boory,	Hewitt,	Moran,	Stone,
Bower,	Hocker,	Moscrip,	Stoner,
Branca,	Holt,	Muldorney,	Strausser,
Brelschi,	Horst,	Mullen,	Stroup,
Brennan, A. P.,	Houk,	Munley,	Swartz,
Brennan, J. J.,	Isaacs,	Murphy,	Taylor,
Breth,	Jenkins,	Murray, H. P.,	Thomas,
Brown,	Johnson,	Murray, J. J.,	Thompson,
Bucchin,	Jones, G. E.,	Murray, P. G.,	Toll,
Bullen,	Jones, T. H. W.,	Musto,	Tompkins,
Cianfrani,	Jump,	Naugle,	Toomey,
Cioffi,	Kamyk,	Needham,	Varallo,
Cochran,	Keller,	Ogilvie,	Varner,
Connelly,	Kent,	Olsen,	Vaughan,
Cooper,	Knecht,	O'Neill,	Verona,
Gurwood,	Kolankiewicz,	Pacchioli,	Wall,
Davis,	Kooker,	Parry,	Wallace,
Dougherty,	Kornick,	Pashley,	Walsh,
Ellberg,	Kubacki,	Paulhamus,	Wargo,
Eshleman,	Lawyer,	Petrosky,	Waterhouse,
Ewing,	Leiby,	Polaski,	Welsh,
Farabaugh,	Lelsey,	Polen,	Wescott,
Filo,	Leonard,	Pomeroy,	Wheeler,
Flint,	Leven,	Price,	Whitenight,
Floyd,	Light,	Pursley,	Williams,
Foster,	Limper,	Readinger,	Wilt,
Frank,	Lippincott,	Reibman,	Wood,
Frascella,	Lopresti,	Renwick,	Worley,
Frost,	Lovett,	Rigby,	Yetter,
Gaffney,	Lutty,	Royer,	Yetzer,
Garlock,	Mahan,	Rubin,	Young,
Gelfand,	Markley,	Rudisill,	Ziegler,
Gibb,	Maxwell,	Sarra,	Andrews,

Speaker

## NAYS—8

Donahue,	Erb,	Miller,	Weidner,
Ehrgood,	Haudensfield,	Moody,	Willaredt,

## NOT VOTING—21

Anderson, M. S.,	Donaldson,	Kehler,	Magee,
Blair,	Down,	Kline,	McKeever,
Brenninger,	Fineman,	Kratz,	Pettigrew,
Capano,	Flynn,	Kromer,	Reidenbach,
Comer,	George,	Lafore,	Rosen,
			Rovanssek,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1562 as follows:

An Act amending the act of April 12, 1951 (P. L. 90) entitled "An act relating to alcoholic liquors alcohol and malt and brewed beverages amending revising consolidating and changing the laws relating thereto regulating and restricting the manufacture purchase sale possession consumption importation transportation furnishing holding in bond holding in storage traffic in and use of alcoholic liquors alcohol and malt and brewed beverages and the persons engaged or employed therein defining the powers and duties of the Pennsylvania Liquor Control Board providing for the establishment and operation of State liquor stores for the payment of certain license fees to the respective municipalities and townships for the abatement of certain nuisances and in certain cases for search and seizure without warrant prescribing penalties and forfeitures providing for local option and repealing existing laws" redefining the term "population"

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The definition "population" of section 102 act of April 12, 1951 (P. L. 90) known as the "Liquor Code" is amended to read

Section 102 Definitions The following words or phrases

unless the context clearly indicates otherwise shall have the meanings ascribed to them in this section

\* \* \*

"Population" shall mean the population as determined by the last preceding decennial census of the United States or by any census taken and certified to by any municipality or the United States Bureau of Census

\* \* \*

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. TOLL. Mr. Speaker, this House Bill 1562 concerns the definition of the word "population" in connection with the Liquor Control Law.

You will note on page 2 that "population" means, "the population as determined by the last preceding decennial census of the United States," which means that in connection with determining the number of licensees in any community they shall take the population as decided in 1950.

In this bill we are amending the law so that "population" will mean not merely the census taken by the United States on a ten-year basis, but any census taken and certified to by any municipality or by the United States Bureau. In other words, the community will have the choice of asking the United States Department of Census to take the census or the community can take its own census.

I want to call your attention to the fact that in the last five years many communities have increased in population. In fact, in the Philadelphia Inquirer of a day or two ago they showed the changes in the population of the eastern end of Pennsylvania from 1950 to 1955.

Take Bucks County, for example. In 1950 Bucks County had 44,000 people; in 1955 Bucks County has 69,000 people. I suppose that is the big influx into Levittown. There is an increase of 25,000 people.

Delaware County in 1950—if the Delaware County gentlemen will listen, I will give them the latest figures—had 116,935; now Delaware County has 142,410—no, that is wrong, I know that Delaware County has 400,000, this is the population increase.

In 1950 the population increase in Montgomery County was 96,000; in 1955 the population increase was 121,000.

In other words, when you have communities with such a large increase of population—you take, for instance, the City of Chester has had a very large increase of population—this would give the community an opportunity to take its own census and thereby acquire new licenses for the community if the community so desires.

I want to tell you one more thing about a community in Allegheny County in Western Pennsylvania that applied for a license and was turned down by the Liquor Control Board. The court in Allegheny County reversed the Liquor Control Board and granted permission for the issuance of a license, although then it was appealed to the appellate court. In that particular community the census was taken by the school directors and there was no question that the census was authentic. It was taken by reliable people, teachers, as a matter of fact. The school directors engaged seventeen enumerators, ten were teachers, one was the husband of a teacher, two were housewives and four were college students. The number



of inhabitants of Bethel Borough was determined to be 16,337 and there was absolutely no dispute as to the authenticity of this census.

I cannot see any reason why a community would have to apply to the United States Census Bureau and wait two or three years until they finally get around to doing the job when the municipalities right here in the Commonwealth of Pennsylvania have the equipment and the personnel with which to do a good job.

If you approve this bill you will give every community in Pennsylvania an opportunity to determine its own census in order to decide whether they want to have more licenses. I hope you will vote for the bill.

Mr. McCORMACK. Mr. Speaker, I wish to interrogate the gentleman from Philadelphia, Mr. Toll.

The SPEAKER. Will the gentleman from Philadelphia, Mr. Toll, permit himself to be interrogated?

Md. TOLL. I shall, Mr. Speaker.

Mr. McCORMACK. Mr. Speaker, the gentleman just referred to a lower court decision, I believe in Allegheny County, that held in effect it was not necessary that the Federal census be used to determine whether or not the quota is filled. Is that correct?

Mr. TOLL. That is correct, Mr. Speaker.

Mr. McCORMACK. Mr. Speaker, that case is now being appealed to the Superior Court of Pennsylvania?

Mr. TOLL. Mr. Speaker, I believe it is. The provision of the law is conflicting and in view of the controversy statutory regulations would be welcome to clear up the situation.

Mr. McCORMACK. Mr. Speaker, then if the Superior Court upholds the decision of the lower court, which overruled the Liquor Control Board, there will be no necessity for this legislation, is that correct?

Mr. TOLL. Mr. Speaker, there would not be, but the State Liquor Control Board has opposed this method unless there are statutory regulations to that effect. In other words, the Liquor Control Board feels that they are bound by the definition of "population" they have used, which means the last decennial census.

Mr. McCORMACK. Mr. Speaker, if the Superior Court upholds the lower court, will there be any necessity for this?

Mr. TOLL. No, Mr. Speaker, there will not be if it will uphold the lower court, but here is an opportunity to get it done now.

Mr. ISAACS. Mr. Speaker, I would like to say to the gentleman from Philadelphia, Mr. Toll, that I agree with him on his method of taking a census if a political subdivision desires to take it.

However, we in Delaware County would appreciate it if his side of the House would take the same kind of a census in connection with House Bill 1311, which has to do with allocation of part of the fuels and liquid fuels tax proceeds to cities, boroughs, incorporated towns and townships for their road and bridge purposes.

In this bill it says it has to be an official census. That would help us considerably in Delaware County. For the gentleman's information, our population has increased from 425,000 to something like 600,000 at the present time.

I wish the majority side of the House would take that same factor into consideration in considering House

Bill 1311 when it is called up for final passage. It is on our calendar today.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

## YEAS—88

Adam,	Farabaugh,	Lutty,	Reibman,
Agnew,	Filo,	McCann,	Renwick,
Anderson, S. A.,	Floyd,	McGee,	Sarra,
Barnatovich,	Foster,	McLaughlin,	Scarcell,
Bazin,	Frank,	Meholchick,	Schuster,
Bell,	Frascella,	Mihm,	Sherman,
Boles,	Gaffney,	Mikula,	Sieman,
Bonner,	Gelfand,	Monroe,	Smith, Wm. B.,
Boory,	Hocker,	Moran,	Stank,
Branca,	Holt,	Muldowney,	Stone,
Brennan, A. P.,	Isaacs,	Mullen,	Taylor,
Brennan, J. J.,	Jenkins,	Munley,	Thompson,
Breth,	Jones, G. E.,	Murphy,	Varallo,
Bucchin,	Kamyk,	Murray, J. J.,	Vaughan,
Bullen,	Kolankiewicz,	Musto,	Verona,
Cianfrani,	Kornick,	Needham,	Wallace,
Cochran,	Kubacki,	Olsen,	Walsh,
Connelly,	Leonard,	O'Neil,	Wargo,
Cooper,	Leven,	Pacchioli,	Welsh,
Curwood,	Limper,	Pasney,	Williams,
Dougherty,	Lippincott,	Petrosky,	Yetzer,
Eilberg,	Lopresti,	Polaski,	Andrews,
	Lovett,	Readinger,	Speaker

## NAYS—88

Amarando,	Guthrie,	McCormack,	Stephens,
Auker,	Hamilton, R. K.,	McInroy,	Stevenson,
Banker,	Hamilton, W. H.,	Miller,	Stoner,
Blair,	Hass,	Moody,	Strausser,
Bower,	Haudenschild,	Moscrip,	Swartz,
Breisch,	Heavey,	Murray, H. P.,	Thomas,
Brown,	Helm,	Murray, P. G.,	Toll,
Davis,	Henzel,	Naugle,	Tompkins,
Donahue,	Hewitt,	Ogilvie,	Toomey,
Ehrgood,	Horst,	Parry,	Varnier,
Erb,	Houk,	Paulhamus,	Wall,
Eshleman,	Johnson,	Polen,	Waterhouse,
Ewing,	Jones, T. H. W.,	Pomeroy,	Weidner,
Flint,	Jump,	Price,	Wescott,
Frost,	Keller,	Pursley,	Wheeler,
Garlock,	Kent,	Rigby,	Whitenight,
Gibb,	Kooker,	Rubin,	Willaredt,
Gibson,	Lawyer,	Rudisill,	Wilt,
Goldstein,	Leiby,	Smith, C. C.,	Wood,
Gramlich,	Leisey,	Slider,	Worley,
Greenwood,	Mahan,	Stebbins,	Young,
Guss,	Markley,	Steckel,	Ziegler,

## NOT VOTING—33

Anderson, M. S.,	Fineman,	Lafore,	Pettigrew,
Ashten,	Flynn,	Light,	Reidenbach,
Brenninger,	George,	Magee,	Rosen,
Capano,	Kehler,	Maxwell,	Rovansek,
Cloffi,	Kline,	McKeever,	Royer,
Comer,	Knecht,	McWherter,	Stroup,
Donaldson,	Kratz,	Metz,	Yetter,
Down,	Kromer,	Mills,	

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the bill falls.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1720 as follows:

An Act to amend the act approved the twenty-fourth day of June one thousand nine hundred thirty-nine (P. L. 842) entitled "An act relating to the acquisition of rights to divert water from rivers streams natural lakes and ponds or other surface waters within the Commonwealth or partly within and partly without the Commonwealth defining various words and phrases vest-



ing in the Water and Power Resources Board certain powers and authorities for the conservation control and equitable use of the waters within the Commonwealth in the interests of the people of the Commonwealth making available for public water supply purposes water rights heretofore or hereafter acquired but not used providing for hearings by the Water and Power Resources Board and for appeals from its decisions fixing fees granting to all public water supply agencies heretofore or hereafter created the right of eminent domain as to waters and the land covered by said waters repealing all acts or parts of acts inconsistent herewith including Act No. 109 P. L. 152 approved April 13, 1905 Act No. 307 P. L. 455 approved June 7, 1907 Act No. 64 P. L. 258 approved April 8, 1937" by further regulating the period within which water rights must be acquired

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section eight of the act approved the twenty-fourth day of June one thousand nine hundred thirty-nine (P. L. 842) entitled "An act relating to the acquisition of rights to divert water from rivers streams natural lakes and ponds or other surface waters within the Commonwealth or partly within and partly without the Commonwealth defining various words and phrases vesting in the Water and Power Resources Board certain powers and authorities for the conservation control and equitable use of the waters within the Commonwealth in the interests of the people of the Commonwealth making available for public water supply purposes water rights heretofore or hereafter acquired but not used providing for hearings by the Water and Power Resources Board and for appeals from its decisions fixing fees granting to all public water supply agencies heretofore or hereafter created the right of eminent domain as to waters and the land covered by said waters repealing all acts or parts of acts inconsistent herewith including Act No. 109 P. L. 152 approved April 13, 1905 Act No. 307 P. L. 455 approved June 7, 1907 Act No. 64 P. L. 258 approved April 8, 1937" is hereby amended to read as follows

Section 8 The board shall [have the further power to revoke any permit granted under the terms of this act in case the water rights are not acquired within one year after the issuance of said permit and said acquisition shall be null and void and of no effect to the extent required to make water and water rights from such source available for acquisition under the terms of this act if any actual taking of water be not made within four years after the issuance of said permit] specify in each permit issued by it that an actual taking of the water covered by said permit shall be made within four years from the date thereof If the project required for the taking of water has been commenced in good faith or if the commencement thereof has been prevented by events beyond the control of the permittee the board shall have the power upon application of the permittee to grant such extensions of said period as the board deems to be necessary to enable the permittee to complete the project required for the taking of water If an actual taking is not made within the time specified in the permit or in any extension thereof the water and water rights covered thereby shall become available for acquisition by other public water supply agencies under the terms of this act

Section 2 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—188

Adam,	Gibson,	McCormack,	Schuster,
Amarando,	Goldstein,	McGee,	Sherman,

Anderson, S. A.,	Gramlich,	McInroy,	Sigman,
Ashton,	Greenwood,	McLaughlin,	Smith, C. C.,
Auker,	Guss,	McWherter,	Smith, Wm. B.,
Banker,	Guthrie,	Meholchick,	Snider,
Barnatovich,	Hamilton, R. K.,	Metz,	Stank,
Bazin,	Hamilton, W. H.,	Mihm,	Stebbins,
Bell,	Hass,	Mikula,	Steckel,
Blair,	Haudensfield,	Miller,	Stephens,
Boles,	Heavey,	Mills,	Stevenson,
Bonner,	Helm,	Monroe,	Stone,
Boory,	Henzel,	Moody,	Stoner,
Bower,	Hewitt,	Moran,	Strausser,
Branca,	Hocker,	Moscrip,	Stroup,
Breisch,	Holt,	Muldowney,	Swartz,
Brennan, A. P.,	Horst,	Mullen,	Taylor,
Brennan, J. J.,	Houk,	Munley,	Thomas,
Breth,	Isaacs,	Murphy,	Thompson,
Brown,	Jenkins,	Murray, H. P.,	Toll,
Bucchin,	Johnson,	Murray, J. J.,	Tompkins,
Bullen,	Jones, G. E.,	Murray, P. G.,	Toomey,
Cianfrani,	Jones, T. H. W.,	Musto,	Varallo,
Cioffi,	Jump,	Naugle,	Varner,
Cochran,	Kamyk,	Needham,	Vaughan,
Connelly,	Keller,	Ogilvie,	Verona,
Cooper,	Kent,	Olsen,	Wall,
Curwood,	Knecht,	O'Neill,	Wallace,
Davis,	Kolankiewicz,	Pacchioli,	Walsh,
Donahue,	Kooker,	Parry,	Wargo,
Dougherty,	Kornick,	Pashley,	Waterhouse,
Ehrgood,	Kubacki,	Paulhamus,	Weldner,
Ellberg,	Lawyer,	Petrosky,	Welsh,
Erb,	Leiby,	Polaski,	Wescott,
Eshleman,	Leisey,	Polen,	Wheeler,
Ewing,	Leonard,	Pomeroy,	Whitenight,
Farabaugh,	Leven,	Price,	Willaredt,
Filo,	Light,	Pursley,	Williams,
Flint,	Limper,	Readinger,	Wilt,
Floyd,	Lippincott,	Reibman,	Wood,
Poster,	Lopresti,	Renwick,	Worley,
Frank,	Lovett,	Rigby,	Yetter,
Frascella,	Lutty,	Royer,	Yetzer,
Frost,	Mahan,	Rubin,	Young,
Gaffney,	Markley,	Rudisill,	Ziegler,
Garlock,	Maxwell,	Sarra,	Andrews,
Gelfand,	McCann,	Scarcelli,	Speaker
Gibb,			

NAYS—1

Agnew,

NOT VOTING—20

Anderson, M. S.,	Down,	Kline,	McKeever,
Brenninger,	Fineman,	Kratz,	Pettigrew,
Capano,	Flynn,	Kromer,	Reidenbach,
Comer,	George,	Lafore,	Rosen,
Donaldson,	Kehler,	Magee,	Rovansek,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILLS PASSED OVER

There being no objection

House Bill No. 1738, Printer's No. 1113

House Bill No. 1750, Printer's No. 1013

House Bill No. 1754, Printer's No. 1183

House Bill No. 1755, Printer's No. 1070 and

House Bill No. 1785, Printer's No. 1003

were passed over at the request of the SPEAKER.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1815, as follows:

An Act authorizing council of any incorporated town to create the office of town manager and prescribe his powers and duties

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Town Manager May Be Created by Ordinance Election The council of any town may at its discretion at



any time create by ordinance the office of town manager and may in like manner abolish the same While said office exists the council shall from time to time and whenever there is a vacancy elect by a vote of a majority of all the members one person to fill said office who shall serve until the first Monday of January of the even-numbered year succeeding his election and until his successor qualifies subject however to removal by the council at any time by a vote of the majority of all the members

**Section 2 Powers and Duties Bond** The powers duties and compensation of the town manager shall be regulated by ordinance The council and the president of the council when authorized by ordinance may delegate subject to recall any of their respective non-legislative and non-judicial powers and duties to the town manager He shall give a bond to the town with one or more sureties or one bonding company to be approved by the council in such sum as it shall by ordinance direct conditioned for the faithful performance of his duties

**Section 3 Incompatible Offices** Neither the president nor any member of the town council shall be eligible to hold the office of town manager

**Section 4 Effective Date** This act shall take effect January 1, 1956.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

## YEAS—189

Adam,	Gibb,	McCann,	Scarcelli.
Agnew,	Gibson,	McCormack,	Schuster,
Amarando,	Goldstein,	McGee,	Sherman,
Anderson, S. A.,	Gramlich,	McInroy,	Sigman,
Ashton,	Greenwood,	McLaughlin,	Smith, C. C.,
Auker,	Guss,	McWherter,	Smith, Wm. B.,
Banker,	Guthrie,	Meholchick,	Snider,
Barnatovich,	Hamilton, R. K.,	Metz,	Stank,
Bazin,	Hamilton, W. H.,	Mihm,	Stebbins,
Bell,	Hass,	Mikula,	Steckel,
Blair,	Haudenshield,	Miller,	Stevens,
Boles,	Heavey,	Mills,	Stevenson,
Bonner,	Helm,	Monroe,	Stone,
Boory,	Henzel,	Moody,	Stoner,
Bower,	Hewitt,	Moran,	Strausser,
Branca,	Hocker,	Moscrip,	Stroup,
Brelsch,	Holt,	Muldowney,	Swartz,
Brennan, A. P.,	Horst,	Mullen,	Taylor,
Brennan, J. J.,	Houk,	Munley,	Thomas,
Breth,	Isaacs,	Murphy,	Thompson,
Brown,	Jenkins,	Murray, H. P.,	Toll,
Bucchin,	Johnson,	Murray, J. J.,	Tompkins,
Bullen,	Jones, G. E.,	Murray, P. G.,	Toomey,
Cianfrani,	Jones, T. H. W.,	Musto,	Varallo,
Cioffi,	Jump,	Naugle,	Varner,
Cochran,	Kamyk,	Needham,	Vaughan,
Connelly,	Keller,	Ogilvie,	Verona,
Cooper,	Kent,	Olsen,	Wall,
Curwood,	Knecht,	O'Neil,	Wallace,
Davis,	Kolankiewicz,	Pacchioli,	Walsh,
Donahue,	Kooker,	Parry,	Wargo,
Dougherty,	Kornick,	Pashley,	Waterhouse,
Ehrgood,	Kubacki,	Paulhamus,	Weidner,
Ellberg,	Lawyer,	Petrosky,	Welsh,
Erb,	Leiby,	Polaski,	Wescott,
Eshleman,	Leisey,	Polen,	Wheeler,
Ewing,	Leonard,	Pomeroy,	Whitenight,
Farabaugh,	Leven,	Price,	Willaredt,
Flio,	Light,	Pursley,	Williams,
Flint,	Limper,	Readinger,	Wilt,
Floyd,	Lippincott,	Reibman,	Wood,
Foster,	Lopresti,	Renwick,	Worley,
Frank,	Lovett,	Rigby,	Yetter,
Frascella,	Lutty,	Royer,	Yetzer,
Frost,	Mahan,	Rubin,	Young,
Gaffney,	Markley,	Rudisill,	Ziegler,
Garlock,	Maxwell,	Sarra,	Andrews,
Gelfand,			Speaker

NAYS—0

## NOT VOTING—20

Anderson, M. S.,	Down,	Kline,	McKeever,
Brenninger,	Fineman,	Kratz,	Pettigrew,
Capano,	Flynn,	Kromer,	Reidenbach,
Comer,	George,	Lafore,	Rosen,
Donaldson,	Kehler,	Magee,	Rovansek,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

## BILLS PASSED OVER

There being no objection

House Bill No. 1819, Printer's No. 1147

House Bill No. 1820, Printer's No. 1148

House Bill No. 1824, Printer's No. 1031

House Bill No. 1831, Printer's No. 1116

House Bill No. 1833, Printer's No. 1118

House Bill No. 1849, Printer's No. 1173

House Bill No. 1864, Printer's No. 1125

House Bill No. 1873, Printer's No. 1149

House Bill No. 1874, Printer's No. 1174

House Bill No. 1877, Printer's No. 1150 and

House Bill No. 1881, Printer's No. 1151

were passed over at the request of the SPEAKER.

Agreeably to order,

The House proceeded to the third reading and consideration of Senate Bill No. 53, as follows:

An Act providing for the revocation of commission of notaries public issuing checks without funds on deposit  
The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

**Section 1** The Secretary of the Commonwealth shall upon written complaint of any aggrieved applicant revoke the commission of any notary public who issues to the order of any state agency a personal check without funds on deposit in payment of moneys due the agency that were received by him from applicants Any action taken by the Secretary of the Commonwealth shall be subject to the right of notice hearing and adjudication and the right of appeal therefrom in accordance with the provisions of the Administrative Agency Law of June four one thousand nine hundred forty-five (P. L. 1388)

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

## YEAS—189

Adam,	Gibb,	McCann,	Scarcelli.
Agnew,	Gibson,	McCormack,	Schuster,
Amarando,	Goldstein,	McGee,	Sherman,
Anderson, S. A.,	Gramlich,	McInroy,	Sigman,
Ashton,	Greenwood,	McLaughlin,	Smith, C. C.,
Auker,	Guss,	McWherter,	Smith, Wm. B.,
Banker,	Guthrie,	Meholchick,	Snider,
Barnatovich,	Hamilton, R. K.,	Metz,	Stank,
Bazin,	Hamilton, W. H.,	Mihm,	Stebbins,
Bell,	Hass,	Mikula,	Steckel,
Blair,	Haudenshield,	Miller,	Stevens,
Boles,	Heavey,	Mills,	Stevenson,
Bonner,	Helm,	Monroe,	Stone,
Boory,	Henzel,	Moody,	Stoner,
Bower,	Hewitt,	Moran,	Strausser,
Branca,	Hocker,	Moscrip,	Stroup,
Brelsch,	Holt,	Muldowney,	Swartz,
Brennan, A. P.,	Horst,	Mullen,	Taylor,
Brennan, J. J.,	Houk,	Munley,	Thomas,



Breth,	Isaacs,	Murphy,	Thompson,
Brown,	Jenkins,	Murray, H. P.,	Toll,
Bucchin,	Johnson,	Murray, J. J.,	Tompkins,
Bullen,	Jones, G. E.,	Murray, P. G.,	Toomey,
Cianfrani,	Jones, T. H. W.,	Musto,	Varallo,
Cioffi,	Jump,	Naugle,	Varner,
Cochran,	Kamyk,	Needham,	Vaughan,
Connelly,	Keller,	Ogilvie,	Verona,
Cooper,	Kent,	Olsen,	Wall,
Curwood,	Knecht,	O'Neill,	Wallace,
Davis,	Kolankiewicz,	Pacchioli,	Walsh,
Donahue,	Kooker,	Parry,	Wargo,
Dougherty,	Kornick,	Pashley,	Waterhouse,
Ehrgood,	Kubacki,	Paulhamus,	Weidner,
Eilberg,	Lawyer,	Petrosky,	Welsh,
Erb,	Leiby,	Polaski,	Wescott,
Eshleman,	Leisey,	Polen,	Wheeler,
Ewing,	Leonard,	Pomeroy,	Whitenight,
Farabaugh,	Leven,	Price,	Willaredt,
Filo,	Light,	Pursley,	Williams,
Flint,	Limper,	Readinger,	Wilt,
Floyd,	Lippincott,	Reibman,	Wood,
Foster,	Lopresti,	Renwick,	Worley,
Frank,	Lovett,	Rigby,	Yetter,
Frascella,	Lutty,	Royer,	Yetzer,
Frost,	Mahan,	Rubin,	Young,
Gaffney,	Markley,	Rudisill,	Ziegler,
Garlock,	Maxwell,	Sarrafi,	Andrews,
Gelfand,			Speaker

## NAYS—0

## NOT VOTING—20

Anderson, M. S.,	Down,	Kline,	McKeever,
Brenninger,	Fineman,	Kratz,	Pettigrew,
Capano,	Flynn,	Kromer,	Reidenbach,
Comer,	George,	Lafore,	Rosen,
Donaldson,	Kehler,	Magee,	Rovansek,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House of Representatives has passed the same without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of Senate Bill No. 105, as follows:

An Act amending the act of May 1, 1929 (P. L. 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" exempting war amputees and paralytics from the payment of certain fees in connection with motor vehicles

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Subsection (a) of section 722 act of May 1, 1929 (P. L. 905) known as "The Vehicle Code" amended in part August 17, 1951 (P. L. 1264) and amended August 24, 1951 (P. L. 1352) is amended to read

Section 722 Exemptions from Fees

(a) No fee shall be charged for a certificate of title or registration of motor vehicles fire department equipment trailers and semi-trailers owned by and used exclusively in the performance of the duties of (a) the Federal Government (b) any state other than Pennsylvania which issues titles or registrations to this Commonwealth without charge (c) the Commonwealth of Pennsylvania (d) any city borough incorporated town township county poor or school district of this Commonwealth (e) any duly authorized volunteer fire force in the extinguishment and prevention of fires or in rescue work hospital humane society or anti-cruelty society in this Commonwealth (f) the American Red Cross (g) churches (h) Girl Scouts of America (i) Boy Scouts of America (j) Salvation Army (k) duly chartered post organization or combination of organizations of the American Legion Veterans of Foreign Wars Philippine Pacific War Veterans Navy Club of the United States United States Army Ambulance Corps Disabled American Veterans American of World War II (AMVETS) the Marine Corps League Military Order of the Purple Heart Jewish War Veterans Catholic War Veterans Inc or United Spanish War Veterans of this Commonwealth or La Societe Des Forty Hommes et Eight Chevaux and organizations and units of the Pennsylvania National Guard (l) mine or industrial ambulances (m) ambassadors ministers foreign consuls general consuls and vice consuls who are nationals of the country appointing them and who are assigned to foreign consulates in this Commonwealth Provided That American consular officers of equal rank who are citizens of the United States and who exercise their official functions at American consulates in such foreign country are granted reciprocal exemptions No fee shall be charged for certificates of title or registration of one motor vehicle owned and used by war amputees which were obtained through the Veterans Administration] Any veteran who served in the armed forces of the United States during any period of war or armed conflict in which it was engaged and who lost a limb or became paralyzed as a result of such service All such vehicles except those owned and used by the Federal Government shall be titled and registered and shall display registration plates as is now provided for privately owned motor vehicles trailers and semi-trailers

\* \* \*

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

## YEAS—189

Adam,	Gibb,	McCann,	Scarcelli,
Agnew,	Gibson,	McCormack,	Schuster,
Amarando,	Goldstein,	McGee,	Sherman,
Anderson, S. A.,	Gramlich,	McInroy,	Sigman,
Ashton,	Greenwood,	McLaughlin,	Smith, C. C.,
Auker,	Guss,	McWherter,	Smith, Wm. B.,
Banker,	Guthrie,	Meholchick,	Snider,
Barnatovich,	Hamilton, R. K.,	Metz,	Stank,
Bazin,	Hamilton, W. H.,	Mihm,	Stebbins,
Bell,	Hass,	Mikula,	Steckel,
Blair,	Haudenschild,	Miller,	Stephens,
Boles,	Heavey,	Mills,	Stevenson,
Bonner,	Helm,	Monroe,	Stone,
Boory,	Henzel,	Moody,	Stoner,
Bower,	Hewitt,	Moran,	Strausser,
Branca,	Hocker,	Moscrip,	Stroup,
Breisch,	Holt,	Muldowney,	Swartz,
Brennan, A. P.,	Horst,	Mullen,	Taylor,
Brennan, J. J.,	Houk,	Munley,	Thomas,
Breth,	Isaacs,	Murphy,	Thompson,
Brown,	Jenkins,	Murray, H. P.,	Toll,
Bucchin,	Johnson,	Murray, J. J.,	Tompkins,
Bullen,	Jones, G. E.,	Murray, P. G.,	Toomey,
Cianfrani,	Jones, T. H. W.,	Musto,	Varallo,
Cioffi,	Jump,	Naugle,	Varner,
Cochran,	Kamyk,	Needham,	Vaughan,
Connelly,	Keller,	Ogilvie,	Verona,
Cooper,	Kent,	Olsen,	Wall,



Curwood, Davis, Donahue, Dougherty, Ehrgood, Ellberg, Erb, Eshleman, Ewing, Farabaugh, Filo, Flint, Floyd, Foster, Frank, Frascella, Frost, Gaffney, Garlock, Gelfand,	Knecht, Kolankiewicz, Kooker, Kornick, Kubacki, Lawyer, Leiby, Leisey, Leonard, Leven, Light, Limper, Lippincott, Lopresti, Lovett, Lutty, Mahan, Markley, Maxwell,	O'Neill, Pacchioni, PARRY, Pashley, Paulhamus, Petrosky, Polaski, Polen, Pomeroy, Price, Pursley, Readinger, Reibman, Renwick, Rigby, Royer, Rubin, Rudisill, Sarraf,	Wallace, Walsh, Wargo, Waterhouse, Weidner, Welsh, Wescott, Wheeler, Whitenight, Willaredt, Williams, Wilt, Wood, Worley, Yetter, Yetzer, Young, Ziegler, Andrews, Speaker
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## NAYS—0

## NOT VOTING—20

Anderson, M. S., Brenninger, Capano, Comer, Donaldson,	Down, Fineman, Flynn, George, Kehler,	Kline, Kratz, Kromer, Lafore, Magee,	McKeever, Pettigrew, Reidenbach, Rosen, Rovanssek,
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The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed the same with amendments in which the concurrence of the Senate is requested.

Agreeably to order,

The House proceeded to the third reading and consideration of Senate Bill No. 325 as follows:

An Act amending the act of May 4 1927 (P. L. 519) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" further regulating the incorporation of boroughs changing certain penalties and making such changes retroactive fixing the expense allowance for delegates to the meetings of the State Association of Boroughs providing for the creation of capital reserve funds for capital expenditures and the advertising of notices relative to land subdivision ordinances

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 202 section 1017 and subsection (e) of section 1035 act of May 4 1927 (P. L. 519) known as "The Borough Code" reenacted and amended July 10 1947 (P. L. 1621) are amended to read

Section 202 Applications for Incorporation The application for incorporation shall be by a petition signed by a majority of the freeholders residing within the limits of the proposed borough [which] when all parts of the proposed borough are in the same township and where portions of the proposed borough are in different townships the petition shall be signed by a majority of the freeholders residing in each of such separate portions The signatures must be secured within three months immediately preceding the presentation thereof to the court Such petition shall be subscribed by and sworn to by at least one of the signers The number of signers required to the petition shall be ascertained as of the date the petition was presented to court

Section 1017 State Association of Boroughs The boroughs of the Commonwealth are authorized to organize a State Association of Boroughs for the purpose of advancing the interests of the boroughs Any borough may join the said association by motion of council and payment of the annual dues Council may designate one or more delegates from the elected or appointed officials of the borough to attend the annual meeting of the association which shall be held in the Commonwealth in accordance with the

procedure adopted by the association In addition to any compensation allowed by law [the actual expenses of the delegates including transportation incurred by delegates for or incident to such meeting shall be paid by the borough] each delegate shall be allowed for his expenses incurred in attending the meeting twenty dollars per day together with eight cents per mile in going to and returning from the meeting The time spent in attending said meeting shall not be more than three days exclusive of the time employed in traveling thereto and therefrom Each borough becoming a member of the association shall pay such reasonable dues as may be fixed by the association but such dues for boroughs having a population of less than one thousand shall not exceed fifteen dollars

The dues and other revenues received by the association shall be used to pay for services publications and other expenses authorized or ratified by the association or incurred in behalf of the association by its officers and committees

Section 1035 Auditors to Meet Yearly and Audit Accounts Uniform Forms

\* \* \*

(e) After such report has been prepared and executed by the auditors it shall be the duty of the secretary of the borough to retain a copy and to file a copy of the report with the clerk of the court of quarter sessions of the county and the Department of Internal Affairs Such reports shall be filed by the secretary of the borough not later than the fifteenth day of April Any secretary of the borough refusing or wilfully neglecting to file such report shall upon conviction in a summary proceeding be sentenced to pay a fine of five dollars for each day's delay beyond the last day for filing such report and costs but the total fine which may be imposed and collected for any such offense shall not exceed two hundred dollars (\$200) if the failure to file such report within the period specified is due to the failure of the auditors to prepare the statement upon which said report is to be based said fine shall be imposed upon all of the auditors The limit of two hundred dollars (\$200) fixed by this amendment as the total amount of the fine which can be imposed and collected for a violation of this subsection shall apply to violations committed prior to this amendment in cases where the fines have not already been paid

Section 2 Section 1202 of the act reenacted and amended July 10 1947 (P. L. 1621) is amended by adding after clause LVII a new clause to read

Section 1202 Specific Powers The powers of the borough shall be vested in the corporate officers They shall have power

\* \* \*

LVIII Creation of Capital Reserve Fund for Anticipated Capital Expenditures To create and maintain a separate capital reserve fund for anticipated legal capital expenditures The money in the fund shall be used from time to time for the construction purchase or replacement of or addition to municipal buildings equipment machinery motor vehicles or other capital assets of the borough and for no other purpose

Council may appropriate moneys from the general borough funds to be paid into the capital reserve fund or place in the fund any moneys received from the sale lease or other disposition of any borough property or from any other source unless received or acquired for a particular purpose The fund shall be controlled invested reinvested and administered and the moneys therein and income from such moneys expended for any of the purposes for which the fund is created in such manner as may be determined by council The money in the fund when invested shall be invested in securities designated by law as legal investments for sinking funds of municipalities

This clause shall not be construed to limit the powers of the borough to the use of moneys in the capital reserve fund in making lawful capital expenditures

Section 3 Section 1302 of the act reenacted and amended July 10 1947 (P. L. 1621) is amended to read

Section 1302 Special Levy to Pay Debts In addition to the [levy] levies provided for in [the] preceding [section] sections when it shall be shown to the court of quarter



sessions of the county that the corporate authorities refuse or neglect to levy a sufficient tax to pay the debts due by the borough the court may after ascertaining the amount of such indebtedness of the borough direct a writ of mandamus to the proper officers of such borough to collect by special taxation an amount sufficient to pay the same in one or more annual instalments as may be adjudged reasonable by said court during such years as may be required for the payment of the same

Section 4 The act reenacted and amended July 10 1947 (P. L. 1621) is amended by adding after section 1671 a new section to read

Section 1671.1 Enactment of Land Subdivision Ordinance At least one week and not more than three weeks prior to the presentation of the ordinance adopting land subdivision regulations an informative notice of intention to consider such proposed ordinance and a brief summary setting forth the principal provisions of the proposed ordinance in such reasonable detail as will give notice of its contents and a reference to the place or places within the borough where copies of the proposed ordinance may be examined shall be published in the manner provided by law for the publication of ordinances

The provisions of the ordinance need not be advertised or recorded as in other cases but may be supplied by reference to a code or to parts thereof determined by the council or such provisions of the ordinance may be supplied by reference to a typed or printed code prepared under the direction of or accepted by the council or such provisions may consist of a standard code approved as aforesaid or parts thereof and also further provisions typed or printed as aforesaid Copies of the provisions of the ordinance thus adopted by reference shall be made available to any interested party at the cost thereof or may be furnished or loaned without charge and a copy of such provisions of the ordinance whether by reference to a standard code or a combination of them shall be attached to the ordinance book with the same force and effect as if duly recorded therein

The procedure set forth relating to the adoption of the ordinance may likewise be adopted in amending supplementing or repealing any of the provisions of the ordinance

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

## YEAS—189

Adam,	Gibb,	McCann,	Schuster,
Agnew,	Gibson,	McCormack,	Sherman,
Amarando,	Goldstein,	McGee,	Sigman,
Anderson, S. A.,	Gramlich,	McInroy,	Smith, C. C.,
Ashton,	Greenwood,	McLaughlin,	Smith, Wm. B.,
Auker,	Guss,	McWherter,	Snider,
Banker,	Guthrie,	Meholchick,	Stank,
Barnatovich,	Hamilton, R. K.,	Metz,	Stebbins,
Bazin,	Hamilton, W. H.,	Mihm,	Steckel,
Bell,	Hass,	Mikula,	Stephens,
Blair,	Haudenschild,	Miller,	Stevenson,
Boles,	Heavey,	Mills,	Stone,
Bonner,	Helm,	Monroe,	Stoner,
Boory,	Henzel,	Moody,	Strausser,
Bower,	Hewitt,	Moran,	Stroup,
Branca,	Hocker,	Moscrip,	Swartz,
Breisch,	Holt,	Muldowney,	Taylor,
Brennan, A. P.,	Horst,	Mullen,	Thomas,
Brennan, J. J.,	Houk,	Munley,	Thompson,
Breth,	Isaacs,	Murphy,	Toll,
Brown,	Jenkins,	Murray, H. P.,	Tompkins,
Bucchin,	Johnson,	Murray, J. J.,	Toomey,
Bullen,	Jones, G. E.,	Murray, P. G.,	Varallo,
Cianfrani,	Jones, T. H. W.,	Musto,	Varner,
Cioffi,	Jump,	Naugle,	Vaughan,
Cochran,	Kamyk,	Needham,	Verona,
Connelly,	Keller,	Ogilvie,	Wall,
Cooper,	Kent,	Olsen,	Wallace,
Curwood,	Knecht,	O'Neil,	Walsh,
Davis,		Pacholi,	Wargo,

Donahue,	Kolankiewicz,	Parry,	Waterhouse,
Dougherty,	Kooker,	Pashley,	Weidner,
Ehrgood,	Kornick,	Paulhamus,	Welsh,
Ellberg,	Kubacki,	Petrosky,	Wescott,
Erb,	Lawyer,	Polaski,	Wheeler,
Eshleman,	Leiby,	Polen,	Whitenight,
Ewing,	Leisey,	Pomeroy,	Willaredt,
Farabaugh,	Leonard,	Price,	Williams,
Filo,	Leven,	Pursley,	Wilt,
Flint,	Light,	Readinger,	Wood,
Floyd,	Limper,	Reibman,	Worley,
Foster,	Lippincott,	Renwick,	Yetter,
Frank,	Lopresti,	Rigby,	Yetzer,
Frascella,	Lovett,	Royer,	Young,
Frost,	Lutty,	Rubin,	Ziegler,
Gaffney,	Mahan,	Rudisill,	Andrews,
Garlock,	Markley,	Sarra,	Speaker
Gelfand,	Maxwell,	Scarcell,	

## NAYS—0

## NOT VOTING—20

Anderson, M. S.,	Down,	Kline,	McKeever,
Brenninger,	Fineman,	Kratz,	Pettierew,
Capano,	Flynn,	Kromer,	Reidenbach,
Comer,	George,	Lafore,	Rosen,
Donaldson,	Kehler,	Magee,	Rovanse,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House of Representatives has passed the same without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of Senate Bill No. 400 as follows:

An Act amending the act of May 23 1907 (P. L. 227) entitled "An act relating to husband and wife and to enlarge the rights and remedies of married women in case of desertion or non-support by husbands" including desertion of children and extending the right of action

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 1 act of May 23 1907 (P. L. 227) entitled "An act relating to husband and wife and to enlarge the rights and remedies of married women in case of desertion or non-support by husbands" amended April 27 1909 (P. L. 182) is amended to read

Section 1 Be it enacted &c That if any man shall separate himself from his wife or children without reasonable cause and being of sufficient ability shall neglect or refuse to provide suitable maintenance for his said wife [such wife shall be and is hereby empowered to bring her] or children action may be brought at law or in equity against such husband for maintenance of said wife or children in the court of common pleas of the county where service may be had on the husband as in other actions at law or in equity or in the county where the desertion occurred or where [she is] the wife or children are domiciled and the said court shall have power to entertain a bill in equity in such action and shall make and enforce such orders and decrees as the equities of the case demand and in such action at law or in equity the husband and wife shall be fully competent witnesses

Section 2 Section 2 of the act amended July 21 1913 (P. L. 867) is amended to read

Section 2 Whenever any man has heretofore separated or hereafter shall separate himself from his wife or children without reasonable cause or whose whereabouts are unknown and being of sufficient ability has neglected or refused or shall neglect or refuse to provide suitable maintenance for his said wife or children proceedings may be had against any property real or personal of said husband necessary for the suitable maintenance of the said wife or children and the court may direct a seizure and sale or mortgage of sufficient of such estate as will provide the



necessary funds for such maintenance and service upon the defendant shall be made as in other actions at law or in equity or in the manner provided in the act of General Assembly entitled "An act to authorize the execution of process in certain cases in equity concerning property within the jurisdiction of the court and on the defendants not resident or found therein" approved the sixth day of April one thousand eight hundred and fifty-nine (P. L. 387)

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

## YEAS—189

Adam,	Gibb,	McCann,	Scarcelli,
Agnew,	Gibson,	McCormack,	Schuster,
Amarando,	Goldstein,	McGee,	Sherman,
Anderson, S. A.,	Gramlich,	McInroy,	Sigman,
Ashton,	Greenwood,	McLaughlin,	Smith, C. C.,
Auker,	Guss,	McWherter,	Smith, Wm. B.,
Banker,	Guthrie,	Meholchick,	Snider,
Barnatovich,	Hamilton, R. K.,	Metz,	Stank,
Bazin,	Hamilton, W. H.,	Mihm,	Stebbins,
Bell,	Hass,	Mikula,	Steckel,
Blair,	Haudenschild,	Miller,	Stephens,
Boles,	Heavey,	Mills,	Stevenson,
Bonner,	Helm,	Monroe,	Stone,
Boory,	Henzel,	Moody,	Stoner,
Bower,	Hewitt,	Moran,	Strausser,
Branca,	Hocker,	Moscrip,	Stroup,
Brelsch,	Holt,	Muldowney,	Swartz,
Brennan, A. P.,	Horst,	Mullen,	Taylor,
Brennan, J. J.,	Houk,	Munley,	Thomas,
Breth,	Isaacs,	Murphy,	Thompson,
Brown,	Jenkins,	Murray, H. P.,	Toll,
Bucchin,	Johnson,	Murray, J. J.,	Tompkins,
Bullen,	Jones, G. E.,	Murray, P. G.,	Toomey,
Clanfrani,	Jones, T. H. W.,	Musto,	Varallo,
Cloffi,	Jump,	Naugle,	Varnier,
Cochran,	Kamyk,	Needham,	Vaughan,
Connelly,	Keller,	Ogilvie,	Verona,
Cooper,	Kent,	Olsen,	Wall,
Curwood,	Knecht,	O'Neill,	Wallace,
Davis,	Kolankiewicz,	Pacchioli,	Walsh,
Donahue,	Kooker,	Parry,	Wargo,
Dougherty,	Kornick,	Pashley,	Waterhouse,
Ehrgood,	Kubacki,	Paulhamus,	Weidner,
Ellberg,	Lawyer,	Petrosky,	Welsh,
Erb,	Leiby,	Polaski,	Wescott,
Eshleman,	Leisey,	Polen,	Wheeler,
Ewing,	Leonard,	Pomeroy,	Whitenight,
Farabaugh,	Leven,	Price,	Willaredt,
Filo,	Light,	Pursley,	Williams,
Flint,	Limper,	Readinger,	Wilt,
Floyd,	Lippincott,	Reibman,	Wood,
Foster,	Lopresti,	Renwick,	Worley,
Frank,	Lovett,	Rigby,	Yetter,
Frascella,	Lutty,	Royer,	Yetzer,
Frost,	Mahan,	Rubin,	Young,
Gaffney,	Markley,	Rudisill,	Ziegler,
Garlock,	Maxwell,	Sarrafi,	Andrews,
Gelfand,			Speaker

## NAYS—0

## NOT VOTING—20

Anderson, M. S.,	Down,	Kline,	McKeever,
Brennlinger,	Fineman,	Kratz,	Pettigrew,
Capano,	Flynn,	Kromer,	Reidenbach,
Comer,	George,	Lafore,	Rosen,
Donaldson,	Kehler,	Magee,	Rovansek,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House of Representatives has passed the same without amendment.

## BILLS PASSED OVER

There being no objection

Senate Bill No. 511, Printer's No. 365,

Senate Bill No. 520, Printer's No. 181,

Senate Bill No. 543, Printer's No. 231 and

Senate Bill No. 773, Printer's No. 364,

were passed over at the request of the SPEAKER.

RECONSIDERATION OF VOTE ON  
SENATE BILL NO. 190

Mr. TOLL. Mr. Speaker, I move that the vote by which Senate Bill No. 190, Printer's No. 62, entitled:

"An act amending the act of March 10, 1949 (P. L. 30) entitled 'An act relating to the public school system, including certain provisions applicable as well to private and parochial schools; amending, revising, consolidating and changing the laws relating thereto' further regulating the employment of teachers who are related to members of the board of school directors," was defeated on final passage in the House of Representatives on Wednesday, November 30, 1955, be reconsidered.

Mr. McCANN. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from Philadelphia, Mr. Toll vote on the final passage of this bill?

Mr. TOLL. Mr. Speaker, I voted with the prevailing side.

The SPEAKER. How did the gentleman from Greene Mr. McCann vote on the final passage of this bill?

Mr. McCANN. Mr. Speaker, I voted with the prevailing side.

On the question,

Will the House agree to the motion?

It was agreed to.

On the question recurring,

Shall the bill pass finally?

## BILL POSTPONED

Mr. TOLL. Mr. Speaker, I move that this bill be placed on the final postponed calendar.

The motion was agreed to.

COMMUNICATION AND BILL TAKEN FROM  
TABLE

Mr. READINGER. Mr. Speaker. I move that House Bill No. 670 Printer's No. 1165 together with the communication from the Senate be taken from the table.

The motion was agreed to.

## SENATE MESSAGE

AMENDED HOUSE BILL RETURNED  
FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

## HOUSE BILL No. 670.

An Act amending the act of April 9, 1929 (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees or State Normal Schools or Teachers Colleges abolishing creating



reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employees in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employees of certain department boards and commissions shall be determined" revising and expanding the State Mental Health program providing for the appointment of a deputy to be known as Commissioner of Mental Health and creating an advisory council on Mental Health in the Department of Welfare prescribing their powers and duties and changing the powers and duties of the boards of trustees of the several State mental institutions and juvenile delinquent institutions and the terms of members of boards of trustees of certain state institutions

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend Title, page 2, line 16, by inserting after the word "institutions" the following: "and juvenile delinquent institutions and the terms of members of boards of trustees of certain state institutions"; Section 3, page 7, line 11, by striking out after the word "institutions" the letter "(a)"; section 3, page 7, line 15, by striking out after the word "be" the word "four" and inserting in lieu thereof the word "six"; section 3, page 7, by inserting after line 16 the following:

The terms of the first three members of all boards the members of which now serve for terms of four years appointed by the Governor on or after the third Tuesday of January 1959 shall expire on the third Tuesday of January 1961 the terms of the next three members appointed shall expire on the third Tuesday of January 1963 the terms of the next three members appointed shall expire on the third Tuesday of January 1965 their successors and all members of all boards appointed to succeed members who have served six year terms shall be appointed for terms of six years from the date of the expiration of the preceding term vacancies happening before the expiration of a term shall be filled for the unexpired term

Section 3, page 12, line 12, by striking out after the word "from" the bracket and the letter "(b)"; Section 4, page 14, line 15, by striking out after the word "have" the word "thirty" and inserting in lieu thereof the word "twenty"; page 14, line 15, by striking out after the word "whom" the words "one-third" and inserting in lieu thereof the word "five"; page 14, line 16, by striking out after the word "institutions" the following: "five superintendents of state mental institutions" and inserting in lieu thereof the following: "five members of the Pennsylvania Medical Society and ten to be laymen"; Section 5, page 15, line 13, by striking out after the word "to" the following: "exercise the powers and perform the duties heretofore by law vested in and imposed upon" and inserting in lieu thereof the following: "approve or disapprove the advice and recommendations of"; section 6, page 16, line 3, by inserting after the word "psychiatrist" the following: "with at least seven years' training and experience in the care of patients"; page 17, line 8, by striking out after the word "The" the word "board" and inserting in lieu thereof the following: "powers and duties of the boards"; page 17, line 9, by striking out after the word "each" the following: "of the following named" and after the word "State" in line 9, the words "mental institutions" and inserting in lieu thereof the word "institution"; page 17, line 10, by inserting after the word "Welfare" the following: "caring for the mentally ill

feeble-minded mentally retarded mentally deficient and juvenile delinquents"; page 17, line 12, by striking out after the word "shall" the words: "have the power and its duty shall be" and inserting in lieu thereof the words "be only as defined in this section"; page 18, by striking out all of lines 3 and 4, as follows: "(c) to examine the budget of the institution and make recommendations thereon to the superintendent" page 18, line 5, by striking out at the beginning of the line the letter "(d)" and inserting in lieu thereof the letter "(c)" page 18, line 5, by striking out after the word "to" the words "consult with the" and inserting in lieu thereof the words "advise and make recommendations to the"; page 18, line 8, by striking out at the beginning of the line the letter "(e)" and inserting in lieu thereof the letter "(d)"; page 18, line 8, by striking out after the word "to" the words "consult with the" and insert in lieu thereof the words "advise and make recommendations to"; page 18, line 11, by striking out at the beginning of the line the letter "(f)" and inserting in lieu thereof the letter "(e)"; page 18, line 16, by striking out at the beginning of the line the letter "(g)" and inserting in lieu thereof the letter "(f)"; page 18, line 19, by striking out after the word "The" the following "powers and duties of the boards of trustees of the several state mental institutions shall be governed exclusively by this section This section does" and inserting in lieu thereof the following: "provisions of this section shall be applicable to the boards of trustees in all of the state mental institutions within the department of welfare caring for mentally ill feeble minded mental retarded mentally deficient and juvenile delinquents but shall"; page 19, by striking out all of lines 9 to 20 inclusive, all of page 20 and lines 1 to 11 on page 21, as follows:

(3) The boards of trustees of the several State mental institutions shall exercise the forgoing powers in report to the following institutions

Board of Trustees of Allentown State Hospital of Allentown State Hospital

Board of Trustees of Clarks Summit State Hospital of Clarks Summit State Hospital

Board of Trustees of Danville State Hospital of Danville State Hospital

Board of Trustees of Dixmont State Hospital of Dixmont State Hospital

Board of Trustees of Embreeville State Hospital of Embreeville State Hospital

Board of Trustees of Farview State Hospital of Farview State Hospital

Board of Trustees of Harrisburg State Hospital of Harrisburg State Hospital

Board of Trustees of Hollidaysburg State Hospital of Hollidaysburg State Hospital

Board of Trustees of Mayview State Hospital of Mayview State Hospital

Board of Trustees of Norristown State Hospital of Norristown State Hospital

Board of Trustees of Philadelphia State Hospital of Philadelphia State Hospital

Board of Trustees of Retreat State Hospital of Retreat State Hospital

Board of Trustees of Somerset State Hospital of Somerset State Hospital

Board of Trustees of Torrance State Hospital of Torrance State Hospital

Board of Trustees of Warren State Hospital of Warren State Hospital

Board of Trustees of Wernersville State Hospital of Wernersville State Hospital

Board of Trustees of Woodville State Hospital of Woodville State Hospital

Board of Trustees of Laurelton State Village of Laurelton State Village

Board of Trustees of Pennhurst State School of Pennhurst State School

Board of Trustees of Polk State School of Polk State School

Board of Trustees of Selinsgrove State School of Selinsgrove State School

Section 7, page 23, line 12, by striking out the bracket after the word "Pennsylvania"; page 23, line 15 and 16,



by striking out the bracket before the word "Board" and after the word "Muncy".

On the question,  
Will the House concur in the amendments made by the Senate?

Mr. READINGER. Mr. Speaker, I request that the House concur in the amendments made by the Senate.

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—189

Adam,	Gibb,	McCann,	Scarcelli,
Agnew,	Gibson,	McCormack,	Schuster,
Amarando,	Goldstein,	McGee,	Sherman,
Anderson, S. A.,	Gramlich,	McInroy,	Sigman,
Ashton,	Greenwood,	McLaughlin,	Smith, C. C.,
Auker,	Guss,	McWherter,	Smith, Wm. B.,
Banker,	Guthrie,	Meholchick,	Snider,
Barnatovich,	Hamilton, R. K.,	Metz,	Stank,
Bazin,	Hamilton, W. H.,	Mihm,	Stebbins,
Bell,	Hass,	Mikula,	Steckel,
Blair,	Haudenschild,	Miller,	Stephens,
Boles,	Heavey,	Mills,	Stevenson,
Bonner,	Helm,	Monroe,	Stone,
Boory,	Henzel,	Moody,	Stoner,
Bower,	Hewitt,	Moran,	Strausser,
Branca,	Hocker,	Moscrip,	Stroup,
Brelsch,	Holt,	Muldowney,	Swartz,
Brennan, A. P.,	Horst,	Mullen,	Taylor,
Brennan, J. J.,	Houk,	Munley,	Thomas,
Breth,	Isaacs,	Murphy,	Thompson,
Brown,	Jenkins,	Murray, H. P.,	Toll,
Bucchin,	Johnson,	Murray, J. J.,	Tompkins,
Bullen,	Jones, G. E.,	Murray, P. G.,	Toomey,
Cianfrani,	Jones, T. H. W.,	Musto,	Varallo,
Cloff,	Jump,	Naugle,	Varnier,
Cochran,	Kamyk,	Needham,	Vaughan,
Connelly,	Keller,	Ogilvie,	Verona,
Cooper,	Kent,	Olsen,	Wall,
Curwood,	Knecht,	O'Neill,	Wallace,
Davis,	Kolankiewicz,	Pacchioli,	Walsh,
Donahue,	Kooker,	Parry,	Wargo,
Dougherty,	Kornick,	Pashley,	Waterhouse,
Ehrgood,	Kubacki,	Paulhamus,	Weidner,
Ellberg,	Lawyer,	Petrosky,	Welsh,
Erb,	Leiby,	Polaski,	Wescott,
Eshleman,	Lelsey,	Polen,	Wheeler,
Ewing,	Leonard,	Pomeroy,	Whitenight,
Farabaugh,	Leven,	Price,	Willaredt,
Filo,	Light,	Pursley,	Williams,
Flint,	Limper,	Readinger,	Wilt,
Floyd,	Lippincott,	Reibman,	Wood,
Foster,	Lopresti,	Renwick,	Worley,
Frank,	Lovett,	Rigby,	Yetter,
Frascella,	Lutty,	Royer,	Yetzer,
Frost,	Mahan,	Rubin,	Young,
Gaffney,	Markley,	Rudisill,	Ziegler,
Garlock,	Maxwell,	Sarra,	Andrews,
Gelfand,			Speaker

NAYS—0

NOT VOTING—20

Anderson, M. S.,	Down,	Kilne,	McKeever,
Brenninger,	Fineman,	Kratz,	Pettigrew,
Capano,	Flynn,	Kromer,	Reidenbach,
Comer,	George,	Lafore,	Rosen,
Donaldson,	Kehler,	Magee,	Rovanssek,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

COMMUNICATION AND BILL TAKEN FROM TABLE

Mr. READINGER. Mr. Speaker, I move that House Bill No. 1834, Printer's No. 1159 together with the communication from the Senate be taken from the table.

The motion was agreed to.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1834.

An Act making an appropriation to the Senate and House of Representatives of the General Assembly for the payment of salaries of officers and employes mileage of members and incidental expenses for the balance of the legislative session of 1955

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments. The Clerk read the amendments as follows:

Amend the Title, page 1, line 1, by inserting after the word "the" the words "Senate and"; line 2, by inserting after the second word "of" the following: "salaries of officers and employes";

Amend Section 1, page 2, line 2, by inserting after the word "the" the words "Senate and"; line 5, by inserting after the word "purposes" the following:

To the Senate

For the payment of the salaries of the officers and employes of the Senate session of one thousand nine hundred fifty-five also for the payment of the session and recess salaries of all officers and employes whose positions are now or may hereafter be created and for the payment of which provision is not otherwise made also for the payment of any increases which may now or hereafter be authorized in the recess and session salaries of the officers and employes of the Senate whose present salaries are provided for in this section the sum of twenty thousand dollars (\$20,000)

For the payment of mileage of fifty senators the sum of four thousand dollars (\$4,000)

For the payment of incidental expenses of the Senate to be expended by the Chief Clerk the sum of six thousand dollars (\$6,000)

On the question,

Will the House concur in the amendments made by the Senate?

Mr. READINGER. Mr. Speaker, I request that the House concur in the amendments made by the Senate.

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—189

Adam,	Gibb,	McCann,	Schuster,
Agnew,	Gibson,	McCormack,	Sherman,
Amarando,	Goldstein,	McGee,	Sigman,
Anderson, S. A.,	Gramlich,	McInroy,	Smith, C. C.,
Ashton,	Greenwood,	McLaughlin,	Smith, Wm. B.,
Auker,	Guss,	McWherter,	Snider,
Banker,	Guthrie,	Meholchick,	Spencer,
Barnatovich,	Hamilton, R. K.,	Metz,	Stank,
Bazin,	Hamilton, W. H.,	Mihm,	Stebbins,
Bell,	Hass,	Mikula,	Steckel,
Blair,	Haudenschild,	Miller,	Stephens,
Boles,	Heavey,	Mills,	Stevenson,
Bonner,	Helm,	Monroe,	Stone,
Boory,	Henzel,	Moody,	Stoner,
Bower,	Hewitt,	Moran,	Strausser,
Branca,	Hocker,	Moscrip,	Stroup,
Brelsch,	Holt,	Muldowney,	Swartz,
Brennan, A. P.,	Horst,	Mullen,	Taylor,
Brennan, J. J.,	Houk,	Munley,	Thomas,
Breth,	Isaacs,	Murphy,	Thompson,
Brown,	Jenkins,	Murray, H. P.,	Toll,



Bucchin,	Johnson,	Murray, J. J.,	Tompkins,
Bullen,	Jones, G. E.,	Murray, P. G.,	Toomey,
Cianfrani,	Jones, T. H. W.,	Musto,	Varallo,
Cioffi,	Jump,	Naugle,	Varner,
Cochran,	Kamyk,	Needham,	Vaughan,
Connelly,	Keller,	Ogilvie,	Verona,
Cooper,	Kent,	Olsen,	Wall,
Curwood,	Knecht,	O'Neill,	Wallace,
Davis,	Kolankiewicz,	Pacchioni,	Walsh,
Donahue,	Kooker,	Parry,	Wargo,
Dougherty,	Kornick,	Pashley,	Waterhouse,
Ehrgood,	Kubacki,	Paulhamus,	Weldner,
Ellberg,	Lawyer,	Petrosky,	Welsh,
Erb,	Leiby,	Polaski,	Wescott,
Eshleman,	Lelsey,	Polen,	Wheeler,
Ewing,	Leonard,	Pomeroy,	Whitenight,
Farabaugh,	Leven,	Price,	Willaredt,
Filo,	Light,	Pursley,	Williams,
Flint,	Limper,	Readinger,	Wilt,
Floyd,	Lippincott,	Reibman,	Wood,
Foster,	Lopresti,	Renwick,	Worley,
Frank,	Lovett,	Rigby,	Yetter,
Frascella,	Lutty,	Royer,	Yetzer,
Frost,	Mahan,	Rubin,	Young,
Gaffney,	Markley,	Rudisill,	Ziegler,
Garlock,	Maxwell,	Sarrafi,	Andrews,
Gelfand,		Scarcelll,	

NAYS—0

NOT VOTING—20

Anderson, M. S.,	Down,	Kline,	McKeever,
Brenninger,	Fineman,	Kratz,	Pettigrew,
Capano,	Flynn,	Kromer,	Reidenbach,
Comer,	George,	Lafore,	Rosen,
Donaldson,	Kehler,	Magee,	Rovansek,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

## RESOLUTION

### CONDOLENCE

Messrs. THOMAS H. W. JONES, WILLAREDT, Mrs. HENZEL, Messrs. KRATZ, LAFORE and BRENNINGER offered a resolution which was read, considered and unanimously adopted by a rising vote as follows:

In the House of Representatives, December 5, 1955.

The Honorable William A. Bolton, a former member of this House from the Third Legislative district of Montgomery County, died Friday, December 2, 1955, in Valley Forge Army Hospital, at the age of 44.

Mr. Bolton had an outstanding record in the Second World War. He was decorated with the Combat Infantry Badge, the Purple Heart, Bronze Star, the Belgian Croix de Guerre, and the Orange Lanyard from the Netherlands. As an officer of the 502nd Parachute Infantry Regiment of the 101st Airborne Division, Mr. Bolton was with an assault group that landed in Normandy ten hours before the D-Day invasion. He was seriously wounded in an airborne assault on Holland, as a result of which he was retired from the service, with the rank of Major.

After the war Mr. Bolton's interest in Military Affairs continued. He was president of the 101st Airborne Division Association, past commander of the North Penn Post 676, Veterans of Foreign Wars, and a member of the Glenside Post 248, American Legion. Also active in community affairs as a member of the boards of the Abington Y M C A and the Community Free Library, Glenside.

He was an accountant by profession, at the time of his death he was comptroller for the I. P. Thomas Division of the Pennsylvania Salt Manufacturing Co. In addition to his Legislative service he had held several public offices and appointments including posts with the Montgomery County Board for Assessment and Division of Taxes and the Cheltenham Township Civil Service Commission.

Mr. Bolton's work in public and private life was of a high and exemplary order. His colleagues from Mont-

gomery County, mindful of his great abilities, and his fearless nature, will remember him with great affection; therefore be it

Resolved, That the members of this House of Representatives hereby extend their individual sympathies to the widow and children of the late William A. Bolton in their hour of sorrow; and be it further

Resolved, That a copy of this resolution be sent to Mrs. Elise Bolton and her children, at 600 Custis Road, Glenside, Pennsylvania.

## PERMISSION TO ADDRESS HOUSE

Mr. CHARLES C. SMITH asked and obtained unanimous consent to address the House.

Mr. Speaker, several times during this session the Speaker by a slip of the tongue has called me the Majority Leader. I do not wish to be facetious about this, but I am starting to wonder, with all due respect to my friend on the other side of the House, whether or not we have a Majority Leader.

My understanding of a majority is 106 votes, which would be a constitutional majority. I think we have now gone through another day of a consent calendar. It looks as though we are going to do the same thing tomorrow and probably the same thing on Wednesday.

I believe last week we did exactly the same thing. On Monday, Tuesday and Wednesday, we had three days of consent calendar.

I appreciate the fact that the gentleman from Berks is doing everything in his power to bring his Members in here, but I do think it is not fair, either to the Members on his side of the House, who are coming here, or the Members on our side of the House, who are in attendance, to sit here day in and day out, week in and week out. We can forgive a day once in a while, but this is two weeks in a row.

I don't think it is fair to the Members, I don't think it is fair to us and I don't think it is fair to the people of the Commonwealth. These men have been elected to do a job. If they don't want to do the job, let them get out of the Legislature and get people here who do.

I can tell you the Members on our side of the House have been in fairly good attendance. They are really getting rather sick and tired of coming here and doing nothing.

I know it is not the Majority Leader's fault. I know he is making every effort possible, but I do think something should be done very soon, or else tell us Members on this side of the House that we don't have to come here ourselves, because I know there are many Members here who have other things to do. None of this legislation we worked on today was controversial in any way as far as party lines are concerned.

I believe next week we are placing ourselves in exactly the same position. For the information of the Members, and I am a city Member talking, it is the doe season and I mean "deer." There will be quite a few Members who will not be here, I imagine, next week because of hunting doe on Monday and Tuesday. If that is correct, and I don't say this in criticism, let us tell the Members that it will be a consent calendar Monday and Tuesday, if that is what it is going to be, and not bring these men up here day in and day out for nothing.

I really think we are making a serious mistake with this kind of thing happening, Mr. Speaker.



### PERMISSION TO ADDRESS HOUSE

Mr. READINGER asked and obtained unanimous consent to address the House.

Mr. Speaker, I desire to thank the Minority Leader for "them thar kind words." He well knows I have been moving heaven and earth to keep more than 106 Members here when we are having a working session. Of course, there are always some who are sick or who are attending a funeral and their absence is unavoidable, but there have been many times when Members could have been here and for some reason or another they chose not to be here.

So far as I know now we intend to work next week, doe season or no doe season. It is almost the end of the year. We are hoping we are close to the solution on the tax problem, and I know the Members would like to get out of this session either late this year or early next year. The longer we put off, and put off, and put off the working days we have the longer we are going to be here.

I appreciate very much the Minority Leader's sympathy. When he says we are not fair to the public, I think perhaps we Democrats should say the public was not fair to us, they did not give us a big enough majority so we could afford to have ten or twelve absent and still work.

However, that is what the public decided to do, and we were grateful for their votes and happy to be the majority. We assure the minority that we are not going to call them back here if we have advance notice that we just cannot work. We are trying to cooperate with you in that respect and with our own Members, but when two, or three, or four, do not show up without notice to us there is not much we can do except do what we can in their absence and hope that they show up the following day.

For example, we hope and expect to have at least 109 Members here tomorrow.

### STATEMENT BY SPEAKER

The SPEAKER. The Chair desires once again to call the attention of the House to Rule 71:

"Every Member shall be present within the Hall of the House during its sittings, unless excused by the House, or necessarily prevented" from attendance.

This House is the judge of its own policy. The Chair has repeatedly stated that it believes this House should follow the quorum call, require the attendance of those who are unable to produce a physician's certificate that they are physically unable to attend.

The Chair is powerless in these matters because decision lies with the House. If you do not want to require the attendance, you do not have to and the Speaker cannot compel you to do so. The speaker can only enforce your will. If the Officers of this House are directed by this House, while the House recesses, to bring about the physical presence of absent Members, that is what the officers of the House will do.

There is no reason to complain. A majority of the majority can require the attendance of a minority of the majority, just as they can require the attendance of a minority of the minority.

If the Chair has one criticism to make of the Majority Lead, it is that he is inherently a gentleman. He does not want to take extreme measures, but there are times when you cannot deal with habitual absentees from this Chamber on the basis of good fellowship. No one has any right to complain, because the whole matter rests within the will of this House.

The Chair well knows that in a pinch the leaders of the various delegations resent the thought that compulsion should be used, and for some reason the hearts of those who attend bleed for the absentees lest they be embarrassed. You cannot run a House of this kind during the closing days of a session on any such basis.

The gentleman from Philadelphia is right, but it is up to us, to you members, to take such decisive action as will end a lamentable record of absenteeism. If the record were carried back home by the Members of the various delegations who are here, if they went back home and made known the fact that various Members were habitually absent, those Members would not be here in 1957.

The Chair thanks the House for its attention.

### PERMISSION TO ADDRESS HOUSE

Mr. CHARLES C. SMITH asked and obtained unanimous consent to address the House.

Mr. Speaker, I can't help but suggest, Mr. Speaker, that before such severe action be taken perhaps the majority could use some of the methods, some of the tactics and some of the contacts they used when they kept their Members here for their tax bills. They might have a majority if they would do that.

### PERMISSION TO ADDRESS HOUSE

Mr. LEONARD asked and obtained unanimous consent to address the House.

Mr. Speaker and Members of the House, I believe I am speaking for the regular attendants in this session. I want to agree 100 per cent with the Minority Leader, the Majority Leader and the Speaker of the House, but let us do something about it. What are we coming here for? Why do we come here and sit while these other guys do not come around? Are we weaklings? I insist that the Rules be enforced.

### RESOLUTIONS

Mr. SARRAF offered a resolution which was filed with the Clerk.

Mr. BOIES offered a resolution which was filed with the Clerk.

### BILLS SIGNED BY SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

#### HOUSE BILL No. 670.

An Act Amending the act of April 9, 1929 (P. L. 177) entitled "An act providing for the reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating



reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain department boards and commissions shall be determined" revising and expanding the State Mental Health program providing for the appointment of a deputy to be known as Commissioner of Mental Health and creating an advisory council on Mental Health in the Department of Welfare prescribing their powers and duties and changing the powers and duties of the boards of trustees of the several State mental institutions and juvenile delinquent institutions and the terms of members of boards of trustees of certain State institutions

#### HOUSE BILL No. 1834.

An Act making an appropriation to the Senate and House of Representatives of the General Assembly for the payment of salaries of officers and employees mileage of members and incidental expenses for the balance of the legislative session of 1955

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

#### STATEMENT BY SPEAKER

The SPEAKER. The Chair wants to call the attention of the House to the fact that the Chair has heard during the years that now and then there were Members who failed to appear at any session during the week, but by some financial miracle they were able to collect mileage. I wonder if anybody has ever heard of that except the Chair.

That has been tolerated over the years. Ever since the Chair has been a Member of this House there have been Members who never showed up because we have these consent calendars, and they collected their expense money. They are not entitled to it. We can dock the expense account of Members who are not here if we wish. The Chair is only the servant of the House, not its master.

The Chair desires to call the attention of the Minority Leader to a bit of legislative history. Back in the days when the Chair was in the Hall of this House, having been sent here by an independent party, on more than one occasion he attempted and required the attendance of the absent Members. On one occasion it was his happy fortune to be able to call back to Harrisburg the entire State Senate, who had left without proper permission.

#### PERMISSION TO ADDRESS HOUSE

Mr. BERTH asked and obtained unanimous consent to address the House.

Mr. Speaker, I would just like to remind the Minority Leader that the season opens up next Monday.

#### PERMISSION TO ADDRESS HOUSE

Mr. MORAN asked and obtained unanimous consent to address the House.

Mr. Speaker, what we are going through now is the same pain we went through in session after session, regardless of who was in the majority. We have always had trouble getting members here in quite a number of the sessions. I have a suggestion to make; I think I have the remedy.

You know in private industry we ring up on clocks, we have a card, we put it in the clock and we ring it up. If you do not ring in, you do not get paid. I think if we had two clocks here in the rear of the House, when a Member comes in and he rings in, he is credited with being here; when he goes out, he rings out; and if he has not rung in, he does not get paid his salary or his mileage. I think that would be the remedy.

By the way, Mr. Speaker, when I made that suggestion here in a past session I had one fellow come up to me and say "You know that is the greatest statement I ever heard on the floor of the House." He said "You know, I believe if you put those clocks in there you will be doing a good job and you will have a great attendance here in the House." He said, "You know, I am selling the clocks."

#### COMMITTEE MEETINGS

AGRICULTURE AND DAIRY INDUSTRIES, Mr. Snider, Chairman, Room 331, Tuesday, December 6, at 11:45 a. m.

BANKING—BUILDING AND LOAN ASSOCIATION, Mr. Olsen, Chairman, Room 330, Tuesday, December 6, at 12:00 noon.

CHILD CARE, Mr. Maxwell, Chairman, Room 330, Tuesday, December 6, at 12:45 p. m.

COUNTIES, Mr. Wheeler, Chairman, Room 323, Tuesday, December 6, at 11:30 a. m.

JUDICARY, Mr. Lopresti, Chairman, Room 145, Tuesday, December 6, at 10:00 a. m.

JUDICARY SPECIAL, Mr. Leonard, Chairman, Room 195, Tuesday, December 6, at 12:30 p. m.

LAW AND ORDER, Mr. Yetzer, Chairman, Room 325, Tuesday, December 6, at 12:15 p. m.

MUNICIPAL CORPS., Mr. Verona, Chairman, Room 521, Tuesday, December 6, at 11:30 a. m.

PROFESSIONAL LICENSURE, Mr. Boies, Chairman, Room 325, Tuesday, December 6, at 11:30 a. m.

RAILROAD AND RAILWAYS, Mr. Taylor, Chairman, Room 325, Tuesday, December 6, at 11:15 a. m.

WELFARE, Mrs. Varallo, Chairman, Room 330, Tuesday, December 6, at 12:30 p. m.

PHILADELPHIA DEMOCRATIC DELEGATION, Mr. Kolankiewicz, Chairman, Chief Clerk's Room, Tuesday, December 6, at 12:30 p. m.

The Legislative Service Club will meet for breakfast tomorrow morning, Tuesday, at 8:30 a. m. in the Private Dining Room of the Capitol Cafeteria. Guest speaker will be the Rev. Harold J. Crouse, Chaplain of the House.

#### ADJOURNMENT

Mr. BOIES. Mr. Speaker, I move that this House do now adjourn until Tuesday, December 6, 1955 at 1:00 p. m.

The motion was agreed to, and (at 7:35 p. m.) the House adjourned.



# Legislative Journal.

Session 1955.

141st of the General Assembly.

Vol. 34.

HARRISBURG, PA., TUESDAY, DECEMBER 6, 1955.

No. 115.

## SENATE

TUESDAY, December 6, 1955.

The Senate met at 11:00 o'clock, a. m., Eastern Standard Time.

The PRESIDENT (Lieutenant-Governor Roy E. Furman) in the Chair.

### PRAYER

In the absence of the Chaplain, the following prayer was offered by the gentleman from Lancaster, Mr. KESSLER:

O God, our Heavenly Father, we seek Thy blessing on this gathering here today.

May each one of us take to heart the words of the Psalmist when he said, "May the words of my mouth and the meditation of my heart be acceptable in Thy sight, O God, my Strength and my Redeemer." Amen.

### JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. MAHANY and Mr. MADIGAN, further reading was dispensed with, and the Journal was approved.

### NOMINATIONS BY THE GOVERNOR

#### REFERRED TO COMMITTEE

The Secretary to the Governor being introduced, presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Executive Nominations:

#### MEMBER OF THE PHILADELPHIA COUNTY BOARD OF ASSISTANCE

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, December 5, 1955.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Miss C. Marion Kohn (Dem.), Apartment 804, 1520 Spruce Street, Philadelphia 2, Philadelphia County, for appointment as a member of the Philadelphia County Board of Assistance, to serve until December 31, 1955, and until her successor is duly appointed and qualified, vice E. Lynd Frick, Philadelphia, resigned.

GEORGE M. LEADER.

#### MEMBER OF THE ELK COUNTY BOARD OF ASSISTANCE

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, December 5, 1955.  
To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate John J. Murray (Dem.), Clarion Road, Johnsonburg, Elk County, for appointment as a member of the Elk County Board of Assistance, to serve until December 31, 1957, and until his successor is duly appointed and qualified, vice Lyle E. Anderson, Johnsonburg, whose term expired.

GEORGE M. LEADER.

### COMMUNICATIONS FROM THE GOVERNOR

He also presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows:

#### APPROVED AND SIGNED SENATE CONCURRENT RESOLUTION RECALLING SENATE BILL No. 218, PRINTER'S No. 63.

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, December 1, 1955.  
To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed Senate Concurrent Resolution recalling from the Governor Senate Bill No. 218, Printer's No. 63, for the purpose of amendment.

Accordingly, the original bill is herewith returned.

GEORGE M. LEADER.

The PRESIDENT. The bill will be laid on the table.

#### APPROVED AND SIGNED SENATE CONCURRENT RESOLUTION RECALLING SENATE BILL No. 531, PRINTER'S No. 185.

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, December 1, 1955.  
To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed Senate Concurrent Resolution recalling from the Governor Senate Bill No. 531, Printer's No. 185, for the purpose of amendment.

Accordingly, the original bill is herewith returned.

GEORGE M. LEADER.

The PRESIDENT. The bill will be laid on the table.

### HOUSE MESSAGES

HOUSE RECEDES FROM ITS AMENDMENTS NON-CONCURRED IN BY THE SENATE TO SENATE BILL No. 457



The Clerk of the House of Representatives being introduced, informed the Senate that the House recedes from its amendments non-concurred in by the Senate to Senate Bill No. 457, entitled:

An Act amending the act of June 23, 1931 (P. L. 932), entitled "An act relating to cities of the third class; and amending, revising and consolidating the law relating thereto," further providing for appropriations by such cities to official police pension funds.

HOUSE CONCURS IN AMENDMENTS TO  
HOUSE BILL No. 445

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 445, entitled:

An Act amending the act of May 1, 1929 (P. L. 905), entitled "Vehicle Code," further regulating passing school buses and granting to magistrates power to recommend suspension of operating privileges for violations.

HOUSE CONCURS IN AMENDMENTS TO  
HOUSE BILL No. 620

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 620, entitled:

An Act amending the Act of May 1, 1929 (P. L. 905), entitled "Vehicle Code" further regulating speed; designating a traffic court; further prescribing enforcement and penal provisions; and imposing duties on certain pedestrians.

HOUSE CONCURS IN AMENDMENTS TO  
HOUSE BILL No. 670

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 670, entitled:

An Act amending the act of April 9, 1929 (P. L. 177), entitled "Administrative Code of 1929" providing for management and control of State mental institutions in the Department of Welfare by the department through a Commission of Mental Health; creating an Advisory Council on Mental Health; prescribing its powers and duties; and changing the powers and duties of the boards of trustees of the several State mental institutions.

HOUSE CONCURS IN AMENDMENTS TO  
HOUSE BILL No. 820

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 820, entitled:

An Act amending the act of July 28, 1953, (P. L. 723) entitled "Second Class County Code," further regulating the repayment of money collected upon forfeited recognizances and the satisfaction of judgment liens against real property arising therefrom.

HOUSE CONCURS IN AMENDMENTS TO  
HOUSE BILL No. 1834

He also presented communication from the House of Representatives informing the Senate that the House has

concurred in amendments made by the Senate to House Bill No. 1834, entitled:

An Act making an appropriation to the House of Representatives of the General Assembly for the payment of mileage of members and incidental expenses for the balance of the legislative session of 1955.

SENATE BILL No. 179, RETURNED WITH  
AMENDMENTS

He also returned to the Senate, Senate Bill No. 179, entitled:

An Act amending the act of April 25, 1929 (P. L. 723), entitled "An act regulating the investment of funds by administrative departments, boards, commissions, and officers of the State Government," increasing the investment powers of State administrative departments, boards, commissions or officers.

with the information that the House has passed the same with amendments in which the concurrence of the Senate is requested.

The PRESIDENT. The bill, as amended, will appear on tomorrow's Calendar.

SENATE BILL No. 365 RETURNED WITH  
AMENDMENTS

He also returned to the Senate, Senate Bill No. 365, entitled:

An Act regulating the sale and possession of certain dangerous drugs in the interest of public health and imposing penalties.

with the information that the House has passed the same with amendments in which the concurrence of the Senate is requested.

The PRESIDENT. The bill, as amended, will appear on tomorrow's Calendar.

SENATE No. 541 RETURNED WITH  
AMENDMENTS

He also returned to the Senate, Senate Bill No. 541, entitled:

An Act amending the act of March 31, 1949 (P. L. 372), entitled "An act to promote the welfare of the people of the Commonwealth; creating the General State Authority as a body corporate and politic with power to construct, improve, equip, furnish, and operate projects, and to lease the same, and to fix fees, rentals, and charges for the use thereof; authorizing and regulating the issuance of bonds for said Authority, and providing for the payment of such bonds, and the rights of the holders thereof; and to enter into agreements with the Government of the United States or any Federal agency; and authorizing the Department of Property and Supplies to grant, assign, convey or lease to the Authority lands of the Commonwealth and interest therein, and to acquire lands therefor; granting the right of eminent domain; empowering the General State Authority to sell and convey projects and property to the Commonwealth; and providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act," authorizing the sale, transfer and conveyance of property or interest therein.

with the information that the House has passed on the same with amendments in which the concurrence of the Senate is requested.

The PRESIDENT. The bill, as amended, will appear on tomorrow's Calendar.



# HOUSE CONCURRENT RESOLUTION No. 107 REFERRED TO COMMITTEE

He also presented extract from the Journal of the House of Representatives which was twice read as follows and referred to the Committee on State Government:

## JOINT STATE GOVERNMENT COMMISSION TO STUDY SURFACE AND GROUND WATER RESOURCES

In the House of Representatives, August 2, 1955.

There is vastly increased use of both surface and ground water for domestic, industrial, agricultural, irrigational, recreational and related purposes. The continued expansion of water use may create shortages of these valuable resources. There is an inevitable relationship between the utilization of waters and the utilization of other mineral resources.

The Act of June 22, 1937, P. L. 1987 has declared the discharge of sewage or industrial waste or any noxious and deleterious substances into the waters of this Commonwealth which is or may become inimical and injurious to the public health or to animal or aquatic life or to the uses of such waters for domestic or industrial consumption or for recreation not to be a reasonable or natural use of such waters and to be a public nuisance and against public policy.

The Commonwealth recognizes a public interest in the quantity, quality and utilization of these waters and a duty upon the General Assembly to insure that such waters are conserved and that their use is allotted in a fair and equitable manner; therefore be it

Resolved (the Senate concurring), That the Joint State Government Commission be authorized to study the surface and ground water resources in the Commonwealth and the interrelationships between the utilization of water resources and other mineral resources and the urban and industrial development of the Commonwealth and more particularly to determine the adequacy or inadequacy of existing laws and to ascertain what new laws, if any, may be necessary to properly protect these valuable resources. The State Planning Board and the various administrative agencies of the Commonwealth now engaged in studies of these vital problems shall cooperate with the Commission in this study.

The Commission shall report its findings at the next regular session of the General Assembly.

## HOUSE CONCURS IN SENATE BILL No. 53

He also returned to the Senate, Senate Bill No. 53, entitled:

An Act providing for the revocation of commission of notary publics issuing checks without funds on deposit.

with the information that the House has passed the same without amendments.

## HOUSE CONCURS IN SENATE BILL No. 121

He also returned to the Senate, Senate Bill No. 121, entitled:

An Act requiring rents and royalties from oil and gas leases of Commonwealth land to be placed in a special fund to be used for conservation, recreation, dams and flood control; authorizing the Secretary of Forests and Waters to determine the need for and location of such projects, and to acquire the necessary land.

with the information that the House has passed the same without amendments.

## HOUSE CONCURS IN SENATE BILL No. 156

He also returned to the Senate, Senate Bill No. 156, entitled:

An Act amending the act of June 1, 1945 (P. L. 1242), entitled "An act relating to roads, streets, highways and bridges; amending, revising, consolidating and changing the laws administered by the Secretary of Highways and by the Department of Highways relating thereto," providing for the payment of the cost of removal or change of public utility facilities of political subdivisions or municipality authorities in State highways.

with the information that the House has passed the same without amendments.

## HOUSE CONCURS IN SENATE BILL NO. 165

He also returned to the Senate, Senate Bill No. 165, entitled:

An Act amending the act of June 30, 1947 (P. L. 1183), entitled "An act relating to strikes by public employes; prohibiting such strikes; providing that such employes by striking terminate their employment; providing for reinstatement under certain conditions; providing for a grievance procedure, and providing for hearings before civil service and tenure authorities, and in certain cases before the Pennsylvania Labor Relations Board," changing the method of selecting panels for the adjustment of grievances of certain school district employes and imposing additional duties on such panels.

with the information that the House has passed the same without amendments.

## HOUSE CONCURS IN SENATE BILL No. 325

He also returned to the Senate, Senate Bill No. 325, entitled:

An Act amending the act of May 4, 1927 (P. L. 519) entitled "An act concerning boroughs, and revising, amending and consolidating the law relating to boroughs," further regulating the incorporation of boroughs; changing certain penalties and making such changes retroactive; fixing the expense allowance for delegates to the meetings of the State Association of Boroughs; providing for the creation of capital reserve funds for capital expenditures, and the advertising of notices relative to land subdivision ordinances.

with the information that the House has passed the same without amendments.

## HOUSE CONCURS IN SENATE BILL No. 366

He also returned to the Senate, Senate Bill No. 366, entitled:

An Act amending the act of July 11, 1917 (P. L. 758), entitled "An act for the protection of the public health by regulating the possession, control, dealing in, giving away, delivery, dispensing, administering, prescribing, and use of certain drugs, and keeping records thereof; by regulating the use of drugs in the treatment of the drug habit; by providing for the revocation and suspension of licenses of physicians, dentists, veterinarians, pharmacists, druggists, and registered nurses for certain causes, and by providing for the enforcement of this act, and penalties," correcting the spelling of the word "cocoa" to "coca" and providing for oral prescriptions in certain cases and regulating their use.

with the information that the House has passed the same without amendments.

## HOUSE CONCURS IN SENATE BILL NO. 400

He also returned to the Senate, Senate Bill No. 400, entitled:

An Act amending the act of May 23, 1907 (P. L. 227),



entitled "An act relating to husband and wife, and to enlarge the rights and remedies of married women in case of desertion or non-support by husbands," including desertion of children; and extending the right of action.

with the information that the House has passed the same without amendments.

#### HOUSE CONCURS IN SENATE BILL No. 475

He also returned to the Senate, Senate Bill No. 475, entitled:

An Act amending the act of August 22, 1953 (P. L. 1344), entitled "An act relating to marriage and amending, revising consolidating and changing the law relating thereto," further regulating the issuance of marriage licenses when applicants are infected with syphilis.

with the information that the House has passed the same without amendments.

#### HOUSE CONCURS IN SENATE BILL No. 528

He also returned to the Senate, Senate Bill No. 528, entitled:

An Act authorizing and empowering the Delaware River Port Authority to finance, construct, operate, maintain and own a new toll bridge for vehicular traffic across the Delaware River between Philadelphia County, Pennsylvania, and Burlington County or Camden County, New Jersey, at a location to be selected by the said Delaware River Port Authority between a point or points within a three mile radius of the intersection of State Road and Levick Street in the City of Philadelphia, Pennsylvania, and a point or points within a three mile radius of the intersection of New Jersey State Route No. 73, Market Street and Temple Boulevard in Palmyra, County of Burlington, New Jersey, together with such approaches thereto and such highway connections as may be necessary or desirable, and granting and defining certain powers of eminent domain and other functions, powers, duties and privileges; all of said actions to be taken pursuant to and in accordance with this act and the Compact or Agreement and amendments or supplements thereto between New Jersey and Pennsylvania, dated July 1, 1931, August 23, 1951, and August 30, 1951, and the consent by the Congress of the United States thereto.

with the information that the House has passed the same without amendments.

#### HOUSE CONCURS IN SENATE BILL No. 722

He also returned to the Senate, Senate Bill No. 722, entitled:

An Act amending the act of May 1 1929 (P. L. 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon

fees and miscellaneous receipts making an appropriation and providing for refunds" regulating issuance of registration plates to newspaper newsreels or television photographers.

with the information that the House has passed the same without amendments.

#### HOUSE CONCURS IN SENATE BILL No. 723

He also returned to the Senate, Senate Bill No. 723, entitled:

An Act amending the act of March 10, 1949 (P. L. 30) entitled "An act relating to the public school system, including certain provisions applicable as well to private and parochial schools; amending, revising, consolidating and changing the laws relating thereto," authorizing joint school committees to manage certain joint schools or departments.

with the information that the House has passed the same without amendments.

#### SENATE BILL No. 105, RETURNED WITH AMENDMENTS

He also returned to the Senate, Senate Bill No. 105, entitled:

An Act amending the act of May 1, 1929 (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts, and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns; townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," directing the issuance of special registration plates to war amputees and paralytics and exempting such persons from the payment of certain fees in connection with motor vehicles.

with the information that the House has passed the same with amendments in which the concurrence of the Senate is requested.

The PRESIDENT. The bill, as amended, will appear on tomorrow's Calendar.

#### SENATE BILL NO. 837, RETURNED WITH AMENDMENTS

He also returned to the Senate, Senate Bill No. 837, entitled:

An Act to further amend section fourteen of the act, approved the eighteenth day of July, one thousand nine hundred seventeen (P. L. 1043), entitled "An act establishing a public school employees' retirement system, and creating a retirement board for the administration thereof; . . ." by increasing the minimum amount to be paid to certain members on retirement and by increasing the amount of retirement or compensation payments to persons now retired receiving survivor annuities or State



compensation under the public school employees' retirement system.

with the information that the House has passed the same with amendments in which the concurrence of the Senate is requested.

The PRESIDENT. The bill, as amended, will appear on tomorrow's Calendar.

#### SENATE BILL No. 838, RETURNED WITH AMENDMENTS

He also returned to the Senate, Senate Bill No. 838, entitled:

An Act to further amend the act, approved the twenty-seventh day of June, one thousand nine hundred twenty-three (P. L. 858), entitled "An act establishing a State employees' retirement system, and creating a retirement board for the administration thereof; . . ." by providing an additional State annuity on retirement for superannuation, and providing for minimum retirement allowances in certain cases and appropriations for payment of the costs thereof.

with the information that the House has passed the same with amendments in which the concurrence of the Senate is requested.

The PRESIDENT. The bill, as amended, will appear on tomorrow's Calendar.

#### HOUSE BILLS FOR CONCURRENCE

He also presented for concurrence bills of the House, as follows:

House Bill No. 570, entitled:

An Act regulating and prescribing the working hours and vacation periods of police officers employed by any county, city, borough, town or township having a regular police force consisting of five or more full time police officers.

Which was committed to the Committee on Local Government.

House Bill No. 623, entitled:

An Act amending the act of March 10, 1949 (P. L. 30), entitled "Public School Code of 1949," providing for payment by the Commonwealth to school districts for the acceptance of nonresident inmates of children's institutions into its schools.

Which was committed to the Committee on Education.

House Bill No. 832, entitled:

An Act amending the act of May 3 1915 (P. L. 226) entitled "An act to establish and regulate the fees to be received and charged by the prothonotary of the courts of common pleas of this Commonwealth in counties having over eight hundred thousand and less than one million five hundred thousand inhabitants according to the last preceding United States census" changing and further fixing the fees to be charged by the prothonotary.

Which was committed to the Committee on Local Government.

House Bill No. 833, entitled:

An Act amending the act of June 12, 1919 (P. L. 476), entitled, as amended, "An act to regulate and establish the fees to be charged and collected by the recorder of deeds, in counties of the second class," increasing amount of fees to be charged and collected by recorders in counties of the second class.

Which was committed to the Committee on Local Government.

House Bill No. 949, entitled:

An Act amending the act of March 10, 1949 (P. L. 30), entitled "Public School Code of 1949," providing for courses of study in first aid to be included during the last four years of any complete high school program.

Which was committed to the Committee on Education.

House Bill No. 1082, entitled:

An Act making an appropriation to The Franklin Institute of the State of Pennsylvania, at Philadelphia, Pennsylvania, for defraying part of expenses of the 250 Anniversary Celebration of the birth of Benjamin Franklin.

Which was committed to the Committee on Appropriations.

House Bill No. 1129, entitled:

An Act amending the act of May 17, 1929 (P. L. 1798), entitled "An act providing a fixed charge, payable by the Commonwealth, on lands acquired by the State and the Federal Government for forest reserves, or for the purpose of preserving and perpetuating a portion of the original forests of Pennsylvania, and preserving and maintaining the same as public places and parks; and the distribution of the same for county, school, township, and road purposes in the counties, school districts, and townships where such forests are located; and making an appropriation," changing certain provisions relating to payment of certain charges by the Commonwealth in lieu of taxes.

Which was committed to the Committee on State Government.

House Bill No. 1164, entitled:

An Act amending the act of April 9, 1929 (P. L. 177), entitled "Administrative Code of 1929," further providing for the powers and duties of the Advisory Council on Affairs of the Handicapped, and authorizing the Secretary of Labor and Industry to appoint an executive secretary and other necessary personnel.

Which was committed to the Committee on Labor and Industry.

House Bill No. 1231, entitled:

An Act to further amend clause (17) of subdivision (4) of subsection (1) of section four of the act, approved the fifth day of December, one thousand nine hundred thirty-six (1937 Pamphlet Laws 2897), entitled "Unemployment Compensation Law," by including services of industrial insurance agents within the definition of employment.

Which was committed to the Committee on Labor and Industry.

House Bill No. 1289, entitled:

An Act amending the act of May 4, 1927 (P. L. 519), entitled "General Borough Act," authorizing the issuance of non-debt revenue bonds for capital improvements to certain public service facilities.

Which was committed to the Committee on Local Government.

House Bill No. 1306, entitled:

An Act making an appropriation to the Philadelphia College of Osteopathy, Philadelphia, Pennsylvania, for maintenance and support.



Which was committed to the Committee on Appropriations.

House Bill No. 1348, entitled:

An Act amending the act of May 1, 1933 (P. L. 103), entitled "The Second Class Township Law," changing the procedure in appointment of special school police; and abolishing liability of the board of school directors for compensation of such police.

Which was committed to the Committee on Local Government.

House Bill No. 1352, entitled:

An Act amending the act of June 21, 1939 (P. L. 566), entitled "The Pennsylvania Occupational Disease Act," including brucellosis within meaning of term of occupational diseases in certain cases.

Which was committed to the Committee on Labor and Industry.

House Bill No. 1399, entitled:

An Act requiring employers to pay for medical examination fee where such examination is a condition of employment.

Which was committed to the Committee on Labor and Industry.

House Bill No. 1456, entitled:

An Act amending the act of May 1, 1933 (P. L. 103), entitled "The Second Class Township Law," authorizing supervisors to annually appropriate money for certain nursing services.

Which was committed to the Committee on Local Government.

House Bill No. 1470, entitled:

An Act amending the act of June 24, 1937 (P. L. 2051), entitled "Public Assistance Law," including financial assistance for nursing home care within the word assistance.

Which was committed to the Committee on Public Health and Welfare.

House Bill No. 1491, entitled:

An Act requiring the office of register of wills in cities of the first class to be closed on Saturdays for the transaction of business; and authorizing certain actions to be performed in that office on the day succeeding the day required by law.

Which was committed to the Committee on Local Government.

House Bill No. 1530 entitled:

An Act amending the act of June 23, 1931 (P. L. 932), entitled "Third Class City Law," increasing the amount of tax which may be levied and collected for general revenue purposes.

Which was committed to the Committee on Local Government.

House Bill No. 1547, entitled:

An Act amending the act of March 10, 1949 (P. L. 30), entitled "Public School Code of 1949," requiring excusing of children for non-attendance for treatment by physician, osteopath or dentist.

Which was committed to the Committee on Education

House Bill No. 1580, entitled:

An Act amending the act of July 28, 1953 (P. L. 723), entitled "Second Class County Code," regulating employment of building policemen and building guards hereafter appointed.

Which was committed to the Committee on Local Government.

House Bill No. 1642, entitled:

An Act to add clause (1) to section two thousand one hundred two of the act approved the ninth day of April one thousand nine hundred twenty-nine (P. L. 177), entitled "Administrative Code of 1929," by authorizing and making it the duty of the Department of Health to provide limited training in the field of public health work for certain State and municipal employees.

Which was committed to the Committee on Public Health and Welfare.

House Bill No. 1643, entitled:

An Act amending the act of April 9, 1929 (P. L. 177), entitled "Administrative Code of 1929," redefining the powers and duties of the Department of Health.

Which was committed to the Committee on Public Health and Welfare.

House Bill No. 1695, entitled:

An Act amending the act of March 7, 1901 (P. L. 20), entitled "Second Class City Law," increasing the jurisdiction of magistrates of the municipal traffic court in cities of the second class.

Which was committed to the Committee on Local Government.

House Bill No. 1720, entitled:

An Act to amend the act, approved the twenty-fourth day of June, one thousand nine hundred thirty-nine (P. L. 842), entitled "An act relating to the acquisition of rights to divert water from rivers, streams, natural lakes, and ponds, or other surface waters within the Commonwealth or party within and partly without the Commonwealth; defining various words and phrases; vesting in the Water and Power Resources Board certain powers and authorities for the conservation, control and equitable use of the waters within the Commonwealth in the interests of the people of the Commonwealth; making available for public water supply purposes, water rights heretofore or hereafter acquired but not used; providing for hearings by the Water and Power Resources Board and for appeals from its decisions; fixing fees; granting to all public water supply agencies heretofore or hereafter created the right of eminent domain as to waters and the land covered by said waters; repealing all acts or parts of acts inconsistent herewith, including Act No. 109, P. L. 152, approved April 13, 1905, Act No. 307, P. L. 455, approved June 7, 1907, Act No. 64, P. L. 258, approved April 8 1937," by further regulating the period within which water rights must be acquired

Which was committed to the Committee on Forests and Waters, Game and Fish.

House Bill No. 1769, entitled:

An Act amending the act of May 1, 1929 (P. L. 905), entitled "Vehicle Code," requiring informations charging violations of summary provisions of the act in cities of the first class to be brought before centrally located traffic court designated by the chief magistrate.

Which was committed to the Committee on Highways.



## House Bill No. 1775, entitled:

An Act amending the act of August 5, 1941 (P. L. 752), entitled "Civil Service Act" an further regulating provisional appointments.

Which was committed to the Committee on State Government.

## House Bill No. 1777, entitled:

An Act to further amend the act, approved the ninth day of April, one thousand nine hundred twenty-nine (P. L. 177), entitled "Administrative Code of 1929" by further defining the powers of the Department of Property and Supplies relating to automobiles.

Which was committed to the Committee on State Government.

## House Bill No. 1778, entitled:

An Act to authorize the transfer of certain automobiles used in child welfare programs and purchased with Federal funds to certain counties.

Which was committed to the Committee on State Government.

## House Bill No. 1784, entitled:

An Act to further amend the act approved the second day of May, one thousand nine hundred twenty-five (P. L. 448), entitled "Fish Law of 1925" by permitting aliens to obtain licenses to fish.

Which was committed to the Committee on Forests and Waters, Game and Fish.

## House Bill No. 1786, entitled:

An Act providing for cooperation by the Commonwealth of Pennsylvania, in conjunction with the State of New Jersey, with the United States of America, in the improvement and maintenance of the Delaware River between Allegheny Avenue, Philadelphia, Pennsylvania, and Trenton Marine Terminal, Trenton, New Jersey, and making an appropriation.

Which was committed to the Committee on State Government.

## House Bill No. 1795, entitled:

An Act to further amend the act, approved the twenty-fifth day of April, one thousand nine hundred twenty-nine (P. L. 723), entitled "An act regulating the investment of funds by administrative departments, boards, commissions, and officers of the State Government," by increasing the investment powers of State administrative departments, boards, commissions or officers.

Which was committed to the Committee on State Government.

## House Bill No. 1798, entitled:

A Supplement to the act, approved the twenty-fifth day of June, one thousand nine hundred thirty-one (P. L. 1352), entitled "An act providing for joint action by the Commonwealth of Pennsylvania and the State of New Jersey in the administration, operation, and maintenance of bridges over the Delaware River and for the construction of additional bridge facilities across said river; authorizing the Governor, for these purposes, to enter into an agreement with the State of New Jersey; creating a Delaware River Joint Toll Bridge Commission and specifying the powers and duties thereof, including the power to finance the construction of additional bridges by the issuance of revenue bonds to be redeemed from

revenues derived from tolls collected at such bridges, transferring to said commission all powers now exercised by existing commission created to acquire toll bridges over the Delaware River; and making an appropriation," by authorizing the Governor to enter into a supplemental compact or agreement on behalf of the Commonwealth of Pennsylvania with the State of New Jersey amending and supplementing the compact or agreement entitled "Agreement between the Commonwealth of Pennsylvania and the State of New Jersey creating the Delaware River Joint Toll Bridge Commission as a body corporate and politic and defining its powers and duties," as heretofore amended and supplemented; authorizing the Governor of either State to veto the action of any commissioner from his State requiring express authorization by the two states for the construction or acquisition of any additional bridge or port and terminal facility, and the administration, operation and maintenance thereof; and authorizing the Governor to apply, on behalf of the Commonwealth of Pennsylvania, to the Congress of the United States for its consent to such supplemental compact or agreement.

Which was committed to the Committee on State Government.

## House Bill No. 1815, entitled:

An Act authorizing council of any incorporated town to create the office of town manager, and prescribe his powers and duties.

Which was committed to the Committee on Local Government.

## House Bill No. 1818, entitled:

A Joint Resolution proposing an amendment to article nine, section one of the Constitution of the Commonwealth of Pennsylvania, authorizing exemptions of parsonages, manses and convents from taxation.

Which was committed to the Committee on Constitutional Changes and Federal Relations.

## House Bill No. 1821, entitled:

An Act authorizing the Department of Welfare to enter into an agreement with the City of Philadelphia; granting a license to the city to construct and maintain a sanitary and storm drainage right-of-way, in, over and under the grounds of the Philadelphia State Hospital.

Which was committed to the Committee on Public Health and Welfare.

## House Bill No. 1832, entitled:

An Act to further amend the act, approved the first day of May, one thousand nine hundred twenty-nine (P. L. 1005), entitled, as amended "Tractor Code," by changing the maximum gross weights allowed for certain vehicles.

Which was committed to the Committee on Highways.

## House Bill No. 1838, entitled:

An Act amending the act of March 10, 1949 (P. L. 30), entitled "Public School Code of 1949," further regulating the admission of beginners to the public schools.

Which was committed to the Committee on Education.

## House Bill No. 1848, entitled:

An Act amending the act of May 1, 1929 (P. L. 905) entitled "Vehicle Code," excluding the weight of safety devices in determining gross weight.

Which was committed to the Committee on Highways.



## House Bill No. 1860, entitled:

An Act amending the act of May 1, 1929 (P. L. 905), entitled "Vehicle Code," further regulating official inspections of motor vehicles, trailers and semi-trailers.

Which was committed to the Committee on Highways.

## House Bill No. 1862, entitled:

An Act amending the act of May 1, 1929 (P. L. 905), entitled "Vehicle Code," making it a crime to commit a fraud regarding any form or application filed with the department.

Which was committed to the Committee on Highways.

## House Bill No. 1863, entitled:

An Act amending the act of May 1, 1929 (P. L. 905), entitled "Vehicle Code," further regulating lighting equipment, lights and devices, and the use thereof; and prescribing penalties.

Which was committed to the Committee on Highways.

## House Bill No. 1868, entitled:

An Act amending the act of May 1, 1929 (P. L. 905), entitled "Vehicle Code," prohibiting driving on the wrong side of a divided highway.

Which was committed to the Committee on Highways.

## House Bill No. 1869, entitled:

An Act amending the act of May 1, 1929 (P. L. 905), entitled "Vehicle Code," making it unlawful for any person to lend or permit the use of an operator's license or learner's permit not issued to him.

Which was committed to the Committee on Highways.

## BILLS SIGNED

The President (Lieutenant-Governor Roy E. Furnam) announced that the Chief Clerk having reported that the following bills had passed both houses of the General Assembly and the same being correct, the titles were publicly read as follows:

## House Bill No. 445, entitled:

An Act amending the act of May 1, 1929 (P. L. 905), entitled "Vehicle Code," further regulating passing school buses and granting to magistrates power to recommend suspension of operating privileges for violations.

## House Bill No. 620, entitled:

An Act amending the Act of May 1, 1929 (P. L. 905), entitled "Vehicle Code" further regulating speed; designating a traffic court; further prescribing enforcement and penal provisions; and imposing duties on certain pedestrians.

## House Bill No. 670, entitled:

An Act amending the act of April 9, 1929 (P. L. 177), entitled "Administrative Code of 1929" providing for management and control of State mental institutions in the Department of Welfare by the department through a Commission of Mental Health; creating an Advisory Council on Mental Health; prescribing its powers and duties; and changing the powers and duties of the boards of trustees of the several State mental institutions.

## House Bill No. 748, entitled:

An Act amending the act of June 17, 1913 (P. L. 507), entitled "Intangible Personal Property Tax Law," by making said act applicable to all taxes heretofore and hereafter levied and remaining uncollected.

## House Bill No. 749, entitled:

An Act amending the act of June 17, 1913 (P. L. 507), entitled "Intangible Personal Property Tax Law," by allowing appeals in certain cases to be taken to the County Court of Allegheny County.

## House Bill No. 820, entitled:

An Act amending the act of July 28, 1953, (P. L. 723) entitled "Second Class County Code," further regulating the repayment of money collected upon forfeited recognizances and the satisfaction of judgment liens against real property arising therefrom.

## House Bill No. 985, entitled:

An Act amending the act of May 26, 1949 (P. L. 1828) entitled "Fiduciaries Investment Act of 1949," further prescribing the nature and kind of investments which may be made and retained by fiduciaries.

## House Bill No. 1144, entitled:

An Act amending the act of May 15 1933 (P. L. 796) entitled as amended "An act providing for preservation of the records or photographic film reproductions or photographic or photostatic copies thereof of banks and trust companies trust companies savings banks private banks and national banking associations providing that such photographic film reproductions or photographic or photostatic copies shall be admissible in evidence equally and with the same force and effect as the original records providing a means for the final adjustment and settlement of depositors' accounts saving certain parts of acts from repeal and imposing penalties for violations" providing further for the preservation of records

## House Bill No. 1212, entitled:

An Act amending the act of May 4, 1927 (P. L. 519), entitled "General Borough Act," authorizing the burgess of a borough to request that matters upon which council has cast a tie or split vote be tabled the next regular session of the council, and to cast the deciding vote, if necessary, at that time.

## House Bill No. 1259, entitled:

An Act authorizing the commitment to the Department of Public Welfare in any city of the first class persons convicted of crimes and sentences by courts situate within such city or a city or county penal institution, where such Department has established a correctional diagnostic and classification service, and authorizing the transfer of prisoners between such institutions by the Department.

## House Bill No. 1473, entitled:

An Act amending the act of March 10, 1949 (P. L. 30), entitled "Public School Code of 1949," clarifying the taxing power of school districts of the second, third and fourth classes to pay the minimum salaries and increments of the teaching and supervisory staff.

## House Bill No. 1512, entitled:

An Act authorizing cooperative return of parole and probation violators and the making of contracts or deputization of persons pursuant thereto.

## House Bill No. 1613, entitled:

An Act to further amend section 1 of the act approved the thirteenth day of June one thousand nine hundred seven (P. L. 640) entitled "An act to provide revenue by levying a tax upon the shares of stock of companies incorporated under the provisions of section twenty-nine of an act entitled 'An act to provide for the incorporation and regulation of certain corporations' approved April twenty-ninth one thousand eight hundred and



seventy-four and the supplements thereto for the insurance of owners of real estate mortgages and others interested in real estate from loss by reason of defective titles liens and encumbrances and of companies entitled to the benefits of and of companies having any of the powers of companies entitled to the benefits of an act entitled 'An act conferring upon certain fidelity insurance safety deposit trust and savings companies the powers and privileges of companies incorporated under the provisions of section twenty-nine of an act entitled "An act to provide for the incorporation and regulation of certain corporations" approved April twenty-ninth Anno Domini one thousand eight hundred and seventy-four and of the supplements thereto' approved June twenty-seventh one thousand eight hundred and ninety-five commonly known as title insurance or trust companies" by requiring every title insurance or trust company bank and trust company or trust company to compute and pay the State tax on shares of capital stock when making reports and extending the date for making such reports

House Bill No. 1620, entitled:

An Act amending the act of June 11, 1935 (P. L. 236), entitled: "An act relating to counties of the first class; defining deceased service persons; providing for contributions by the county to the funeral expenses for such persons and their widows; providing for the erection and care of markers, headstones, and flags, and for the compilation of war records," extending the definition of "deceased service persons" to include service personnel serving in an armed conflict.

House Bill No. 1621, entitled:

An Act amending the act of May 2, 1929 (P. L. 1278), entitled "General County Law," authorizing collection of data concerning deceased veterans of armed conflicts; authorizing the erection of monuments for and giving retirement benefits to veterans of armed conflicts.

House Bill No. 1622, entitled:

An Act amending the act of May 2, 1929 (P. L. 1278), entitled "General County Law," extending the definition of "deceased service persons" to include service personnel serving in an armed conflict.

House Bill No. 1623, entitled:

An Act amending the act of May 2, 1929 (P. L. 1778), entitled "General County Law," extending retirement benefits to veterans of armed conflicts.

House Bill No. 1625, entitled:

An Act amending the act of May 22, 1945 (P. L. 837), entitled, as amended "An act providing for and requiring in certain cases preference in appointments to and retention in public position or on public works for honorably discharged persons who served in the military or naval service during any war in which the United States engaged; and in certain cases for the widows and wives of such persons," extending civil service preference to veterans of armed conflicts.

House Bill No. 1626, entitled:

An Act amending the act of May 21 1943 (P. L. 302) entitled as amended "An act providing for the admission of children to and their education and maintenance in and their discharge from the Scotland School for Veterans' Children prohibiting discharging children or taking children from said school or children from leaving the same without an order of the Board of Trustees of the Scotland School for Veterans' Children and prescribing penalties" extending its provisions to children of veterans of armed conflicts

House Bill No. 1690, entitled:

An Act amending the act of May 21, 1943 (P. L. 822)

entitled "An act providing for the issuance of certified copies of death, birth and marriage certificates, and divorce decrees, by county officers, free of charge to disabled war veterans and their dependents, in death and compensation cases; and prescribing penalties," extending its provisions to veterans of armed conflicts.

House Bill No. 1723, entitled:

An Act to further amend section two hundred five of the act, approved the ninth day of April, one thousand nine hundred twenty-nine (P. L. 177), entitled "Administrative Code of 1929" by providing that State policemen assigned to duty with the Pennsylvania Turnpike Commission shall not be counted against the total number of officers and men in the State Police Force.

House Bill No. 1834, entitled:

An Act making an appropriation to the House of Representatives of the General Assembly for the payment of mileage of members and incidental expenses for the balance of the legislative session of 1955.

Whereupon,

The President (Lieutenant-Governor Roy E. Furman) in the presence of the Senate signed the same.

HOUSE INSISTS UPON ITS AMENDMENTS NON-  
CONCURRED IN BY THE SENATE TO  
SENATE BILL No. 785

He also presented communication from the House of Representatives informing the Senate that the House insists upon its amendments non-concurred in by the Senate to Senate Bill No. 785, entitled:

An Act making appropriations to the Department of Public Instruction for reimbursement to school districts.

SENATE INSISTS UPON ITS NON-CONCURRENCE IN  
THE AMENDMENTS MADE BY THE HOUSE TO  
SENATE BILL No. 785

Mr. MAHANY. Mr. President, I move that the Senate insist upon its non-concurrence in the amendments made by the House to Senate Bill No. 785, and that a Committee of Conference on the part of the Senate be appointed.

Mr. PECHAN. Mr. President, I second the motion.

The motion was agreed to.

SENATE BILL No. 218 TAKEN FROM TABLE

Mr. HALUSKA. Mr. President, I call from the table at this time Senate Bill No. 218, Printer's No. 63, which was recalled from the Governor of the Commonwealth, for the purpose of amendment.

RECONSIDERATION OF SENATE BILL No. 218

Mr. HALUSKA. Mr. President, I move that the Senate do now reconsider the vote by which Senate Bill No. 218, entitled:

An Act to further amend Section 2 of the act approved the twentieth day of June one thousand nine hundred forty-seven (Pamphlet Laws 733) entitled as amended "An act to provide revenue in school districts of the first class A by imposing a temporary tax upon certain classes of personal property providing for its levy and collection conferring and imposing powers and duties on the county assessing authority board of revision of taxes receiver of school taxes, school treasurer, board of public education in such districts and courts providing for compensation to certain officers and employes and imposing penalties" by providing for the method of valua-



tion of taxable shares of stock in any regulated investment company.

passed finally.

The PRESIDENT. How did the Senator vote?

Mr. HALUSKA. Mr. President, I voted with the majority.

Mr. SCHMIDT. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. SCHMIDT. Mr. President, I voted with the majority.

The motion was agreed to.

And the question recurring,

Shall the bill pass finally?

Mr. HALUSKA. Mr. President, I move to reconsider the vote by which the bill passed third reading.

The PRESIDENT. How did the Senator vote?

Mr. HALUSKA. Mr. President, I voted with the majority.

Mr. SCHMIDT. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. SCHMIDT. Mr. President, I voted with the majority.

The motion was agreed to.

And the question recurring,

Will the Senate agree to the bill on third reading?

Mr. HALUSKA. Mr. President, I ask unanimous consent to offer amendments at this time.

The PRESIDENT. Is there objection? The Chair hears none.

The Clerk read the amendments as follows:

Amend Section 1 (Section 2), page 3, line 12, by striking out after the word "or" and before the word "for," the following: "individual" and inserting in lieu thereof the following: "individuals"; Amend Section 1 (Section 2), page 4, line 11, by striking out after the letter "A" and before the word "be", the following: "school" and inserting in lieu thereof the following: "shall"; Amend Section 1 (Section 2), page 4, line 20 by striking out after the word "Code" and before the word "shall", the following: "of 1948" and inserting in lieu thereof the following: "in effect during the year for which the tax return is filed."

On the question,

Will the Senate agree to the amendments?

They were agreed to.

Ordered, That the bill, as amended, lie over for printing.

#### PERMISSION TO ADDRESS SENATE

Mr. MAHANY asked and obtained unanimous consent to address the Senate.

Mr. MAHANY. Mr. President, last week Senator Stiefel introduced a resolution relative to Aaron Levy. That resolution was referred to the Rules Committee, of which I am chairman, and the committee takes pleasure in reporting this Senate Resolution as introduced.

In connection with this resolution, Mr. President, I would like to read an article from one of the Philadelphia newspapers relative to the Aaronsburg Story. I think it is particularly appropriate at this time because we can learn a lesson in tolerance from Aaron Levy. The newspaper article reads as follows:

'When one of the latest chapters of 'The Aaronsburg Story' opened only a few years ago, its main characters were the 321 inhabitants of the central Pennsylvania village of Aaronsburg. The year was 1949. The occasion was

a celebration by the villagers to honor their community's founder, Aaron Levy.

"Now 'The Aaronsburg Story' has become national in scope and embraces the efforts of a group of prominent Americans to apply to other communities across the nation the lessons taught by the people of Aaronsburg. As told by Arthur H. Lewis in a new book published by the Vanguard Press, The Aaronsburg Story is representative of America at its best. The story began in 1786 when Aaron Levy, a devout Jew, founded the town of Aaronsburg in the heart of Penn's Valley. Although he remained loyal to his own faith all his life, Levy gave generously of land and money to provide a Christian church, burial ground and school. It was a tribute to the generosity and tolerance of Aaron Levy that the all-white, all-Protestant residents of Aaronsburg in 1949 presented a pageant dramatizing the contribution of minority groups to the building of America.

"Four years later, in the summer of 1953, the villagers sponsored the first Aaronsburg Assembly, at which leaders from all over America talked on the topic: 'How Can We Live Above Our Prejudices?' From this meeting came the inspiration for a plan to bring together, throughout the United States, 300 men and women in each of 365 communities for week-end discussions of problems affecting their own communities. Preparations for projecting the Aaronsburg story across the country are now under way in a series of pilot community conferences. The man who knows the whole story and can pass its message on to others is Arthur H. Lewis of Aaronsburg, Pa."

We, in Pennsylvania, can be justly proud that we have a community in which a lesson in tolerance was taught by a Jew many years ago. I think we can all profit by that lesson and especially at this time of the Christian year.

#### REPORTS FROM COMMITTEES

##### SENATE RESOLUTION, SERIAL No. 84, REPORTED FROM COMMITTEE

Mr. MAHANY, from the Committee on Rules, to which was referred resolution offered by Mr. Stiefel, on November 28, 1955, reported the same without amendment, as follows:

##### "THE AARONSBURG STORY"

In the Senate, November 28, 1955.

In Center County, only a few miles from the geographic center of Pennsylvania, amidst the verdant majesty of its rolling hillocks, like a pearl set in sparkling emeralds, resplendent in its solitude, lies the Village of Aaronsburg. It was here in 1786 along the early American frontier, that a Jewish pioneer Aaron Levy set in motion a spiritual force the impact whereof, not unlike that of Russell Cornwell's immortal sermon of "Acres of Diamonds", upon the American People and the tenets of our Democracy, is incalculable.

For it was Aaron Levy—in his belief that all men should have the freedom to believe—who gave the land on which to build Aaronsburg's first church and for whom the town was named. This simple and yet great act of faith reflects the fabric out of which a young Nation was made and represents a tripple—extract of the pith and marrow of our great American Democracy.

The story of Aaronsburg leads from the singular, dramatic action of a small, rural Pennsylvania community to a great and inspiring national adventure in democracy. Allied with it are many of the most highly regarded men and women in America—from all walks of life, of different political persuasion, of varied religious belief; equally of



it are the "stout-hearted Pennsylvania Dutchmen of Aaronsburg" and their astonishing forceful companion for good, the average American citizen. This is their story, an exciting story that is uniquely American.

Thrice welcome and blessed is the message of the Aaronsburg Story filling so large a need in a world cankered by uncertainty and disbelief and rent asunder in numerous quarters by ugly bigotry and millennial prejudices.

It was the vision of a Pennsylvanian, Arthur H. Lewis, who was born in Mahanoy City, Pennsylvania, attended Franklin and Marshall College and later Columbia University, who became a reporter on the Philadelphia Inquirer and other newspapers, then a free-lance writer and instructor in journalism at the University of Pittsburgh and more recently a press representative for four Governors of Pennsylvania, that found in Aaronsburg during a casual visit an idea and a ideal so compelling that he has now devoted himself entirely to them. With a trenchante pen dipped in enthusiasm and understanding, he recently wrote with incisive skill a tense and climactic book entitled "The Aaronsburg Story" wherein he presents the origins of this contemporary movement. One of the passages of the book relating a conversation with and a statement made to Arthur H. Lewis by James H. Shannon a Minister of the Gospel at Millheim, in the vicinity of Aaronsburg, contains the gist of the Aaronsburg Idea:

"Someday I'd like to write a book about this fellow Levy. He must have been a remarkable man."

"You mean because he gave land and money to build a Christian church?" "Yes, but that's only part of it. All land speculators in those days set aside a few lots for churches and schools. That was good business; it attracted buyers—even today, plenty of suburban developers do the same thing with their tax-free land. In fact, these contributions were expected of them. Levy, although a Jew, was no different in that way."

"It might very well be that Levy gave more than his share. Lots he donated were choice, not leftovers, and he did come through with cash. He also had vision. You can see that from the way Aaronsburg was laid out and from correspondence Levy had with Pennsylvania's Colonial and Revolutionary leaders. But even that's not what I mean."

"The important contribution Levy made, at least from my point of view, was his gift of a pewter communion set to Salem Lutheran. Here was a man, a Jew, and a devout Orthodox Jew at that, whose own faith must have cried out against the Sacrament, which forms the very basis of Christian worship, giving a service for it."

"This wasn't mere respect for the point of view of the other guy. Here was a genuine desire to do something tangible to enable that other guy to maintain his point of view, so fundamentally different from Levy's own. That's real understanding. We certainly could use some of that today."

The vision of Arthur H. Lewis combined with the dynamic leadership and genius for organization of Philip Klein, now President of Harcum Junior College made possible the rapid growth and expansion of the Aaronsburg Idea:

One day in Late October 1949, an excitingly varied and unusual group of men met together—Supreme Court Justice Felix Frankfurter, Sir Muhammad Zafrulla Kahn of Pakistan, Reverend Daniel Poling of Philadelphia, General William Donovan, Ralph Bunche of the United Nations, Governor James Duff, Doctor Channing Tobias of the NAACP, and Rabbi Philip Bernstein of Rochester. To their meeting came 50,000 American citizens.

This would have been an impressive gathering in a large city. But it took place just beyond a quiet Pennsylvania town of 321 inhabitants. And the group, which could have undertaken the discussion of world events, was concerned with the actions of a man named Aaron Levy in 1786 along the early American frontier.

What happened in Aaronsburg in 1949, how it happened, and who made it happen is the heartwarming, inspiring,

true story of a tiny community raising its voice to proclaim that the same faith in human brotherhood still lives.

As in New England our forefathers met in town meeting to establish the common good, so the inhabitants of this small Pennsylvania town, with the nation's great, illumined again the ideal of brotherhood and equality as the living cornerstone of our democracy—That was just the beginning. Now the movement is dynamically spreading throughout the country.

"The Aaronsburg Story" reveals the rich, human-interest background and the great ideal behind one of the most unusual, helpful, and inspiring developments on the modern American scene—truly, a new handgrip for democracy in action.

With the Aaronsburg Assembly of 1949 as an example for emulation, community-action groups are being set up in hundreds of localities throughout the length and breadth of our land, the pilot purposes whereof can be summarized as follows:

1. To conduct a survey of community problems of concern to each locality.

2. To select those community problems that best lend themselves to analysis through discussion and to subsequent affirmative community action.

3. To attempt to select a local historical figure or event to match the Aaron Levy incident that might become a dramatic focus about which a series of continuing conferences could be organized.

4. To effect a local self-supported continuation of the Assembly to the community action on problems of concern.

5. To test the degree of effectiveness of the community Assembly in establishing better communication among the selected individual participants.

6. To utilize the by-product values of closer association among the members of the community of varying backgrounds who have not hitherto had the facilities for easy communication with each other.

His Excellency George M. Leader, Governor of Pennsylvania, in his desire to further enhance, augment and expand the impact of "The Aaronsburg Story," as an inspiring modern adventure in brotherhood and grass-root democracy, had written recently to one hundred of Pennsylvania's leading citizens inviting them to confer in Harrisburg on Saturday, December 10, 1955, pertaining thereto.

In these December days when Peace on Earth and Goodwill towards Men are about to descend upon us with their joys and blessings, our Governor's initiative is most commendable, propitious and appropriate for as Governor Leader writes in his letter: "The Aaronsburg Story which first attracted nation-wide attention in 1949 because of its unique attack on Some of the Social and Racial Problems besetting democracy and the free world is not finished. Its future will depend on the support of those citizens who believe that good will among all men must be strengthened by every available means." Now be it therefore

Resolved, That the Senate of the General Assembly of Pennsylvania view with fervent approbation Governor Leader's aid to the Aaronsburg Story movement and hopes that with his hand at the helm, this great movement that sprung into existence on Pennsylvania's tolerance-breeding soil, will further proceed along an ever-ascending bath of success for the benefit of humanity and the glory of America, and

Be it further resolved that the Secretary of the Senate be directed, upon the passage of the instant resolution, to forward copies thereof to His Excellency Governor George M. Leader, to Phillip Klein, President of Harcum Junior College at Bryn-Mawr, Pennsylvania, and to Arthur H. Lewis of Philadelphia, author of "The Aaronsburg Story."

#### RULE 39 SUSPENDED

A motion was made by Mr. MAHANY, Mr. LANE and Mr. STIEFEL,

That rule 39, which requires resolutions reported from committee to lie over for one day, be dispensed with and the Senate proceed to the consideration of the foregoing resolution.



Which was agreed to.  
On the question,  
Will the Senate agree to the resolution?  
It was agreed to.

#### PARLIAMENTARY INQUIRY

Mr. HALUSKA. Mr. President, I rise to a question of parliamentary inquiry.

The PRESIDENT. The gentleman from Cambria, Mr. Haluska, will state his question of parliamentary inquiry.

Mr. HALUSKA. Mr. President, the Majority Leader requested that we suspend Rule 39 and that we act on the resolution in the same motion. My question is, can one motion be made to suspend Rule 39 and to adopt a resolution?

The PRESIDENT. It can be unless there is a request that the motion be divided.

Mr. HALUSKA. Just so the record stands, Mr. President.

#### SENATE RESOLUTION, SERIAL No. 35, REPORTED FROM COMMITTEE

Mr. BLASS, from the Committee on State Government, to which was referred resolution offered by Messrs. Ruth, DiSilvestro, Silvert and Hays, on March 29, 1955, reported the same without amendment as follows:

#### PROVIDING A ROOM FOR LEGISLATORS AND STATE EMPLOYEES TO MEDITATE AND PRAY

In the Senate, March 29, 1955.

The one great secret to the success of the American people, which has made them the envy of all peoples of the world, is their firm belief that God is the creator of all good things and that only through Him are we enabled to maintain the height of success which we now enjoy and to achieve even greater success in the future.

Realizing our continued need for inner strength and a wisdom greater than our own and for communion with the invisible and the omnipotent, a channel is needed where, in solitude and silence, we may meet with God and draw upon the never ceasing springs of strength through the medium of prayer; therefore be it

Resolved, That a centrally located room in the Capitol be set aside for the purpose of providing legislators and State employes with a place of meditation and prayer, so that they may look to God for strength and guidance to better their lives and to better conduct the affairs of our Commonwealth.

Laid over for one day under the Rules.

#### REPORTS FROM COMMITTEES

Mr. FLEMING, from the Committee on Forests and Waters, Game and Fish, reported as committed Senate Bill No. 868, entitled:

An Act authorizing the Department of Forests and Waters to exchange certain lands located in Union Township, Bedford County, Pennsylvania, necessary for improved administration of Blue Knob State Park.

He also, from the Committee on Forests and Waters, Game and Fish, reported as committed Senate Bill No. 881, entitled:

An Act declaring the public interest in certain historic sites and buildings and providing for certificates and markers.

#### SENATE CONCURRENT RESOLUTION, SERIAL No. 157, REPORTED FROM COMMITTEE

Mr. FLEMING, from the Committee on Forests and Waters, Game and Fish, to which was referred resolution offered by Mr. Stiefel, on November 14, 1955, reported the same without amendment as follows:

#### COMMENDING STATE, COUNTY AND LOCAL HISTORIC AND PATRIOTIC SOCIETIES AND ASSOCIATIONS OF THE COMMONWEALTH

In the Senate, November 14, 1955.

Whereas, at no time in history was it more important for the people of the great Commonwealth of Pennsylvania to know and appreciate the great heritage of freedom and liberty which is ours as a bequest from our forefathers, and

Whereas, no single State has contributed more to the development of the American tradition of religious freedoms, civil liberties, and representative democracy recognizing the right of all people, regardless of race, creed, or social station, to achieve the fullest possible freedom and opportunity under God, and

Whereas, the State, county, and local historical and patriotic societies and associations of the Commonwealth have a distinguished record of achievement in developing understanding and appreciation of that great heritage; therefore be it

Resolved (the House of Representatives concurring), That the General Assembly of the Commonwealth places itself on record as commending these worthy historical and patriotic societies and associations for the great work they have accomplished; and be it further

Resolved, That the General Assembly of the Commonwealth urges these societies and associations to redouble their efforts to further develop knowledge and understanding of Pennsylvania's rich heritage by increasing their membership and continuing to broaden and expand their influence and worth through suitable publications, educational services to the schools of the Commonwealth and the general public; and be it further

Resolved, That the General Assembly hereby authorizes and requests the Pennsylvania Historical and Museum Commission to act as its agent in transmitting copies of this resolution to all such societies and association as are a matter of record in the files of the Commission and in particular to those which are members of the Pennsylvania Federation of Historical Societies, together with suitable suggestions as to ways in which said societies and associations may further expand and develop their contributions to Pennsylvania history.

Laid over for one day under the Rules.

#### REPORTS FROM COMMITTEES

Mr. WEINER, from the Committee on State Government, reported as amended Senate Bill No. 317, entitled:

An Act fixing the salaries and compensation of the Chief Justice and judges of the Supreme Court the President Judge and judges of the Superior Court the judges of the courts of common pleas the judges of the orphans' courts the judges of the Municipal Court of Philadelphia and the judges of the County Court and Juvenile Court of Allegheny County certain associate judges not learned in the law and repealing certain inconsistent acts.

He also, from the Committee on State Government, reported as committed Senate Bill No. 494, entitled:

An Act relating to the operation of vending stands and business enterprises by blind persons on property owned or leased by the Commonwealth or any of its agencies.

He also,, from the Committee on State Government, reported as committed Senate Bill No. 512, entitled:

An Act amending the act of April 9, 1929 (P. L. 177), entitled "The Administrative Code of 1929," establishing



the Department and office of the State Comptroller; and defining their powers and duties; changing certain powers and duties of the Governor and of the various departments, boards, commissions and officers, and providing for the transfer of certain employes from the Department of the Auditor General to the Department of the State Comptroller.

He also, from the Committee on State Government, reported as committed Senate Bill No. 513, entitled:

An Act amending the act of April 9, 1929 (P. L. 343) entitled "The Fiscal Code," defining the powers and duties of the Department of the State Comptroller and the State Comptroller; providing for the installation and maintenance of a uniform system of accounts of Commonwealth finances and of accounting reports based thereon; imposing duties on every Commonwealth agency receiving or disbursing moneys from or on behalf of the Commonwealth; and further regulating the disbursement of moneys from the State Treasury.

He also, from the Committee on State Government, reported as committed Senate Bill No. 565, entitled:

An Act providing for regulation by the Public Utility Commission of charges made by owners and operators of parking lots and similar facilities; imposing duties on the owners and operators; and prescribing penalties.

He also, from the Committee on State Government, reported as committed Senate Bill No. 598, entitled:

An Act amending the act of April 9, 1929 (P. L. 177), entitled "The Administrative Code of 1929," increasing amount of money available for aids and services to blind persons and persons of impaired vision.

He also, from the Committee on State Government, reported as committed Senate Bill No. 599, entitled:

An Act amending the act of April 9, 1929 (P. L. 177), entitled "The Administrative Code of 1929," authorizing the State Council for the Blind to accept certain payments and donations, and increasing the services which may be given by it to certain blind persons.

He also, from the Committee on State Government, reported as committed Senate Bill No. 772, entitled:

An Act to amend the act approved the third day of June, one thousand nine hundred forty-three (P. L. 818) entitled "An act for the extension of Capitol Park in the City of Harrisburg and for the acquisition of real estate in connection therewith, and for the demolition of the buildings and structures thereon; . . ." by empowering and directing the Department of Property and Supplies to acquire by purchase or condemnation all lands, buildings and property which will permit the construction by said Department of an extension of East Street (Commonwealth Avenue) northwardly; from Forster Street to connect with Sixth Street, and making an appropriation.

He also, from the Committee on State Government, reported as committed House Bill No. 1552, entitled:

An Act authorizing and directing the Governor on behalf of the Commonwealth of Pennsylvania to execute an interstate compact concerning juveniles and for related purposes.

SENATE CONCURRENT RESOLUTION, SERIAL No. 144,  
REPORTED FROM COMMITTEE

Mr. WEINER, from the Committee on State Government, to which was referred resolution offered by Messrs. Kessler, Wade, Ruth and Dent, on August 31, 1955, reported the same without amendment as follows:

# DIRECTING THE JOINT STATE GOVERNMENT COMMISSION TO ASCERTAIN THE STANDARD OF LIVING OF PENNSYLVANIA FAMILIES

In the Senate, August 31, 1955.

During recent sessions of the General Assembly there has been considerable controversy with respect to proposed taxes and their effects upon persons at different income levels; and

Much controversy has been generated by the paucity of reliable data regarding the income position and expenditure pattern of the residents of the Commonwealth; therefore be it

Resolved (the House of Representatives concurring), That the Joint State Government Commission is hereby directed to ascertain for Pennsylvania families the level and source of income, number of dependents, and major expenditures such as those for food, clothing, durable goods, and federal, state, and local taxes; and be it further

Resolved, That the Joint State Government Commission report the results of its investigation, together with such other fiscal data as may be pertinent, not later than October 1, 1956.

Laid over for one day under the Rules.

SENATE CONCURRENT RESOLUTION, SERIAL No. 152,  
REPORTED FROM COMMITTEE

Mr. WEINER, from the Committee on State Government, to which was referred resolution offered by Messrs. Malley, Ruth, Derk, Diehm and Stevenson, on October 7, 1955, reported the same without amendment as follows:

# URGING THE GENERAL STATE AUTHORITY TO ACQUIRE PROPERTY IN CENTRAL PENNSYLVANIA FOR A SCHOOL FOR MENTAL DEFECTIVES

In the Senate, October 7, 1955.

Polk State School in western Pennsylvania and Pennhurst State School in eastern Pennsylvania are devoted exclusively to the care of mental defectives. The facilities of both schools are overtaxed. There is a crying need for an additional school centrally located therefore be it

Resolved (the House of Representatives concurring), That the General State Authority be urged to acquire property in central Pennsylvania, with the approval of the Governor and the Department of Welfare, and to erect thereon the buildings and equipment required for a State school for mental defectives, to be leased to the Commonwealth and operated by the Department of Welfare according to law.

Laid over for one day under the Rules.

SENATE CONCURRENT RESOLUTION, SERIAL No. 153,  
REPORTED FROM COMMITTEE

Mr. WEINER, from the Committee on State Government, to which was referred resolution offered by Mr. Weiner on October 11, 1955, reported the same without amendments as follows:

# DIRECTING THE JOINT STATE GOVERNMENT COMMISSION TO INVESTIGATE THE METHOD OF NEWSPAPER REPORTING

In the Senate, October 11, 1955.

While the freedom of the press is fully recognized, its constitutional guaranty is restricted by the phrase "being responsible for the abuse of that liberty."

Far too often is the liberty and property, even life itself, of individuals prejudiced by irresponsible and prejudiced news reporting of criminal prosecutions and litigation in our courts of justice.

Courts are established for the purpose of bringing a



supposed offender to justice by due course of law and impartially determining the rights and liabilities of litigants. These functions are seriously interfered with by inaccurate and incomplete newspaper coverage prejudging merits without benefit of the application of legal principles; therefore be it

Resolved (the House of Representatives concurring), That the Joint State Government Commission be directed to study and investigate newspaper reporting and its effect on prosecutions and litigation when it is inaccurate and incomplete; and be it further

Resolved, That the Joint State Government Commission report to the next session of the General Assembly its findings and recommendations with drafts of legislation necessary to carry the recommendations into effect; and be it further

Resolved, That this resolution constitute the complete directive to the Joint State Government Commission notwithstanding any resolution heretofore adopted.

Laid over for one day under the Rules.

#### COMMUNICATION FROM THE GOVERNOR REPORTED FROM COMMITTEE ON EXECUTIVE NOMINATIONS

Mr. WATSON. Mr. President, from the Committee on Executive Nominations, I report at this time a communication from His Excellency, the Governor of the Commonwealth of Pennsylvania, recalling the nomination of Frank K. Cochran as a Member of the State Tax Equalization Board.

The Clerk read the communication as follows:

#### RECALLING THE NOMINATION OF FRANK K. COCHRAN AS A MEMBER OF THE STATE TAX EQUALIZATION BOARD

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, November 29, 1955.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated November 15, 1955, for the appointment of Frank K. Cochran, 444 Sidney Street, Greensburg, Westmoreland County, as a member of the State Tax Equalization Board, until November 14, 1959, and until his successor shall be duly appointed and shall have qualified, vice Hon. Walter J. Kress, Johnstown, whose term expired.

I respectfully request the return to me of the official message of nomination in the premises.

GEORGE M. LEADER.

#### NOMINATION BY THE GOVERNOR REPORTED FROM COMMITTEE

Mr. WATSON. Mr. President, I further report from the Committee on Executive Nominations, the nomination of Frank K. Cochran, and ask that it be read by the Clerk.

The Clerk read the nomination as follows:

#### MEMBER OF THE STATE TAX EQUALIZATION BOARD

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, November 15, 1955.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Frank K. Cochran, 444 Sidney Street, Greensburg, Westmoreland County, for appointment as a member of the State Tax Equalization Board, until November 14, 1959, and until his successor shall be duly appointed and shall have qualified, vice Hon. Walter J. Kress, Johnstown, whose term expired.

GEORGE M. LEADER.

#### NOMINATION RETURNED TO THE GOVERNOR

Mr. WATSON. Mr. President, I move that the nomination just read by the Clerk be returned to His Excellency, the Governor of the Commonwealth.

Mr. WATKINS. Mr. President, I second the motion.

The motion was agreed to.

The PRESIDENT. The nomination will be returned to the Governor.

#### STUDENTS FROM BOYERTOWN AREA HIGH SCHOOL PRESENTED TO SENATE

Mr. LANE. Mr. President, I wish to call to the attention of the Membership of the Senate that we have, from Senator Ruth's District, in Berks County, 145 Ninth Grade Students from the Boyertown Area High School. They are accompanied by Mrs. Fake, Mr. Maslar, Mr. Bickelbach and Mr. Hartman. I think the Members of the Senate should give them a nice, big hand.

The PRESIDENT. The Chair is glad to welcome this distinguished group. We hope you enjoy your visit with us.

#### STUDENTS FROM ANNVILLE-CLEONA HIGH SCHOOL, LEBANON COUNTY, PRESENTED TO SENATE

Mr. DIEHM. Mr. President, I wish to announce the presesce of 21 Seniors from the Annville-Cleona High School, of Lebanon County, who are accompanied by their teacher, Eleanor Witmeyer, and for whom I request an expression of welcome from the Chair.

The PRESIDENT. We are also glad to welcome this group to the Session of the Senate today.

#### BILLS INTRODUCED AND REFERRED

Messrs. STEVENSON and WAGNER read in place and presented to the Chair Senate Bill No. 899, entitled:

An Act making an appropriation to the Department of Public Instruction for the payment of certain overdue reimbursements to school districts; and authorizing temporary loans for the immediate payment thereof.

Which was committed to the Committee on Appropriations.

Mr. STEVENSON read in his place and presented to the Chair Senate Bill No. 900, entitled:

An Act amending the act of July 7, 1947 (P. L. 1368), entitled "Real Estate Tax Sale Law," clarifying the provisions of the act relating to private sales of certain properties by the Tax Claim Bureau.

Which was committed to the Committee on Local Government.

He also read in his place and presented to the Chair Senate Bill No. 901, entitled:

An Act amending the act of August 9, 1955 (Act No. 130), entitled "The County Code," fixing the time for the annual report by the county auditors to the court of common pleas, and changing the provisions relating to the appointment of depositories of county funds.

Which was committed to the Committee on Local Government.

Mr. HAYS read in his place and presented to the Chair Senate Bill No. 902, entitled:



An Act amending the act of March 10, 1949 (P. L. 30), entitled "Public School Code of 1949," defining rights and status of certain officers and extending services provided through office of county superintendent in cases of joint schools or union or merged districts; and changing provisions for additional county supervisors and payment of their salaries.

Which was committed to the Committee on Education.

Mr. McMENAMIN read in place and presented to the Chair Senate Bill No. 903, entitled:

An Act amending the act of June 22, 1931 (P. L. 594), entitled "Rural State Highway Law," adding a new route in Lackawanna County.

Which was committed to the Committee on Highways.

Mr. MAHANY read in his place and presented to the Chair Senate Bill No. 904, entitled:

An Act amending the act of June 22, 1931 (P. L. 720), entitled "City State Highway Law," adding new routes in the city of Titusville.

Which was committed to the Committee on Highways.

Messrs. BARR and FLEMING read in place and presented to the Chair Senate Bill No. 905, entitled:

An Act authorizing the Department of Property and Supplies, to acquire by gift ninety-three acres more or less of land with buildings thereon in the City of Pittsburgh, Allegheny County, for maintenance by the Department of Health as a sanatorium or hospital for the reception and treatment of indigent persons affected with tuberculosis; and making an appropriation.

Which was committed to the Committee on State Government.

## PETITIONS AND REMONSTRANCES

Mr. STIEFEL. Mr. President, I take it for granted that as a result of usage during the Session this topic on the agenda, Petitions and Remonstrances, has been changed to "Petitions, Reconstrances and Commendations." I wish to speak under "Commendations."

Mr. President, I want to commend the Majority Leader, Senator Mahany, for his gracious remarks pertaining to the Aaronsburg Story. Furthermore, I want to commend His Excellency, Governor Leader, who, true to the tradition established by his predecessors, is taking the lead in enhancing, augmenting and expanding the Aaronsburg Story. There must be something to the sacred soil of Pennsylvania that here in Pennsylvania great movements are born. It was here where the immortal sermon, "Acres of Diamonds," was born; it was here where the Aaronsburg Story was started.

For that reason, Mr. President, I am feeling very proud of being a son of Pennsylvania.

Mr. DONOLOW. Mr. President and Members of the Senate, last week in the headlines of the newspapers throughout Pennsylvania, as well as the United States, we read about an action taken by the Governor of the State of Georgia in reference to a football contest between one of the great universities in Pennsylvania and Georgia Tech University.

The Governor of Georgia saw fit at that time to prohibit the playing of this game, one, because he insisted on segregation in the stands and, second, because he re-

fused to permit a Negro boy, playing on Pitt's team, to take part in the game on the day of the contest.

Mr. President, we, in Pennsylvania, should be proud of the University of Pittsburgh, although it is not in my area nor am I an alumnus of that school, for the action the officials took in insisting that the Negro boy play in the game or that game would not be played. We known today that the University Regents of that college are now permitting the game to take place. However, they have made a stipulation for the future, and that is that Georgia Tech will not play any university or college that has a Negro boy or where they cannot insist on segregation.

Mr. President, I shall introduce a resolution in the Senate next week, asking that any university in Pennsylvania that receives State funds or State assistance shall not partake in sports or any other activity with any university or college in the United States that will practice segregation or will not permit Negro boys to participate. This is a great democracy; Pennsylvania is known for its democracy; Pennsylvania will continue to practice democracy.

Mr. President, I am going to ask the support of all the Members of the Senate on that resolution so that Pennsylvania, and our universities, will be known throughout the United States that we do not agree nor will we have any part of segregation or the barring of any individual because of the color of his skin.

Mr. MAHANY. Mr. President, I note by the public press that Governor Leader has seen fit to attempt to dismiss one of the Turnpike Commissioners, David Watson, of Philadelphia.

Over the history of these commissions, which have been set up by this legislative body, no Governor has ever seen fit to dismiss a member of the commission before his term of office has expired. I understand that Mr. Watson's term on the Turnpike Commission does not expire until 1961. Why the Governor would see fit to play politics with a position as important as that of a member of the Turnpike Commission is more than I can understand. Certainly, all of us are proud of the Pennsylvania Turnpike. I think it is one of the finest roads in the Country. We, in Pennsylvania, pioneered in this type of road construction and we have been followed by other States throughout the Country in this type of highway construction.

There is nothing in the Governor's message to Mr. Watson, or in his comments to the public press, which would indicate that Mr. Watson has not done his job well and faithfully. I do not believe even Governor Leader could allege that Mr. Watson has not been on the job and has not faithfully performed the duties assigned to him. Evidently, the only thing which the people of Pennsylvania can draw from an attempt to dismiss Mr. Watson is that it is being done for political purposes and political purposes only. I hope that Mr. Watson will make a court contest over this dismissal, or attempted dismissal, because it is high time that the Senate of Pennsylvania found out just how much power they have in relation to these commissions and to the people whom we confirm on them. I do not believe that the Governor of Pennsylvania has the right to summarily dismiss any member of these commissions, especially the Turnpike



Commission, before the commissioner's term of office has expired.

Mr. President, when Arthur James became Governor of this Commonwealth, he was importuned to discharge certain commissioners on these commissions and he refused to do so. He stated that he would not dismiss, or attempt to dismiss, any member of a commission until the term of office of the commissioner had expired. I certainly think that Arthur James set a good example in relation to this matter. I think that we should surely censure the Governor of Pennsylvania, first, for trying to dismiss a commissioner before his term of office has expired and, secondly, I think we should censure him because he is definitely and obviously playing pure party politics in relation to this Turnpike Commission, which has under its jurisdiction and control one of the finest highways in the entire United States.

Mr. BARR, Mr. President, in answer to Senator Mahany, I do not know whether the Governor is playing politics or not. I have not talked to him about this matter. However, I do know that the Republican Caucus is certainly playing politics with the Governor's nominees. Many of them have been over here since January of this year. If the shoe fits, put it on, Senator Mahany.

Mr. MAHANY. Mr. President, first, I want to say that we are not playing party politics with any of the Governor's appointments which have been sent over here. Secondly, if, merely for the sake of argument, Senator Barr were right, that we were playing politics, certainly we all know that two wrongs do not make a right. That is no excuse for the Governor of Pennsylvania to play party politics with the Turnpike Commission.

As I said last week, Mr. President, we are trying to get reports on these people. I think, as we receive them, we will release them to the Senate for confirmation. However, I do want to remove a cloud from the rest of the appointments which have been made by the Governor. Last week, I stated that there was one who had a criminal record and that would, perhaps, cast a cloud on all the others if I did not mention his name. I want to state at this time that I am trying to get a report from the State Police relative to one, Sol Turnoff. His name has been sent over here for confirmation to an appointment to the Pharmacy Board. Colonel Henry told me that he would give me that report as soon as the Governor would release the report to me. Evidently, before the State Police may give any Senator a report, they must get the consent of the Governor to do so.

I did not argue with Colonel Henry. I told him that it would be all right for him to give it to me next Monday. I hope that between now and next Monday, the Governor will see fit to recall the name of Mr. Turnoff because I do not want to go into detail and embarrass him. I understand he had a presidential Pardon and I am not even going to go back to that. However, the fact that he had a Presidential Pardon would evidently indicate that he must have had a criminal record.

I would also suggest to the Governor that he recall the name of Mr. Turnoff because, in talking with various members of the pharmacy profession in the east. I find that they do not hold Mr. Turnoff in very high regard or repute.

Mr. President, I think it would be well, in connection

with a board such as this that has control over the granting of licenses or refusing of licenses to persons who really hold the lives of all of us in their hands, you might say, in relation to filling prescriptions and that sort of thing, that a man who has a record such as I understand Mr. Turnoff has would not be a very good person to appoint to that very important board. If the Senators want us to bring the name out, we will be happy to do so next week and, at that time, we can go into this record that will be furnished by the State Police. If the required number of Senators vote "no" on it, then the Governor will understand the reason.

Mr. STIEFEL. Mr. President, in the temporary absence of Senator Camiel, who will probably have something to say about this, I want to state that Mr. Turnoff, who is a constituent of Senator Camiel's, is one of the outstanding charitable gentlemen of Philadelphia. He is highly respected by our people. There may be a lot to say in favor of his appointment. If Senator Camiel will deem it necessary, he will probably finish his statement.

Mr. LANE. Mr. President, I listened here this morning to the tangent of the Majority Leader. When he has the poor taste to bring a man's name before the Senate and indicates that he is not very reputable, I would say that if I were in his position I would, in all probability, talk to the Senators in that particular District instead of bringing his name out here on the floor.

I do not know the gentleman and I have never heard of him. It seems to me that it is the favorite tactic of the Majority Leader to start muckraking about one day of each week..

Mr. President, he gets up on the floor here and he says that we should publicly censure the Governor of Pennsylvania because he dismissed a Turnpike Commissioner. It seems to me, Senator Mahany, that you might have the cart before the horse. Maybe you do not know all the details. Do you not think that before you take the floor and demand that our Governor be censured that you find out the details as to the reason for the dismissal of this man? You talk about playing politics and a political dismissal. Actually you know, and I know, and we must all admit that he was first a political appointment whether or not he was confirmed by the Senate of Pennsylvania. You do not get places on the Turnpike Commission unless you have some political stature. We can all agree to that, I know.

You talk about Arthur James setting a great example here in Pennsylvania by refusing to dismiss Democrats who were on certain boards and commissions. I might say to you that to my memory, and I believe a majority of the people will agree with me, that is about the only good thing Arthur James ever did in his entire life as far as being Governor is concerned.

Mr. BARR. Mr. President, I was hoping that Mr. Mahany would not bring this matter up because it is going to take me one good full hour to read into the record the messages of the reputable citizens of Philadelphia which they sent to the Governor of this Commonwealth on his nomination of Sol Turnoff to the State Board of Pharmacy.

I will start off, Mr. President, by reading a letter from one of your former colleagues, Senator McCusker, and he says:



"Dear Governor Leader:

"May I take this opportunity to congratulate you on your choice in the appointment of our good friend, Sol Turnoff, to the Pharmacy Board. We feel that he is most reserving and capable to handle this work, and we feel that he will prove his worth.

"I would also like to express my wishes to you for your continued success and trust that you will enjoy good health and happiness while serving as Governor. I enjoyed being with you many times at Harrisburg. With best wishes, I am

"Sincerely,

"Francis P. McCusker."

The next letter I have here, Mr. President, is from Mrs. E. McFarland, Administrator of the Welfare Fund Association in Philadelphia, who wired the Governor as follows:

"Congratulations on the appointment of Sol Turnoff to State Board of Pharmacy. He is a wonderful community worker and an outstanding pharmacist."

Mr. President, I have another telegram from Mr. and Mrs. J. McNamee, of 3154 Friendship Avenue, Philadelphia, which states:

"Dear Governor

"I notice your appointment of Sol Turnoff to State Board of Pharmacy. Confidence in you, Mister Governor, and your Administration of our State government can only be greatly enhanced by such wise and superb appointments as that of Doctor Turnoff, whose qualifications and capabilities are surpassed only by his deep rooted sincerity undying devotion to duty and unequaled integrity. Congratulations again, Mister Governor, on your well chosen selection and appointment of Doctor Turnoff."

Mr. President, the next telegram is from the Matrick Drugs Company, 206 South Third Street, Philadelphia, addressed to the Governor, and reads as follows:

"I was glad to hear of your appointment of Mr. Sol S. Turnoff as a Member of the State Board of Pharmacy. I consider him a fine and capable pharmacist for this high position."

Here is one from Honorable Byron A. Milner, who is a Judge of the Common Pleas Court of Philadelphia, and a former Republican Member of the House of Representatives:

"This will congratulate you on the appointment of Sol Turnoff to the State Board of Pharmacy. A fine choice of one of ability and achievement and a leader in his community."

Mr. President, the next one is from Miss Mary Mullen, of the Municipal Court of Philadelphia:

"Congratulations on your appointment of Sol Turnoff to the Board of Pharmacy. I have known him all my life and can vouch for his character and honetsy. We are all proud of your decision."

The next one is a letter from Doctor Benjamin Netreba, of South Seventh Street in Philadelphia, who is a surgeon dentist, and he says:

"May I take this opportunity to commend you on your appointment of Mr. Sol S. Turnoff to the Pennsylvania State Board of Pharmacy.

"His appointment to the board will bring to it a man of highest ethical standard in his profession. As a Philadelphian, he has become one of our foremost citizens in the field of social welfare.

"Again, I congratulate you on your fine choice."

The next one is a wire to the Governor from the Northern Hebrew Day Nursery, Tenth and Ruscomb Streets, Philadelphia, and states:

"We are pleased to learn of the appointment of Mr. Sol S. Turnoff to the State Board of Pharmacy. A very wise choice indeed."

I have another one ,Mr. President, from Mr. Bernard Ochman, who states:

"It is men like you who make our country the best on earth in choosing people like Sol Turnoff."

Mr. Ochman is the Republican leader of the Sixteenth Ward in Philadelphia, Mr. President.

I have a letter from the United States Marshal in Philadelphia, who is an Eisenhower appointment and it is addressed to, "His Excellency, The Governor of Pennsylvania," and states:

"My dear Governor Leader:

I was delighted to learn of your appointing Sol Turnoff to the three-man State Board of Pharmacy for a six year term.

"I have known Sol since I was a boy and he has been my pharmacist for years. He is a wonderful person; always very fair and honest at play and in business. Sol does excellent work not only in his community but outside as well and is most kind and helpful to those in need. He is very highly respected and a man beyond reproach. We sincerely need men like Sol Turnoff and I know he is well fitted for, and will be an asset to the position he was appointed."

Here is another from the Recording Secretary of the Fraternal Order of Police; Albert Baxter, President, and Maurice O'Leary, Secretary:

"Dear Governor:

"On behalf of the officers and members of the Fraternal Order of Police, Lodge No. 5, we wish to congratulate you on your recent appointment of Doctor Sol S. Turnoff to the Pharmacy Board of the Commonwealth of Pennsylvania.

"Doctor Turnoff enjoys an enviable record not only in his own profession but is also a great civic leader and is very well thought off by the community in general."

The next correspondence I have here is a wire from Mr. Jack Orkin, Drug Representative of the Krull Wholesale Drug Company, and I think they know something about who would be a good man on the Pharmacy Board. They state:

"Your appointment of Mr. Sol S. Turnoff to the State Board of Pharmacy was an excellent choice. Thank you for your interest for the betterment of Pharmacy. I have known him for twenty-five years and I know that every project he has undertaken has been done one hundred per cent."



The next is a letter from the Philadelphia Armed Services Council, by Rabbi Louis Parris, Major, Chaplain of the Fourth Naval District and Veterans' Administration Hospital, Room 214, 401 South Broad Street:

"Dear Mr. Governor:

"You will probably remember me as the Rabbi who was fortunate enough to assist in the conduct of the worship service in the Chapel of Four Chaplains at the time you delivered that inspiring and eloquent sermon. It was a joy and a great privilege to meet you and your charming wife. May our good Lord bring us together again in joy.

"My purpose in writing to you at this moment is to congratulate you on the excellently good judgment in selecting Mr. Sol Turnoff as a Member of the State Pharmacy Board. This selection has won you many friends and it is universally applauded. Sol is a very dear friend of mine. I have known him and his selfless devotion to the cause of humanity for many years. He is respected and beloved. His character is of the best and highest. He is personable, kind, friendly, loyal, devoted to duty and to friends, and possesses a high degree of moral and ethical values.

"It is a good sign and speaks well for the maturity of a community when a man is rewarded for unselfish devotion and duty toward the public good.

"My fond regards to you, your sweet wife, and our mutual friend Herbie Cohen."

The next wire comes from Mr. Charles Pirolli, President of the Taxi Cab Drivers Union. This is rather a good cross-section of people. Mr. Pirolli is President of Local 156, A. F. of L. in Philadelphia and he says:

"Your Honor, please allow me to congratulate you for a very splendid appointment to the State Board of Pharmacy. From actual knowledge of him, I am sure that Doctor Sol Turnoff will very ably and sincerely serve the best interest of the people of our great Commonwealth. I am quite certain that our 4,000 members concur with my feelings.

"Respectfully yours."

Here is a letter from the Honorable Arthur Rubin who, as you probably know, is a Republican Member of the House and is seated over there today and has not voted for any of the Leader tax measures as yet. He writes:

"Your Excellency:

"May I take this opportunity to express my sincerest congratulations to you upon your nomination of a life-long friend and neighbor, Doctor Sol S. Turnoff, to the State Board of Pharmacy.

"I have had the pleasure and privilege of knowing Sol Turnoff as a boy, as a school chum and as a close personal friend. Throughout these many years I have been constantly impressed by his earnest consideration for his fellow man."

Mr. President, I would like to add here and I like that statement. I do not think that the Majority Leader has an earnest consideration for his fellow man because I have never in my life heard any lawyer ever go behind a Presidential Pardon before. I think the Majority Leader

owes an apology to this man, and to all the members of the bar in the State personally.

Representative Rubin goes on by saying, Mr. President:

"I feel certain that he is very well qualified professionally, morally and ethically to serve in this distinguished post. Doctor Turnoff seems to possess the natural instinct which is so necessary toward being a public servant. I am sure that his associates in Harrisburg will share with us in this immediate vicinity his great attributes of friendship and confidence that we have known so well these past forty years.

"My pleasure is doublefold inasmuch as your Excellency has seen fit and proper to bring into your official family Doctor Turnoff—my pharmacist and a resident in the district I represent in the House of Representatives. I feel sure beyond any doubt or hesitation that you will always be proud of your fine selection.

"With kindest personal regards to you and yours"

It might be smart if the Majority Leader would consult the House Members of the Republican Party when these names come over and see what the thought of their constituents might be.

Mr. President, the next letter I shall read is from Mr. Milton Rubin of the Philadelphia Inquirer:

"Dear Governor Leader:

"I was very pleased to learn of the appointment of Sol Turnoff to the State Board of Pharmacy.

"Mr. Turnoff is a distinguished Philadelphian, dedicated to helping his fellow man, regardless of race, color or creed. His appointment is a credit to your administration. I congratulate you on your selection."

I do not know what Mr. Rubin's job is with the Inquirer, but he works for one of the finest papers in the State.

Mr. President, the next is a telegram from Mr. George Salmon, Vice President, General Electric Supply Company, who wired the Governor as follows:

"Congratulations on your appointment of Sol Turnoff. He is a kind man with strong feeling for people; honest with deep sense of duty."

Here is a letter from the Philadelphia Finance Department Employees, Local 696, by Mr. Charles Santore, the President, who says:

"My dear Governor Leader:

"We want to congratulate you on the appointment of Dr. Sol S. Turnoff to the Board of Pharmacy.

"We of Local 696, AFL, Philadelphia Finance Department Employees, know of Dr. Turnoff's outstanding achievements in charitable and civic work, and know he will be a credit to your administration."

The next is a wire from Dr. Nathan Ralph and reads:

"Congratulations on appointment of Sol Turnoff to Pharmacy Board. We are proud he comes from our district."

The next is a letter from Mr. Isaac Richman of Richman, Price and Jamieson, 1204 Land Title Building, Broad and Chestnut Streets, Philadelphia. I think you probably know who he is. I know of him as an outstanding lawyer in Philadelphia. Mr. Richman writes:



"Dear Governor:

"It was with a great deal of pleasure that I read of your appointment of Sol Turnoff to the State Board of Pharmacy. I have personally known Sol for the past twenty years and it has been my pleasure to consider him among my friends. I have the utmost respect for his ability and honesty.

"His charitable interests are an indication of the type of man he is and the feelings that he has for his fellow man. Appointments of this nature will enable this Commonwealth to better serve its people."

Here is another from Miss Doris Scheuer, Assistant Secretary of the Television and Radio Advertising Club of Philadelphia, which is located on Walnut Street:

"Dear Governor Leader:

"I have just heard of the appointment of Mr. Sol S. Turnoff to the State Board of Pharmacy, and would like to congratulate you on your choice.

"It is gratifying to know that such a fine man and outstanding citizen has been placed in this important position"

A Magistrate of Philadelphia, Benjamin Schwartz, who I think is a Republican and another one of your boys, wrote:

"Dear Governor:

"May I take this opportunity to offer my congratulations to His Excellency on the fine appointment of Sol Turnoff to the State Board of Pharmacy.

"I have known Sol Turnoff for many years and have always found him to be first in line to answer the call to serve on any charitable or civic enterprise.

"We, in Philadelphia, are indeed proud that there is a Sol Turnoff. He is truly 'his brother's keeper.'

"I am certain that he will be a credit not only to his great profession of Pharmacy which he has served so well for twenty-five years, but also to the citizens of Pennsylvania and your administration."

The next letter is from Mrs. Victor Segal, President of the Women's American Ort and comes from New York:

"Your Excellency:

"As a citizen of Pennsylvania, I should like to tell you how pleased I am with your appointment of Mr. Sol Turnoff to the State Board of Pharmacy.

"I am acquainted with the service which Mr. Turnoff gives constantly to our community and therefore it is with pride and gratification that I write to you of this matter.

"With best wishes for continued success and happiness in your administration, I am

"Cordially."

Mr. President, the next letter is from another Republican Magistrate, Benjamin Segal, of Magistrate's Court No. 9. You most certainly do not have your ducks in a row on the other side. Mr. Segal writes:

"My dear Governor:

"May I take this opportunity to express my sincerest appreciation and congratulations to you for your splendid

appointment of Dr. Sol S. Turnoff as a member of the State Board of Pharmacy.

"We in Philadelphia are cognizant of his many charitable, civic and professional activities. Dr. Turnoff enjoys an enviable reputation among his profession and his community. Rarely has one such individual achieved so great a popularity.

"This appointment is a credit to you and to your administration. I am certain he will enhance the stature of pharmacy in this great Commonwealth and be an asset to his profession."

The next is a wire from Dr. Frank Sharps, of Philadelphia, who states:

"Congratulations for appointing Sol S. Turnoff to the Board of Pharmacy. A man who came up the hard way and knows the trials and tribulations of life and a feeling for his fellow men."

The next is a letter from Harry Slobberman, Esquire, with law offices in the Widner Building, who says:

"My dear Governor:

"I have just learned of your appointment of Sol S. Turnoff to the State Board of Pharmacy. You are to be congratulated on this unusually fine selection.

"Sol Turnoff is one of Philadelphia's leading citizens; well known for his many charitable activities, his willingness to extend a helping hand to young and old, black or white, Jew or Gentile, and for his persistent efforts in alleviating pain and suffering of his fellow man.

"Sol is good and kind, entirely without selfishness and with but one thought—to live a good life and to do good. He is a man of the highest moral character and ethics and integrity—his word is his bond.

"Your confidence in Sol is well merited and richly deserved and one which you need never regret.

"Again I say, Governor, congratulations for making such a wise choice."

I have another letter from Dr. Hartley R. Steinsnyder, 6602 Woodland Avenue, Philadelphia, who states:

"My dear Governor Leader:

"I feel it incumbent upon myself to write and congratulate you upon your outstanding appointment of Mr. Sol S. Turnoff to the Board of Pharmacy.

"Mr. Turnoff has the respect of all members of the healing arts profession here and throughout the State. His honesty and integrity have created for him a reputation enjoyed by few businessmen in our State.

"I am sure that in the future you shall find your judgment of Mr. Turnoff reinforced and strengthened by his fair and conscientious service to the Commonwealth."

The next letter is from the Chamber of Commerce, the fellows the Republicans like to quote quite a bit. The letter is from Mr. Thomas E. Willis, Executive Director of the Northeast Philadelphia Chamber of Commerce, and he states:

"Dear Governor Leader:

"We wish to congratulate you on the selection of Mr. Sol S. Turnoff, as a member of the State Board of Pharmacy, who is a valued member of this Chamber."

Here is a letter from the WDAS Broadcasting Station,



written by Leonard Matt, Editor-Column of the Air and Consul of Guatemala, who states:

"My dear Governor:

"I have read with interest on the news machine in the studio that you have appointed Dr. Sol S. Turnoff of Philadelphia as a member of the State Board of Pharmacy, and I hasten to congratulate you.

"Dr. Turnoff has been a boyhood chum of the writers, and a friend for many years. We were both born on the other side of the railroad tracks,"—maybe that is what is wrong with him—"and I had the pleasure of watching Dr. Turnoff climb the ladder to success with great striving and with much sacrifice of health and energy.

"His whole life have been devoted to helping the poor and underprivileged, and if ever one lived a life of humanitarianism and dedication, I believe that this man can claim that type of accolade. He has had an immense background in pharmacy, having earned the respect of the pharmacist, the manufacturer and the Deans of the pharmacy schools. That in itself fits him admirably for the post.

"It was with pleasure that I told my listening audience of what I considered the most selfless type of appointment that any Governor has even made."

Mr. President, I am sorry to take all this time, but I am sure that I am going to be here a couple of hours reading these telegrams and letters unless the Majority Leader wants to withdraw his remarks from the record. However, if he does not withdraw his remarks I am going to read all the correspondence that I have.

Mr. MAHANY. Mr. President, I do not know whether or not that might be a threat on the part of Senator Barr when he says that if I do not do something which he wants me to do, he is going to take up a couple more hours of the time of the Senate to read letters. I am certainly not going to withdraw my remarks or move that they be expunged from the record.

The only two things that I said here were that, first, the man evidently had a criminal record or he would not have received a Presidential Pardon, and secondly, there were some people down there connected with the Pharmacy Association who have advised me that they did not think much of this appointment.

Mr. President, I will admit, if it is going to save time, that Senator Barr has X number of letters over there approving this appointment. If he will tell me how many letters he has, I will admit that he has that many, stating that the Governor did a good thing in appointing Mr. Turnoff, that they think Mr. Turnoff is a fine fellow and that he will be a credit to the Pharmacy Board if he is confirmed by the Senate.

Always when I have a defendant who has been found guilty, I have him produce as many letters as he can so that I can read them to the judge in order to have the judge be merciful to the defendant on sentence day. I think every attorney in general practice always has a lot of letters vouching for the good character of the defendant.

Mr. President, if the Senator will tell me how many letters he has, I will agree that he has that many and that they all read the same way.

Mr. BARR. Mr. President, I do not concur in that proposition, so I will keep reading these letters. The gentleman apparently does not have the intestinal fortitude to withdraw his remark, and he is a lawyer. To go back to a Presidential Pardon is something unheard of. I know many men in the legal profession, and this is the first time in my life that I ever heard such a dastardly thing being done.

Mr. President, I will continue to read a letter from Mr. Sol Wittenberg, who has a surety bond business in Philadelphia, and he states:

"My dear Governor:"

Oh, Mr. President, he is a Republican Committeeman. The boys are telling me who these fellows are. I do not think that Mr. Mahany is very popular with the few Republicans who are left in Philadelphia.

"I want to offer my congratulations to you on the appointment of Sol Turnoff to the Board of Pharmacy.

"I am associated with Sol in many charitable organizations and know of many more that he is active in.

"His appointment is a credit to Philadelphia as he is a wonderful family man and a successful businessman."

Dr. Meyer Wohl, of 5734 Oxford Street, Philadelphia, sent a wire to the Governor stating:

"You could not have found a better choice to your State Board of Pharmacy than Dr. Turnoff. He is my kind of an American.

Mr. President, while I get a drink of water, I yield to Senator Dent.

Mr. DENT. Mr. President and Members of the Senate, I will not go on with the reading because that is the task which Senator Barr is going to perform. However, I would just like to remind the Senate of a very important thing.

Mr. President, I, too, am sorry, of course, that this matter has come in this manner to the Senate. I think it comes in very poor grace, however, from a gentleman who has, upon at least one and perhaps two other occasions—I am having the record checked—already voted for the confirmation of this man to a public office which required the confirmation of this Senate.

I think that it is only fair to Mr. Turnoff, to his friends and to the people of this Commonwealth, and to the Governor, to note that Mr. Turnoff was originally appointed by Governor Duff to the position of member of the Department of Public Assistance Board which, in the city of Philadelphia, is a tremendous job. It is a job which has a great deal more to do with the common good and the everyday life of our people than membership upon the Pharmacy Board. This man's name came before the Senate and Senator Mahany, along with all the other Members of this Senate, voted for his confirmation. His record then was the same as it is now. He was later reappointed by Governor Fine and this entire Senate, including Senator Mahany, again voted for his confirmation.

Mr. President and Members of this Senate, I do not believe that it is quite fair to, at this time, take up this man's past record when you have twice before confirmed him in a position which required the will and the con-



sent of the Senate of Pennsylvania. I do not believe that any of this matter should go any further.

I do believe that the proper answer to this would be, at his moment, for the Committee on Executive Nominations to call an immediate meeting and bring the name out upon the floor and let each man, at this stage of the game, vote what he believes to be his conscience in this matter. By no other method can we place upon the record our position in this matter. I do not want this man to be living under a cloud in the city of Philadelphia, in his business, in his occupation, among his friends, in his church, in his public activities. I do believe that Senator Mahany should have looked into the record first and to have found out that he, himself, had already voted to confirm this man upon one occasion and probably he was here for the first confirmation of this individual to public office.

You cannot say that you can establish a degree of confidence in a man. If a man is a thief and is so labeled a thief, he is not a thief because he stole ten cents or because he stole \$100,000. He is a thief because he stole. Therefore, it is not the degree that we are measuring here. The fact that this man was approved and confirmed by the Senate of Pennsylvania upon two other occasions certainly should have given the Governor of this State the right to believe that the Membership of this Senate believed in this man's integrity and in his ability to hold office. Standing upon that ground, unless Senator Barr has some other ideas in mind and if he wishes to continue reading, which is perfectly all right with me, the thing that I would like to do is to ask whether or not it is possible to have a committee meeting at this time in order that this matter may be cleared up. If they want to vote the other way, that will be perfectly all right.

I, again, yield to the Senator from Allegheny, Senator Barr.

Mr. BARR. Mr. President, I yield to the gentleman from Philadelphia, Senator Weiner.

Mr. WEINER. Mr. President, this seems very strange to me at this time, unless it is done for political advantage. Mr. Turnoff has always been a registered Republican and has also been a very stalwart member as far as the Republican Finance Committee has been concerned. If these objections were valid the first time his name came up, I should certainly think that, at that time, would have been a good time to raise that question. I am sure that the very people who are raising the issue today are people who knew about those problems at that time and also knew of his record at that time. If they feel that since that time he may have strayed from the fold or he may now belong to a different group, which has a different political persuasion, and if that is the reason they are trying to visit upon him this retribution of casting aspersions upon his name and character, I believe that it should come out here and be made public, as well as not only making his name public but let us make the entire record public so we will know what exactly is facing us and why we are going into all these details about one of the gentlemen on the Pharmacy Board.

I believe it was incumbent upon the Executive Nominations Committee not even to report this name to the

floor of the Senate when his name was sent over here. If they had reported it at that time, they certainly should have explained or told us at that time that he was on the board and that they are now not any longer holding him in the esteem they did before and that they no longer wish him to be considered as a member.

Mr. President, I feel that Senator Mahany, as the Floor Leader and the responsible speaker for the Republican Party, should make known to the Senate the entire record and exactly why they are taking this position today. I think it is a little inconsistent with the position which they took sometime ago when they confirmed him for the other nominations made by previous Governors. If it was a matter of political expediency at that time, I think they should advise us at this time what the political expediency was and why they are taking a different position.

I think it is rather paradoxical to okay a man at one time and now, today, when nothing else is changed, the man—as a matter of fact, he has become a more outstanding member of the community and is in better standing today than at any other time, within his own professional group—should be accorded this type of treatment just because there is some feeling in some quarters that he may not be in the same standing, politically, as he was sometime ago.

Mr. President, I wish to yield to the Senator from Allegheny, Senator Barr.

Mr. BARR. Mr. President, I was fearful that the gentleman on the other side might have taken from Senator Weiner's remarks that Doctor Turnoff might be registered as a Democrat. He is not; he is still registered as a Republican.

This telegram is from Miss Dorothy Tracy, of Brockton Road, Philadelphia:

"Dear Governor

"Your appointment of Sol F. Turnoff was today announced in the Philadelphia Inquirer. I personally think he will do a good job. I know Sol Turnoff for quite a few years and find him an honest person and will do a wonderful job.

"Respectfully

"Dorothy Tracy"

Here is one from Samuel C. Trommer who says:

"May I commend you for your appointment of Sol Turnoff to the State Board of Pharmacy. Selection excellent. Mister Turnoff will be a great credit to your administration."

Another letter from Morton Tuckman, which reads:

"Dear Governor"

This is written in longhand.

"I wish to congratulate you on your appointment of Mr. Sol Turnoff to the State Board of Pharmacy.

"I have known Mr. Turnoff for many years and I know he will do a good job and be a credit to your administration."

Here is one from Charles Voight, Wright Motors, in Philadelphia:

"The appointment of Sol Turnoff to the Board of



Pharmacy is hailed by all decent citizens of Penna. He is an able practicing pharmacist with an enviable record. Congratulations."

Here is one from Mr. William Wadsworth, of the Boulevard Collection Agency:

"Your Excellency:

"It was with a great deal of pleasure and enjoyment that we read the article in the Philadelphia Inquirer announcing your tremendous appointment of Sol Turnoff to the Board of Pharmacy.

"Your judgment is to be congratulated and your foresight in choosing such an outstanding pharmacist and civic leader.

"We heartily congratulate you and wish you the best of everything in all your endeavors.

"We are indeed proud to have you as Governor of this great State and salute you and Dr. Turnoff.

"With great respect and admiration"

One from Mr. Morris Warren, of the First Federal Saving and Loan Association, Philadelphia:

"Many thanks for your appointment of Sol Turnoff to the State Board of Pharmacy. It was a fine choice of a capable civic-minded man and a real family man to everybody.

"Morris Warren, Director

"First Federal Saving and Loan Association"

Here is a telegram from Mr. E. D. Watt, 544 Arlington Avenue, Milmont Park:

"Congratulations on your appointment of Sol S. Turnoff to the State Board of Pharmacy. He will be a real asset to the board."

One from Alan Weber:

"Congratulations for the appointment of Sol Turnoff to Board of Pharmacy. It brings fairness, justice, integrity, honesty and ability to this department of your administration. He is a terrific guy."

Here is one from the Richlyn Laboratories—that is one that Brother Dent got mixed up for me.

Here is one from Charles W. Wells, Pemberton Avenue, Philadelphia:

"Congratulations on your appointment of Sol S. Turnoff to your Board of Pharmacy. Pharmacy should now reach its highest peak during your administration."

Here is one from the Civil Service Employees of the Philadelphia American Federation of Labor, sent by Bernard B. Wenitsky:

"Dear Governor

"Reading in the Philadelphia papers of the choice you have made in appointing Mr. Sol Turnoff as one of the members on your distinguished Pennsylvania State Board of Pharmacy, it is an excellent choice and you should be commended."

Here is one from Mrs. Helen Maseloff, 500 North Randolph Street, Philadelphia:

"Dear Governor,

"I congratulate you on your fine appointment of Dr. Sol S. Turnoff to the Board of Pharmacy.

"I have had the honor and pleasure of being a lifetime friend and former classmate of his. As a local businesswoman in his community I am constantly reminded of his integrity, charitable consideration of the needy, and high ethical business standards.

"Your excellent choice of such an eminently outstanding Pharmacist and popular leader in this community will reflect the highest credit to your regime.

"Sincerely yours"

Here is one from Captain John Thistle:

"Sincere wishes and congratulations on your appointing Sol Turnoff to your State Board of Pharmacy. He is a dedicated public servant and a fine individual who will bring glory to that department of your administration."

Mr. President, I have so many of these that I cannot even hold them.

Here is one from the President of the Worthington Contracting Company:

"Dear Governor:

"Your appointment of Sol Turnoff was announced in today's Philadelphia Inquirer. I wish to congratulate you on your wise decision. I personally know Dr. Turnoff to be a gentleman, and I have always found him to be active in his community. He is a fine outstanding pharmacist and will certainly be a credit to your administration."

It is just too bad, Mr. President, that the gentleman who made the charges will not listen. That is all right. I do not care whether Senator Mahany wishes to listen or not about Mr. Turnoff's integrity and personality.

Mr. MAHANY. Mr. President, will the gentleman yield?

Mr. BARR. I will, Mr. President, for a moment.

Mr. MAHANY. Mr. President, if the Senator from Allegheny would speak a little bit more clearly into the microphone, I might be able to hear these letters a little better. However, every once in awhile, there are people who have business with me. They come to the railing here and wish to have a word or two with me. I am listening to you out of one ear and trying to give them the other ear. Please pardon me for these interruptions. It is beyond my control to prevent them.

Mr. President, I do want to say, however, that we have a couple of distinguished visitors from New Jersey. Senator Yosko wanted to introduce them. Would Senator Barr mind yielding so that Senator Yosko might do that? After that, we will proceed with listening to the letters.

Mr. BARR. I will yield to Senator Yosko, Mr. President.

Mr. YOSKO. Mr. President, before I introduce the distinguished gentlemen from New Jersey, I ask unanimous consent to present a resolution at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. YOSKO. Mr. President, I want to add to the remarks that were made by Senator Donolow this morning on the issue that was raised by Governor Griffin involving the post-season football game in the Sugar Bowl between the University of Pittsburgh and Georgia Tech.

In that connection, Mr. President, if my memory serves me correctly, from an article I read in the newspaper this morning, the Board of Regents met last night in



the State of Georgia. Although they approve the playing of the game, they also ruled that neither the University of Georgia nor Georgia Tech will be permitted to play football games with teams that have a Negro on the team. In that connection, I want to say that I am going to prepare a resolution calling upon all the colleges and universities in the State of Pennsylvania to either cancel their games with either one of those two teams or boycott them from scheduling games with them until such time as the Board of Regents withdraws or reverses its decision of last night.

I want to say, too, Mr. President, that any person or any king, let me start with, or any president or any governor or any public official or any group or any individual that would carry prejudice involving race, color or creed into the realm of competitive athletics, especially football, is guilty of the lowest type of bigotry and is an enemy of good Americanism and is as low as a troglodyte. Look that word up and see what it means. I want to add, too, that as long as people like Governor Griffin are permitted to hold public office, the Ku Klux Klan will never die.

I, for one, and I am sure the Members of the Senate will join me in approving the resolution that I am about to present, commending the University of Pittsburgh for the stand it took in this matter.

### SENATE RESOLUTION

#### CONGRATULATIONS OF THE SENATE EXTENDED TO THE UNIVERSITY OF PITTSBURGH FOR ITS FINE RECORD ON THE GRIDIRON AND FOR ITS UNDERSTANDING OF HUMAN RIGHTS AND EQUALITIES

Mr. YOSKO offered the following resolution which was twice read, considered and agreed to:

In the Senate, December 6, 1955.

The University of Pittsburgh football team, usually referred to as the Pitt Panthers, has recently completed a very successful season against outstanding competition and for their splendid record, both on and off the gridiron, the Pitt Panthers were chosen to oppose Georgia Tech in the Sugar Bowl game, to be played on January 2, 1956, in New Orleans.

Within the past few days, Georgia Governor Marvin Griffin's effort to inject the racial issue into the Sugar Bowl game by requesting his State Board of Regents to call off the game because of the University of Pittsburgh's negro player, Bobby Grier, has shocked the free thinking people of this country and generated indignation and condemnation in the minds of the Georgia Tech Student Body as well as the general public. One can only imagine what is in the minds and hearts of the University of Pittsburgh football team, the coaching staff, the student body and most of all, Robert Grier, the innocent victim of Governor Marvin Griffin's action. Some light was shed on this point in the editorial section of The Patriot of Harrisburg, Pennsylvania, as follows: "From the University of Pittsburgh we learn that they have no intention of making any lineup change because of Gov. Griffin's blatant action. Bobby Grier will travel with the team, will live with his team mates, eat with them, practice with them and play with them in the Sugar Bowl game for which they have contracted." Governor Griffin ought to follow the splendid example of the fine athletic director of the University of Pittsburgh, Mr. Tom Hamilton, the great coach of the football team, Mr. John Michelosen, the entire football team and student body and not be guided blindly or influenced by a certain bigoted group of people in the state of Georgia; therefore be it

Resolved, That the Senate of Pennsylvania extends its sincerest congratulations to the University of Pittsburgh, its athletic department, the football team, the student body and to Robert Grier, the innocent victim, for their fine record on the gridiron, for their understanding of human rights and equalities and for bringing honor to themselves and the Commonwealth of Pennsylvania as a result of their accomplishments; and be it further

Resolved, That copies of this resolution be forwarded to the University of Pittsburgh, the Athletic Department and to Robert Grier.

### MEMBERS OF THE GENERAL ASSEMBLY OF NEW JERSEY PRESENTED TO SENATE

Mr. YOSKO. Mr. President, I would like to introduce some gentlemen from the General Assembly of the State of New Jersey who are in our midst. They are here to attend a conference this afternoon on a water problem along the Delaware River.

I would like to present them to you and the names I have here are Assemblyman C. William Haines, G. Clifford Thomas and Ben Franklin, who are Members of the General Assembly. They are here under the leadership of Senator Wayne Dumont, of Phillipsburg. I wish the gentlemen would rise so that we could see them and let us give them a round of applause.

Mr. President, while I was visiting the State of New Jersey some time ago, Senator Dumont took me on the floor and was granted permission to extend the privilege of the floor to me. Now that he is here, I ask unanimous consent to grant Senator Dumont the privilege of the floor. I hope he will accept it and say a few words to us.

The PRESIDENT. The Chair invites the Senator from New Jersey to the rostrum.

### REMARKS BY HONORABLE WAYNE DUMONT, JR. MEMBER OF THE SENATE OF NEW JERSEY

SENATOR DUMONT. Mr. President and gentlemen of the Pennsylvania Senate, it is a real pleasure to be here today, accompanied by three distinguished members of our House of Assembly; G. Clifford Thomas, of Union County, Benjamin Franklin, III, of Morris County and C. William Haines, of Burlington County.

We are here, as outlined by the Senator from Northampton, to confer with a joint commission of your Legislature on the question of what might be done about the development of the Delaware River as a source of water supply and storage, with specific reference to the construction of a dam at Wallpack Bend north of the general area from which Senator Yosko and I come. We realize that we will have many problems, one of them being the difficult problem of finances. I have been reading with interest that you have that problem in Pennsylvania. We do also from time to time.

It is a great pleasure and privilege to be here in this very impressive Chamber, to meet with you gentlemen and to have the privilege of the floor.

Senator Yosko and I have had on many occasions the opportunity to work back and forth across the Delaware River on problems of mutual concern. It is not only water supply that we have on our hands in both States as a problem, but since August 18th and 19th we have the very serious problem of flood control on the Delaware River as well, as a result of the disaster that was brought by the floods of last summer.

It is my hope, as he expressed in Trenton, that we



can, from time to time, meet through our joint committee and joint commissions and discuss the problem involving the two States. In that way we can have not only co-operation between each other, but also promote the relations which are already good and make them even better between our two sister States.

I want to thank you for granting me this privilege to be here with you. I have great respect for the Senator from Northampton. He and I do happen to be on opposite sides of the fence politically, but we have been able to work together in fine shape across the river.

It is a great pleasure to be here to see some of the other gentlemen whom I had the pleasure of meeting last March when we were out on a somewhat similar mission; the Majority Leader; Senator Scott, who I understand is a member of this water commission; Senator Dent, whom I have had the privilege of meeting not only in Harrisburg, but also in New Orleans and San Francisco on so-called junkets but we consider them legitimate trips for the Legislatures of the two States in an effort to learn through interchange of ideas the things that come up annually in the Council of State Governments which meets in different parts of the United States. It is nice to see you and to be here. I wish you success and happiness in all your endeavors.

I hope we may have the privilege and pleasure of having you with us in Trenton where we meet annually all year around, taking recesses, of courses, from time to time, but at the same time trying to take care of the business of our State as best we know how. It would be a pleasure at any time to have any of you or a group of you come to Trenton. We shall try to make you most welcome.

I want to thank you again for the privilege you have granted to me here this morning. Thank you very much, gentlemen.

The PRESIDENT. Thank you, Senator. The Chair would like to ask the Senator how they got Benjamin Franklin out of Pennsylvania over into New Jersey?

#### PETITIONS AND REMONSTRANCES

Mr. BARR. Mr. President, I am going to yield to Senator Silvert for a moment, and then I am going to take the floor again to read the rest of this correspondence. I think it would only be right on my part to excuse the other Members of the Senate, other than Senator Mahany, so that they can have their lunch because he is the gentleman who started this thing and he is going to have to stay for the finish.

Mr. SILVERT. Mr. President, I should like to direct my remarks to the statements of the Majority Leader that when Governor James was elected Governor, succeeding Governor Earle, he made it a policy not to dismiss members of commissions whose terms had not expired. I am not going into the propriety of the dismissal of Mr. Watson from the Turnpike Commission. However, I want to call the attention of the Majority Leader to the fact that in 1939 Governor James dismissed all three members of the Democratic Registration Commission in Philadelphia prior to the expiration of their terms.

I recall this because one of them, Mr. John L. Barrett, now deceased, was a personal friend of mine. They took the matter to court and I think the matter was tried before Judge McDevitt, now also deceased, and Governor

James' action in dismissing these three members of the Registration Commission prior to the expiration of their terms was sustained. If my recollection of that is erroneous, I would be willing to withdraw the remarks which I have made here.

Mr. BARR. Mr. President, in reading further, I would like to read a letter from the Bernie Berle Agency. I think you have heard of them in Philadelphia. They supply music and acts for every occasion:

"Your Honor, Governor Leader:"

Can you hear me, Senator Mahany?

"I'm writing you to congratulate you on the recent appointment you made—Mr. Sol Turnoff, to the Pharmacy Board of Pennsylvania.

"It was a very wise choice. Mr. Turnoff being a truly excellent gentleman, very respected, has hundreds of friends, and last but not least, a regular fellow like you. He's the kind of a person that as you first meet him, in the next second you call him Sol.

"My very sincere admiration to you on your choice for I am proud to say that he too is a friend of mine.

"You will recall that we met not too long ago in the office of James Finnegan.

"I am the orchestra leader that played for the National Democratic Dinner in Philadelphia for ex-President, Harry S. Truman; the very big dinner for you and Adali Stevenson at the Zembo Mosque; the inauguration of the Democratic Party in Philadelphia (Academy of Music), and also for ex-Vice President Barklay, etc. I am also playing for the \$100 dinner, October 27th in Convention Hall.

"My congratulations to you for your upright leadership, your honesty, your sincerity. I am certain that you will go further and I pray that with the Lord's guidance, you will one day be the leader of our wonderful country.

"My very best wishes to you and your family for the best health of all. I will hope to see you one day.

"P. S. Also saw you at the Grace Kelly-Cary Grant Ball at the Drake not too long ago." This fellow is advertising a little. "I played for the Ball. Also played at the Playhouse in the Park all last summer for John B. Kelly."

Mr. President, here is another letter from Mr. A. L. Benjamin, 6919 Souder Street, who states:

"Dear Governor:

"I saw your appointment in the Philadelphia Inquirer the other day of Sol Turnoff as a member of the State Board of Pharmacy.

"I have known Sol Turnoff for over thirty years and have found him to be a man interested in everyone's welfare. Your selection of Sol Turnoff has certainly helped his standing in his community and his fellow pharmacists. Congratulations!"

Mr. President, here is one from Mr. Abraham Belsky of the Almax Paper Company, L.L.B.

"Dear Governor:

"Thank you very much for your wonderful appointment of Sol Turnoff to your State Board of Pharmacy

"I have known Sol for the past thirty-five years having gone to school with him as a boy and in later years as a member of his family.

"During a lifetime of friendship I have been able to



observe him closely and to perceive his many activities and deep feeling for people.

"May I express to your Excellency our sincerest and most heartfelt congratulations for nominating a man who has a dedicated life of service to his community and to his fellow men.

"We are proud that you have chosen him to represent pharmacy for he will serve it as he has served his profession so well for over twenty-five years.

"He really is his 'Brother's Keeper.'"

The next letter, Mr. President, is from the Episcopal Hospital of Philadelphia:

"Dear Sir:

"I wish to congratulate you on your appointment of Sol S. Turnoff to the Pennsylvania Board of Pharmacy.

"Gertrude M. Bell."

Here is a wire from the William Bauer Lyter Body Works of Philadelphia, which states:

"The Philadelphia Inquirer published your announcement of Sol S. Turnoff's appointment to the Pennsylvania State Board of Pharmacy. He is a man of great integrity and honesty and a conscientious public servant. This appointment is a great stepping stone in the right direction for your administration."

Here is a letter from Mr. William F. Bauer, President, Lyter Body Company, at Randolph and Callowhill Streets:

"Your Excellency:

"I saw your appointment in this morning's Philadelphia Inquirer of Sol Turnoff as a member of the State Pharmacy Board. His many years of activity in the interests of his community is a matter of record and I am sure that he will serve your administration as faithfully as he has served pharmacy and his fellow men. I congratulate you on your appointment of this outstanding pharmacist."

Here is a telegram from Mr. John Baskin, 641 Benner Street, Philadelphia, which reads:

"All of us at Squibb"—you have heard of Squibb's I think, Senator Mahany—"are thrilled with your appointment of Sol S. Turnoff to the State Board of Pharmacy. A great honor and responsibility placed in good hands. Congratulations!"

Mr. MAHANY. Mr. President, I do not believe that the Senator is reading all of the letter. There must be a date on those letters, too. Why does he not read the date?

Mr. BARR. I will be very happy to read the date, Mr. President. The next letter is dated October 7, 1955. This fellow is no relative of mine but his name happens to be Carl Barr—B-a-r-r—and he states:

"Honorable Governor Leader:

"I wish to commend you for naming Sol S. Turnoff on the State Board of Pharmacy.

"Knowing Mr. Turnoff and the wonderful work he has done in the community, I am sure that you have made a wise choice. He is trustworthy, conscientious person."

The next one is a wire dated October 10th:

"Congratulations on your choice of Dr. Sol Turnoff for the State Board of Pharmacy. Dr. Turnoff always is generous to the children of my school.

"Albert Barandon, Principal, Paxson School."

The next letter is dated October 10th, from Mr. and Mrs. M. Balansoff, 2375 Seventy-seventh Avenue, Philadelphia, Pennsylvania:

"Dear Governor Leader:

"Your choice in selecting Mr. Sol Turnoff to the Pharmacy Board is an outstanding one. He is a very capable and conscientious person. We are sure it will be an asset to the board to have him work with them."

The next correspondence, Mr. President, is from Lieutenant William A. Baker, which was written on October 10th. He lives at Apartment 396 and he is a Lieutenant of Police in the City of Philadelphia. His letter states:

"Dear Governor:

"I read with profound interest your recent appointment of Mr. Sol Turnoff to the State Board of Pharmacy.

"Your appointment of Mr. Turnoff again emphasizes your intention of attaining the highest calibre of administrators for the various governmental functions of the Commonwealth.

"I have known Mr. Turnoff for the past ten years and can say without fear of contradiction that he is tops in his field, honest, courageous, and above all interested in promoting the status of his profession to the highest level.

"The citizens of this great Commonwealth have profited by this appointment."

I have here another wire from Guy Baird, of Philadelphia, dated October 8th, and reads as follows:

"Heartiest congratulations for your excellent choice in appointment of Sol Turnoff to the State Board."

The next wire, Mr. President, is from Mr. Abraham Adelman, of the Majestic Embroidery Works of Philadelphia. I do not see a date on this wire, Senator, but the answer from the Governor's Office, acknowledging the wire, was dated October 10th:

"Congratulations on your appointment of Doctor Sol Turnoff to the State Board of Pharmacy. He will be a great credit to the pharmacy and to your administration. You should be commended." This was from the President of the Majestic Embroidery Works.

I have a letter from the same Embroidery Works, written by Esther Adelman, dated October 7th:

"Dear Governor:

"Please accept my congratulations on the appointment of Sol S. Turnoff to the State Board of Pharmacy. Having known Sol all his life, since I am his older sister, I feel qualified"—well, I think she should—"to assure you that he will do his job conscientiously and honestly and will serve you well always.

"Thank you for your fine choice of the right man, and wishing you the best of health and success, I am"

Mr. MAHANY. Mr. President, I desire to interrogate the gentleman from Allegheny, Senator Barr.

The PRESIDENT. Will the gentleman from Allegheny, Mr. Barr, permit himself to be interrogated?

Mr. BARR. It will be a pleasure, Mr. President.



Mr. MAHANY. Senator, would you say that most of these letters were written on or about October 10th?

Mr. BARR. Well, here is one written on October 26th, and others on October 13th, November 9th, November 13th—I am just reading these at random—October 12th, October 7th. I would have to tell you the dates as I go through them.

Mr. MAHANY. When was Mr. Turnoff's name sent over?

Mr. BARR. I think that you should answer that yourself. You are the majority side and you have kept the appointment in committee.

Mr. MAHANY. Senator, I do not keep track of all of these. I am not Chairman of the Executive Nominations Committee. If you know the date, would you mind telling us about when it was sent over?

Mr. BARR. While you are on the subject, I would like to answer that completely. My sympathy goes to the Chairman of the Executive Nominations Committee because he is just chairman in name only. The committee is the Republican Caucus and we all know that.

Mr. MAHANY. Have we had it for some months, is that it?

Mr. BARR. Senator Watson would know, I am sure, but I am positive it has been here for at least over two months.

Mr. MAHANY. Do you know of any reason why all these letters would come on or about October 10th, and since that time, to the Governor on behalf of this man?

Mr. BARR. They were sent to the Governor. I do not know whether you are aware of it or not, but for every appointment, if it be a trustee to a teachers college, if it be a member to a hospital board, hundreds and hundreds of letters and wires come into the Governor's Office. I happened one day to be in Mr. Heagy's office as Governor Fine was packing up to leave the Capitol. The boxes he had would have filled this room and when I asked him what was in most of them, he said that they were letters of commendation mostly on appointments of people on boards, commissions, etc.

Mr. MAHANY. Senator, now that you have put a number of letters into the record—as far as I am concerned you can put in the rest—do you not think it would be better to give these letters to the Executive Nominations Committee so that they also can have whatever information can be furnished them? If they then feel that this is a good nomination they can report it to the floor.

As far as I am concerned, I have no closed mind in connection with this man. I just merely wanted to bring out the fact that this was the man whom I had in mind in deference to Senator Dent's suggestion that it was perhaps not good to cast a cloud on all of these nominations which the Governor sent over. That was the reason I focused the spotlight on this particular man. It certainly was no pleasure for me to do it, but in order to remove the cloud from these other people it was necessary to do so.

If this man is all that you say he is, then perhaps the things that he has done over the years, since this other unfortunate experience that he had in his life occurred, might overbalance the other things done by him and he may be a good subject to be appointed. I do not know whether or not he is. However, I think that all of this information should be presented to the Executive Nomina-

tions Committee and then they, in their wisdom, can decide whether or not they want to report this name either with a favorable or unfavorable recommendation.

Mr. BARR. Do you mean that the Executive Nominations Committee is going to function? It has only met once this year, in case you do not know it. Perhaps you want me to present these letters to the Republican Caucus. Now which is it?

Mr. MAHANY. I stated, Senator, that you could present this information to the Executive Nominations Committee. I suggest that you give it to Senator Watson.

Mr. BARR. Will they have a meeting of the committee, which I can attend also? I am a member as you know, and Senator Dent is a member and we have attended one meeting which was in the President pro tempore's office when the Governor's Cabinet came over, but that is the only meeting we have ever had.

Mr. MAHANY. That would be up to the chairman of the committee. As far as I am concerned, you can attend any committee meeting that we have in the Senate. I have never yet objected to any Senator attending any committee meeting regardless of whether he is on the committee or whether he is not.

Mr. BARR. I suggest then that the Chairman of the Executive Nominations Committee call a meeting of the committee, at which time I will present these letters and wires.

The thing that I have tried to put across today is that you, as a lawyer and as a friend, have hit below the belt, Senator Mahany. I do not know of any lawyer who ever went behind a Presidential Pardon. In fact, I did not even look myself to see what it was because I was always led to believe and still continue to believe that once a Presidential Pardon is granted, everything is wiped off.

Mr. MAHANY. Senator, in the first place, I did not go behind this Presidential Pardon. I merely referred to it, which I think I have a right to do, and stated that in order to have a Presidential Pardon there must have been some record to have a Presidential Pardon on. I did not go into any details about what the man was convicted of or say anything about it. I do not know where you get the idea that I went back of a Presidential Pardon. I merely mentioned it.

Mr. BARR. You did go behind it. You said you wanted to find out what the Presidential pardon was for.

Mr. MAHANY. I have not gone behind it as yet, Senator. I asked for the same report from the State Police that they had given the Governor. Now if you think that I am not entitled to that, why then perhaps that is another thing.

I still think that we ought to find out more about these people when their names are sent over here. I think too often the Senate confirms without too much knowledge about the man. I think as long as the Constitution gives the Senate the right to confirm and not to confirm appointments which are made by the Governor, we should do our jobs and find out as much as we can about these people. Evidently the framers of the Constitution thought there was something in this power they gave us, or otherwise we would not have been given the power.

If we are just going to confirm names that are sent over, without going into detail about these men, then we



might as well give up our right of confirmation of the Governor's appointments.

Mr. BARR. Mr. President, I am wondering why the gentleman did not look into this the last two times this man's name was before him, and which was sent over by Republican governors for confirmation.

Mr. MAHANY. Mr. President, as you know, I was not the Majority Leader at that time and I did not have any occasion to go into these names. If anything such as this had been called to my attention, I certainly would have gone into it. Probably this is one of the many names that was read off by the Clerk one day and they all sounded the same to me. I probably voted "aye." Sometimes we sit here, you know, and no one is even heard voting, but we are all recorded as having voted "aye" on these things. I do not believe there has been a time that I know of when we had—yes, outside of Mr. Daremel; I think that was sent over here and we non-confirmed him. Outside of that one instance, I do not remember of a time when we had a long, slow roll call on these appointments. As you know, they usually call out "Bane, Berger and Yosko," and we all say "aye" and that is it.

Mr. President, I did not have occasion at that time to go into this particular matter. Even to this date, I personally do not have anything against this man. I do not know him; I have nothing personal against him in any manner whatsoever. If he is the good man you say he is and he can do this job, perhaps I will change my mind in relation to this particular gentleman. All I am saying is that I think you should give this information to the Executive Nominations Committee and they can study it. If they, in their wisdom, decide that this is a man whom they want to report out favorably, then I would like to have them so report.

Mr. BARR. Mr. President, I intend to read to Senator Mahany—and I do not think it is news to him what I am going to read.

"Judge Welsh, in the Federal Court, ordered and decreed: The clerk of court is ordered to insert across the docket page of the within case the following:

"Pres. Pardon granted to Solomon S. Turnoff on Dec. 13, 1945. On 6/6/55 officer examined criminal docket 6151.'"

This name was sent over with the State Police with the same complaint that was sent into the Governor's Office at that time. He examined it and it was dated 4/12/50, and states "Pres. Pardon granted to Sol S. Turnoff on 12/13/45."

Is that sufficient proof?

Mr. MAHANY. Mr. President, I did not deny that the man had been given a Presidential Pardon. I agree that he has been given one. I think, in relation to that particular statement, that is on the record. It was done after a petition was presented by Mr. Turnoff in which he asked the court to expunge his name from the dockets and impound all the records in connection with this case. The court turned down the petition; it refused to grant it. Instead, the court agreed that that particular statement should be written on the docket. I think you will find that is the status of the case.

Mr. BARR. Mr. President, I desire to interrogate the gentleman from Crawford, Senator Mahany.

The PRESIDENT. Will the gentleman from Crawford, Mr. Mahany, permit himself to be interrogated?

Mr. MAHANY. I will, Mr. President.

Mr. BARR. Have you investigated and looked at the docket in the Federal Court?

Mr. MAHANY. No, I have not.

Mr. BARR. Then, what you are saying is just hearsay. What I am reading is quoted.

Mr. MAHANY. I got my information from a very detailed account of this. I believe it appeared in the Philadelphia Bulletin some years ago. If that is an inaccurate state of the record, then I should be happy to have you correct me. I have agreed on the statement that you just now made relative to what appears on the record. I do not know what more you could ask me to do.

Mr. BARR. There is only one thing I can say, Senator Mahany. I think today you have hurt a man's character. You know, in life, there are very few things that we have. Yes, some of us have things of profit and money. Others have just their word and their reputation. This gentleman, in my opinion, has had his reputation marred by the statements made on the Senate floor today. To Mr. Turnoff, from the Members on this side, I apologize deeply and gracefully.

Mr. MAHANY. Mr. President, I am sorry if I have unjustly hurt Mr. Turnoff. However, on the other hand, I believe it is my duty to call to the attention of the Senate anything that appears on records in connection with anybody who is sent over here by the Governor. It is for them to weigh whether or not that is important or whether it is not. I think the more knowledge we have about these folks who come over here from the Governor's Office, in the way of appointments, the better shape we will be in order to confirm or non-confirm them.

Mr. President, I am sure Mr. Turnoff cannot blame me for getting into whatever happened in relation to this particular docket entry. I had nothing to do with that. Senator Barr knows that as we go through life, if we go before a court and there are docket entries relating to a particular case in which we are involved, perhaps that record and those entries might haunt us the rest of our lives. If we are in public life, that is what happens. For instance, I remember the sad case of Albert Fall, many years ago. He was a member in one of the Republican President's cabinets. He received a Presidential Pardon. After he got that pardon, it did not mean that the next President would be justified in putting him in his cabinet again. Now, merely by stating that, I do not want Senator Barr to think that I am running behind the Presidential Pardon on that one. However, those are things that we should all have knowledge of.

If Mr. Turnoff is the fine, outstanding citizen that Senator Barr says he is, then we can take all that into consideration. If Mr. Turnoff is going to be a very important adjunct to this very important Pharmacy Board, then we can also take that into consideration as to whether or not the man can do the job to which the Governor has appointed him. I do feel that those are things about which we all should know.

I say again, to Senator Barr, that certainly I had nothing to do with the making of this record. If anyone is to be blamed, Mr. Turnoff can only blame himself. If I had a record, that would have ended by running for public office. I am sure that Senator Barr, as the Democratic State Chairman, even though we are good per-



sonal friends, would not have hesitated very long in bringing it out to the public about any record that I might have in the courts of Crawford County or any place else.

Mr. BARR. Mr. President, I resent Senator Mahany's last remark. There is no cop in me. I have never rung the bell on any one in the opposition who ever ran for any office. I am a little too old to start it now.

Mr. CAMIEL. Mr. President, I have no desire to prolong the discussion of Doctor Turnoff's fitness as a member of the Pharmacy Board. I think any discussions that should have taken place, or any placement of his record before this Senate, should have taken place in the Committee on Executive Nominations. Unfortunately, it was brought out onto the Senate Floor and I believe that his reputation as a fine, upstanding citizen has been injured somewhat.

In answer to the statements made by Senator Mahany concerning the appointment of Doctor Turnoff to the Pharmacy Board, I would like to refresh the Senator's memory and recall the previous honor given to Doctor Turnoff by former Governor Duff, in which Senator Mahany, at that time, concurred. Doctor Turnoff was appointed to the Philadelphia Board of Assistance by Governor Duff and served in that capacity to the satisfaction of the Republican Administration and to the satisfaction of the people of Pennsylvania. Incidentally, Governor Duff knew of Doctor Turnoff's Presidential Pardon and approved Doctor Turnoff's appointment at that time. At that time, Doctor Turnoff was confirmed by the Senate and the Senate was composed of the majority of the Senators seated here today. Not a word of criticism, censure nor opposition was raised by any Member of the Senate at that time.

Doctor Turnoff's record as a fine, publicspirited citizen and servant of the people has not changed since his appointment by Governor Duff. I believe the letters just read by Senator Barr are a good indication of the high regard in which the people in his community hold Doctor Turnoff.

Mr. President, I believe that I know the answer to the opposition to Doctor Turnoff's appointment. Senator Mahany stated that the opposition originates with the members of the Pharmacy Association of Philadelphia. That, I believe, is not true. The opposition to Doctor Turnoff was engineered by an officer of the Philadelphia organization who, for personal reasons, has engineered this behind-the-scene opposition. If Senator Mahany is sincere about his position, he should disclose the name of the individuals who gave him the slanderous information concerning Doctor Turnoff. I am certain that he will find that it originates with an officer of the P.A.R.D.; that is the Philadelphia Association of Retail Druggists and not the membership. His opposition stems from his desire to place himself above the Governor and the Members of this Senate in selecting members of the Pharmacy Board. This officer has stated on numerous occasions that unless the appointees to the Pharmacy Board from Philadelphia have his personal stamp of approval, he would organize opposition to their appointment.

Mr. President, if we in the Senate are going to lend ourselves to the scheming and connivance of a cunning, willful, dictatorial individual who believes that his posi-

tion as an officer of an organization places him in a position to dictate the appointment and approval of members of the Pharmacy Board, I believe we are lending ourselves to something which none of us are anxious to be a part of.

I know that no Member of this Senate is going to allow this individual to dictate the actions of this Senate. Therefore, in line with the suggestion made by Senator Mahany, I believe the Committee on Executive Nominations should meet and go into this matter thoroughly and come out with their recommendations to the Senate.

#### POINT OF INFORMATION

Mr. HALUSKA. Mr. President, I rise to a point of information.

Mr. PRESIDENT. The gentleman from Cambria, Mr. Haluska. Will state his point of information.

Mr. HALUSKA. Mr. President, once a candidate has been confirmed for any office in this great Commonwealth, upon the advice and consent of the Senate, and sent to the Governor, can this body, for various reasons that may develop later, recall that confirmation?

The PRESIDENT. For the information of the Senator from Cambria, Mr. Haluska, the answer is no, it cannot be done.

Mr. HALUSKA. Can the appointing Governor discharge that person after he has been confirmed?

The PRESIDENT. In reply to the Senator from Cambria, Mr. Haluska, that is a question of law and one which the Chair cannot decide.

Mr. HALUSKA. Will you kindly state that answer again, please?

The PRESIDENT. The Chair said, for the information of the Senator from Cambria, Mr. Haluska, that is a question of law and the Chair cannot decide that particular question.

Mr. HALUSKA. Is it within the procedure for this body then to pass a resolution and send it over to the Governor asking for a dismissal?

The PRESIDENT. In reply to the Senator from Cambria, that could be done. The Senate could pass any type of resolution they desire. If it would be to recall, it would depend upon the action the Governor wishes to take whether he complied with the wishes of the Senate.

Mr. HALUSKA. Then to keep myself straight, the other question was that it is a matter of law; that if the appointing Governor should decide that he has made a mistake or, after the resolution passes, he is shown that he has made a mistake, you then inform me that the only recourse is to law. Is that right?

The PRESIDENT. That is correct.

Mr. HALUSKA. Thank you, Mr. President.

#### PERMISSION TO ADDRESS SENATE

Mr. MALLERY asked and obtained unanimous consent to address the Senate.

Mr. MALLERY. Mr. President, in the Borough of Huntingdon the county seat of Huntingdon County, is located Juniata College. Juniata College was founded in 1876. It is a small college. It stresses excellence in scholarship. Over the years, graduates of Juniata College have become prominent in the ministry, in the law, in public



service, in business and in many prominent endeavors in general.

It is surprising, therefore, Mr. President, that in a small college, having an enrollment of a few over 1,000, and where they stress excellence in scholarship, there should be developed such an outstanding football team. The Juniata College Football Team has a record of twenty-three straight victories, unequaled among Pennsylvania colleges and second only to Oklahoma.

Therefore, Mr. President, I take pleasure in introducing this resolution.

### SENATE RESOLUTION

#### CONGRATULATIONS OF THE SENATE EXTENDED TO THE FOOTBALL TEAM OF JUNIATA COLLEGE

Mr. MALLERY. Mr. President, I ask unanimous consent to offer a resolution at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. MALLERY offered the following resolution which was twice read, considered and agreed to:

In the Senate, December 6, 1955.

The Juniata College football team, undefeated since 1952, and with a record of 23 straight victories, unequalled among Pennsylvania colleges and second only to Oklahoma with 29 in the national ranking, has been signally honored with an invitation to play in the Tangerine Bowl at Orlando, Florida on January second.

The team is coached by Bob Hicks of Lancaster who played with Penn State in the Cotton Bowl in 1947.

The Commonwealth takes great pride in the accomplishments of its sons in every field of endeavor and in particular in their gaining national recognition; therefore be it

Resolved, That the Senate of Pennsylvania extend its commendatory "well done" to each member of the victorious football team of Juniata College and tender its congratulations to the college and the coach for their contribution to the extraordinary accomplishments of the team; and be it further

Resolved, That the Secretary of the Senate present certified copies of these resolutions to Dr. Calvert N. Ellis, President of Juniata College and to Bob Hicks its football coach.

#### COMMITTEE TO BE APPOINTED TO ATTEND FUNERAL OF THE HONORABLE WILLIAM H. DAVIS

Mr. MAHANY. Mr. President, I move that the President pro tempore appoint a committee of Senators to attend the funeral of Senator William H. Davis.

Mr. FLACK. Mr. President, I second the motion.

The motion was unanimously agreed to.

#### APPOINTMENT OF ENTIRE SENATE MEMBERSHIP AS COMMITTEE TO ATTEND FUNERAL OF THE HONORABLE WILLIAM H. DAVIS

The PRESIDENT. The Chair wishes to announce that the President pro tempore of the Senate has appointed the entire Membership of this body as the committee to attend the funeral of Senator Davis.

### REPORTS FROM COMMITTEE

Mr. LANE. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. LANE, from the Committee on Local Government, reported as committed, Senate Bill No. 889, entitled:

An Act amending the act of August 5, 1941 (P. L. 803), entitled, as amended, "An act providing for the creation, maintenance and operation of a county employes' retirement system in counties of the fifth, sixth, seventh and eighth class; imposing certain charges on counties, and prescribing penalties," imposing duties on retirement boards when employes are placed under Federal Social Security, and changing and clarifying certain retirement allowances and benefits.

He also from the Committee on Local Government, reported as committed, Senate Bill No. 890, entitled:

An Act amending the act of June 4, 1937 (P. L. 1625), entitled "An act providing for the creation, maintenance and operation of a county employes retirement system in counties of the third class; and imposing certain charges on counties," imposing duties on retirement boards when employes are placed under Federal social security and changing and clarifying certain allowances and benefits.

He also from the Committee on Local Government, reported as committed, Senate Bill No. 891, entitled:

An Act amending the act of June 27, 1923 (P. L. 858), entitled "State Employes' Retirement Law," changing and clarifying contributions and credit provisions where employes are placed under social security.

He also from the Committee on Local Government, reported as committed, Senate Bill No. 892, entitled:

An Act amending the act of June 23, 1931 (P. L. 932) entitled, "The Third Class City Code," imposing duties on pension boards; changing contributions; and changing and clarifying certain allowances and benefits when employes are placed under social security.

He also from the Committee on Local Government, reported as committed, Senate Bill No. 893, entitled:

An Act amending the act of July 18, 1917 (P. L. 1043), entitled "Public School Employes Retirement Law," changing and clarifying benefit, contribution and credit provisions when employes are placed under social security; providing for payments by the Commonwealth and for reimbursements from appropriations.

He also from the Committee on Local Government, reported as committed, Senate Bill No. 894, entitled:

An Act amending the act of July 8, 1941 (P. L. 298), entitled "Fourth Class County Retirement Law," imposing duties on retirement boards when employes are placed under Federal social security and changing and clarifying certain allowances and benefits.

He also from the Committee on Local Government, reported as committed, Senate Bill No. 895, entitled:

An Act amending the act of May 23, 1945 (P. L. 903), entitled "An act authorizing cities of the third class to establish an optional retirement system for officers and employes independently of any pension system or systems existing in such cities," imposing duties on pension boards; changing contributions; and changing and clarifying benefits and allowances when employes are placed under social security.

He also from the Committee on Local Government, reported as amended, Senate Bill No. 896, entitled:

An Act reenacting and amending the act of January 5, 1952 (P. L. 1833) entitled "An act to provide for the coverage of certain officers and employes of the Commonwealth and its political subdivisions under the old-age and survivor insurance provisions of Title II of the



Federal Social Security Act, as amended; . . .," extending its provisions to include additional persons; increasing contribution rates and providing for referenda, and permitting modification of certain local retirement plans.

### BILL INTRODUCED AND REFERRED

Mr. STIEFEL. Mr. President, I ask unanimous consent to introduce a bill at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. STIEFEL read in place and presented to the Chair Senate Bill No. 906, entitled:

An Act amending the act of June 20, 1947 (P. L. 745) entitled "An act to provide revenue for school districts of the first class by imposing a temporary mercantile license tax on persons engaging in certain occupations and businesses therein; . . .," as amended, by changing the penalties on taxes not paid when due.

Which was committed to the Committee on Local Government.

### REPORT FROM COMMITTEE

Mr. SCHMIDT. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. SCHMIDT, from the Committee on Insurance, reported as committed, House Bill No. 1089, entitled:

An Act amending the act of May 17, 1921 (P. L. 682) entitled "The Insurance Company Law of 1921," defining and providing for the establishment maintenance and the amount of and use of unearned premium reserves the release of unearned premiums reserves for unpaid losses and loss expense and the investment of reserve funds.

He also, from the Committee on Insurance, reported as committed, House Bill No. 1091, entitled:

An Act amending the act of May 17, 1921 (P. L. 682) entitled "The Insurance Company Law of 1921," providing for and regulating the investments of title insurance companies.

### RECESS

Mr. MAHANY. Mr. President, the hour is approaching two o'clock and some of us have not had the opportunity of having lunch yet. I would like to hold a Republican Caucus at 2:30 o'clock and, for that purpose and also for the purpose of having lunch, I now move that the Senate do take a recess until 3:00 o'clock this afternoon.

Mr. HARNEY. Mr. President, I second the motion.

The motion was agreed to.

### AFTER RECESS

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

### SENATE RESOLUTION, SERIAL No. 35, TAKEN FROM TABLE

Mr. RUTH. Mr. President, at this time I call from the table Senate Resolution, Serial No. 35, which was reported from committee at today's Session.

The Clerk read the resolution as follows:

### PROVIDING A ROOM FOR LEGISLATORS AND STATE EMPLOYEES TO MEDITATE AND PRAY

In the Senate, March 29, 1955.

The one great secret to the success of the American people, which has made them the envy of all peoples of the world, is their firm belief that God is the creator of all good things and that only through Him are we enabled to maintain the height of success which we now enjoy and to achieve even greater success in the future.

Realizing our continued need for inner strength and a wisdom greater than our own and for communion with the invisible and the omnipotent, a channel is needed where, in solitude and silence, we may meet with God and draw upon the never ceasing springs of strength through the medium of prayer; therefore be it

Resolved, That a centrally located room in the Capitol be set aside for the purpose of providing legislators and State employes with a place of meditation and prayer, so that they may look to God for strength and guidance to better their lives and to better conduct the affairs of our Commonwealth.

### RULE 39 SUSPENDED

A motion was made by Mr. RUTH and Mr. LANE,

That rule 39, which requires resolutions reported from committee to lie over for one day, be dispensed with and the Senate proceed to the consideration of the foregoing resolution.

Which was agreed to.

On the question,

Will the Senate agree to the resolution?

It was agreed to.

### SENATE CONCURRENT RESOLUTION, SERIAL NO. 152, TAKEN FROM TABLE

Mr. MALLERY. Mr. President, I call from the table Senate Concurrent Resolution, Serial No. 152, which was reported from committee at today's Session.

The Clerk read the resolution as follows:

### URGING THE GENERAL STATE AUTHORITY TO AC- QUIRE PROPERTY IN CENTRAL PENNSYLVANIA FOR A SCHOOL FOR MENTAL DEFECTIVES

In the Senate, October 7, 1955.

Polk State School in western Pennsylvania and Pennhurst State School in eastern Pennsylvania are devoted exclusively to the care of mental defectives. The facilities of both schools are overtaxed. There is a crying need for an additional school centrally located; therefore be it

Resolved (the House of Representatives concurring), That the General State Authority be urged to acquire property in central Pennsylvania, with the approval of the Governor and the Department of Welfare, and to erect thereon the buildings and equipment required for a State school for mental defectives, to be leased to the Commonwealth and operated by the Department of Welfare according to law.

### RULE 39 SUSPENDED

A motion was made by Mr. MALLERY and Mr. DIEHM.

That rule 39, which requires resolutions reported from committee to lie over for one day, be dispensed with and the Senate proceed to the consideration of the foregoing resolution.

Which was agreed to.

On the question,

Will the Senate agree to the resolution?

It was agreed to.

Ordered, That the Clerk present the same to the House of Representatives for concurrence.

### HOUSE MESSAGES

### RESOLUTION RECALLING FROM THE GOVERNOR HOUSE BILL NO. 342



The Clerk of the House of Representatives being introduced presented extract from the Journal of the House of Representatives, which was twice read as follows, considered and agreed to:

In the House of Representatives, December 5, 1955.

Resolved (if the Senate concur), That House Bill No. 342, Printer's No. 637, entitled:

An Act amending the act of May 1, 1929 (P. L. 905), entitled "Vehicle Code," exempting motor vehicles of war amputees from the payment of title or registration fees.

be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk inform the House of Representatives accordingly.

#### RESOLUTION RECALLING FROM THE GOVERNOR HOUSE BILL NO. 737

He also presented extract from the Journal of the House of Representatives, which was twice read as follows, considered and agreed to:

In the House of Representatives, December 5, 1955.

Resolved (if the Senate concur), That House Bill No. 737, Printer's No. 705, entitled:

An Act amending the act of May 2, 1929 (P. L. 1278), entitled "General County Law" providing rooms for use of the American Gold Star Mothers, Inc.

be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk inform the House of Representatives accordingly.

#### RESOLUTION RECALLING FROM THE GOVERNOR HOUSE BILL NO. 738

He also presented extract from the Journal of the House of Representatives, which was twice read as follows, considered and agreed to:

In the House of Representatives, December 5, 1955.

Resolved (if the Senate concur), That House Bill No. 738, Printer's No. 706, entitled:

An Act amending the act of July 8, 1919 (P. L. 784, No. 321), entitled "An act authorizing counties, cities, and boroughs to furnish rooms in public buildings for meeting places for certain organizations, including the American Gold Star Mothers, Inc., within provisions of act.

be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk inform the House of Representatives accordingly.

#### BILLS SIGNED

The President (Lieutenant-Governor Roy E. Furman) announced that the Chief Clerk having reported that the following bills had passed both Houses of the General Assembly and the same being correct, the titles were publicly read as follows:

Senate Bill No. 53, entitled:

An Act providing for the revocation of commission of notary publics issuing checks without funds on deposit.

Senate Bill No. 121, entitled:

An Act requiring rents and royalties from oil and gas

leases of Commonwealth land to be placed in a special fund to be used for conservation, recreation, dams and flood control; authorizing the Secretary of Forests and Waters to determine the need for and location of such projects, and to acquire the necessary land.

Senate Bill No. 156, entitled:

An Act amending the act of June 1, 1945 (P. L. 1242), entitled "An act relating to roads, streets, highways and bridges; amending, revising, consolidating and changing the laws administered by the Secretary of Highways and by the Department of Highways relating thereto," providing for the payment of the cost of removal or change of public utility facilities of political subdivisions or municipality authorities in State highways.

Senate Bill No. 165, entitled:

An Act amending the act of June 30, 1947 (P. L. 1183), entitled "An act relating to strikes by public employes; prohibiting such strikes; providing that such employes by striking terminate their employment; providing for reinstatement under certain conditions; providing for a grievance procedure; and providing for hearings before civil service and tenure authorities, and in certain cases before the Pennsylvania Labor Relations Board," changing the method of selecting panels for the adjustment of grievances of certain school district employes and imposing additional duties on such panels.

Senate Bill No. 325, entitled:

An Act amending the act of May 4, 1927 (P. L. 519), entitled "An act concerning boroughs, and revising, amending and consolidating the law relating to boroughs," further regulating the incorporation of boroughs; changing certain penalties and making such changes retroactive; fixing the expense allowance for delegates to the meetings of the State Association of Boroughs; providing for the creation of capital reserve funds for capital expenditures, and the advertising of notices relative to land subdivision ordinances.

Senate Bill No. 366, entitled:

An Act amending the act of July 11, 1917 (P. L. 758), entitled "An act for the protection of the public health by regulating the possession, control, dealing in, giving away, delivery, dispensing, administering, prescribing, and use of certain drugs, and keeping records thereof; by regulating the use of drugs in the treatment of the drug habit; by providing for the revocation and suspension of licenses of physicians, dentists, veterinarians, pharmacists, druggists, and registered nurses for certain causes, and by providing for the enforcement of this act, and penalties," correcting the spelling of the word "cocoa" to "coca" and providing for oral prescriptions in certain cases and regulating their use.

Senate Bill No. 400, entitled:

An Act amending the act of May 23, 1907 (P. L. 227), entitled "An act relating to husband and wife, and to enlarge the rights and remedies of married women in case of desertion or non-support by husbands," including desertion of children; and extending the right of action.

Senate Bill No. 457, entitled:

An Act amending the act of June 23, 1931 (P. L. 932), entitled "An act relating to cities of the third class; and amending, revising and consolidating the law relating thereto," further providing for appropriations by such cities to official police pension funds.

Senate Bill No. 475, entitled:

An Act amending the act of August 22, 1953 (P. L. 1344), entitled "An act relating to marriage and amending revising consolidating and changing the law relating thereto," further regulating the issuance of marriage licenses when applicants are infected with syphilis.



## Senate Bill No. 528, entitled:

An Act authorizing and empowering the Delaware River Port Authority to finance, construct, operate, maintain and own a new toll bridge for vehicular traffic across the Delaware River between Philadelphia County Pennsylvania, and Burlington County or Camden County, New Jersey, at a location to be selected by the said Delaware River Port Authority between a point or points within a three mile radius of the intersection of State Road and Levick Street in the City of Philadelphia, Pennsylvania, and a point or points within a three mile radius of the intersection of New Jersey State Route No. 73, Market Street and Temple Boulevard in Palmyra, County of Burlington, New Jersey, together with such approaches thereto and such highway connections as may be necessary or desirable, and granting and defining certain powers of eminent domain and other functions, powers duties and privileges; all of said actions to be taken pursuant to and in accordance with this act and the Compact or Agreement and amendments or supplements thereto between New Jersey and Pennsylvania, dated July 1, 1931, August 23, 1951, and August 30, 1951, and the consent by the Congress of the United States thereto.

## Senate Bill No. 722, entitled:

An Act amending the act of May 1, 1929 (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," regulating issuance of registration plates to newspaper, newsreel or television photographers

## Senate Bill No. 723, entitled:

An Act amending the act of March 10, 1949 (P. L. 30) entitled "An act relating to the public school system, including certain provisions applicable as well to private and parochial schools; amending, revising, consolidating and changing the laws relating thereto," authorizing joint school committees to manage certain joint schools or departments.

Whereupon,

The President (Lieutenant-Governor Roy E. Furman) in the presence of the Senate signed the same.

## STUDENTS FROM EASTERN LEBANON COUNTY SCHOOL DISTRICT PRESENTED TO SENATE

Mr. DIEHM. Mr. President, there is assembled in the balcony of the Senate, from the Eastern Lebanon County School District, the Newmanstown Senior Problems of Democracy Class, numbering twenty-three students. They are here today under the supervision of Miss Elsie Goldman. Kindly give them a reception.

The PRESIDENT. The Chair, on behalf of the Members of the Senate, welcome this group to the Senate. We hope you enjoy your visit with us today.

## BIRTHDAY FELICITATIONS EXTENDED TO SENATOR BERNARD B. MCGINNIS

Mr. BARR. Mr. President, I promise that I am not going to make a speech.

Last Thursday, Mr. President, there was a birthday of one of our Members and we were not here to celebrate it. He is the youngest member of his family. On the same day, his sister had a birthday and she was ninety years of age.

Mr. President, I refer to the seventy-seventh birthday of my good friend, my County Chairman, a great man for everyone to know, Senator Bernie McGinnis.

The PRESIDENT. The Chair says "Happy Birthday" to the distinguished Senator from Allegheny and decognizes the Senator.

## REMARKS BY SENATOR BERNARD B. MCGINNIS

Mr. MCGINNIS. When in our lives, like Senator Taylor and myself, the frost of winter comes, of course, it may make us sad. Like yesterday and the other day, the frosts of winter came to two men on this floor.

I am reminded here now of an address, or a lecture that William Jennings Bryan gave around the world. I heard him deliver it when I was a young man. At one point, he said something like this:

"If the father deigns to touch matter mute and inanimate, like the rosebud, and to make it blossom forth in another springtime, will he deny to me the sweet assurance of another springtime when in my life the frosts of winter come?"

Ah, I am as sure there is another life as I stand on this floor today. Therefore, I am sure it is the wish of every Senator on this floor that in the lives of these two Senators, when the frosts of winter came to them in their lives, their souls will burst forth in another springtime.

## REMARKS BY SENATOR ISRAEL STIEFEL

Mr. STIEFEL. Mr. President, it is indeed a privilege and an honor to call to the attention of the Senate the fact that Senator McGinnis appointed me as his amanuensis to prepare a book. The title of the book will be as follows: "I Saw Them Come and Go, McGinnis' Cavalcade of America."

## SENATE BILL No. 837 TAKEN FROM TABLE

Mr. MAHANY. Mr. President, at this time I call from the table Senate Bill No. 837, Printer's No. 392, which was returned from the House of Representatives with the information that the House has passed the same with amendments, in which concurrence of the Senate is requested.

## MOTION TO SUSPEND RULE 21, AND THAT THE SENATE CONCUR IN AMENDMENTS MADE BY THE HOUSE TO SENATE BILL No. 837

Mr. MAHANY. Mr. President, I move that Rule 21, which requires amended bills to be noted on the Calendar, be in this case dispensed with, and that the Senate concur in the amendments placed by the House to Senate Bill No. 837.

Mr. STEVENSON. Mr. President, I second the motion. On the question, Will the Senate agree to the motion?



## POINT OF ORDER

Mr. HALUSKA. Mr. President, I rise to a point of order.

The PRESIDENT. The gentleman from Cambria, Mr. Haluska, will state his point of order.

Mr. HALUSKA. Mr. President, I still insist that you cannot make two motions at one time. The last time I rose on the floor of the Senate, the motion was carried. You cannot make a motion to suspend the rules and in the same motion move to concur. I object to the motion and ask that we take one at a time.

The PRESIDENT. The point of order raised by the Senator from Cambria is well taken. The Chair feels it would be proper to divide the motion.

**MOTION WITHDRAWN TO SUSPEND RULE 21, AND THAT THE SENATE CONCUR IN AMENDMENTS MADE BY THE HOUSE TO SENATE BILL No. 837**

Mr. MAHANY. Mr. President, I wish to withdraw my former motion.

Mr. STEVENSON. Mr. President, I withdraw my second to the motion.

## RULE 21 SUSPENDED

Mr. MAHANY. Mr. President, I move that Rule 21, which requires amended bills to be noted on the Calendar, be in this case dispensed with, and that the Senate proceed to the consideration of the amendments made by the House of Representatives to Senate Bill No. 837, Printer's No. 392.

Mr. STEVENSON. Mr. President, I second the motion. The motion was agreed to.

## BILL ON CONCURRENCE IN HOUSE AMENDMENTS

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 837, as follows:

An Act to further amend the act approved the eighteenth day of July one thousand nine hundred seventeen (P. L. 1043) entitled "An act establishing a public school employees' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing employees defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon boards having the employment of public school employees exempting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" increasing the amount of retirement or compensation payments to persons now retired receiving survivor annuities or State compensation under the public school employees' retirement system in conformity with provisions of amendment of section 11 of article 3 of the Constitution and harmonizing the provisions of past amendments

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section fourteen of the act approved the eighteenth day of July one thousand nine hundred seventeen (P. L. 1043) entitled "An act establishing a public school employees' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing employees defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon boards

having the employment of public school employees exempting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" as last amended by the acts approved the twenty-fifth day of April one thousand nine hundred forty-nine (P. L. 752) the twenty-third day of May one thousand nine hundred forty-nine (P. L. 1804) the twenty-sixth day of May one thousand nine hundred forty-nine (P. L. 1818) and the twentysixth day of September one thousand nine hundred fifty-one (P. L. 1450) is hereby further amended to read as follows

## Superannuation Retirement

Section 14 Retirement for superannuation shall be as follows

1 Any contributor who is an employee sixty-two years of age or older or who is a member of the one one-hundredth-fortieth (1/140) class and has completed thirty-five years of credited service of the Commonwealth may retire for superannuation by filing with the retirement board a written statement duly attesting setting forth at what time subsequent to the execution of said application he or she desires to be retired Said application shall retire said contributor at the time so specified or in the discretion of the retirement board at the end of the school term in which the time so specified occurs

2 Every contributor who has attained or shall attain the age of seventy years shall be retired by the retirement board for superannuation forthwith or at the end of the school term in which said age of seventy years is attained

## Allowance on Superannuation Retirement

3 On retirement for superannuation a contributor who is an employee shall receive a retirement allowance which shall consist of

I An employee's annuity which shall be the actuarial equivalent of his or her accumulated deductions and

II A State annuity the amount of which shall be determined as follows

(a) If the contributor is a member of the one one-hundredth-sixtieth (1/160) class

(a) A State annuity of one one-hundredth-sixtieth (1/160) of his or her final salary for each year of service and

(b) In addition thereto if a present employee a further State annuity of one one-hundredth-sixtieth (1/160) of his or her final salary for each year of prior service as certified to said present employee in the certificate issued to him or her by the retirement board under the provisions of section eleven of this act

(b) If the contributor is a member of the one one-hundredth-fortieth (1/140) class

(a) A State annuity of one one-hundredth-fortieth (1/140) of his or her final salary for each year of service and

(b) In addition thereto if a present employee a further state annuity of one one-hundredth-fortieth (1/140) of his or her final salary for each year of prior service as certified to said present employee in the certificate issued to him or her by the retirement board under the provisions of section eleven of this act and

(c) In addition thereto an additional State annuity which shall be equivalent to the amount if any by which the employee's annuity is less than the State annuity for service rendered after the thirtieth day of June one thousand nine hundred nineteen

[(d)] (c) In addition [thereto] to the provisions of clauses II (a) and (b) above in the event of the retirement of a contributor prior to September first one thousand nine hundred fifty if a member of the one one-hundredth-sixtieth (1/160) class or in the event of such retirement on and after July first one thousand nine hundred fifty If a member of the one one-hundredth-fortieth (1/140) class A further State annuity which shall be equivalent to the amount if any by which the superannuation retirement allowance otherwise payable is less than one thousand two hundred dollars (\$1200) where the contributor has forty years or more of credited service in this Commonwealth or if less than forty years of such service then such proportional amount of such one thou-



sand two hundred dollars (\$1200) as the years of such credited service bear to forty years

4 Any person sixty-two years of age or older who was a classroom teacher principal supervising principal or superintendent in the public schools of Pennsylvania for at least twenty years and who separated from school service for any reason prior to the first day of July one thousand nine hundred and nineteen and who was not thereafter engaged in school service except temporarily for not more than two whole school years or any person who was a class-room teacher Principal supervising principal or superintendent in the public schools of Pennsylvania for at least fourteen years and who separated from school service because of physical or mental disability prior to the first day of July one thousand nine hundred and nineteen and who still is unable to teach because of such disability shall receive a State compensation equal to one-eighth of his or her final salary for each year of school service but not less than fifty dollars (\$50) per month if such former teacher shall agree in writing and hold himself or herself ready under the direction of the board of school directors to advise and counsel with school officials to visit and counsel with new teachers to act as substitute teacher when able to examine and report on public school work to visit pupils' homes in the interest of child welfare to attend educational conference and addresses and to be concerned with other educational work as may be deemed necessary and helpful to community-school interest In the case of a present employe or a new entrant who on [the first day of September one thousand nine hundred forty-nine] November 8, 1955 or any time thereafter until and including the effective date of this act was in receipt of a disability retirement allowance provided in section 13 or a superannuation retirement allowance as provided in this section in addition to the benefits provided in such sections there shall be provided a further State annuity which shall be equivalent to the amount if any by which such disability retirement allowance or superannuation retirement allowance otherwise payable is less than one thousand two hundred dollars (\$1200) where the contributor has forty years or more of credited service in this Commonwealth or if less than forty years of such service then such proportional amount of such one thousand two hundred dollars (\$1200) as the years of such credited service bear to forty years In the event that a member is receiving a reduced superannuation retirement allowance because of having elected an option such additional State annuity if any shall be related to the amount of the full retirement allowance he would have received if no option had been elected and in the event that a member when entering upon a superannuation retirement allowance has elected an option providing for a survivor annuity and the member has later died and the survivor beneficiary is in receipt of a survivor annuity then the additional State annuity if any payable to such survivor beneficiary shall be such reduced amount as under the rules is related to the additional State annuity if any which would have been payable to the retired member if such option had not been elected all increased payments provided for by this reenactment and amendment of subsection 4 of section 14 of this act shall commence as of November 8, 1955 or on the date of retirement if later than November 8, 1955 The General Assembly shall from time to time appropriate moneys sufficient to make payments under this subsection Provided That any teacher who is entitled to receive State compensation hereunder and who is receiving a retirement allowance under the provisions of a local teachers' retirement system shall receive from the Commonwealth only the difference between the compensation to which such teacher would otherwise be entitled under the provisions of this subsection and the annual amount received by such teacher from such local teachers' retirement system

Any employe on retirement for superannuation who returns to active school service during the continuation of World War II shall not upon return to retirement for superannuation receive any smaller retirement allowance than that received prior to such return to active school service

Section 2 The provisions of this act shall become effective immediately upon final enactment

which was returned from the House of Representatives with amendments.

Said amendments having been twice read, and printed as required by the Constitution.

On the question,

Will the Senate concur in the same?

#### SENATE CONCURS IN AMENDMENTS MADE BY THE HOUSE TO SENATE BILL No. 837

Mr. MAHANY. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 837.

Mr. STEVENSON. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

#### YEAS—49

Bane,	Haluska,	McMenamin.	Stevenson,
Barr,	Harney,	McPherson, Jr.,	Stiefel.
Berger,	Hays,	Miller,	Taylor,
Blass,	Holland,	Mullin,	Van Sant,
Camel,	Kessler,	Pechan,	Wade,
Chapman,	Koprivier, Jr.,	Peelor,	Wagner,
Dent,	Lane,	Probert,	Watkins,
Derk,	Madigan,	Ruth,	Watson,
Diehm,	Mahany,	Schmidt,	Weiner,
DiSilvestro,	Mallery,	Scott,	Whalley,
Donolow,	McCreesh,	Seyler,	Wolfe,
Flack,	McGinnis,	Silvert,	Yosko,
Fleming,			

#### NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

#### SENATE BILL No. 838 TAKEN FROM TABLE

Mr. MAHANY. Mr. President, I call from the table Senate Bill No. 838, Printer's No. 393, which was returned from the House of Representatives with the information that the House has passed the same with amendments, in which concurrence of the Senate is requested.

#### RULE 21 SUSPENDED

Mr. MAHANY. Mr. President, I move that Rule 21, which requires amended bills to be noted on the Calendar, be in this case dispensed with, and that the Senate proceed to the consideration of the amendments made by the House of Representatives to Senate Bill No. 838.

Mr. STEVENSON. Mr. President, I second the motion. The motion was agreed to.

#### BILL ON CONCURRENCE IN HOUSE AMENDMENTS

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 838, as follows:

An Act to further amend the act approved the twenty-seventh day of June one thousand nine hundred twenty-three (P. L. 858) entitled "An act establishing a State employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and



contributing State employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon the heads of departments in which State employes serve excepting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" providing for minimum retirement allowances for present beneficiaries and appropriations for payment of the costs thereof in conformity with provisions of amendment of section 11 of article 3 of the constitution

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 13.1 of the act approved the twenty-seventh day of June one thousand nine hundred twenty-three (P. L. 858) entitled "An act establishing a State employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing State employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon the heads of departments in which State employes serve excepting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" added January 19 1952 (P. L. 2176) is re-enacted and amended to read

Minimum Allowances for Present Beneficiaries

Section 13.1 (a) Every beneficiary who [is] on November 8 1955 or at any time thereafter until and including the effective date of this act was receiving either a disability or superannuation retirement allowance under this act [as of ninety days after the effective date of this act] shall receive in addition to the benefits otherwise provided by this act a further State annuity which shall be equivalent to the amount if any by which such retirement allowance otherwise payable is less than one thousand two hundred dollars (\$1200) annually where the contributor has twenty-five years or more of credited service in this Commonwealth or if less than twenty-five years of such service then such proportional amount of such one thousand two hundred dollars (\$1200) as the years of such credited service bear to twenty-five years

If the whole or any portion of such superannuation retirement allowance is based upon membership in the one one hundred-sixtieth (1-160) class then in the calculations relating to the twelve hundred dollar (\$1200) annual minimum an adjustment shall be made as to such superannuation retirement allowances or any portion thereof in the ratio that one one-hundredth (1-100) bears to one one hundred-sixtieth (1-160)

In the event that a beneficiary is receiving a reduced superannuation retirement allowances because of having elected an option such additional State annuity if any shall be related to the amount of the full retirement allowance he would have received if no option had been elected and in the event that a beneficiary when entering upon a superannuation retirement allowance has elected an option providing for a survivor annuity and the beneficiary has later died and the survivor beneficiary is in receipt of a survivor annuity then the additional State annuity if any payable to such survivor beneficiary shall be such reduced amount as under the rules is related to the additional State annuity if any which would have been payable to the retired member if such option had not been elected

The further state annuity provided for hereby shall commence as of November 8, 1955 or on the date of retirement if later than November 8, 1955

(b) The General Assembly shall from time to time appropriate moneys sufficient to make payments under this section based on estimates submitted by the board

Section 2 The provisions of this act shall become effective immediately

which was returned from the House of Representatives with amendments.

Said amendments having been twice read, and printed as required by the Constitution,

On the question,  
Will the Senate concur in the same?

SENATE CONCURS IN AMENDMENTS MADE BY THE HOUSE TO SENATE BILL No. 838

Mr. MAHANY. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 838.

Mr. STEVENSON. Mr. President, I second the motion.  
On the question,

Will the Senate agree to the motion?  
The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Bane,	Haluska,	McMenamin,	Stevenson,
Barr,	Harney,	McPherson, Jr.,	Stiefel,
Berger,	Hays,	Miller,	Taylor,
Blass,	Holland,	Mullin,	Van Sant,
Camel,	Kessler,	Pechan,	Wade,
Chapman,	Koprivier, Jr.,	Peelor,	Wagner,
Dent,	Lane,	Propert,	Watkins,
Derk,	Madigan,	Ruth,	Watson,
Diehm,	Mahany,	Schmidt,	Weiner,
DiSilvestro,	Mallery,	Scott,	Whalley,
Donolow,	McCreesh,	Seyler,	Wolfe,
Flack,	McGinnis,	Silvert,	Yosko,
Fleming,			

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

RECESS

Mr. MAHANY. Mr. President, I move that the Senate do now take a recess for ten minutes, for the purpose of holding a meeting of the Committee on Appropriations.

Mr. CHAPMAN. Mr. President, I second the motion.  
The motion was agreed to.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

RECESS

Mr. MAHANY. Mr. President, I move that the Senate do now take a recess for ten minutes, for the purpose of holding a meeting of the Committee on Finance.

Mr. KESSLER. Mr. President, I second the motion.  
The motion was agreed to.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

REPORTS FROM COMMITTEES

Mr. SEYLER. Mr. President, I ask unanimous consent to make reports from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. SEYLER, from the Committee on Finance, reported as committed, Senate Bill No. 820, entitled:



An Act amending the act of June 14, 1935 (P. L. 341), entitled, as amended, "Cigarette Tax Act," declaring the taxes to be a levy on the consumers, and imposing duties on dealers.

He also, from the Committee on Finance, reported as committed, Senate Bill No. 854, entitled:

An Act amending the act of June 20, 1947 (P. L. 733) entitled, as amended, "An act to provide revenue in school districts of the first class A by imposing a temporary tax upon certain classes of personal property; . . ." by changing the date for the filing of returns of taxable property; requiring the payment of the tax at the time of filing such returns; and providing penalties for failure to pay such tax when due.

He also, from the Committee on Finance, reported as committed, Senate Bill No. 855, entitled:

An Act amending the act of June 17, 1913 (P. L. 507) entitled "An act to provide revenue for State and county purposes, and, in cities coextensive with counties, for city and county purposes; . . ." by changing the date for filing of returns of taxable property, requiring the payment of the tax at the time of filing such returns and providing penalties for failure to pay such tax when due.

He also, from the Committee on Finance, reported as committed, Senate Bill No. 856, entitled:

An Act amending the act of May 23, 1949 (P. L. 1676) entitled, as amended, "An act to provide revenue in school districts of the first class by imposing a tax upon certain classes of personal property; . . ." by changing the date for the filing of returns of taxable property; requiring payment of the tax at the time of filing such returns; and providing penalties for failure to pay such tax when due.

Mr. CHAPMAN. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. CHAPMAN, from the Committee on Appropriations reported as committed, Senate Bill No. 899, entitled:

An Act making an appropriation to the Department of Public Instruction for the payment of certain overdue reimbursements to school districts; and authorizing temporary loans for the immediate payment thereof.

### BILLS SIGNED

The PRESIDENT (Lieutenant-Governor Roy E. Furman) announced that the Chief Clerk having reported that the following bills had passed both houses of the General Assembly and the same being correct, the titles were publicly read as follows:

Senate Bill No. 837, entitled:

An Act to further amend section fourteen of the act, approved the eighteenth day of July, one thousand nine hundred seventeen (P. L. 1043), entitled "An act establishing a public school employees' retirement system, and creating a retirement board for the administration thereof; . . ." by increasing the minimum amount to be paid to certain members on retirement and by increasing the amount of retirement or compensation payments to persons now retired receiving survivor annuities or State compensation under the public school employees' retirement system.

Senate Bill No. 838, entitled:

An Act to further amend the act, approved the twenty-seventh day of June, one thousand nine hundred twenty-three (P. L. 858), entitled "An act establishing a State

employees' retirement system, and creating a retirement board for the administration thereof; . . ." by providing an additional State annuity on retirement for superannuation, and providing for minimum retirement allowances in certain cases and appropriations for payment of the costs thereof.

Whereupon,

The PRESIDENT (Lieutenant-Governor Roy E. Furman) in the presence of the Senate signed the same.

### PERMISSION TO ADDRESS SENATE

Mr. McMENAMIN asked and obtained unanimous consent to address the Senate.

Mr. McMENAMIN. Mr. President, the bill which I am about to introduce, on behalf of Senator Silvert, Senator Blass, Senator Mallery and myself, is addressed to a situation which came to my attention a few months ago and arose out of an incident in the Federal Court in the western part of the United States where some sociologists, with apparently the consent of the court, put a microphone in a jury room, or several jury rooms, and made tape recordings of the jury's deliberation in some litigation which was pending out there.

I think, to myself and the co-sponsors with whom I have talked about this problem, this is a rather shocking situation. I think all of us in America, and particularly lawyers, are proud of our jurisprudence and we know, I think, that one of the strongest basis upon which western civilization is founded is the system of jurisprudence which we have here in America and in sister countries, such as England. It seems to me that the very keystone of this judicial system is the jury system. The jury system cannot function unless its deliberations are inviolate and absolutely secret. It seems contrary to the entire tradition of our legal history to allow, for any reason, any outsider to listen in to or have knowledge of the discussions of a jury in arriving at a verdict on a case. This is particularly reprehensible, it seems to me, when the eavesdropping is done with the jury's knowledge that it was done.

Therefore, Mr. President, we find there is no statute immediately addressed to this situation in Pennsylvania, and we offer this bill, as an amendment to the Penal Code, to prohibit any such practices or tampering in any way with jury deliberations in the future in Pennsylvania.

### BILLS INTRODUCED AND REFERRED

Mr. McMENAMIN. Mr. President, I ask unanimous consent to introduce bills at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Messrs. McMENAMIN, SILVERT, BLASS and MALLERY read in place and presented to the Chair Senate Bill No. 907, entitled:

An Act amending the act of June 24, 1939 (P. L. 872), entitled "The Penal Code," prohibiting the interception of jury deliberations and prescribing penalties.

Which was committed to the Committee on Judiciary General.

He also read in his place and presented to the Chair Senate Bill No. 908, entitled:



An Act reenacting and amending the act of August 17, 1951 (P. L. 1254), entitled "An act fixing the minimum pensions of policemen and fire men in certain cities," taking advantage of amendments to section 11 of article 3 of the Constitution.

Which was committed to the Committee on Local Government.

### CALENDAR

#### FINAL PASSAGE CALENDAR

##### BILLS ON FINAL PASSAGE OVER IN ORDER

Mr. MAHANY. Mr. President, I ask unanimous consent that the following bills, all of which are on final passage, go over in their order:

Senate Bill No. 38, Printer's No. 208;  
Senate Bill No. 572, Printer's No. 368;  
Senate Bill No. 657, Printer's No. 278; and  
Senate Bill No. 693, Printer's No. 357.

The PRESIDENT. Is there objection? The Chair hears none.

#### THIRD READING CALENDAR

##### BILL ON THIRD READING AND FINAL PASSAGE, RECALLED FROM THE GOVERNOR

Agreeably to order,

The Senate resumed the third reading and consideration of Senate Bill No. 593, as follows:

An Act amending the act of May 28, 1915 (P. L. 596) entitled "An act requiring cities of the second class to establish a pension fund for employes of said cities and regulating the administration and the payment of such pensions" extending the benefits to employes of certain authorities created jointly with other political subdivisions or joined in by the cities and authorizing credit for past service on making back payments

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 10 act of May 28, 1915 (P. L. 596) entitled "An act requiring cities of the second class to establish a pension fund for employes of said cities and regulating the administration and the payment of such pensions" amended July 13, 1953 (P. L. 445) is amended to read

Section 10 The benefits conferred by this act shall apply to all persons employed in any capacity by or holding positions in the cities included in its provisions which shall include all persons employed in any capacity by or holding position in an authority created by said cities or created by said cities jointly with another political subdivision or other political subdivisions or created by another political subdivision or other political subdivisions and joined by said cities except where such authority has in effect its own pension or retirement plan maintained without reference to the provisions of this act in which case such authority's pension or retirement plan shall be exclusive and such authority's employes shall not be entitled to any rights under this act and the words "city" or "cities" as used in sections three four five six seven eight ten eleven twelve and fourteen of this act shall be construed to mean "authority" or "authorities" so created where appropriate Provided That this act shall not apply to employes of such departments bureaus or offices as are now protected by pension authorized by the laws of this State and in force at the time of the passage of this act and shall not apply to employes of a joint authority who are members of a pension fund established for the benefit of the employes of a political subdivision other than the city which is a member of the joint authority

For the purposes of this act the solicitor and all employes of the office of the solicitor for delinquent real

estate tax and water rate liens provided for by the act approved the twenty-sixth day of May one thousand nine hundred forty-three (P. L. 629) shall be regarded as persons employed by or holding positions in the cities included in the provisions of this act to the extent that they may if they so desire avail themselves of the benefits of the act to which this is an amendment by paying to the board of pensions monthly the amount provided for by said act

Section 2 Section 15 of the act added July 13, 1953 (P. L. 445) is amended to read

Section 15 Every authority the employes of which are members of the pension fund as hereinabove provided for shall pay [annually] to the board of pensions an amount sufficient to reimburse the board of pensions for the amount of benefits paid employes of such authority as provided for by the act of which this amendment is a part after receiving credit for all contributions made to the pension fund by employes of such authority [during such annual period] Provided however That where an employe of any authority formerly worked for the city creating the authority or for the city joining in the creation of the authority or for the city joining an authority already created the annual pension requirement or other benefits shall be prorated on the basis that the number of years such employe worked for the authority bears to total years of service in city and authority employment and the authority shall reimburse the board of pensions for that proportionate part of the pension or other benefits paid which the authority service bears to the total and the balance of annual pension requirements or other benefits shall be paid by such cities

Every authority employe shall have the option of joining or refusing to join the pension fund within twelve months of the effective date of this act or within twelve months of the date when the privilege of joining occurs whichever is later Any authority employe shall receive full credit toward his pension under the act for each year of service as the employe of the authority upon his producing proof satisfactory to the pension board of the number of years of his service as an employe of the authority and upon his making back payments at the same rate as if he had been a city employe in a lump sum or by installments as may be determined by the board If the employe is retired under this act before the back payments have been completed the annuity shall be reduced by an amount equivalent to the unpaid back payments or deduction increases not anticipated

Section 3 This act shall take effect immediately

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

#### YEAS—49

Bane,	Haluska,	McMenamin,	Stevensou,
Barr,	Harney,	McPherson, Jr.,	Stiefel,
Berger,	Hays,	Miller,	Taylor,
Blass,	Holland,	Mullin,	Van Sant,
Camel,	Kessler,	Pechan,	Wade,
Chapman,	Koprivier, Jr.,	Peelor,	Wagner,
Dent,	Lane,	Propert,	Watkins,
Derk,	Madigan,	Ruth,	Watson,
Diehm,	Mahany,	Schmidt,	Weiner,
DiSilvestro,	Mallery,	Scott,	Whalley,
Donolow,	McCreesh,	Seyler,	Wolfe,
Flack,	McGinnis,	Silvert,	Yosko,
Fleming,			

#### NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.



Ordered, That the Clerk present the said bill to the House of Representatives for concurrence.

### BILL OVER IN ORDER

Mr. MAHANY. Mr. President, I ask unanimous consent that House Bill No. 8, Printer's No. 1164, on third reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

### BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 10, as follows:

An Act amending the act of May 1 1929 (P. L. 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" authorizing incorporated towns to remove and impound vehicles

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Subsection (b) of section 1103 act of May 1 1929 (P. L. 905) known as "The Vehicle Code" amended June 28 1951 (P. L. 929) is amended to read

Section 1103 Powers of Local Authorities

(b) Local authorities in cities of the first class second class second class A and third class townships of the first class incorporated towns and boroughs in their respective jurisdictions shall have the authority to provide by ordinance for the removal and impounding of any vehicle parked on the streets highways or public property of such city township incorporated town or borough in violation of any local ordinance adopted pursuant to the authority of this act or of any of the provisions of this act

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

### YEAS—49

Bane,	Haluska,	McMenamin,	Stevenson,
Barr,	Harney,	McPherson, Jr.,	Stiefel,
Berger,	Hays,	Miller,	Taylor,
Blass,	Holland,	Mullin,	Van Sant,
Camel,	Kessler,	Pechan,	Wade,
Chapman,	Koprivier, Jr.,	Peelor,	Wagner,
Dent,	Lane,	Propert,	Watkins,
Derk,	Madigan,	Ruth,	Watson,

Diehm,  
DiSilvestro,  
Donolow,  
Flack,  
Fleming,

Mahany,  
Mallery,  
McCreesh,  
McGinnis,

Schmidt,  
Scott,  
Seyler,  
Silvert,

Weiner,  
Whalley,  
Wolfe,  
Yosko,

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

### BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 215, entitled:

An Act amending the act of March 10 1949 (P. L. 30) entitled "An act relating to the public school system including certain provisions applicable as well to private and parochial schools amending revising consolidating and changing the laws relating thereto" changing the basis for reimbursement on account of rentals payable to the State Public School Building Authority municipality authorities and non-profit corporations and the conditions therefor and limitations on approval of projects for reimbursement purposes.

And said bill having been read at length the third time, On the question,

Will the Senate agree to the bill on third reading?

Mr. RUTH. Mr. President, I call the attention of the Senate to some grievous Printer's errors on page 6, lines 17, 18 and 19. I do not know whether they should be corrected here or not. It just does not make sense.

Mr. MAHANY. Mr. President, I am sorry, I was engaged in conversation and did not have the opportunity of hearing Doctor Ruth's statement.

The PRESIDENT. The Senator from Berks, Doctor Ruth, called attention to some printing errors in the bill on several pages.

Mr. MAHANY. I did not understand that there were any printing errors. However, due to that fact I would like to give an opportunity to the Senator to call those to my attention.

And the question recurring,

Will the Senate agree to the bill on third reading?

### BILL OVER IN ORDER

Mr. MAHANY. Mr. President, I ask unanimous consent that Senate Bill No. 215, Printer's No. 387, on third reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

The PRESIDENT. The Chair invites the President pro tempore to the rostrum to preside.

The PRESIDENT pro tempore (M. Harvey Taylor) in the Chair.

The PRESIDENT pro tempore. Since the Lieutenant-Governor has a bad throat and I have a bad throat, the Chair requests the gentleman from Cumberland, Mr. Wade, to come to the rostrum to preside. I hope his throat is all right.

The PRESIDING OFFICER (George M. Wade) in the Chair.



BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 600, entitled:

An Act amending the act of April 12 1951 (P. L. 90) entitled "Liquor Code" permitting sales on credit of liquor malt or brewed beverages by railroad or pullman companies in dining club or buffet cars to passengers for consumption while enroute holding authorized credit cards issued by railroad or railroad credit bureaus.

And said bill having been read at length the third time and agreed to,

Shall the bill pass finally?

(During the calling of the roll, the following occurred:)

Mr. SNYLER. Mr. President, I desire to be recorded as voting "no."

BILL OVER IN ORDER

Mr. MAHANY. Mr. President, I ask unanimous consent that Senate Bill No. 600, Printer's No. 330, on final passage, go over in its order.

The PRESIDING OFFICER. Is there objection?

Mr. HALUSKA. Mr. President, I do not object to this bill going over in order. However, I want to be recorder as voting "no" and I want to make certain that it is not brought up in my absence.

The PRESIDING OFFICER. Does the Senator object to the bill going over in order?

Mr. HALUSKA. Yes, I object. Let us get it over with right now.

Mr. MALLERY. Mr. President, I had requested the Majority Floor Leader to have the bill go over in its order prior to the convening of the Session or shortly thereafter.

The PRESIDING OFFICER. The Senate will be at ease.

(The Senate was at ease.)

Mr. HALUSKA. Mr. President, I understand that this bill is going over in order until Monday and, therefore, I withdraw my objection.

The PRESIDING OFFICER. Objection being withdrawn, Senate Bill No. 600, on final passage, will go over in its order.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 689, as follows:

An Act amending the act of April 24, 1947 (P. L. 89) entitled "An act relating to the form execution revocation operation and interpretation of wills to nuncupative wills to the appointment of testamentary guardians to elections to take under or against wills and the procedure in reference thereto" revising and changing provisions relating to foreign wills divorce testamentary conveyances affecting right of spouse taking against a will rights of adopted persons and illegitimates is lapsed and void devices and legacies and appointment of guardian of property passing to a minor upon testator's death whether or not passing under the will

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 4 clause (2) of section 7 subsection (A) of section 8 subsection (a) of section 12 and clauses (6) and (7) of section 14 act of April 24, 1947 (P. L. 89) known as the "Wills Act of 1947" are amended to read  
Section 4 Witnesses

(a) General Rule Except as provided in subsection (b) hereof no will shall be valid unless proved by the oaths or affirmations of two competent witnesses

(b) Foreign Execution A written will of a testator domiciled outside of Pennsylvania but within the United States executed and proved in accordance with the law of his domicile shall be effective as to property within Pennsylvania

Section 7 Modification of Circumstances Wills shall be modified upon the occurrence of any of the following circumstances among others

(2) Divorce If the testator is divorced from the bonds of matrimony after making a will all provisions in the will in favor of or relating to his spouse so divorced shall [be thereby revoked] thereby become ineffective for all purposes

Section 8 Change by Election of Surviving Spouse

(a) Right of election when a married person dies testate as to any part of his estate the surviving spouse while living shall have a right of election under the limitations and conditions hereinafter stated provided that the spouse so electing also must elect to take against all conveyances within the scope of subsection (a) of Section 11 of the Estates Act of 1947 as amended of which he is a beneficiary

(b) Share of Estate The surviving spouse upon an election to take against the will shall be entitled to one-third of the real and personal estate of the testator if the testator is survived by more than one child or by one or more children and the issue of a deceased child or children or by the issue of more than one deceased child and in all other circumstances the surviving spouse shall be entitled to one-half of the real and personal estate of the testator

Section 12 Failure to Make an Election

(a) Effect Except as provided in section 7 (3) hereof failure to make an election in the manner and within the time limits set forth in section 11 hereof shall be deemed an election to take under the will or an acquiescence in the provisions thereof No payment or distribution from the estate except the exemption allowed by law to the [widow] surviving spouse shall be required to be made to the surviving spouse within one year after the probate of the will unless his election to take under or acquiesce in the will shall have been made and filed as provided in section 10 hereof

Section 14 Rules of Interpretation In the absence of a contrary intent appearing therein wills shall be construed as to real and personal estate in accordance with the following rules

(6) Adopted Children In construing clauses (8) (9) and (10) of this section relating to lapsed and void devises and legacies and in construing a will making a devise or bequest to a person or persons described by relationship to the testator or to another any person adopted before the death of the testator shall be considered the child of his adopting parent or parents and not the child of his natural parents Provided That if a natural parent shall have married the adoptaing parent before the testator's death the adopted person shall also be considered the child of such natural parent

(7) Illegitimates In construing clauses (8) (9) and (10) of this section relating to lapsed and void devises and legacies and in construing a will making a devise or bequest to a person or persons described by relationship to the testator or to another an illegitimate person shall be considered the child of his mother and not of his father Provided That when the parents of a person born illegitimate shall have married each other he shall thereafter be considered legitimate

Section 2 Clause (11) of section 14 of the act is repealed  
Section 3 Subsection (b) of section 18 of the act is amended to read

Section 18 Testamentary Guardian



(b) Guardian of the Estate Any person may by will appoint a [testamentary] guardian of [the] real or personal [estate which he shall devise bequeath or appoint to a minor] property passing to a minor upon his death when such property

(1) Is devised bequeathed or appointed to the minor in that person's will

(2) Is the proceeds of an insurance or annuity contract on the testator's life unless the owner of the contract has made an inter vivos designation of a guardian therefor

(3) Arises from an inter vivos transfer the major portion of which constituted a gift from the testator unless the testator has made an inter vivos designation of a guardian therefor

(4) Is a cause of action arising by reason of the testator's death

(5) Is a pension or death benefit from an employer of the testator or a society or organization of which the testator was a member

(6) Is a tentative trust of which the testator was the settler

Section 4 This act shall take effect on January 1 1956 and shall apply only to the wills of all persons dying on or after that day As to the wills of persons dying before that day the existing law shall remain in full force and effect

And said bill having been read at length the third time and agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

#### YEAS—47

Bane,	Haluska,	McPherson, Jr.,	Stiefel,
Barr,	Harnev.	Miller,	Taylor,
Berger,	Hays,	Mullin,	Van Sant,
Blass,	Holland,	Pechan,	Wagner,
Camiel,	Kessler,	Peelor,	Watkins,
Chapman,	Koprivier, Jr.,	Propert,	Watson,
Dent,	Lane,	Ruth,	Weiner,
Derk,	Madigan,	Schmidt,	Whalley,
Diehm,	Mallery,	Scott,	Wolfe,
DiSilvestro,	McCreesh,	Seyler,	Yosko,
Donolow,	McGinnis,	Silvert,	Wade,
Flack,	McMenamin,	Stevenson,	Presiding Officer

#### NAYS—2

Fleming, Mahany,

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present the said bill to the House of Representatives for concurrence.

#### BILL OVER IN ORDER

Mr. LANE. Mr. President, I ask unanimous consent that Senate Bill No. 695, Printer's No. 348, on third reading, go over in its order.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

#### BILL RECOMMITTED

Mr. MAHANY. Mr. President, I move that House Bill No. 1350, on third reading, entitled:

An Act authorizing the Department of Property and Supplies with the approval of the Governor to convey to the Borough of Bristol certain real property located in the borough.

be recommitted to the Committee on State Government.

Mr. TAYLOR. Mr. President, I second the motion.

The motion was agreed to.

#### BILL ON THIRD READING AMENDED

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 1501, entitled:

An Act authorizing the Department of Property and Supplies with the approval of the Governor to sell and convey real property situate in the Borough of West Chester Chester County.

And said bill having been read at length the third time, On the question,

Will the Senate agree to the bill on third reading?

Mr. HARNEY. Mr. President, I ask unanimous consent to offer amendments at this time.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

The Clerk read the amendments as follows:

Amend the last line of the title by striking out "Borough of West Chester" and inserting in lieu thereof: "Township of West Goshen"; Amend Section 1, page 1, line 4 by striking out "Borough" and inserting in lieu thereof: "Township"; Amend Section 1, page 2, line 1 by striking out "of West Chester" and inserting in lieu thereof: "of West Goshen."

On the question,

Will the Senate agree to the amendments?

They were agreed to.

Will the Senate agree to the bill on third reading( as amended?

#### BILL OVER IN ORDER

Mr. HARNEY. Mr. President, I ask unanimous consent that House Bill No. 1501, Printer's No. 938, on third reading, go over in its order, as amended.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

#### BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 1707, as follows:

An Act amending the act of June 21 1939 (P. L. 626) entitled "An act providing for and regulating the assessment and valuation of all subjects of taxation in counties of the second class creating and prescribing the powers and duties of a Board of Property Assessment Appeals and Review imposing duties on certain county and city officers abolishing the board for the assessment and revision of taxes in such counties and prescribing penalties" changing the time for valuation or assessment of new buildings

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Sections 8.1 and 13 act of June 21 1939 (P. L. 626) entitled "An act providing for and regulating the assessment and valuation of all subjects of taxation in counties of the second class creating and prescribing the powers and duties of a Board of Property Assessment Appeals and Review imposing duties on certain county and city officers abolishing the board for the assessment and revision of taxes in such counties and prescribing penalties" amended June 25 1947 (P. L. 954) are amended to read

Section 8.1 No [new building in the process of construction shall be valued or assessed for any purpose until the expiration of one year from the date the construction of the new building was begun or the date of issuance of the building permit covering such building



where such permit is required and no land assessed as acreage or unimproved property which is subsequently laid out in lots and the plan of such lots is recorded shall be assessed in excess of the total assessment of the land as acreage or unimproved property for a period of three years after the recording of such plan or until such time as the lots are actually sold or improved with permanent construction whichever period is the shorter. Each such lot as sold shall be subject to reassessment beginning with the date of such sale and new construction begun thereon shall be subject to reassessment as provided above.

Section 13 The proper assessors shall between the triennial assessments revise any assessment or valuation according to right and equity by correcting errors and by adding thereto any property or subjects of taxation which may have been omitted or any new property or subjects of taxation which may have come into being since the last triennial assessment.

They shall also add thereto the names of any persons who may have moved into such district and strike therefrom the names of any persons who have removed from such districts since the last triennial assessment.

The proper assessors shall also revise assessments and valuations between the triennial assessments by increasing or decreasing the same where the value of the property or subjects of taxation assessed or valued has changed by reasons of any change of conditions thereon or adjacent thereto or in the vicinity thereof or for the reason that the property assessed or valued has been subdivided or laid out into a plan of lots or other subdivisions or for the reason that improvements have been placed thereon or added thereto or for the reason that any public or other improvement has been made adjacent thereto or in the vicinity thereof or for the reason that the assessor and the majority of the board decides that the assessor erred in the value which he placed on the property or subjects of taxation when making the triennial assessment or where for any other reason whatsoever the value of the property has changed and it seems to the board necessary and equitable to make a change in the valuation thereof. The assessors shall also between the triennial assessments in all cases where it is apparent that any assessment is not in accord with the generality or uniform standard of assessments revise and correct the same by increasing or decreasing the same where the value of the property or subjects of taxation assessed do not conform to the generality or uniform standard of assessments.

No [new building in the process of construction shall be valued or assessed for any purpose until the expiration of six months from the date the construction of the new building was begun or the date of issuance of the building permit covering such building where such permit is required and no land assessed as acreage or unimproved property which is subsequently laid out in lots and the plan of such lots is recorded shall be assessed in excess of the total assessment of the land as acreage or unimproved property for a period of three years after the recording of such plan or until such time as the lots are actually sold or improved with permanent construction which ever period is the shorter. Each such lot as sold shall be subject to reassessment beginning with the date of such sale and new construction begun thereon shall be subject to reassessment as provided above.

All assessments required to be made by the proper assessors in the year between the triennial assessment shall be returned to the board not later than the first Monday of September of the year preceding the one for which it is made.

And said bill having been read at length the third time, and agreed to,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Bane,  
Barr,  
Berger,  
Blass,  
Camiel,  
Chapman,  
Dent,  
Derk,  
Diehm,  
DiSilvestro,  
Donolow,  
Flack,  
Fleming,

Haluska,  
Harney,  
Hays,  
Holland,  
Kessler,  
Koprivier, Jr.,  
Lane,  
Madigan,  
Mahany,  
Mallery,  
McCreesh,  
McGinnis,

McMenamin,  
McPherson, Jr.,  
Miller,  
Mullin,  
Pechan,  
Peelor,  
Propert,  
Ruth,  
Schmidt,  
Scott,  
Seyler,  
Silvert,

Stevenson,  
Stiefel,  
Taylor,  
Van Sant,  
Wagner,  
Watkins,  
Watson,  
Weiner,  
Whalley,  
Wolfe,  
Yosko,  
Wade,  
Presiding Officer

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 1726, as follows:

An Act amending the act of May 5, 1933 (P. L. 457) entitled "An act relating to the business of building and loan associations providing for the organization and voluntary dissolution of such associations defining the rights powers duties liabilities and immunities of such associations and of their officers directors shareholders solicitors and other employees prohibiting the transaction of business in this Commonwealth by foreign building and loan associations conferring powers and imposing duties upon the courts recorders of deeds and certain State departments commissions and officers establishing limitations of actions imposing penalties and repealing certain acts and parts of acts" further regulating regular meetings of boards of directors.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Clause (4) of section 401 act of May 5, 1933 (P. L. 457) known as the "Building and Loan Code" is amended to read

Section 401 Number and Election of Directors Executive Committee Subject to the provisions of this act the number qualifications terms of office manner of election time and place of meeting compensation and powers and duties of the directors of an association may be prescribed from time to time by the by-laws Except as otherwise provided in the by-laws

\* \* \*

(4) The regular meetings of the board of directors shall be held at the principal place of business of the association but special meetings may be held at such place within this Commonwealth as a majority of the directors may from time to time designate

\* \* \*

And said bill having been read at length the third time, and agreed to,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Bane,  
Barr,  
Berger,  
Blass,  
Camiel,  
Chapman,  
Dent,  
Derk,  
Diehm,  
DiSilvestro,  
Donolow,  
Flack,  
Fleming,

Haluska,  
Harney,  
Hays,  
Holland,  
Kessler,  
Koprivier, Jr.,  
Lane,  
Madigan,  
Mahany,  
Mallery,  
McCreesh,  
McGinnis,

McMenamin,  
McPherson, Jr.,  
Miller,  
Mullin,  
Pechan,  
Peelor,  
Propert,  
Ruth,  
Schmidt,  
Scott,  
Seyler,  
Silvert,

Stevenson,  
Stiefel,  
Taylor,  
Van Sant,  
Wagner,  
Watkins,  
Watson,  
Weiner,  
Whalley,  
Wolfe,  
Yosko,  
Wade,  
Presiding Officer

NAYS—0



A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 1751, as follows:

An Act amending the act of July 28, 1953 (P. L. 723) entitled "An act relating to counties of the second class amending revising consolidating and changing the laws relating thereto" conferring additional powers and duties on the county planning commission

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Subsection (f) of section 2201 act of July 28, 1953 (P. L. 723) known as the "Second Class County Code" is amended to read

Section 2201 Creation and Powers of County Planning Commissions \* \* \*

(f) The county planning commission may be given the additional [power and duty] powers and duties of serving as the county zoning commission and county transit and traffic commission with all the powers and duties that have been or may be conferred upon such county [zoning commission] commissions by other acts of Assembly

Section 2 Section 2251 of the act is amended by adding thereto a new subsection to read

Section 2251 Duties of the County Transit and Traffic Commission \* \* \*

(d) In lieu of the creation of a county transit and traffic commission in the county where a county planning commission has been established the county commissioners may by resolution confer and impose on such planning commission the additional powers and duties of serving as the county transit and traffic commission with all the powers and duties conferred by this sub-section upon the county transit and traffic commission Upon the passage of such resolution by the county commissioners the terms of office of the existing county transit and traffic commissioners shall terminate and they shall deliver all books papers records furnishings and supplies pertaining to their office to the county planning commission

The passage of such resolution by the county commissioners shall not impair or affect any act done or right accruing accrued or acquired or liability duty or obligation incurred prior to the time such resolution takes effect but the same may be enjoyed asserted or enforced as fully and to the same extent as if such resolution had not been passed

Section 3 This act shall take effect immediately

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

#### YEAS—49

Bane,	Haluska,	McMenamin,	Stevenson,
Barr,	Harney,	McPherson, Jr.,	Stiefel,
Berger,	Hays,	Miller,	Taylor,
Blass,	Holland,	Mullin,	Van Sant,
Camiel,	Kessler,	Pechan,	Wagner,
Chapman,	Koprivier, Jr.,	Peelor,	Watkins,
Dent,	Lane,	Propert,	Watson,
Derk,	Madigan,	Ruth,	Weiner,
Diehm,	Mahany,	Schmidt,	Whalley,
DiSilvestro,	Mallery,	Scott,	Wolfe,
Donolow,	McCreesh,	Seyler,	Yosko,
Flack,	McGinnis,	Silvert,	Wade,
Fleming,			Presiding Officer

#### NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 1763, as follows:

An Act amending the act of May 4 1927 (P. L. 519) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" extending the time for payment on purchases of borough property

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 1201 act of May 4 1927 (P. L. 519) known as "The Borough Code" reenacted revised amended and consolidated July 10 1947 (P. L. 1621) and amended September 26 1951 (P. L. 1513) is amended to read

Section 1201 General Powers A borough may  
I Have succession perpetually by its corporate name  
II Sue and be sued and complain and defend in the courts of the Commonwealth

III Make and use a common seal and alter the same at pleasure

IV Purchase acquire by gift or otherwise hold lease let and convey by sale or lease such real and personal property as shall be deemed to be to the best interest of the borough Provided That no real estate owned by the borough shall be sold for a consideration in excess of five hundred dollars except to the highest bidder after due notice by advertisement for bids in one newspaper of the county Such advertisement shall be published not less than ten days prior to the date fixed for the opening of bids and such date for opening bids shall be announced in such advertisement The acceptance of bids shall be made only by public announcement at the meeting at which bids are received All bids shall be accepted on the condition that payment of the purchase price in full shall be made within [ten] thirty days of the acceptance of bids

No borough personal property shall be disposed of by sale or otherwise except upon approval of council by ordinance or resolution In cases where council shall approve a sale of such property it shall estimate the sale value of the entire lot to be disposed of If council shall estimate the sale value to be two hundred dollars or more the entire lot shall be advertised for sale once in at least one newspaper of the county not less than ten days prior to the date fixed for the opening of bids and such date for opening bids shall be announced in such advertisement and sale of the property so advertised shall be made to the best responsible bidder

The provisions of this clause shall not be mandatory where borough property is to be traded in or exchanged for new borough property

The provisions of this clause requiring advertising for bids and sale to the highest bidder shall not apply where borough real or personal property is to be sold to a municipal authority pursuant to the Municipality Authorities Act of 1945

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

#### YEAS—49

Bane,	Haluska,	McMenamin,	Stevenson,
Barr,	Harney,	McPherson, Jr.,	Stiefel,
Berger,	Hays,	Miller,	Taylor,
Blass,	Holland,	Mullin,	Van Sant,
Camiel,	Kessler,	Pechan,	Wagner,
Chapman,	Koprivier, Jr.,	Peelor,	Watkins,
Dent,	Lane,	Propert,	Watson,



Derk,  
Diehm,  
DiSilvestro,  
Donolow,  
Flack,  
Fleming,

Madigan,  
Mahany,  
Mallery,  
McCreesh,  
McGinnis,

Ruth,  
Schmidt,  
Scott,  
Seyler,  
Silvert,

Weiner,  
Whalley,  
Wolfe,  
Yosko,  
Wade,  
Presiding Officer

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

### REPORTS FROM COMMITTEES

Mr. BLASS. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

Mr. BLASS, from the Committee on Judiciary General, reported as committed, House Bill No. 1002, entitled:

An Act relating to conditional sales made prior to July 1, 1954.

Mr. MAHANY. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

Mr. MAHANY, from the Committee on Rules, re-reported as amended, House Bill No. 794, entitled:

An Act amending the act of January 21, 1947 (P. L. 3) entitled "An act relating to officers and employes of the General Assembly; . . ." changing the title of and compensation of certain Senate and House employes providing for the appointment of additional employes therein and making appropriations.

### SECOND READING CALENDAR

#### BILL ON SECOND READING AMENDED

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 114, entitled:

An Act to repeal Section 518 of and to add a new section 518.1 to the act approved the twenty-second day of May one thousand nine hundred thirty-three (P. L. 853) entitled "The General County Assessment Law," by eliminating all the provisions of the act which regulate the payment of the taxes pending appeals from assessments

The first section was read and agreed to.

The second section was read.

On the question,

Will the Senate agree to the section?

Messrs. SCHMIDT and STEVENSON offered the following amendments:

Amend Sec. 2, (Sec. 518.1), page 4, line 17, by inserting after "refund"; "may at the election of the taxing district be set off or credited against any future taxes assessed against appellant in the same taxing district: Provided, That where such taxing district is unable to thus credit all of such refund or any balance thereof in any one year the court may upon application of either party ascertain and determine how much of said refund shall be credited in that year. The aforesaid proviso shall

be construed to apply to all refunds that are now due or may hereafter become due as the result of appeals from assessments that have not been finally determined or adjusted at the time this act takes effect"; Amend Sec. 2, (Sec. 518.1), page 5, lines 6 and 7, by striking out "shall be paid forthwith by the taxing" in line 6 and all of line 7.

They were agreed to.

The section was agreed to as amended.

The third section was read and agreed to.

The title was read.

On the question,

Will the Senate agree to the title?

Messrs. SCHMIDT and STEVENSON offered the following amendment:

Amend Title, page 2, lines 4, 5 and 6 by striking out "and" in line 4, all of lines 5 and 6.

It was agreed to.

The title was agreed to as amended.

And said bill having been read at length the second time, and agreed to as amended.

Ordered, To be transcribed for a third reading.

### BILLS OVER IN ORDER

Mr. LANE. Mr. President, I ask unanimous consent that Senate Bill No. 188, Printer's No. 370, on second reading, go over in its order.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

Mr. MAHANY. Mr. President, I ask unanimous consent that the following bills, on second reading, go over in their order:

Senate Bill No. 242, Printer's No. 371;

Senate Bill No. 316, Printer's No. 372;

Senate Bill No. 318, Printer's No. 388, and

Senate Bill No. 335, Printer's No. 373.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

### BILL RECOMMITTED

Mr. MAHANY. Mr. President, I move that Senate Bill No. 381, on second reading, entitled:

An Act amending the act of August 21, 1953 (P. L. 1273) entitled "The Private Detective Act of 1953" further regulating licensing of detectives and the fees and bonds required for such licensing granting power to serve warrants to certain persons

be recommitted to the Committee on Judiciary General.

Mr. BERGER. Mr. President, I second the motion.

The motion was agreed to.

### BILL ON SECOND READING

Agreeably to order,

The Rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 383, entitled:

An Act amending the act of May 20 1949 (P. L. 1594), entitled "An act for the protection of the public health and to prevent fraud and deception in the manufacture, sale, offering for sale, exposing for sale, and possessing with intent to sell, of adulterated or deleterious ice cream, french ice cream, french custard, frozen custard, frozen ice confections, frozen sherbet confections, sherbet,



ice and fruit ice, including coated ice cream and the coating thereof," authorizing and regulating the manufacture and sale of artificially sweetened ice cream for diabetics.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

### BILL OVER IN ORDER

Mr. MAHANY. Mr. President, I ask unanimous consent that Senate Bill No. 446, Printer's No. 376, on second reading, go over in its order.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

### BILL RECOMMITTED

Mr. MAHANY. Mr. President, I move that Senate Bill No. 681, on second reading, entitled:

An Act relating to and regulating the practice of the profession of landscape architecture providing for the licensing and registration of persons practicing said profession and the suspension and revocation of said licenses and registrations for violation of this act prescribing the powers and duties of the State Board of Examiners of Architects the Department of Public Instruction and the courts and prescribing penalties

be recommitted to the Committee on State Government.

Mr. DIEHM. Mr. President, I second the motion.

The motion was agreed to.

### BILL ON SECOND READING AMENDED

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 756, entitled:

An Act amending the act of May 1, 1929 (P. L. 905) entitled "The Vehicle Code" changing the requirements regarding use of different types of danger and caution signals.

The first section was read.

On the question,

Will the Senate agree to the section?

Mr. BERGER, on behalf of Mr. WADE, offered the following amendment:

Amend Sec. 1, (Sec. 824), page 4, line 12, by inserting after "district": "and the equipment specified by this subsection shall not be made a requirement for the official inspection provided for in section 823 of this act."

It was agreed to.

The section was agreed to as amended.

The second section and title were read and agreed to.

And said bill having been read at length the second time, as amended.

On the question

Will the Senate agree to the bill on second reading, as amended?

### BILLS OVER IN ORDER

Mr. BERGER. Mr. President, I ask unanimous consent that House Bill No. 756, Printer's No. 1133, on second reading, go over in its order, as amended.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

Mr. LANE. Mr. President, I ask unanimous consent that Senate Bill No. 819, Printer's No. 378, on second reading, go over in its order.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

Mr. MAHANY. Mr. President, I ask unanimous consent that the following bills, on second reading, go over in their order:

Senate Bill No. 828, Printer's No. 389;

Senate Bill No. 830, Printer's No. 324;

Senate Bill No. 831, Printer's No. 325; and

Senate Bill No. 832, Printer's No. 326.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

### BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 834, entitled:

An Act validating and confirming certain contracts heretofore entered into by municipality authorities for the construction of a school building project or projects and for relevant service contracts as a part of the construction when there is no evidence of fraud or conspiracy and authorizing or ratifying payments on such contracts or parts of contracts by the municipality authority upon approval thereof by the Department of Public Instruction and the Department of Justice

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

### BILLS OVER IN ORDER

Mr. LANE. Mr. President, I ask unanimous consent that the following bills, on second reading, go over in their order:

Senate Bill No. 836, Printer's No. 351; and

Senate Bill No. 841, Printer's No. 380.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

### BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 842, entitled:

An Act amending the act of May 15, 1939 (P. L. 134) entitled as amended "An act relating to fireworks . . ." authorizing the use of fireworks in connection with raising crops.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 844, entitled:



An Act amending the act of May 1, 1929 (P. L. 905) entitled "The Vehicle Code" authorizing the use of warning figures commonly known as "silent policeman" to be erected within school zones on highways and State highways by certain political subdivisions.

And said bill having been read at length the second time and agreed to,  
Ordered, To be transcribed for a third reading.

Agreeably to order,  
The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,  
The Senate proceeded to the second reading and consideration of Senate Bill No. 853, entitled:

An Act amending the act of May 23, 1949 (P. L. 1669) entitled, as amended, "An act to provide revenue for school districts of the first class by imposing a tax on persons engaging in certain business professions occupations trades vocations and commercial activities therein . . ." excluding certain costs from the term "receipts"

And said bill having been read at length the second time and agreed to,  
Ordered, To be transcribed for a third reading.

BILLS OVER IN ORDER

Mr. MAHANY. Mr. President, I ask unanimous consent that the following bills, on second reading, go over in their order:

House Bill No. 856, Printer's No. 248; and  
Senate Bill No. 857, Printer's No. 383.

The PRESIDING OFFICER. Is there objection? The hears none.

BILL ON SECOND READING

Agreeably to order,  
The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,  
The Senate proceeded to the second reading and consideration of Senate Bill No. 862, entitled:

An Act amending the act of June 16, 1836 (P. L. 715) entitled "An act relating to Reference and Arbitration" providing by rule of the County Court of Allegheny County for the arbitration of certain suits at issue.

And said bill having been read at length the second time and agreed to,  
Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

Mr. LANE. Mr. President, I ask unanimous consent that Senate Bill No. 867, Printer's No. 391, on second reading, go over in its order.

The PRESIDING OFFICER. Is there objection? The hears none.

BILL ON SECOND READING

Agreeably to order,  
The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,  
The Senate proceeded to the second reading and consideration of Senate Bill No. 877, entitled:

An Act amending the act of May 21, 1943 (P. L. 571) entitled as amended "The Fourth to Eighth Class County Assessment Law" imposing certain temporary restric-

tions on the taxing authorities of political subdivisions affected by the provisions of said act.

And said bill having been read at length the second time and agreed to,  
Ordered, To be transcribed for a third reading.

BILL ON SECOND READING AMENDED

Agreeably to order,  
The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,  
The Senate proceeded to the second reading and consideration of House Bill No. 986, entitled:

An Act relating to chattel mortgages executed and filed prior to July 1, 1954 regulating the assignment release satisfaction and extension of the lien of mortgages and the filing indexing and docketing thereof in prothonotaries' offices prescribing methods of foreclosure defining defaults and violations prescribing prothonotaries' fees and fixing penalties.

The first, second, third, fourth, fifth and sixth sections were read and agreed to.

The seventh section was read.

On the question,  
Will the Senate agree to the section?

Mr. LANE offered the following amendments:

Amend Section 7, page 6, line 1, by striking out at the end of the line after the word "extension" the following: "in the "; Amend Section 7, page 6, by striking out lines 2 and 3 and inserting in lieu thereof the following: "in the index of financing statements maintained by him pursuant to the Uniform Commercial Code of April 6 1953 (P. L. 3) showing the mortgagor as the debtor and the mortgagee or his assignee as the secured party and noting in the index in place of the file number and addresses of such parties the book and page number of the book where the chattel mortgage is docketed."

They were agreed to.

The section was agreed to as amended.

The eighth, ninth and tenth sections were read and agreed to.

The eleventh section was read.

On the question,  
Will the Senate agree to the section?

Mr. LANE offered the following amendments:

Amend Section 11, page 9, line 3, by inserting after the word "assignment" and before the word "of" the following: "or extension"; Amend Section 11, page 9, line 4, by striking out at the end of the line after the word "mortgage" the following: "one dollar and fifty cents (\$1.50)" and inserting in lieu thereof the following: "two dollars (\$2.00)"; Amend Section 11, page 9, line 5, by striking out at the end of the line after the word "satisfaction" the following: "exten-"; Amend Section 11, page 9, line 6, by striking out at the beginning of the line before the word "or" the following: "tion."

They were agreed to.

The section was agreed to as amended.

The twelfth, thirteenth and fourteenth sections and title were read and agreed to.

And said bill having been read at length the second time, as amended,

On the question,  
Will the Senate agree to the bill on second reading, as amended



## BILLS OVER IN ORDER

Mr. LANE. Mr. President, I ask unanimous consent that House Bill No. 986, Printer's No. 1022, on second reading, go over in its order, as amended.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

Mr. MAHANY. Mr. President, I ask unanimous consent that the following bills, on second reading, go over in their order:

House Bill No. 1160, Printer's No. 1162; and

House Bill No. 1174, Printer's No. 1160.

The PRESIDING OFFICER, is there objection? The Chair hears none.

Mr. LANE. Mr. President, we have information that this bill should be amended by the Administration.

Therefore, Mr. President, I ask unanimous consent that House Bill No. 1188, Printer's No. 797, on second reading, go over in its order.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

Mr. MAHANY. Mr. President, I ask unanimous consent that the following bills, on second reading, go over in their order:

House Bill No. 1222, Printer's No. 1161; and

House Bill No. 1223, Printer's No. 1163.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

BILL ON SECOND READING  
AMENDED

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 1294, entitled:

An Act amending the act of June 24 1939 (P. L. 872) entitled "The Penal Code" regulating the advertising and offering for sale of merchandise commodities and services.

The first section was read.

On the question,

Will the Senate agree to the section?

Mr. HALUSKA offered the following amendments:

Amend Section 1 (Section 857), page 3, line 3, by striking out after the word "misleading" and before the word "and" the following: "[ "; Amend Section 1 (Section 857), page 3, line 4, by striking out after the word "misleading" and before the word "is" the following: " ] "; Amend Section 1 (Section 857.1), page 5, line 14, by striking out at the end of the line after the word "fine" the following: "of not less than five hundred dollars"; Amend Section 1 (Section 857.1), page 5, line 15, by striking out at the beginning of the line before the word "one" the following: "(\$500) nor more than" an inserting in lieu thereof the following: "not exceeding"; Amend Section 1 (Section 857.1), page 5, line 15, by inserting after the word "or" and before the word "undergo" the following: "to"; Amend Section 1 (Section 857.1), page 5, line 16, by striking out at the end of the line after the syllable "prisonment" the following: "for not less than six months nor more than one year or both" and inserting in lieu thereof the following: "not exceeding one (1) year or both".

They were agreed to.

The section was agreed to as amended.

The title was read and agreed to.

And said bill having been read at length the second time, as amended.

On the question,

Will the Senate agree to the bill on second reading, as amended?

## BILL OVER IN ORDER

Mr. HALUSKA. Mr. President, I ask unanimous consent that House Bill No. 1294, Printer's No. 1134, on second reading, go over in its order, as amended.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

## BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 1319, entitled:

An Act amending the act of May 1, 1933 (P. L. 103) entitled "The Second Class Township Code" clarifying the effect of certain provisions of the act with respect to powers granted by other laws

And said bill having been read at length the second time, and agreed to.

Ordered, To be transcribed for a third reading.

## BILL OVER IN ORDER

Mr. MAHANY. Mr. President, I ask unanimous consent that House Bill No. 1330, Printer's No. 800, on second reading, go over in its order.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

## BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeding to the second reading and consideration of House Bill No. 1378, entitled:

An Act amending the act of May 20, 1915 (P. L. 566), entitled "An act requiring cities of the first class to establish a pension fund for employes of said cities, and all county or other public employes, if any, paid by appropriation of the city councils thereof, and out of the treasury of said cities; and regulating the administration and the payment of such pensions," increasing period of school service for which credit may be given.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeding to the second reading and consideration of House Bill No. 1392, entitled:

An Act amending the act of May 10, 1939 (P. L. 111) entitled "Commerce Law" granting to and imposing certain powers and duties on the Department of Commerce



relating to planning programs assistance and other work heretofore administered by the State Planning Board and transferring records and equipment relative thereto

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

### BILLS OVER IN ORDER

Mr. LANE. Mr. President, I ask unanimous consent that the following bills, on second reading, go over in their order:

House Bill No. 1722, Printer's No. 1029;

House Bill No. 1736, Printer's No. 956; and

House Bill No. 1737, Printer's No. 993.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

### BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 1790, entitled:

An Act giving the consent of the Commonwealth of Pennsylvania to the acquisition by the United States of America of approximately one thousand two hundred sixty-six acres of land in the Township of Coolbaugh County of Monroe Pennsylvania known as Tobyhanna Signal Depot and ceding jurisdiction to the United States

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

### BILL ON SECOND READING AMENDED

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 1879, entitled:

An Act to provide revenue for Commonwealth purposes by imposing a tax on the manufacture use storage or purchase of certain manufactured tangible personal property providing for licenses reports payments of tax interest and penalties assessments collections liens reviews and appeals conferring powers and imposing duties upon the Department of Revenue public officers manufacturers wholesalers retailers corporations partnerships associations and individuals and making an appropriation

The first article was read.

On the question,

Will the Senate agree to the article?

Mr. DENT. Mr. President and Members of the Senate, I would like to offer at this time some amendments to the excise tax bill, which is House Bill No. 1879.

Mr. President, these amendments have been agreed to because they clear up a situation that none of us want to happen in Pennsylvania. These amendments take out of the excise tax bill those tangibles which today in Pennsylvania are carrying an excise tax of their own. One, particularly, is cigarettes. As you all know, this General Assembly this year added an additional cent which makes the excise tax on cigarettes today something over twenty-one per cent. We passed that additional cent for the emergency flood relief in the Com-

monwealth. We do not feel that it is proper to again tax cigarettes. In the interest of simple justice—as you have so often heard me say, there can be no equity in taxation but there might be some justice—I offer this group of amendments which will remove from the excise tax law of the Commonwealth all of those articles in this State that are now taxed by an excise tax.

We have to be a little disturbed, too, Mr. President, over the question of diminishing returns. I think it was Chief Justice Marshall who once said that the power to tax is the power to destroy. When you get a tax somewhere around twenty to twenty-one per cent of the retail sale price of any commodity, you are coming pretty close to that margin of destruction. I do not believe that this General Assembly wants to pass any legislation which will create further injustice, as it were, on certain articles that are used in this Commonwealth by the great masses of the peoples.

Another amendment which I will offer at the same time, too, clarifies the language which was contained in an amendment introduced yesterday, and accepted by this Senate, on the matter of confections. This amendment spells out the exemption for confections.

Mr. President, I was going to say that if we adopt the amendments, I would like to ask that the bill be held on second reading so that we may read it before we move it up. There may also be other amendments forthcoming.

And the question recurring,

Will the Senate agree to the article?

Mr. DENT offered the following amendment:

Amend House Bill No. 1879; Article I, Section 2, (c) following the word "drinks" by adding the following: "including but not limited to confections".

It was agreed to.

The article was agreed to as amended.

The second article was read.

On the question,

Will the Senate agree to the article?

Mr. DENT offered the following amendments:

Amend Article II, Section 201, page 11 by striking out on lines 10 and 11, beginning after the word "of," the following: "Spirituuous and Vinous Liquors and Alcohol sold to the Liquor Control Board and"; Amend Article II, Section 201, page 11 by striking out on line 13 the letter "S" at the end of the word "paragraphs". Also striking out on line 13 the word "and" and the numeral "(4)"; Amend Article II, Section 201, page 11 by striking out all of lines 18, 19 and 20; Amend Article II, Section 201, page 12 by striking out all of lines 1 and 2; Amend Article II, Section 201, page 12, line 3 by striking out the numeral "(4)" at the beginning of the line and by substituting in lieu thereof the numeral "(3)"; Amend Article II, Section 202, page 16 by inserting between the lines 16 and 17, the following: "F." The manufacture, sale, storage or use of manufactured tangible personal property upon which or as to which the Commonwealth has or currently does collect an excise or special tax."

They were agreed to.

The article was agreed to as amended.

The third, fourth and fifth articles and title were read and agreed to.

And said bill having been read at length the second time, as amended.



On the question,  
Will the Senate agree to the bill on second reading,  
as amended?

### BILL OVER IN ORDER

Mr. DENT. Mr. President, I ask unanimous consent that House Bill No. 1879, Printer's No. 1184, on second reading, go over in its order, as amended.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

### REPORTS FROM COMMITTEE

Mr. LANE. Mr. President, I ask unanimous consent to make reports from committee at this time.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

Mr. LANE from the Committee on Local Government, reported as committed, Senate Bill No. 882, entitled:

An Act amending the act of June 23, 1931 (P. L. 932) entitled "The Third Class City Code," permitting elected officers of a city to serve as members of the legislature.

He also, from the Committee on Local Government, reported as committed, Senate Bill No. 883, entitled:

An Act amending the act of May 15, 1874 (P. L. 186), entitled "An act declaring what offices are incompatible," permitting members of the legislature elected to the office of councilman in an incorporated city to serve out their terms.

### PERMISSION TO ADDRESS SENATE

Mr. MAHANY asked and obtained unanimous consent to address the Senate.

Mr. MAHANY. Mr. President, I especially want Senator Dent to hear this.

Mr. President, I would like to have Senator Dent, or someone speaking for the Administration, get us the following information. I want to have answers to those questions and I would like to have as exact estimates as it is possible to get:

1. What is your estimate of the total tax yield from the tax on manufacturers as contained in subsection (a) of Section 201 of this excise tax act?

2. What is your estimate of the amount of that tax money that will be absorbed by the manufacturers and not passed onto the wholesalers?

3. What is your estimate of the amount of that tax money which will be absorbed by the manufacturers and passed onto the wholesalers?

In other words, Mr. President, the second question should be, what is the amount of the tax which the manufacturers will pay? The third question is, what is the amount which they will not be able to absorb and will be passed onto the retailers?

4. What is your estimate of the amount of the tax money which will soon be absorbed—

Mr. DENT. Mr. President—

The PRESIDING OFFICER. The Chair recognizes the gentleman from Westmoreland, Mr. Dent.

Mr. DENT. Mr. President, I would suggest to the gentleman that if he will ask me the questions now, one at a time, I will give him the answers.

### INTERROGATION

Mr. MAHANY. Mr. President, I desire to interrogate the gentleman from Westmoreland, Senator Dent.

The PRESIDING OFFICER. Will the gentleman from Westmoreland, Mr. Dent, permit himself to be interrogated?

Mr. DENT. I will, Mr. President.

Mr. MAHANY. Are they going to be fairly accurate answers, Senator?

Mr. DENT. We will stand by them.

Mr. MAHANY. All right. What, Senator, is your estimate of the total tax yield from this tax on manufacturers?

Mr. DENT. The total tax yield, as it is now amended in a fifteen month collection period which is left to us, will amount to approximately \$320,000,000 in round figures.

Mr. MAHANY. Is that the amount that the manufacturers will pay, Senator, or is that the total amount which both the manufacturers will pay under that subsection (a) and the amount which the consumer will pay under subsection (b)?

Mr. DENT. There is no human being who can tell how much, to an exact point, will be absorbed by manufacturers, how much will be absorbed by the wholesale or commission agents, how much will be absorbed by the retail outlet at the mercantile level and how much will be passed onto the individual consumer or the corporate consumer. Therefore, I have to give you, in fairness to everybody, an estimate of the total yield of the tax.

I do not want you to think that I am trying to duck anything; I just do not think it is humanly possible for anybody to ascertain how much of it will be absorbed. If you wish, I can give you the history of the tax bill. The history of this tax bill, where it is now in existence in Canada, is that between forty and sixty-two per cent, depending upon the individual line of commodities and tangible goods that are dealt in, is absorbed somewhere along the line before it reaches the ultimate consumer.

Mr. MAHANY. Do you have any idea, Senator, as to how much it might cost by reason of certain pyramiding of costs to the consumer, by reason of the trade custom of making percentage markups?

Mr. DENT. I can answer that very clearly because amendments will be added to this bill when we reach some final decision between the two bodies here, the Democratic and Republican membership of this Senate, where we will prohibit the tax being pyramided in any manner whatsoever because no person who collects this tax at any level will be permitted to charge more of a tax to the next consumer or receiver of that goods than the amount that is returned to the Commonwealth of Pennsylvania, which is different from the sales tax because there was no such guarantee that the tax that was collected was ever returned to the Commonwealth of Pennsylvania.

Mr. MAHANY. Senator, do you feel that such amendments could be introduced, passed and made a part of this law and be enforceable?

Mr. DENT. I certainly do. I think that a lot of us have been chasing—Joe Barr says daffodils—but I would change it and say we are fighting windmills, because too



many of us have not taken time to really give this an honest study.

When you base a tax at a known price level, there is nothing anybody can do that can change that tax except cheat. No law that was ever passed can protect us against cheaters. We assume that the great majority of the people in this Commonwealth in the mercantile field, the distributor field, the agents and commission agents, and the manufacturers will do an honest job and will try to pass onto the people only that amount which is necessary to carry on the work of this government.

I think that the amendment is not only feasible, but I think that it is workable and absolutely necessary.

Incidentally, Senator, talking of the so-called pyramiding which appears to be one of the stumbling blocks that has been thrown in the path of the passage of this bill, I would say that there is a great deal of misapprehension about this pyramiding for this reason. In this bill, for instance, there are, of course, like in any legislation, some rough spots but we can hold pyramiding down to a very low minimum. However, in a direct sales tax, you not only do nothing to stop pyramiding but you demand that pyramiding be put onto the tax because you allow them to take the price that they pay at the manufacturers level, pay the handling and transportation charges to the next receiver of goods, pay his markup plus the handling and traveling or transportation charges to the next receiver of goods, then plus the handling and charges and markup of the next receiver of goods and we have, in many instances, four receivers before it comes to the ultimate consumer. That individual back at the end of the line, who is paying the retail tax, has to pay on all of the markups along the line, plus all the costs of transportation, handling and the incidentals. Very frankly, it does an injustice to a good manufacturer who is efficient. An efficient manufacturer tries to place his goods at the platform level at the lowest possible price which will give him a decent and respectable profit. Another manufacturer, who may have a load-up on his overhead with a couple of nephews and brothers-in-law and cousins-in-law on the payroll and other things, may put his particular product at the platform level at a slightly higher rate. However, under a sales tax when it gets down to the consumer level, because of a percentage tax being placed at that sale price at the consumer level, you tend to equalize the price back here at the platform. Therefore, the competent, efficient manufacturer finds himself at a disadvantage in a competitive, retail market because his goods bear the same type of a tax, or the same amount of tax, even though he starts out there at a percentage much lower than another individual who ships from another platform.

We have gone into this thing.

Mr. MAHANY. Mr. President, I did not want to engage in debate; I just wanted to have some answers to my questions.

The last question, Senator, is do you have any idea about how much it will cost the Commonwealth to enforce and collect this tax?

Mr. DENT. I can only say that it cost the Commonwealth \$7,000,000 to enforce and collect the sales tax. I can say that officials from the State of Ohio, which has the same kind of a tax that has been introduced in the House of Representatives Waterhouse, told me that it

cost them \$12,000,000 a year to collect their tax, which is about \$24,000,000 a biennium. I do not know how far we can get with this, but in our conferences with your representatives we hope that we can maybe pinpoint the collection point. There has been running through my mind an idea that instead of taking the tax right at the manufacturers level, we can make the next receiver of goods the collector of the tax for the Commonwealth which would give us the added advantage of having a direct check on imports.

It may interest the people of this Commonwealth, and the gentlemen of the General Assembly, to know that approximately seventy per cent of the commodities in our retail outlets come from outside of the State. We are trying to safeguard Pennsylvania industry as much as we can. If we can pinpoint the collection, we ought to be able to collect this tax in the next fifteen months for approximately \$5,000,000. We are hoping that it will be closer to \$4,000,000. This is not out of line and it is not near the eight per cent that it cost us to collect the State sales tax in Pennsylvania during its twenty months of operation, and I hope that we can get by it.

Mr. MAHANY. Thank you, Senator. Of course, it is not fair to draw percentage comparisons because the excise tax which you are figuring on putting on will, no doubt, collect a lot more money than the sales tax which we had heretofore and, therefore, the percentage it would cost to collect it might be a bit different. In other words, you have the same overhead and it might cost you almost as much to collect \$100,000,000 as it would to collect \$200,000,000 or \$300,000,000 because you have to have offices and staff, etc. For that reason, it would be a lot better to have a tax that you could collect more money on and it would cut down your percentage of cost of collection.

Mr. DENT. Mr. President, that is very fine. I think that you have given a better estimate of the cost than I have, Senator Mahany.

Mr. MAHANY. Mr. President, that is all I have to ask of Senator Dent.

#### PERMISSION TO ADDRESS SENATE

Mr. DENT asked and obtained unanimous consent to address the senate.

Mr. DENT. Mr. President, I just want to say this to all of you Members of the Senate. I think we have reached the stage here where, for the moment at least, we are going to have to reconsider our positions. We must of a necessity, for the good of the Commonwealth, set aside any personal opinions in the matter. Let us work towards a solution of the problem on a give and take basis.

I think that the institutions of this Commonwealth are entitled to the best that this Senate can give them. I suppose I have been as big a contributor as anybody in this Senate, and perhaps in the minds of a great many a bigger contributor than most of you in the ten or eleven months that we have spent here and the many hours of debate we have been engaged in. However, I am willing and have been willing for a long time—and I want it clearly understood that the Democratic Caucus has given me a great vote of confidence. They have told me to work with the Membership on the other side in any committee that they may name to try to work out a solution to this problem in order that we will not have to go out and borrow more money in order to keep from endangering the stability of Pennsylvania's financial government.



I want the Majority Leader and the other Members on the other side to know that I like a good fight and I can engage in one without getting bitter. I can engage in a good political fight and sometimes I even relish one. I feel kind of despondent when I have not had a few cracks made at me and I make a few in return. However, at this point, let us try to sweeten our dispositions toward the problem which is before us. It is not our fault! it is not your fault as such, as individuals. It is not particularly the fault of political parties that we find ourselves in the situation we are in. The fault lies mainly with people through many associations who devote a great deal of their time to harassing the Legislature for greater public services, for greater participation in the cost of public education. Even though today we are having a difficult time in meeting the mandated and necessary costs of government, my mail is about equal between those who write in against tax bills of any kind and those who write in asking me to see what I can do to get out of the House of Representatives two important school bills that would further increase the cost this biennium of something like \$42,000,000 more.

Mr. President, I am willing to vote for that legislation and I think most of the men in this room are. However, we want to say to industry and to business and to the welfare clubs and to all of the parent-teacher associations, to the chambers of commerce, to the boards of trade, to the labor unions and to all of these organized bodies, that from now on, think a little bit. When they write to us and ask us to add \$30,000,000 there and \$30,000,000 here and \$50,000,000 here to the cost of this State Government, they should add a postscript to the bottom of their manuscripts and say to us, "This will cost, I imagine, \$40.00 per person in the Commonwealth to do this or \$4.00 per person—whatever the figure is—and I am willing to subscribe now that when you pass this, you can directly bill me for my share of it."

Let us get down to where the Legislature, as such, is not the scapegoat everytime we turn around. This is not new. I have watched it come and go for twenty years. I have watched men in this General Assembly be badgered into voting for tremendous amounts of moneys for worthwhile causes, let us put it that way. None of us regret that we have contributed to our schools. There is not a man here who would not be happier if he could contribute a great deal more to them.

Mr. President, I want to again reflect upon this observation. Members of this General Assembly are taxpayers in their own rights. Some of us, and most of us, have interest in businesses or professions or banks, where we are stockholders, or we are landlords or we are common laborers, but all along the line we have activities in this Commonwealth. Everytime we pass a tax bill that covers this State, we cover ourselves with a certain amount of the necessity for paying these taxes.

I would like to be able to vote "no" on the excise tax bill. I do not want to hurt the men who have come into me, imploring me to vote no. I do not like to say to them, "I am sorry. I am not being stubborn; I am only trying to be factual." It would be very easy for this General Assembly to walk out of here tomorrow and say, "Well now, the problem is this. No one wants to pay taxes, so we will just let the schools close." That is the easy way, probably. The hard way is to stand up and take the necessary buffetting that goes with public life. There are not many of us

who will have inscriptions written on our graves that will leave for all posterity a very noble thought of the deeds that we performed as Members of this General Assembly. I can imagine what they will write on mine. The only nice thing about it is that I will not be around to read it and it will not hurt me as much.

Mr. President, I just want the Members on the other side to know that the time has come to sit down and if anybody has to take the blame for whatever tax bill comes out, if it will help you vote with us to give us the necessary votes, if it can all be piled on my shoulders, I am willing to go before the people of Pennsylvania and say, "I, alone, am to blame for the taxes that have been placed upon you."

#### PERMISSION TO ADDRESS SENATE

Mr. SEYLER asked and obtained unanimous consent to address the Senate.

Mr. SEYLER. Mr. President, I would like to instruct the Majority Leader. However, I see that he is leaving and I will not be able to do it unless he waits just a minute.

Mr. President, the Majority Leader asked one question which dealt with the problem of absorption.

The PRESIDING OFFICER. Does the gentleman from York, Senator Seyler, desire to interrogate the gentleman from Crawford?

Mr. SEYLER. Mr. President, I do not care to interrogate him. I do care to instruct him, however.

Senator Mahany asked a question of Senator Dent relating to absorption and Senator Dent quite properly, I believe, replied that it is humanly impossible to figure this out. Unless Senator Mahany thinks this is just a political answer, I would like to tell him that if he consults a good book on economics which deals with taxation, he will find that the economist will tell him that there are three factors which will enter into the amount of absorption by the manufacturer on an excise tax. One of them was the question of how much—what degree of monopoly exists in a given line. In other words, of the range from free competition, absolute free competition, to quasi-monopoly or monopoly. The second factor he will find is the elasticity of demand in that particular line. That is to say there are some products in which the demand will not decrease because of the raising of price. For instance, items which are necessities or almost necessities. Therefore, the degree of elasticity or any elasticity of demand will enter that. Thirdly, the decisions of the individual entrepreneur are involved because each businessman makes choices daily as to whether it would be an advantage to him in regard to a given contract to absorb to some degree or to pass on.

Therefore, unless the Senator is able to read the minds of every individual entrepreneur and is able to analyze the elasticity and degree of monopoly in every industry in Pennsylvania, he is quite right in saying to Senator Mahany that it is humanly impossible to answer this question.

#### PERMISSION TO ADDRESS SENATE

Mr. MILLER asked and obtained unanimous consent to address the Senate.

Mr. MILLER. Mr. President, tomorrow is December 7, which is known as Pearl Harbor Day. I think all of us will remember fourteen years ago when the people of this



Nation were informed of the attack on Pearl Harbor in the Pacific. That started four years of a long and bitter war, and caused a great amount of destruction and bloodshed for the people of this Country.

Along with three other Senators, I would like to present this resolution and let it be a reminder to the people of this Country that we should continue to follow the path of peace and at the same time keep this Nation strong.

Therefore, Mr. President, on behalf of Senator Wade, Senator Barr, Senator Koprivier and myself, I am offering this resolution.

### SENATE RESOLUTION

#### COMMEMORATING THE FOURTEENTH ANNIVERSARY OF PEARL HARBOR DAY

Mr. MILLER. Mr. President, I ask unanimous consent to offer a resolution at this time.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

Messrs. MILLER, WADE, BARR and KOPRIVER, JR. offered the following resolution which was twice read, considered and agreed to:

In the Senate, December 6, 1955.

December 7, is the fourteenth anniversary of Pearl Harbor Day, on which this Nation was plunged into World War II. It is a day which this Nation will always remember as a warning that it must remain strong in order to be prepared to repel unwarranted and vicious attacks by aggressor Nations.

The death and suffering endured by thousands of young men in the military service of this country were sacrifices which they willingly made and which their families endured because of their patriotic dedication to the justness of their cause and a true and sincere attachment to the principles of a democratic government in which the citizenry is the source of power of a government which governs without oppression, and which the citizenry trusts without any thought of fear.

By their long years of suffering, the Americans who patriotically served their country in the Second World War dedicated themselves to their Nation and its leadership in attempting to achieve international good will honesty and peace.

The present day threat of atomic warfare presents a new challenge to the ingenuity of the citizens of this country. Those who have in the past given of themselves in the wartime military service are ever mindful of the destruction which may be unleashed by the new weapons of war. Viewing these dangers with characters and mature minds which have been moulded by the fires and adversities of war, as well as the peacetime endeavors of the greatest Nation which the world has produced throughout the years of history, the veterans of the past wars in which this country has engaged now stand ready to lead this glorious Nation to new heights of achievement, and to the successful destruction of all obstacles to the achievement of its honorable and just objectives; therefore be it

Resolved, That this Senate of Pennsylvania hereby commemorates the fourteenth anniversary of Pearl Harbor Day with the hope that this Nation may ever pursue the path of peace, but that it remain strong so that it may, when necessary, lend its strong and effective voice to the side of justice and right; and be it further

Resolved, That copies of this resolution be sent to the State headquarters of the American Legion, the Veterans of Foreign Wars, AMVETS and Disabled American Veterans, and to the State headquarters of all other Nationally recognized veterans organizations.

### HOUSE MESSAGE

#### RESOLUTION RECALLING FROM THE GOVERNOR HOUSE BILL No. 662

The Clerk of the House of Representatives being introduced, presented extract from the Journal of the House of Representatives, which was twice read as follows, considered and agreed to:

In the House of Representatives, December 6, 1955.

Resolved (If the Senate concur), That House Bill No. 662, Printer's No. 929, entitled:

An Act amending the act of May 5, 1933 (P. L. 289), entitled "Nonprofit Corporation Law" empowering nonprofit corporations to transfer their property and assets in trust.

be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk inform the House of Representatives accordingly.

### BILLS ON FIRST READING

Mr. BERGER. Mr. President, I move that the Senate do now proceed to the first reading of all bills reported from committees for the first time at today's session.

Mr. WATKINS. Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 317, entitled:

An Act fixing the salaries and compensation of the Chief Justice and judges of the Supreme Court the President Judge and judges of the Superior Court the judges of the courts of common pleas the judges of the orphans' courts the judges of the Municipal Court of Philadelphia and the judges of the County Court and Juvenile Court of Allegheny County certain associate judges not learned in the law and repealing certain inconsistent acts.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 494, entitled:

An Act relating to the operation of vending stands and business enterprises by blind persons on property owned or leased by the Commonwealth or any of its agencies.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 512, entitled:

An Act amending the act of April 9, 1929 (P. L. 177), entitled "The Administrative Code of 1929" establishing the Department and office of the State Comptroller; and defining their powers and duties; changing certain powers and duties of the Governor and of the various departments, boards, commissions and officers, and providing for the transfer of certain employes from the Department of the Auditor General to the Department of the State Comptroller.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 513, entitled:



An Act amending the act of April 9, 1929 (P. L. 343) entitled "The Fiscal Code," defining the powers and duties of the Department of the State Comptroller and the State Comptroller; providing for the installation and maintenance of a uniform system of accounts of Commonwealth finances and of accounting reports based thereon; imposing duties on every Commonwealth agency receiving or disbursing moneys from or on behalf of the Commonwealth; and further regulating the disbursement of moneys from the State Treasury.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 565, entitled:

An Act providing for regulation by the Public Utility Commission of charges made by owners and operators of parking lots and similar facilities; imposing duties on the owners and operators; and prescribing penalties.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 598, entitled:

An Act amending the act of April 9, 1929 (P. L. 177), entitled "The Administrative Code of 1929," increasing amount of money available for aids and services to blind persons and persons of impaired vision.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 599, entitled:

An Act amending the act of April 9, 1929, (P. L. 177), entitled "The Administrative Code of 1929," authorizing the State Council for the Blind to accept certain payments and donations, and increasing the services which may be given by it to certain blind persons.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 772, entitled:

An Act to amend the act approved the third day of June, one thousand nine hundred forty-three (Pamphlet Laws 818) entitled "An act for the extension of Capitol Park in the City of Harrisburg and for the acquisition of real estate in connection therewith, and for the demolition of the buildings and structures thereon; . . ." by empowering and directing the Department of Property and Supplies to acquire by purchase or condemnation all lands, buildings and property which will permit the construction by said Department of an extension of East Street (Commonwealth Avenue) northwardly from Forster Street to connect with Sixth Street, and making an appropriation.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 820, entitled:

An Act amending the act of June 14, 1935 (P. L. 341), entitled, as amended, "Cigarette Tax Act," declaring the taxes to be a levy on the consumers, and imposing duties on dealers.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 854, entitled:

An Act amending the act of June 20, 1947 (P. L. 733) entitled, as amended, "An act to provide revenue in school districts of the first class A by imposing a temporary tax upon certain classes of personal property; . . ." by changing the date for the filing of returns of taxable property; requiring the payment of the tax at the time of filing such returns; and providing penalties for failure to pay such tax when due.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 855, entitled:

An Act amending the act of June 17, 1913 (P. L. 507) entitled "An act to provide revenue for State and county purposes, and, in cities coextensive with counties, for city and county purposes; . . ." by changing the date for filing of returns of taxable property, requiring the payment of the tax at the time of filing such returns and providing penalties for failure to pay such tax when due.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 856, entitled:

An Act amending the act of May 23, 1949 (P. L. 1676) entitled, as amended, "An act to provide revenue in school districts of the first class by imposing a tax upon certain classes of personal property; . . ." by changing the date for the filing of returns of taxable property; requiring payment of the tax at the time of filing such returns; and providing penalties for failure to pay such tax when due.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 868, entitled:

An Act authorizing the Department of Forests and Waters to exchange certain lands located in Union Township, Bedford County, Pennsylvania, necessary for improved administration of Blue Knob State Park.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 881, entitled:

An Act declaring the public interest in certain historic sites and buildings and providing for certificates and markers.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.



Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 882, entitled:

An Act amending the act of June 23, 1931 (P. L. 932), entitled "The Third Class City Code," permitting elected officers of a city to serve as members of the legislature.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 883, entitled:

An Act amending the act of May 15, 1874 (P. L. 186), entitled "An act declaring what offices are incompatible," permitting members of the legislature elected to the office of councilman in an incorporated city to serve out their terms.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 889, entitled:

An Act amending the act of August 5, 1941 (P. L. 803), entitled, as amended, "An act providing for the creation, maintenance and operation of a county employees' retirement system in counties of the fifth, sixth, seventh and eighth class; imposing certain charges on counties, and prescribing penalties," imposing duties on retirement boards when employees are placed under Federal Social Security, and changing and clarifying certain retirement allowances and benefits.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 890, entitled:

An Act amending the act of June 4, 1937 (P. L. 1625), entitled "An act providing for the creation, maintenance and operation of a county employees retirement system in counties of the third class; and imposing certain charges on counties," imposing duties on retirement boards when employees are placed under Federal Social Security and changing and clarifying certain allowances and benefits.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 891, entitled:

An Act amending the act of June 27, 1923 (P. L. 858), entitled "State Employees' Retirement Law," changing and clarifying contributions and credit provisions where employees are placed under Social Security.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 892, entitled:

An Act amending the act of June 23, 1931 (P. L. 932) entitled, "The Third Class City Code," imposing duties on pension boards; changing contributions; and changing and clarifying certain allowances and benefits when employees are placed under social security.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 893, entitled:

An Act amending the act of July 18, 1917 (P. L. 1043), entitled "Public School Employees Retirement Law," changing and clarifying benefit, contribution and credit provisions when employees are placed under Social Security; providing for payments by the Commonwealth and for reimbursements from appropriations.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 894, entitled:

An Act amending the act of July 8, 1941 (P. L. 298), entitled "Fourth Class County Retirement Law," imposing duties on retirement boards when employees are placed under Federal Social Security and changing and clarifying certain allowances and benefits.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 895, entitled:

An Act amending the act of May 23, 1945 (P. L. 903), entitled "An act authorizing cities of the third class to establish an optional retirement system for officers and employees independently of any pension system or systems existing in such cities," imposing duties on pension boards; changing contributions; and changing and clarifying benefits and allowances when employees are placed under Social Security.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 896, entitled:

An Act reenacting and amending the act of January 5, 1952 (P. L. 1833) entitled "An act to provide for the coverage of certain officers and employees of the Commonwealth and its political subdivisions under the old-age and survivor insurance provisions of Title II of the Federal Social Security Act, as amended; . . .," extending its provisions to include additional persons; increasing contribution rates and providing for referenda, and permitting modification of certain local retirement plans.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 899, entitled:

An Act making an appropriation to the Department of Public Instruction for the payment of certain overdue reimbursements to school district; and authorizing temporary loans for the immediate payment thereof.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,



The Senate proceeded to the first reading and consideration of House Bill No. 1002, entitled:

An Act relating to conditional sales made prior to July 1, 1954.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 1089, entitled:

An Act amending the act of May 17 1921 (P. L. 682) entitled "The Insurance Company Law of 1921," defining and providing for the establishment maintenance and the amount of and use of unearned premium reserves the release of unearned premiums reserves for unpaid losses and loss expense and the investment of reserve funds.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 1091, entitled:

An Act amending the act of May 17 1921 (P. L. 682) entitled "The Insurance Company Law of 1921," providing for and regulating the investments of title insurance companies.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 1552, entitled:

An Act authorizing and directing the Governor on behalf of the Commonwealth of Pennsylvania to execute an interstate compact concerning juveniles and for related purposes.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

### ADJOURNMENT

Mr. BERGER. Mr. President, I move that the Senate do now adjourn until Wednesday, December 7, 1955, at 10:00 o'clock, a. m., Eastern Standard Time.

Mr. MALLERY. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 6:10 o'clock, p. m., Eastern Standard Time, until Wednesday, December 7, 1955, at 10:00 o'clock, a. m., Eastern Standard Time.

## HOUSE OF REPRESENTATIVES

TUESDAY, December 6, 1955

The House met at 1:00 p. m.

The SPEAKER (Hiram G. Andrews) in the Chair.

### PRAYER

The Chaplain, Reverend Harold J. Crouse, Pastor of Trinity Lutheran Church, York, offered the following prayer:

Lord Jesus of Nazareth, as our heads are bowed in prayer may our whole being-body, mind and soul be

opened to Thy Spirit. Give us grace to wait upon Thee; for, they that wait upon the Lord shall renew their strength. Thou has invited us to seek, to knock assuring us that if we seek we shall find, if we knock it shall be opened to us.

Our Father in heaven, be gracious unto Thy servants, the Representatives of this Assembly. Give them strength for the tasks of this day. Bless the noble company of employees of this state government. We place every member of the families of these Representatives and employees in Thy Holy, gracious keeping.

Forgive us all, Lord, for the acid of bitterness; for despair in the midst of life's difficulties; for unlovely motives; for deep resentments that persist, for foolish pride and egotism; and, for vanity that is only a protective mask that keeps us from facing life's realities.

O Christ grant to all of us forgiveness, the warmth of Thy mercy and the brightness of Thy divine light for all our tasks in the name of the ever living, ever present God, in Christ our Redeemer, we pray it. Amen

### JOURNALS APPROVED

The SPEAKER. Are there any corrections to the Journals of Monday, November 21, Tuesday, November 22 and Wednesday, November 23, 1955? Are there any corrections.

### CORRECTION

The SPEAKER. The gentleman from Delaware, Mr. Isaacs, desires the Speaker to read into the record that with reference to House Bill 369 recorded on page 4577, of the Legislative Journal for November 22nd, he is listed as not voting. He was present and voted "aye" on the bill. That statement will be noted in the record.

Are there any other corrections? If not the Journal stands approved.

### JOURNAL APPROVAL POSTPONED

The SPEAKER. If there is no objection the approval of the Journal for Monday, December 5, 1955 will be postponed until printed. The Chair hears none.

### SIXTEENTH AND HAAK SCHOOL STUDENTS WELCOMED

The SPEAKER. The Chair welcomes to the Hall of the House a delegation of students from the Sixteenth and Haak School, 5th grade, Reading, Berks County, who are here under the supervision of their teacher Miss Baum and mothers of the Parent Teachers Association. They are the guests of the gentleman from Berks, Mr. Kubacki.

### NEWMANTOWN HIGH SCHOOL STUDENTS WELCOMED

The SPEAKER. The Chair welcomes to the Hall of the House a delegation of students from the Newmantown High School, the class of Problems of Democracy of Lebanon, who are here under the supervision of their teacher, Mrs. Goldman. They are the guests of the gentleman from Lebanon, Mr. Ehrgood.

### BILLS INTRODUCED AND REFERRED

By Mrs. KOOKER and Mr. A. PATRICK

BRENNAN.

HOUSE BILL No. 1914.



An Act authorizing the Department of Property and Supplies, with the approval of the Governor, to sell and convey, one acre and eighteen square perches more or less, of land, situate in Buckingham Township, Bucks County.

Referred to the Committee on State Government.

By Messrs. SARRAF, LUTTY, KAMYK, RIGBY, VAUGHAN and EWING. HOUSE BILL No. 1915.

An Act amending the act of May 22, 1935 (P. L. 233), entitled "An act creating and establishing a fund for the care, maintenance, and relief of aged, retired, and disabled employees of the Bureau of Police in cities of the second class; \* \* \*" changing the amount of payments to certain beneficiaries.

Referred to the Committee on Cities-Counties Second and Second Class A.

By Messrs. SARRAF, LUTTY, KAMYK, VAUGHAN, RIGBY and EWING. HOUSE BILL No. 1916.

An Act amending the act of May 25, 1933 (P. L. 1050), entitled "An act creating and establishing a fund for the care, maintenance, and relief of aged, retired and disabled employees of the bureau of fire in cities of the second class; \* \* \*" changing the amounts of payments to certain beneficiaries.

Referred to the Committee on Cities-Counties Second and Second Class A.

By Messrs. LIPPINCOTT, BELL and STONE. HOUSE BILL No. 1917.

An Act amending the act of June 24, 1939 (P. L. 872), entitled "An act to consolidate, amend and revise the penal laws of the Commonwealth," authorizing the courts to determine and make orders with respect to visitation rights of parents.

Referred to the Committee on Judiciary.

By Messrs. POLEN and McCANN. HOUSE BILL No. 1918.

An Act providing temporary increases in the salaries of professional employes of school districts; authorizing additional appropriations and temporary loans therefor; requiring the Commonwealth to reimburse school districts for the full amount of such increases; \* \* \*

Referred to the Committee on Education.

By Mrs. MARKLEY and Mr. STECKEL. HOUSE BILL No. 1919.

An Act amending the act of May 2, 1945 (P. L. 382), entitled "An act providing for the incorporation as bodies corporate and politic of 'Authorities' for municipalities, counties and townships; \* \* \*" authorizing Authorities to charge for the cost of constructing water mains; making the charges liens; providing for the collection thereof; and authorizing Authorities to charge tapping fees for water mains.

Referred to the Committee on Public Utilities.

By Messrs. VARNER and RENWICK. HOUSE BILL No. 1920.

An Act amending the act of June 3, 1937 (P. L. 1225), entitled "An act concerning game and other wild birds and wild animals; and amending, revising, consolidating, and changing the law relating thereto," permitting Canadian subjects or citizens who are residents of this Commonwealth to be issued nonresident hunting licenses and to own or possess firearms and dogs.

Referred to the Committee on Conservation and Wild Life.

By Mr. AMARANDO. HOUSE BILL No. 1921.

An Act making certain warrants for the confession of judgment executed in connection with contracts relating to repairs, alterations, additions, or improvements to buildings invalid and unenforceable and restricting the right to enter judgment by confession upon warrants executed in connection with contracts relating to repairs, alterations, additions, or improvements to buildings.

Referred to the Committee on Judiciary.

## RESOLUTIONS INTRODUCED AND REFERRED

By Messrs. SARRAF, VERONA, MATT S. ANDERSON, KAMYK, WALSH, RIGBY, VAUGHAN, VARNER and McLAUGHLIN. RESOLUTION No. 134.

In the House of Representatives, December 6, 1955.

Georgia Governor Marvin Griffin's recent effort to inject the racial issue into the Sugar Bowl football game on January 2, 1956, by requesting his State Board of Regents to call off Georgia Tech's participation in the bowl contest because of the University of Pittsburgh's Negro player, Bobby Grier, has shocked not only the consciousness of the Georgia Tech student body, but also of all fair-minded people throughout our country and abroad.

Football is a game and the basis for judging participation in it ought to be ability to play the game and that alone. That the Pittsburgh team has a back who is a Negro has nothing to do with the contest. Athletic contests such as football develop the mind as well as the body and it promotes a spirit of competition and sportsmanship, all of which has gone a long way in making the United States a strong democratic country. But how better to supply our Communist enemies with propaganda ammunition to use against our nation than to inject the racial issue into an athletic contest and playing right into their hands.

In the United States of America the philosophy of fair dealing, fair play and equal opportunity as enunciated in our Bill of Rights has been in most instances the guide and rule of conduct of our citizens. The proud Commonwealth of Pennsylvania, the Keystone State, takes pride in its treatment of all citizens alike, irrespective of race, creed or color, and is humbled by the knowledge that another sovereign state has permitted itself to be degraded by the conduct of some of its citizens; therefore be it

Resolved, That the House of Representatives of the Commonwealth of Pennsylvania in the name of people of Pennsylvania voice its indignation over the efforts of Georgia's Governor Marvin Griffin to inject the racial issue into a football game and urge the Congress of the United States to pass adequate legislation precluding the injection of racial issues not only in football games, but also in all athletic contests; and be it further

Resolved, That copies of the resolution be forwarded to the Universities of Pittsburgh and Georgia Tech and to the Governor of Georgia, Marvin Griffin.

Referred to the Committee on Rules.

By Messrs. VAUGHAN and SARRAF. RESOLUTION No. 135.

In the House of Representatives, December 6, 1955.

Officiating of high school and State Teacher's College football games during the past football season has evoked much adverse criticism and has impeded an essential part of the athletic programs of these schools in Pennsylvania.

Large sums of money have been expended for coaches' salaries, athletic stadia, equipment of players, bands, cheer leaders and other activities attendant at these football games. In addition, preseason training has made necessary large expenditures of money for maintenance of training camps, travel and other necessary activities in conjunction with such pre-season training.

The compensation of the officials who officiate at football



games played by such teams in Pennsylvania has not been increased since 1929. This is unfair to the well qualified officials who should be adequately compensated as experienced specialists well qualified to perform a necessary function in the modern educational process. The adjoining states compensate these officials on a much higher scale than does Pennsylvania. Many of our leading football officials are naturally attracted to these adjoining states by higher pay.

A state as large and industrialized as Pennsylvania should be in the forefront of those states offering well rounded sports activities for its State Teacher's Colleges and secondary schools. This objective cannot be attained unless it provides competent officials attracted by adequate compensation; therefore be it

Resolved, That this House of Representatives recommends the following schedule of compensation and number of officials for football games:

	Number of Officials	Compensation for each
Champion AA Playoffs	4	\$50.00
AA Season Games	4	\$40.00
Champion A Playoffs	4	\$40.00
A Seasonal Games	4	\$30.00
Champion B Playoffs	4	\$30.00
B Seasonal Games	4	\$25.00
Champion C Playoffs	3	\$25.00
C Seasonal Games	3	\$20.00

Referred to the Committee on Rules.

By Mr. BOIES. (Concurrent) RESOLUTION No. 136.

In the House of Representatives, December 5, 1955.

Different bills involving the administration of medicine and osteopathy and the licensure to practice same are in proper committees of the General Assembly for study and determination.

The bills involve separate and distinct philosophies of the healing art which are difficult to understand and determine, so much so that although they have been and are still being studied at the top national level no satisfactory solution has been reached.

If these bills are reported to the floors of either the House or the Senate at this stage of development, it would force the issue and make a determination that may be unjust, unwise, unprofessional, unscientific and not for the best interest of the people of the Commonwealth and a proper administration of the healing art.

The bills involve controversial professional philosophies and should not be resolved by the State before being determined by scientific and professional research; therefore be it

Resolved (the Senate concurring), That the question of licensing practitioners of either medicine or osteopathy and all bills concerning same introduced in the General Assembly at this session be referred to the Joint State Government Commission with directions that they shall study the same with especial reference to the following:

1. Whether the different philosophies can be reconciled in their administration by the State Government;
2. Whether the different laws should be amalgamated and administered as such;
3. Whether the two professions can be administered on a more simple, practical, scientific basis; and be it further

Resolved, That the Joint State Government Commission report to the next regular session of the General Assembly its findings and recommendations with drafts of legislation necessary to carry the recommendations into effect.

Referred to the Committee on Rules.

## COMMUNICATION

### RESOLUTION URGING ADOPTION OF STATE POEM

The SPEAKER laid before the House a resolution adopted by Dorothy Rebekah Lodge, No. 507, urging the adoption of a State Poem.

Referred to the Committee on Judiciary Special.

### SPECIAL COMMITTEE APPOINTED RELATIVE TO FOREIGN STUDENTS

The SPEAKER. Pursuant to the provisions of Resolution No. 113 adopted by the House of Representatives on Wednesday, November 30, 1955, the Speaker appoints as a Special Committee to keep itself advised of the names and identities and whereabouts of students of foreign countries who are visiting the United States and the time it will be possible for them to visit Harrisburg and to extend to these students the invitation of the House of Representatives to visit and witness the proceedings of a legislative session and that the committee avail itself of the cooperation of the Department of Commerce and of non-governmental agencies in obtaining information relating to visiting students of other countries, Messrs. Sarraf, Frank, Leven, Bullen, chairman, Bell.

### CONCURRENT RESOLUTION

RECALLING HOUSE BILL No. 342 FROM GOVERNOR

Mr. READINGER offered a concurrent resolution which was read, considered and adopted as follows:

In the House of Representatives, December 6, 1955.

Resolved (if the Senate concur), that House Bill No. 342, Printer's No. 637, entitled "An act amending the act of May 1, 1929 (P. L. 905) entitled 'An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds' exempting and limiting the number of motor vehicles of war amputees from the payment of title or registration fees," be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk present the same to the Senate for concurrence.

### CONCURRENT RESOLUTION

RECALLING HOUSE BILL No. 738 FROM GOVERNOR

Mr. READINGER offered a concurrent resolution which was read, considered and adopted as follows:

In the House of Representatives, December 6, 1955.

Resolved (if the Senate concur) that House Bill No. 738, Printer's No. 706, entitled "An act amending the act of July 8, 1919 (P. L. 784 No. 321) entitled 'An act authorizing counties cities and boroughs to furnish rooms in public buildings for meeting places for certain organizations' including certain ladies' auxiliaries and the American Gold Star Mother Inc., within provisions of act," be recalled from the Governor for the purpose of amendment.



Ordered, That the Clerk present the same to the Senate for concurrence.

### CONCURRENT RESOLUTION

#### RECALLING HOUSE BILL No. 737 FROM GOVERNOR

Mr. READINGER offered a concurrent resolution which was read, considered and adopted as follows:

In the House of Representatives, December 6, 1955.

Resolved (if the Senate concur) that House Bill No. 737, Printer's No. 705, entitled "An act amending the act of May 2, 1929 (P. L. 1278) entitled 'An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes and revising amending and consolidating the laws relating thereto' providing rooms for use of the American Gold Star Mothers Inc., and for certain ladies' auxiliaries," be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk present the same to the Senate for concurrence.

### LEAVES OF ABSENCE

By unanimous consent leave of absence was granted as follows:

Mrs. Henzel for Mr. WILLAREDT for today's session.

Mr. Holt for Mr. PETTIGREW for today's session because of illness.

Mr. Needham for Mr. REIDENBACH because of illness.

#### PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. YETZER asked and obtained permission for the Committee on Law and Order to meet during the session of the House.

### REPORTS FROM COMMITTEES

Mr. HELM from the Committee on Judiciary Special, reported as committed, House Bill No. 53, entitled:

An Act amending "The Vehicle Code" approved May 1, 1929 (P. L. 905), prohibiting the throwing of certain material from motor vehicles.

Mr. STEBBINS from the Committee on Counties, reported as committed, House Bill No. 272, entitled:

An Act authorizing counties of the fourth class to regulate the production of smoke and other forms of air pollution from chimneys, smokestacks or other sources including provisions for the payment of inspection and certificates of compliance fees incident thereto; authorizing commissioners of such counties to create commissions to make studies; authorizing the expenditure of money for the employment of persons; and the acquisition of property for effectuating such regulations; and providing penalties.

Mr. TOLL from the Committee on Judiciary, reported as committed, House Bill No. 667, entitled:

An Act providing for the determination and effect of comparative negligence in actions of tort and providing that contributory negligence shall not bar recovery.

Mrs. HENZEL from the Committee on Child Care, reported as amended, House Bill No. 1181, entitled:

An Act amending "The Vehicle Code," approved May 1, 1929 (P. L. 905) prescribing powers of magistrates and

committing magistrates in traffic courts in summary proceedings involving certain juveniles providing for reports by magistrates and committing magistrates in traffic courts to probation officers imposing duties upon probation officers of compliance fees incident thereto; authorizing officers and providing for appeals to juvenile courts in certain cases involving juveniles

Mr. SCHUSTER from the Committee on Railroads and Railways, reported as committed, House Bill No. 1379, entitled:

An Act amending the act of June 1, 1937 (P. L. 1120), entitled "An act to promote the safety of employes and travelers upon railroads by compelling common carriers by railroad to man locomotive trains, and other self propelled engines or machines with competent employes; \* \* \*" further regulating the size of locomotive crews.

Mr. VAUGHAN from the Committee on Welfare, reported as committed, House Bill No. 1520, entitled:

An Act amending the act of May 25, 1937 (P. L. 808), entitled "An act providing for the use of the Pennsylvania Industrial School at Huntingdon as an institution for the reception, care, maintenance, detention, employment, and training of defective delinquents; \* \* \*" changing the provisions relating to payment of costs of maintenance of persons committed from certain counties.

Mr. SNIDER from the Committee on Judiciary Special, reported as amended, House Bill No. 1644, entitled:

An Act providing for the construction transportation installation maintenance marking use and inspection of tanks and containers for liquefied compressed gases except liquefied petroleum gas prohibiting the filling or refilling of the tanks and containers unless designed for the purpose authorizing the Department of Labor and Industry to prescribe uniform regulations for the carrying out of the provisions of this act requiring fees for permits and providing penalties.

Mr. McWHERTER from the Committee on Counties, reported as committed, House Bill No. 1797, entitled:

An Act amending the act of June 25, 1947 (P. L. 973), entitled "An act relating to the annual salaries of certain county officers of counties of the third class," increasing the salaries of prothonotaries of counties of the third class.

Mr. TOLL from the Committee on Judiciary, reported as amended House Bill No. 1804, entitled:

An Act authorizing photostating photographing microphotographing microfilming or other mechanical processing of court records on file ten years or more making such copies and copies thereof admissible in evidence and providing for the transfer of custody of certain originals.

Mr. GARLOCK from the Committee on Counties, reported as committed, House Bill No. 1827, entitled:

An Act amending the act of August 9, 1955 (Act No. 130), entitled "An act relating to counties of the third, fourth, fifth, sixth, seventh and eighth classes; amending, revising, consolidating, and changing the laws relating thereto," authorizing the appointment of depositories for county funds by the county treasurer.

Mr. RENWICK from the Committee on Counties, reported as committed, House Bill No. 1828, entitled:

An Act repealing section 445, act of August 9, 1955 (Act No. 130), entitled "An act relating to counties of the third, fourth, fifth, sixth, seventh and eighth classes; amending, revising, consolidating and changing the laws



relating thereto," further regulating the payment by the counties of expenses of the association of county commissioners, solicitors and chief clerks.

Mr. FARABAUGH from the Committee on Counties, reported as committed, House Bill No. 1829, entitled:

An Act amending the act of August 9, 1955 (Act No. 130), entitled "An act relating to counties of the third, fourth, fifth, sixth, seventh and eighth classes; amending, revising, consolidating and changing the laws relating thereto," further regulating the payment of expenses of county commissioners attending annual meetings of their association.

Mr. JOSEPH J. BRENNAN from the Committee on Professional licensure, reported as committed, House Bill No. 1889, entitled:

An Act amending the "Chiropractic Registration Act of 1951," approved August 10, 1951 (P. L. 1182), further providing for the licensing of certain graduates of unincorporated schools or colleges of chiropractic.

Mr. TAYLOR from the Committee on Welfare, reported as committed, Senate Bill No. 249, entitled:

An Act amending the act of June 24, 1937 (P. L. 2051) entitled "An act relating to public assistance providing for and regulating assistance to certain classes of persons designated and defined as dependent children aged persons blind persons and other persons; \* \* \*" increasing monthly pension allowance and maximum income allowance crediting encumbrances in realty valuation and abolishing the sum of income and pension as a ceiling for pension receivable.

Mr. KELLER from the Committee on Counties, reported as committed, Senate Bill No. 523, entitled:

An Act amending the act of May 29, 1931 (P. L. 280) entitled "An act relating to delinquent taxes on seated lands and prescribing interest charges on nonpayment thereof; \* \* \*" further regulating the tax sales and payment of the purchase money.

Mr. SWARTZ from the Committee on Counties, reported as amended, Senate Bill No. 835, entitled:

An Act amending the act of August 9, 1955 (Act No. 130) entitled "An act relating to counties of the third fourth fifth sixth seventh and eighth classes amending revising consolidating and changing the laws relating thereto" authorizing the appointment of solicitors by clerks of the court of quarter sessions and oyer and terminer in third fourth and fifth class counties and prescribing their duties.

Mr. WHITENIGHT from the Committee on Judiciary Special, re-reported as committed, House Bill No. 322, entitled:

An Act amending the act of July 24, 1913 (P. L. 965) entitled "An act defining commodities regulating the sale thereof and providing penalties for violation hereof" further regulating the sale and delivery of commodities.

Mr. YETZER from the Committee on Judiciary Special, re-reported as amended, Senate Bill No. 467, entitled:

An Act providing for the creation and incorporation as municipal corporations of joint service districts by cities of the third class boroughs towns and townships to carry out certain of their municipal functions prescribing the officers and powers and duties of such districts and the duties of participating municipalities and conferring jurisdiction on courts of quarter sessions in connection therewith.

Mr. YETTER from the Committee on Agriculture, re-reported as amended, House Bill No. 1080, entitled:

An Act amending the act of May 1, 1929 (P. L. 1005) entitled as amended "An act relating to and regulating tractors and their operation; \* \* \* providing for the titling of including liens encumbrances and legal claims against farm tractors regulating the possession and sale of farm tractors giving the Department of Revenue additional powers to make regulations for the administration of the act and fixing penalties.

Mr. STANK from the Committee on Rules reported as committed, Senate Resolution, Serial No. 154.

Mr. STANK from the Committee on Rules reported as committed House Resolution (not printed).

## PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. MUSTO asked and obtained permission for the Committee on Townships to meet during the session of the House.

## BILL ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1875, entitled:

An Act amending the "Anthracite Coal Mining Law" approved June 2, 1891 (P. L. 176) changing duties of mine foremen and assistants with respect to mine examinations and safety

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

## BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 926, entitled:

An Act amending the act of April 28, 1937 (P. L. 417), entitled "An act relating to milk and the products thereof; creating a Milk Control Commission; establishing its jurisdiction, powers and duties; regulating the production, transportation, manufacturing, processing, storage, distribution, delivery and sale of milk and certain products thereof; providing for the licensing of milk dealers and the payment of fees therefor; requiring milk dealers to file bonds to secure payment for milk to producers and certain milk dealers; authorizing the holding of hearings and the issuance of subpoenas by the commission; conferring jurisdiction upon courts to punish contempts and to prohibit violations of this act and of rules, regulations and orders of the commission; authorizing the commission to adopt rules, regulations and orders, and to enter into interstate and Federal compacts; requiring persons who weigh, measure, sample or test milk to procure permits or certificates, to take examinations, to pay fees therefor, to furnish certain notices, records and statements, and to use certain methods of weighing, measuring, sampling and testing; authorizing the commission to examine the business, papers and premises of milk dealers and producers, requiring the keeping of records and the filing of reports by milk dealers and permitting, with limitations, the use of information obtained thereby; authorizing the commission to fix prices for milk and certain milk products subject to the approval of the Governor, and conferring certain powers upon the Governor with respect thereto; providing for appeals to the courts from decisions of the commission, and for the burden of proof upon such appeals; prescribing penalties, fines and imprisonment for violations of this act and rules, regulations and orders of the commission; defining perjury; defining remedies; repealing legislation supplied and superseded by this act, and saving rights, duties and proceedings thereunder; and making appropriations," requiring testing of composite sample within five days after taken.



The first section was read.

On the question,

Will the House agree to the section?

Mr. FARABAUGH offered the following amendment:

Amend Sec. 1 (Sec. 606) page 3, line 5 by inserting brackets before "on" and after "taken" and inserting immediately thereafter "at the plant where the milk is received"

It was agreed to.

The section was agreed to as amended.

The second section was read and agreed to.

The title was read.

On the question,

Will the House agree to the title?

Mr. FARABAUGH offered the following amendment:

Amend Title, page 3, last line of Title, by inserting after "taken" and changing testing place.

It was agreed to.

The title was agreed to as amended.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for third reading.

#### BILL PASSED OVER

There being no objection

Senate Bill No. 813, Printer's No. 322,  
was passed over at the request of the SPEAKER.

#### BILL ON FINAL PASSAGE

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 814, as follows:

An Act amending the act of June 11 1915 (P. L. 938) entitled "An act to regulate and establish the fees to be charged and collected by the several clerks of the courts of oyer and terminer general jail delivery and quarter sessions of the peace in counties of this Commonwealth having a population of over eight hundred thousand and less than one million five hundred thousand inhabitants as computed by the last preceding United States census" changing and fixing fees in counties of the second class

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The title act of June 11, 1915 (P. L. 938) entitled "An act to regulate and establish the fees to be charged and collected by the several clerks of the courts of oyer and terminer general jail delivery and quarter sessions of the peace in counties of this Commonwealth having a population of over eight hundred thousand and less than one million five hundred thousand inhabitants as computed by the last preceding United States census" is amended to read

An Act to regulate and establish the fees to be charged and collected by the several clerks of the courts of oyer and terminer general jail delivery and quarter sessions of the peace in counties of [this Commonwealth having a population of over eight hundred thousand and less than one million five hundred thousand inhabitants as computed by the last preceding United States census] the second class

Section 2 Section 1 of the act amended May 18 1945 (P. L. 709) is amended to read

Section 1 Be it enacted &c That from and after the passage of this act the fees to be paid to and received and charged by the several clerks of the courts of oyer and terminer and generally jail delivery and quarter sessions of the peace in counties of the second class shall be as follows

Affidavits fifty cents (\$.50)

Attachments or process on any cause [one dollar (\$1.00)] two dollars (\$2.00)

Bail-piece three dollars (\$3.00)

Balots preparing for jury per panel two dollars and fifty cents (\$2.50)

Bail-bond [two dollars (\$2.00)] three dollars (\$3.00)

Bail-bond justification filing of one dollar (\$1.00)

Bench warrants [one dollar (\$1.00)] two dollars (\$2.00)

[Bonds for liquor license certificate and filing two dollars and fifty cents (\$2.50)]

Bonds for constables [one dollar (\$1.00)] three dollars (\$3.00)

Bonds for tax collectors (original) [two dollars and seventy-five cents (\$2.75)] five dollars (\$5.00) renewal each year one dollar (\$1.00)

[Certificate of election of municipal officers each fifty cents (\$.50)]

Commitments [fifty cents (\$.50)] one dollar (\$1.00)

Certificate of incorporation of new municipalities to Superintendent of Public Instruction five dollars (\$5.00)

Certificate to Secretary of Highways of conviction for violation of laws regulating use and operation of motor vehicles to be taxed as part of the costs of each case [two dollars (\$2.00)] three dollars (\$3.00)

Certificate for constables for election or appointment one dollar (\$1.00)

Certificate of acknowledgment [fifty cents (\$.50)] one dollar (\$1.00)

[Certificate for writ] Writ of habeas corpus [one dollar (\$1.00)] five dollars (\$5.00)

[Certificate to county treasurer (each name paid by county) one dollar (\$1.00)]

Certificate for nolle prosequi one dollar (\$1.00)]

Certificate for payment of jurors (each name) one dollar (\$1.00)

Certificate for the sheriff to draw jurors petit grand or special venire two dollars (\$2.00)

Certificate when judge acts as a magistrate affidavit warrant and service one dollar and fifty cents (\$1.50)

[Certificate for ignored bill one dollar (\$1.00)]

[Certificate in breach of peace case fifty cents (\$.50)]

Certificate of reconsideration of sentence fifty cents (\$.50)

Commission on lunacy swearing commission filing [and] recording [et cetera two dollars and fifty cents (\$2.50)] and certifying commitment of feeble-minded insane or criminal insane person ten dollars (\$10.00)

Certified copy of record bill of indictment [two dollars fifty cents (\$2.50)] three dollars (\$3.00)

Certified copy of minutes per page or fraction thereof [three dollars and fifty cents (\$3.50)] four dollars (\$4.00)

[Certified copy of report of laying out or vacating public road five dollars (\$5.00)]

Certified copy of disposition of criminal cases three dollars (\$3.00)

Certified copy of record docket-entries [two dollars (\$2.00)] three dollars (\$3.00)

[Certified copy of record docket-entries in road cases five dollars (\$5.00)]

Certified copy of information two dollars and fifty cents (\$2.50)

Constables' quarterly returns one dollar (\$1.00)]

Detective license filing application for [five dollars (\$5.00)] three dollars and fifty cents (\$3.50)

[Discharge on ignored bill fifty cents (\$.50)]

Discharge on bail entered fifty cents (\$.50)

Fieri facias debt writ and docket entries [fifteen dollars (\$15.00)] twenty-five dollars (\$25.00)

Filing and entering reasons for new trial [one dollar (\$1.00)] two dollars (\$2.00)

Filing and entering motions in arrest of judgment [one dollar (\$1.00)] two dollars (\$2.00)

Filing and entering bail-bond or recognizance from magistrate one dollar (\$1.00)

Filing and entering coroner's return (each inquisition) [seventy-five cents (\$.75)] one dollar (\$1.00)

Filing and entering petition for appointment of auditors tax collectors constables and all other municipal officers [two dollars and fifty cents (\$2.50)] three dollars and fifty cents (\$3.50)



Filing and entering auditor's and tax collectors reports [one dollar and fifty cents (\$1.50)] two dollars and fifty cents (\$2.50)

Filing and recording proceedings for redistricting or change of polling-place [each district three dollars (\$3.00)] four dollars (\$4.00) per docket page or part thereof

Filing and entering opinions of court of common pleas Superior or Supreme Court [three dollars (\$3.00)] five dollars (\$5.00)

[Filing and docket-entries true bill four dollars (\$4.00)]

Filing and entering certiorari or appeals to common pleas Superior or Supreme Court [four dollars (\$4.00)] five dollars (\$5.00)

Filing and entering remittitur from Superior or Supreme Court [three dollars (\$3.00)] five dollars (\$5.00)

Filing and entering exceptions (road cases) [two dollars and fifty cents (\$2.50)] three dollars and fifty cents (\$3.50)

Filing and recording of increase of bonded indebtedness proceeding (per docket page or part thereof) [three dollars and fifty cents (\$3.50)] four dollars (\$4.00)

[Filing recording and issuing receipt for expense accounts of candidates for political offices if fifty dollars (\$50.00) or less fifty cents (\$.50) each if over fifty dollars (\$50.00) three dollars and fifty cents (\$3.50) per page or part thereof]

Filing recording and certifying appointments of election officers [three dollars (\$3.00)] three dollars and fifty cents (\$3.50)

Filing recording and certifying orders for transfer or release of prisoners [three dollars (\$3.00)] three dollars and fifty cents (\$3.50)

Filing recording and certifying miscellaneous orders of court [two dollars and fifty cents (\$2.50)] three dollars and fifty cents (\$3.50)

Filing recording and certifying detailments of visiting judges [one dollar (\$1.00)] one dollar and fifty cents (\$1.50)

Filing and certifying counsel fees [two dollars (\$2.00)] three dollars and fifty cents (\$3.50)

Filing recording and administering oaths of office [fifty cents (\$.50)] one dollar (\$1.00)

Filing and recording notary commission certifications [seventy-five cents (\$.75)] one dollar (\$1.00)

Filing and recording power of attorney [one dollar (\$1.00)] two dollars (\$2.00)

Filing financial statements [one dollar (\$1.00)] two dollars (\$2.00) [Ignoramus where bill is returned three dollars (\$3.00)]

Filing docketing and certifying any petition not herein specifically provided for three dollars and fifty cents (\$3.50)

Issuing change of costs notices to controller and sheriff fifty cents (\$.50)

Issuing "cost paid" certificate one dollar (\$1.00) Recording and docketing change of order of court other than change of costs notices to controller and sheriff fifty cents (\$.50)

[Liquor license filing application for five dollars (\$5.00)]

Liquor license filing and recording petition for revocation thereof three dollars (\$3.00)]

Mandamus and proceedings thereon four dollars (\$4.00)

Motion and rule [other than elsewhere provided for one dollar (\$1.00)] to show cause three dollars and fifty cents (\$3.50)

Petition and order for a view or review of a road or bridge under seal orders to open filing report recording et cetera [eleven dollars (\$11.00)] fifteen dollars (\$15.00)

Petition and order to lay out open or vacate road no viewers fourteen dollars (\$14.00)

Petition filing of and entering proceedings in inebriate cases [three dollars (\$3.00)] three dollars and fifty cents (\$3.50)

[Petition filing and proceedings for the removal of feeble-minded insane or criminal insane persons from any penal institution three dollars (\$3.00)]

Petition for parole [one dollar (\$1.00)] two dollars (\$2.00)

[Petition for writ of habeas corpus three dollars (\$3.00)]

Petition to Governor for extradition papers [one dollar (\$1.00)] two dollars (\$2.00)

Preparing and certifying [charity reports] criminal judicial statistics to the Department of Welfare twenty-five dollars (\$25.00)

Preparing and transmitting testimony to institutions [two dollars (\$2.00)] two dollars and fifty cents (\$2.50)

Preparing records for institutions of prisoners committed [seventy-five cents (\$.75)] one dollar (\$1.00)

[Preparing insanity reports to judges of quarter sessions court four dollars (\$4.00)]

Preparing insolvency proceedings for prisoners in jail paid by county one dollar (\$1.00)

Release from any institution by order of court [one dollar (\$1.00)] three dollars and fifty cents (\$3.50)

[Recording election returns each election district two dollars and fifty cents (\$2.50)]

Recognizance calling and entering forfeitures one dollar (\$1.00)]

Recognizance forfeited respited or discharged and motion therefor [one dollar (\$1.00)] three dollars and fifty cents (\$3.50)

Recognizance taking each [two dollars (\$2.00)] three dollars (\$3.00)

[Return to writ of error one dollar (\$1.00)]

Services of clerk where true bill is found quarter sessions four dollars (\$4.00) each additional day or part of day at trial three dollars (\$3.00)

Services of clerk where true bill is found oyer and terminer six dollars (\$6.00) each additional day or part of day at trial five dollars (\$5.00)]

Services of clerk [plea of guilty one dollar (\$1.00)] filing docketing and indexing any oyer and terminer or quarter sessions case fifteen dollars (\$15.00) each additional day or part of any day at trial five dollars (\$5.00)

Search from judgment to docket single name [seventy-five cents (\$.75)] one dollar (\$1.00)

Search from judgment to docket extra single name twenty-five cents (\$.25)

Subpoenas and seal [twenty-five cents (\$.25)] fifty cents (\$.50)

Seal in every case [twenty-five cents (\$.25)] fifty cents (\$.50)

Summons on recognize [seventy-five cents (\$.75)] two dollars (\$2.00)

Swearing grand jury five dollars (\$5.00)

Swearing petit jury in each case five dollars (\$5.00)

[Taxing a bill of costs other than the clerk's of the sessions fifty cents (\$.50)]

Triple seal certificate [one dollar and fifty cents (\$1.50)] two dollars and fifty cents (\$2.50)

Venire for grand jury two dollars (\$2.00)

Venire for petit jury two dollars (\$2.00)

Venire for special jury two dollars (\$2.00)

[Venditioni exponas issuing writ seventy-five cents (\$.75)]

Receiving and distributing money paid into court three per cent (3%)

For receiving or paying out fines three cents per dollar to be paid by the party or persons receiving the fine]

For receiving and distributing fines costs maintenance restitution and all other money ordered by the court to be collected and distributed five cents per dollar to be paid by the party ordered to pay such money

For entering and recording informations received from magistrates justices of the peace or aldermen [fifty cents (\$.50)] one dollar (\$1.00)

The fee for services not herein specifically provided for shall be the same as for similar services

Section 3 This act shall take effect immediately

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:



Adam,	Gibson,	McCormack,	Rudisill,
Agnew,	Goldstein,	McGee,	Sarrafi,
Amarando,	Gramlich,	McInroy,	Scarcelli,
Anderson, S. A.,	Greenwood,	McKeever,	Schuster,
Banker,	Guss,	McLaughlin,	Sherman,
Barnatovich,	Guthrie,	McWherter,	Sigman,
Bazin,	Hamilton, R. K.,	Meholchick,	Smith, C. C.,
Blair,	Hamilton, W. H.,	Metz,	Smith, Wm. B.,
Boles,	Hass,	Mihm,	Snider,
Bonner,	Haudenschild,	Mikula,	Stank,
Boory,	Heavey,	Miller,	Stebbins,
Bower,	Helm,	Mills,	Steckel,
Branca,	Henzel,	Monroe,	Stephens,
Brelschi,	Hewitt,	Moody,	Stone,
Brennan, A. P.,	Hocker,	Moran,	Stoner,
Brennan, J. J.,	Holt,	Moscrip,	Strausser,
Breth,	Jenkins,	Muldowney,	Swartz,
Bucchin,	Jones, G. E.,	Mullen,	Taylor,
Bullen,	Jones, T. H. W.,	Munley,	Thomas,
Capano,	Jump,	Murphy,	Thompson,
Cianfrani,	Kamyk,	Murray, J. J.,	Toll,
Cioffi,	Keller,	Murray, P. G.,	Toomey,
Cochran,	Kent,	Musto,	Varallo,
Comer,	Kline,	Naugle,	Varner,
Connelly,	Knecht,	Needham,	Vaughan,
Cooper,	Kolankiewicz,	Ogilvie,	Verona,
Curwood,	Kooker,	Olsen,	Wall,
Davis,	Kornick,	O'Neill,	Wallace,
Donahue,	Kubacki,	Pacchioli,	Wallace,
Dougherty,	Lafore,	Parry,	Wargo,
Ehrgood,	Lawyer,	Pashley,	Waterhouse,
Ellberg,	Leiby,	Paulhamus,	Welsh,
Ewing,	Leonard,	Petrosky,	Wescott,
Farabaugh,	Leven,	Polaski,	Wheeler,
Filo,	Light,	Polen,	Whitenight,
Fineman,	Limper,	Pomeroy,	Williams,
Flint,	Lippincott,	Price,	Wood,
Floyd,	Lopresti,	Readinger,	Yetter,
Foster,	Lovett,	Reibman,	Yetzer,
Frank,	Lutty,	Renwick,	Young,
Frascella,	Mahan,	Rosen,	Ziegler,
Gaffney,	Marklev,	Royer,	Andrews,
Garlock,	Maxwell,	Rubin,	Speaker
Gelfand,	McCann,		

NAYS—20

Ashton,	Eshleman,	Isaacs,	Stevenson,
Auker,	Frost,	Johnson,	Tompkins,
Bell,	Gibb,	Leisey,	Weidner,
Brown,	Horst,	Murray, H. P.,	Wilt,
Erb,	Houk,	Pursley,	Worley,

NOT VOTING—16

Anderson, M. S.,	Flynn,	Kromer,	Rigby,
Brenninger,	George,	Magee,	Rovansek,
Donaldson,	Kehler,	Pettigrew,	Stroup,
Down,	Kratz,	Reidenbach,	Willaredt,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILLS ON THIRD READING

BILL PASSED OVER

There being no objection

House Bill No. 128, Printer's No. 1187

was passed over temporarily at the request of the SPEAKER.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 319 as follows:

An Act amending the act of April 12, 1951 (P. L. 90) entitled "An act relating to alcoholic liquors alcohol and malt and brewed beverages amending revising consolidating and changing the laws relating thereto regulating and restricting the manufacture purchase

sale possession consumption importation transportation furnishing holding in bond holding in storage traffic in and use of alcoholic liquors alcohol and malt and brewed beverages and the persons engaged or employed therein defining the powers and duties of the Pennsylvania Liquor Control Board providing for the establishment and operation of State liquor stores for the payment of certain license fees to the respective municipalities and townships for the abatement of certain nuisances and in certain cases for search and seizure without warrant prescribing penalties and forfeitures providing for local option and repealing existing laws" permitting the exchange of certain retail dispensers licenses for liquor licenses and establishing procedure therefor and establishing procedure therefor

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Subsection (a) of section 461 act of April 12, 1951 (P. L. 90) known as the "Liquor Code" is amended to read

Section 461 Limiting Number of Retail Licenses To Be Issued In Each Municipality (a) No licenses shall hereafter be granted by the board for the retail sale of malt or brewed beverages or the retail sale of liquor and malt or brewed beverages in excess of one of such licenses of any class for each one thousand inhabitants or fraction thereof in any municipality exclusive of licenses granted to hotels as defined in this section and clubs but at least one such license may be granted in each municipality except in municipalities where the electors have voted against the granting of any retail licenses Nothing contained in this section shall be construed as denying the right to the board to renew or to transfer existing retail licenses of any class or to issue a restaurant liquor license to a holder of and in exchange for an existing eating place retail dispenser's license issued under the provisions of this act or to issue a club liquor license to a holder of and in exchange for an existing club retail dispenser's license issued under the provisions of this act notwithstanding that the number of such licensed places in a municipality shall exceed the limitation hereinbefore prescribed but where such number exceeds the limitation prescribed in this section no new license except for hotels as defined in this section and except in exchange as above provided shall be granted so long as said limitation is exceeded Every licensee surrendering a retail dispenser's license issued under the provisions of this act shall furnish bond as required by this act The fee for a liquor license thus issued in exchange for a retail dispenser's license shall be the difference between the amount which the applicant paid for the retail dispenser's license and the fee prescribed for the issuance of a liquor license No liquor license shall be issued in any locality where the electors by local option have voted against the granting of liquor licenses

After a liquor license has been issued to any applicant as herein provided he shall be entitled to the same privileges and shall be subject to the same restrictions as other holders of liquor licenses

\* \* \*

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. READINGER. Mr. Speaker, I desire to interrogate the gentleman from Dauphin, Mr. Hocker.

The SPEAKER. Will the gentleman from Dauphin, Mr. Hocker, permit himself to be interrogated?

Mr. HOCKER. I shall, Mr. Speaker.

Mr. READINGER. Mr. Speaker, I desire the gentleman to explain as briefly as possible what this bill does. I think perhaps we might get better order in the House if we know what this bill is about.



Mr. HOCKER. Mr. Speaker, for the benefit of the Majority Leader and the Members, in the Commonwealth of Pennsylvania for some unknown reason, it dates away back to the early days of the liquor laws, we have 1219 licensees in restaurants, eating places that have only a beer license. We have 26 hotels and we have 260 clubs in the same predicament.

Now the Liquor Board is bound hand and foot, they cannot give these people a liquor license.

Under this bill they will be able to turn that beer license in for a beer and whiskey. This will not create any new licensees and will not open any other taverns. It will not infringe on the dry element in any way whatsoever. The only thing this bill will do is to allow some people who are restricted to selling beer only, to sell beer and whiskey.

This bill, I think is a fair bill. I think it is a good bill, and there is very little opposition that I have run into on it.

There is one other thing—one question I have been asked—in regard to towns where whiskey has been voted out under local option, they will still remain out of the picture. It will not change their status at all.

Mr. READINGER. Mr. Speaker, I thank the gentleman. I think his explanation was very clear and to the point, and I am asking the membership on this side of the House to vote for this bill, if they can possibly do so.

Mr. WILLIAM B. SMITH. Mr. Speaker, I would like to interrogate the gentleman just a minute.

The SPEAKER. Will the gentleman from Dauphin permit himself to be interrogated?

Mr. HOCKER. I shall, Mr. Speaker.

Mr. WILLIAM B. SMITH. Mr. Speaker, if this bill is passed, would it be possible after it was enacted into law for someone to buy a beer license separately from a liquor license?

Mr. HOCKER. Mr. Speaker, I do not quite get the question. Will the gentleman rephrase it or give it to me again?

Mr. WILLIAM B. SMITH. Mr. Speaker, after this bill becomes a law, would it be possible for somebody to apply for a beer license only?

Mr. HOCKER. Mr. Speaker, I imagine that it would. There is nothing in this act that says you cannot continue to have a beer license.

Mr. WILLIAM B. SMITH. Mr. Speaker, does the gentleman mean that they could apply for a beer license and then later on they convert it into a retail liquor license?

Mr. HOCKER. Mr. Speaker, by paying the additional fee, yes.

Mr. LOPRESTI. Mr. Speaker, I think that as a result of the last interrogation, there may be some confusion in the minds of the members.

It is my opinion and recollection that beer licenses are presently counted within the quota, so that no individual would be able to get a new beer license and later turn it into a liquor license unless there were a vacancy in the quota.

This will not permit additional licenses to be granted. If there are no openings in the quota, you can get neither a beer nor a beer and whiskey license, and this bill would not open the quota.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

Messrs. ROSEN, McCORMACK, BAZIN and NEEDHAM requested a verification of the roll.

The affirmative roll was verified and the roll was as follows:

#### YEAS—71

Adam,	Frank,	Lovett,	Reibman,
Amarando,	Frascella,	Markley,	Renwick,
Anderson, S. A.,	Isaacs,	McCann,	Royer,
Ashton,	Jenkins,	McCormack,	Scarcelli,
Auker,	Johnson,	McGee,	Smith, Wm. B.,
Banker,	Jones, G. E.,	Meholchick,	Stank,
Barnatovich,	Jones, T. H. W.,	Mikula,	Steckel,
Boles,	Jump,	Miller,	Stone,
Bonner,	Keller,	Monroe,	Taylor,
Boory,	Kline,	Moody,	Thomas,
Brelsich,	Knecht,	Mullen,	Vaughan,
Breth,	Kolankiewicz,	Murray, H. P.,	Wallace,
Brown,	Kubacki,	Murray, J. J.,	Walsh,
Buchin,	Lafore,	Musto,	Weidner,
Comer,	Leonard,	Needham,	Whitenight,
Curwood,	Leven,	Pacchioli,	Williams,
Farabaugh,	Limper,	Petrosky,	Yetzer,
Floyd,	Lopresti,	Polaski,	

#### NAYS—92

Agnew,	Guss,	McLaughlin,	Smith, O. C.,
Bazin,	Guthrie,	McWherter,	Snider,
Bell,	Hamilton, R. K.,	Mihm,	Stebbins,
Bower,	Hamilton, W. H.,	Moran,	Stephens,
Bullen,	Hass,	Moscrip,	Stevenson,
Connelly,	Haudenschild,	Munley,	Stoner,
Cooper,	Heavey,	Murray, P. G.,	Strausser,
Davis,	Helm,	Ogilvie,	Swartz,
Donahue,	Henzel,	Olsen,	Thompson,
Ehrgood,	Hewitt,	O'Neill,	Toll,
Erb,	Hocker,	Parry,	Tompkins,
Eshleman,	Holt,	Pashley,	Toomey,
Ewing,	Houk,	Paulhamus,	Varallo,
Filo,	Kamyk,	Polen,	Varnier,
Fineman,	Kooker,	Pomeroy,	Wall,
Flint,	Lawyer,	Price,	Waterhouse,
Frost,	Leiby,	Pursley,	Welsh,
Garlock,	Light,	Readinger,	Wheeler,
Gelfand,	Lippincott,	Rosen,	Wilt,
Gibb,	Lutty,	Rudisill,	Worley,
Gibson,	Mahan,	Sarraf,	Young,
Goldstein,	Maxwell,	Schuster,	Ziegler,
Gramlich,	McInroy,	Sherman,	Andrews,
			Speaker

#### NOT VOTING—46

Anderson, M. S.	Down,	Kromer,	Rigby,
Blair,	Eilberg,	Leisev,	Rovansek,
Branca,	Flynn,	Magee,	Rubin,
Brennan, A. P.,	Foster,	McKeever,	Sigman,
Brennan, J. J.,	Gaffney,	Metz,	Stroup,
Brenninger,	George,	Mills,	Verona,
Capano,	Greenwood,	Muldowney,	Wargo,
Cianfrani,	Horst,	Murphy,	Wescott,
Cioffi,	Kehler,	Naugle,	Willaredt,
Cochran,	Kent,	Pettigrew,	Wood,
Donaldson,	Kornick,	Reidenbach,	Yetter,
Dougherty,	Kratz,		

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the bill falls.

#### BILLS ON FINAL PASSAGE POSTPONED

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. READINGER.

The House resumed the consideration on final passage of House Bill No. 68 entitled:

An Act amending the act of April twelve, one thousand nine hundred fifty-one (P. L. 90), entitled "An act relating to alcoholic liquors, alcohol and malt and brewed beverages; amending, revising, consolidating and chang-



ing the laws relating thereto; regulating and restricting the manufacture, purchase, sale, possession, consumption, importation, transportation, furnishing, holding in bond, holding in storage, traffic in and use of alcoholic liquors, alcohol and malt and brewed beverages and the persons engaged or employed therein; defining the powers and duties of the Pennsylvania Liquor Control Board; providing for the establishment and operation of State liquor stores, for the payment of certain license fees to the respective municipalities and townships, for the abatement of certain nuisances and, in certain cases for search and seizure without warrant; prescribing penalties and forfeitures; providing for local option, and repealing existing laws," authorizing the transfer of certain retail licenses to clubs without effecting the number of licenses thereafter granted in any municipality.

On the question recurring,  
Shall the bill pass finally?

#### RECONSIDERATION OF VOTE

Mr. READINGER. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered. The motion was agreed to.

On the question recurring,  
Will the House agree to the bill on third reading?

Mr. WILLIAM B. SMITH. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

Amend Title, page 2, lines 7 and 8 by striking out "without affecting the number" in line 7 and all of line 8, and inserting "defining the effect of such transfers upon quota limitations."

Amend Bill, page 2, by inserting immediately following the enacting clause the following:

Section 1. Subsection (a) of section 461, act of April 12, 1951 (P. L. 90), known as the "Liquor Code" is amended to read:

Section 461. Limiting Number of Retail Licenses To Be Issued In Each Municipality.—(a) No licenses shall hereafter be granted by the board for the retail sale of malt or brewed beverages or the retail sale of liquor and malt or brewed beverages in excess of one of such licenses of any class for each one thousand inhabitants or fraction thereof in any municipality including retail liquor licenses transferred from a restaurant or a retail dispenser's license from an eating place to a club as defined by this act or to a veteran's organization incorporated and existing under the laws of this Commonwealth but exclusive of licenses granted to hotels, as defined in this section, and clubs where such license has not been transferred to the club from a restaurant or retail dispenser; but at least one such license may be granted in each municipality, except in municipalities where the electors have voted against the granting of any retail licenses. Nothing contained in this section shall be construed as denying the right to the board to renew or to transfer existing retail licenses of any class notwithstanding that the number of such licensed places in a municipality shall exceed the limitation hereinbefore prescribed; but where such number exceeds the limitation prescribed by this section, no new license, except for hotels as defined in this section, shall be granted so long as said limitation is exceeded.

\* \* \*  
Amend Sec. 1, page 2, line 1, by striking out "1" and inserting "2".

Amend Sec. 1, page 2, line 1, by inserting after "468" of the

Amend Sec. 1, page 2, lines 1, 2 and 3, by striking out "of April twelve one" in line 1, all of line 2, and "Liquor Code" in line 3. Amend Sec. 1, (Sec. 468), page 4, lines 6 to 11, by striking out "The transfer of a retail liquor license for a restaurant" in line 6, all of lines 7 to 11, both inclusive."

The SPEAKER. Will the House give unanimous consent

to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. READINGER.

The House resumed the consideration on final passage of Senate Bill No. 192 as follows:

An Act providing for and regulating and licensing and practice of practical nursing imposing duties on the State Board of Nurse Examiners and imposing penalties The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 This act shall be known and may be cited as the "Practical Nurse Law"

Section 2 When used in this act the following words and phrases shall have the following meaning unless the context clearly indicates otherwise

(1) The "practice of practical nursing" means the performance of such duties as are required in the physical care of a patient and in carrying out of medical orders as prescribed by a physician licensed to practice in Pennsylvania requiring an understanding of nursing but not requiring professional nursing service

(2) "Board" means the State Board of Nurse Examiners

Section 3 This act confers no authority to practice any profession other than practical nursing

This does not prohibit care of the sick so long as the persons rendering the service do not represent or hold themselves out to be licensed practical nurses or use in connection with their names any designation tending to imply that they are licensed to practice under the provisions of this act provided however that this provision shall not prohibit any person from using the designation "practical nurse"

Section 4 The board shall once every year and at such other times and under such conditions as shall be provided by its regulations examine all applicants eligible for examination to determine whether they are qualified to be licensed and shall authorize the issue to each person passing said examination to the satisfaction of the board of proper certificate setting forth that such person has been licensed to practice as a licensed practical nurse

Section 5 No application for licensure as a licensed practical nurse shall be considered unless accompanied by a fee of five dollars (\$5.00) Every applicant for examination as a licensed practical nurse shall furnish evidence satisfactory to the board that he or she is eighteen years of age or over is a citizen of the United States or has legally declared intention to become such is of good moral character has completed at least eight years of education in public parochial or private school or its equivalent as evaluated by the Department of Public Instruction and

(1) Has satisfactorily completed a course in practical nursing prescribed and approved by the board in a school hospital or other institution of not less than fifteen hundred hours and within a period of not less than nine months or

(2) Has successfully completed at least one year of study in an approved school of professional nursing

Section 6 The board may license without examination

(1) A graduate of an approved school for the training of practical nurses in any other state territory province or country who has completed a course of study in practical nursing considered by the board to be equivalent to that required in this Commonwealth and who was



licensed in such state territory province or country by examination and has met the foregoing requirements as to age character citizenship and preliminary education

(2) An applicant who has met the requirements herein as to age character and citizenship and who has been actively engaged in nursing as a practical nurse as herein defined for a period of three years upon submission of proof of such practice satisfactory to the board

Applications for such licensure shall be filed with the board by such person on or before June 1 1959

Section 7 Every person licensed to practice as a licensed attendant and to use the letters "LA" at the time this act becomes effective shall be considered as licensed to practice under this act and may continue to practice as such upon the annual renewal of his or her license as required herein and subject to the provision hereof Any person licensed as a licensed attendant may exchange such license for a license as a practical nurse and may thereafter use the letters "LPN" instead of the letters "LA" Nothing in this act shall affect the right of a bona fide student in an approved school or institution preparing on the effective date of this act for examination as a licensed attendant to take said examination but the license issued therefor shall be as a licensed practical nurse The board shall make such provisions therefor as necessary and may authorize the issuance of license to make this provision effective

Section 8 The board with the approval of the Superintendent of Public Instruction shall appoint a committee of two practical nurses and one practical nurse educator and in consultation with this committee subject to the provisions of the Administrative Agency Law approved June 4 1945 (P. L. 1388) and its amendments shall have the power and duty to establish reasonable rules and regulations for the administration of this act Copies of such rules and regulations shall be available to persons who may be interested therein The board shall have no power in any way to fix salaries or control the compensation paid any licensed practical nurse or licensed attendant

Section 9 The board shall annually prepare and make available for public distribution lists of all schools and institutions or combinations thereof for the training of practical nurses approved by the board the graduates of which shall be eligible for examination for licensure as licensed practical nurses The removal of any such school or institution from the approved list shall not make any bona fide student therein at the time of said removal ineligible for examination

Section 10 An insignia bearing the initials "LPN" may be worn by persons licensed under the provisions of this act

Section 11 The board shall maintain a record of all licenses issued under the provisions of this act and renewals thereof as hereinafter provided

Section 12 Each original license issued and recorded under the provisions of this act shall authorize the holder to practice nursing as a licensed practical nurse from the date of the issuance of said license until the last day of June next succeeding unless said license shall be revoked or suspended for cause as hereinafter provided

Section 13 Every licensed practical nurse receiving a license under the provisions of this act shall annually during the month of June apply for renewal of such license whereupon the board shall upon the payment of the fee of one dollar (\$1.00) issue a renewal of said license for the term of one year and such renewal shall be duly recorded as hereinbefore provided

Section 14 Except as otherwise herein provided it shall be unlawful for any person association partnership corporation or institution after the effective date of this act to

(1) Furnish sell or obtain by fraud or misrepresentation a record of any qualification required for a license or aid or abet therein

(2) Use in connection with his or her name the words licensed attendant licensed practical nurse or the letters "LA" or "LPN" or any designation tending to

imply that he or she is a licensed attendant or licensed practical nurse unless he or she is duly licensed to so practice under the provisions of this act

(3) Practice practical nursing during the time his or her license issued under the provisions of this act is suspended or revoked

(4) Otherwise violate any of the provisions of this act

Section 15 Any person or an officer or employe of any association corporation institution or partnership violating any of the provisions of this act shall upon summary conviction therefor be sentenced to pay a fine of not less than fifty dollars (\$50) for the first offense and for a second and subsequent offense not less than one hundred dollars (\$100.00) nor more than two hundred dollars (\$200.00) and in default of the payment of such fine and costs to undergo imprisonment for a period not to exceed thirty (30) days

Section 16 The board may suspend or revoke any license in any case where the board shall find that the licensee

(1) Is guilty of gross immorality

(2) Is unfit or incompetent by reason of negligence habits or other causes

(3) Has wilfully or repeatedly violated any of the provisions of this act or of the regulations of the board

(4) Has committed fraud or deceit in the practice of practical nursing or in securing his or her admission to such practice

(5) Has been convicted or has pleaded guilty or entered a plea of nolo contendere or has been found guilty by a judge or jury of a crime or has been dishonorably discharged or has been discharged under circumstances amounting to dishonorable discharge from the military forces of the United States or of any other country

(6) Is an habitual drunkard or is addicted to the use of morphine cocaine or other drugs having a similar effect or if he or she has become mentally incompetent

(7) Is continuing to practice nursing when such licensee knows he or she has an infectious communicable or contagious disease

(8) Has been guilty of unprofessional conduct or such conduct as to require a suspension or revocation in the public interest

(9) That said licensee having obtained a license or certificate of record upon declaration of intention to become a citizen of the United States has not become a citizen of the United States within seven years from the date of such declaration of intention

Section 17 All suspensions and revocations shall be made only in accordance with the regulations of the board and only by majority vote of the members of the board and shall be subject to the right of notice hearing and adjudication and the right of appeal therefrom in accordance with the provisions of the Administrative Agency Law approved June 4, 1945 (P. L. 1388) or any amendment or reenactment thereof relating to adjudication procedure The board by majority action and in accordance with its regulations may reissue any license which has been suspended or revoked

Section 18 The act of May 13, 1927 (P. L. 988) entitled "An act providing for and regulating the state registration of nurses and licensed attendants the annual recording of registration certificates and regulating the profession of nursing and repealing certain existing laws" is repealed in so far as it applies to licensed attendants

Section 19 This act shall take effect immediately but Sections 14 and 18 shall not become operative until November 1, 1956

On the question recurring,

Shall the bill pass finally?

Mr. COMER. Mr. Speaker, I hate to repeat the words I spoke last week on this bill, but I think it is essential that everybody understands this bill fully. This bill was introduced, I believe, in every session of Legislature for the last ten years. Up until last session it was defeated over in the Senate after it reached second reading.



I will attempt to point out, Mr. Speaker, the bad features of this bill and why I think it should be defeated.

No. 1, it would prevent many of our practical nurses from working in hospitals.

No. 2, it would force all of our private practical nursing schools out of business.

No. 3, it would allow every licensed attendant in our hospitals to exchange his present license for a practical nurse license, whether they be male or female.

For the most part in our big city hospitals these licensed attendants, who are for the most part men, are nothing but stretcher bearers or only serve meals.

To return to Item 1, if this type of licensing legislation should pass, there are many of our present day practical nurses who in many cases through no fault of their own would fail to qualify for a license under this bill. Through no fault of their own they have but from five to six years of education, and this would disqualify these women from a license. Many of these women are members of the only practical nurses association in Pennsylvania, the Keystone State Practical Nurses Association.

Eight years of schooling is very liberal today, but 25 or 30 years ago most of our women left school after four or five years of schooling to either stay home and raise younger brothers or sisters or take care of aged parents. The lack of school grades did not retard these women from becoming fine members of their communities and they have served as practical nurses for years.

The second part of this bill that I oppose is the one that I cannot find one person who can explain how it can work. I have contacted medical and surgical doctors and registered nurses in Philadelphia, and they say it cannot work due to the demand and the need for practical nurses in the home today.

This part would require all students, after this bill became law, to attend school for eight hours a day five days a week for three months. At the end of this period they would enter a hospital and work for eight hours a day five days a week for nine months for anywhere from \$50 to \$75 a month.

Nine out of ten women who enter this field of nursing are widows, or women who have invalid husbands who now look to them for support, or women who have raised their families and for some reason must work to support themselves. These people could never exist on wages like those I mentioned, and I do not think any Member of this House could either.

The Board of Education has been working under this type program for a few years and out of the entire state of Pennsylvania they can only graduate 70 girls a year from the schools, and after a short period of time spent in a hospital they are assigned to in this nine-month period, working for such low wages, they quit in disgust and seek employment in another field. As a result, the money spent by the state has been a waste of money.

On the other hand, the private practical nurse schools which this bill would destroy have a program that has proved successful for the students over a long period of years. These women who attend the private schools go either in the daytime or evening for six to eight hours a week. This way they can work full-time or parttime and attend to their duties at home and still receive their practical nurse course. With this system these schools graduate 2,100 nurses a year. That figure Mr. Speaker, should be

considered. The public schools supported by state funds, graduate 70 nurses a year, the private schools graduate 2,100 of these women a year, and they are sorely needed today in the homes.

It would be impossible for the private schools to operate under this bill. No student could afford to pay the rates that the private schools would have to charge for tuition. Most of the teachers in these private schools are registered nurses with B. S. degrees who teach parttime aside from their positions in our large hospitals.

These private schools have thousands of dollars invested in these schools, and I believe if this bill passed it would be the first step to destroying our private school system that many of us in the House have made use of in times gone by.

I do not believe many of us in this House want to have any part in telling these women, if you want to be a practical nurse you must work for starvation wages, while our Federal Government in Washington is raising the minimum wage to one dollar per hour. If you vote for this bill, you also are saying to these private educators who operate these nursing schools, "We are putting you out of business because we are not in favor of the free enterprise system, but believe in the state having a monopoly on the training of practical nurses."

You also will deny many a woman who has spent many years as a practical nurse the right to be a licensed practical nurse, but, on the other hand, you will allow licensed attendants, who have only training of either serving meals or being clean-up men, to become licensed practical nurses.

No doubt you have talked with the two fine women who have been present in the House for the last few weeks, and not to belittle these two women, but to the best of my knowledge they did not understand this bill. After going over it a few times with them, I think there is a lot of doubt in their minds as to how good this bill is.

Mr. Speaker, I have not heard one person who can show how these women can support themselves and train under this program.

Since 1938 this piece of legislation has been introduced in 22 legislatures in the United States, and out of 22 states only four have licensed practical nurses under this type of legislation. It is not successful.

To conclude, I have a letter from the only practical nurses association in this state, the Keystone Practical Nurses Association, who are not in favor of this bill, but are in favor of two other bills that were introduced in this House. I would like to introduce this letter into the record, Mr. Speaker.

6035 Haverford Avenue  
Philadelphia 31, Pa.  
February 1, 1955.

Honorable Harry R. Comer  
House of Representatives  
Harrisburg, Pa.

Dear Sir:

The Keystone State Practical Nurses Association will greatly appreciate your undivided attention and cooperation in the presentation, discussion, and passing of their Licensure Bill being presented during this session.

Its passing will be a great asset to their contact, security, and moral integrity in present and future practice.



You have our complete confidence in its contents, what it will mean to the Health and Welfare of the State, Communities involved, and our future.

Thanking you in advance, we sincerely remain,

Yours very truly,

Mrs. Naomi Jackson  
State 2nd Vice President &  
President of District #4

Miss Gladys E. Robinson  
Secretary & Chairman—  
Legislative Co. Dist. #4.

Mr. LOVETT. Mr. Speaker, I would like to interrogate the gentleman from Philadelphia, Mr. Comer.

The SPEAKER. Will the gentleman from Philadelphia, Mr. Comer, permit himself to be interrogated?

Mr. COMER. I shall, Mr. Speaker.

Mr. LOVETT. Mr. Speaker, under our present practical nurses program, do they try for the examination to become nurses?

Mr. COMER. Under our present system, Mr. Speaker, we do not have any practical nurses in Pennsylvania recognized by the state, they are called licensed attendants.

Mr. LOVETT. Mr. Speaker, may I ask this question, do we have in this state public accountants, recognized public accountants?

Mr. COMER. Yes, Mr. Speaker.

Mr. LOVETT. They are not licensed—

Mr. COMER. Certified, Mr. Speaker.

Mr. LOVETT. Is that right, Mr. Speaker.

Mr. COMER. Right, Mr. Speaker.

Mr. LOVETT. Mr. Speaker, certified public accountants, but not accountants. They are not licensed in the state, is that correct?

Mr. COMER. Right, Mr. Speaker.

Mr. LOVETT. Mr. Speaker, but they do take the examination to become certified public accountants, do they not?

Mr. COMER. That is true, Mr. Speaker, to be accountants.

Mr. LOVETT. Mr. Speaker, but our practical nurses do not take any examinations to become nurses in Pennsylvania, do they?

Mr. COMER. That is right, Mr. Speaker.

Mr. LOVETT. Mr. Speaker, if there is no desire for these practical nurses to become registered nurses, then I don't know why we should license them, do you?

Mr. COMER. That is what I am trying to convince the House of, Mr. Speaker, under this bill.

Mr. LOVETT. Mr. Speaker, I thank the gentleman.

I want to say to the membership of this House that I feel we are dealing with a subject that relates very much to a bill on accountants in Pennsylvania, who were very anxious to be licensed as accountants in Pennsylvania, and they were refused the right to be licensed as accountants in Pennsylvania. I see no need at all for a bill to license practical nurses in Pennsylvania.

Therefore, I do not think it is a good bill.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

## YEAS—114

Agnew,	Gibb,	Lopresti,	Reibman,
Ashton,	Goldstein,	Mahan,	Renwick,
Auker,	Gramlich,	Markley,	Rosen,
Banker,	Greenwood,	Maxwell,	Rubin,
Bazin,	Hamilton, R. K.,	McCann,	Sarra,
Bell,	Hamilton, W. H.,	McInroy,	Schuster,
Blair,	Haudenshield,	McLaughlin,	Smith, C. C.,
Boles,	Helm,	McWherter,	Stank,
Bonner,	Henzel,	Mihm,	Steckel,
Boory,	Hewitt,	Mikula,	Stevenson,
Bower,	Hocker,	Miller,	Stone,
Breisch,	Horst,	Mills,	Stoner,
Brennan, J. J.,	Houk,	Moran,	Thomas,
Brown,	Isaacs,	Moscrip,	Thompson,
Bullen,	Jenkins,	Munley,	Tompkins,
Cochran,	Johnson,	Murphy,	Toomey,
Connelly,	Jones, T. H. W.,	Murray, H. P.,	Varner,
Cooper,	Jump,	Murray, J. J.,	Vaughan,
Davis,	Kamyk,	Needham,	Verona,
Donahue,	Kline,	Ogilvie,	Wall,
Ehrgood,	Knecht,	Olsen,	Wallace,
Ellberg,	Kolankiewicz,	Pacchioli,	Walsh,
Ewing,	Kooker,	Parry,	Wargo,
Farabaugh,	Kornick,	Petrosky,	Waterhouse,
Filo,	Lelsey,	Polaski,	Wheeler,
Foster,	Leonard,	Pomeroy,	Williams,
Frank,	Light,	Price,	Young,
Gaffney,	Lippincott,	Pursley,	Andrews,
Garlock,		Readinger,	Speaker

## NAYS—57

Adam,	Guthrie,	McKeever,	Snider,
Amarando,	Hass,	Meholchick,	Stebbins,
Anderson, S. A.,	Heavy,	Monroe,	Strausser,
Barnatovich,	Holt,	Moody,	Swartz,
Branca,	Jones, G. E.,	Mullen,	Taylor,
Cianfrani,	Keller,	Murray, P. G.,	Toil,
Comer,	Lafore,	O'Neill,	Varallo,
Erb,	Lawyer,	Pashley,	Weidner,
Eshleman,	Leiby,	Paulhamus,	Welsh,
Fineman,	Leven,	Polen,	Whitenight,
Flint,	Limper,	Royer,	Wilt,
Frascella,	Lovett,	Rudisill,	Wood,
Frost,	Lutty,	Scarcelli,	Worley,
Gelfand,	McCormack,	Sherman,	Ziegler,
Gibson,			

## NOT VOTING—38

Anderson, M. S.,	Down,	Magee,	Rovansek,
Brennan, A. P.,	Floyd,	McGee,	Sigman,
Brenninger,	Flynn,	Metz,	Smith, Wm. B.,
Breth,	George,	Muldowney,	Stephens,
Bucchin,	Guss,	Musto,	Stroup,
Capano,	Kehler,	Naugle,	Wescott,
Cioffi,	Kent,	Pettigrew,	Willaredt,
Curwood,	Kratz,	Reidenbach,	Yetter,
Donaldson,	Kromer,	Rigby,	Yetzer,
Dougherty,	Kubacki,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed the same with amendments in which the concurrence of the Senate is requested

## BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 388 as follows:

An Act amending the act of June 3, 1937 (P. L. 1333) entitled "An act concerning elections including general municipal special and primary elections the nomination of candidates primary and election expenses and election contests creating and defining membership of county boards of elections imposing duties upon the Secretary of the Commonwealth courts county boards of elections county commissioners imposing penalties for violation



of the act and codifying revising and consolidating the laws relating thereto and repealing certain acts and parts of acts relating to elections" extending voting rights to bedridden or hospitalized veterans when not absent from county of residence

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 1301-A act of June 3, 1937 (P. L. 1333) known as the "Pennsylvania Election Code" added March 6 1951 (P. L. 3) is amended to read

Section 1301-A Qualified Electors who are beridden or Hospitalized Veterans Any qualified electors who is bedridden or hospitalized due to illness or physical disability contracted or suffered in connection with or as a direct result of his military service may vote under the provisions of this act in any election held in this Commonwealth if he is (1) unavoidably absent from the State or county of his residence regardless of whether he is registered or enrolled or (2) in the county of residence and is registered or enrolled

Section 2 This act shall take effect immediately

And said bill having been read at length the third time, and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

#### YEAS—193

Adam,	Garlock,	Mahan,	Rudisill,
Agnew,	Gelfand,	Markley,	Sarra,
Amarando,	Gibb,	Maxwell,	Scarcelli,
Anderson, S. A.,	Gibson,	McCann,	Schuster,
Ashton,	Goldstein,	McCormack,	Sherman,
Auker,	Gramlich,	McGee,	Sigman,
Banker,	Greenwood,	McInroy,	Smith, C. C.,
Barnatovich,	Guss,	McKeever,	Smith, Wm. B.,
Bazin,	Guthrie,	McLaughlin,	Snider,
Bell,	Hamilton, R. K.,	McWherter,	Stank,
Blair,	Hamilton, W. H.,	Meholchick,	Stebbins,
Boles,	Hass,	Metz,	Steckel,
Bonner,	Haudenschild,	Mihm,	Stephens,
Boory,	Heavey,	Mikula,	Stevenson,
Bower,	Helm,	Miller,	Stone,
Branca,	Henzel,	Mills,	Stoner,
Brelschi,	Hewitt,	Monroe,	Strausser,
Brennan, A. P.,	Hocker,	Moody,	Swartz,
Brennan, J. J.,	Holt,	Moran,	Taylor,
Breth,	Horst,	Moscrip,	Thomas,
Brown,	Houk,	Muldowney,	Thompson,
Bucchin,	Isaacs,	Mullen,	Toll,
Bullen,	Jenkins,	Munley,	Tompkins,
Capano,	Johnson,	Murphy,	Toomey,
Cianfrani,	Jones, G. E.,	Murray, H. P.,	Varallo,
Cioffi,	Jones, T. H. W.,	Murray, P. G.,	Varner,
Cochran,	Jump,	Musto,	Vaughan,
Comer,	Kamyk,	Naugle,	Verona,
Connelly,	Keller,	Needham,	Wall,
Cooper,	Kent,	Ogilvie,	Wallace,
Curwood,	Kline,	Olsen,	Walsh,
Davis,	Knecht,	O'Neil,	Wargo,
Donahue,	Kolankiewicz,	Paccholi,	Waterhouse,
Dougherty,	Kooker,	Parry,	Weidner,
Ehrgood,	Kornick,	Pashley,	Welsh,
Ellberg,	Kubacki,	Paulhamus,	Wescott,
Erb,	Lafore,	Petrosky,	Wheeler,
Eshleman,	Lawyer,	Polaski,	Whitenight,
Evling,	Leiby,	Polen,	Williams,
Farabaugh,	Leisey,	Pomeroy,	Wilt,
Flo,	Leonard,	Price,	Wood,
Fineman,	Leven,	Pursley,	Worley,
Flint,	Light,	Readinger,	Yetter,
Floyd,	Limper,	Reibman,	Yetzer,
Foster,	Lippincott,	Renwick,	Young,
Frank,	Lopresti,	Rosen,	Ziegler,
Frascella,	Lovett,	Royer,	Andrews,
Frost,	Lutty,	Rubin,	Speaker

NAYS—0

#### NOT VOTING—16

Anderson, M. S.,	Flynn,	Kromer,	Rigby,
Brenninger,	George,	Magee,	Rovansek,
Donaldson,	Kehler,	Pettigrew,	Stroup,
Down,	Kratz,	Reidenbach,	Willaredt,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 413 as follows:

A Joint Resolution proposing an amendment to article eight of the Constitution of the Commonwealth of Pennsylvania providing for absentee voting

The General Assembly of the Commonwealth of Pennsylvania hereby resolves as follows

Section 1 The following amendment to the Constitution of the Commonwealth of Pennsylvania is proposed in accordance with the provisions of the eighteenth article thereof

That article eight of the Constitution of the Commonwealth of Pennsylvania be amended by adding thereto a new section to read

Section 19 The General Assembly may by general law provide a manner in which and the time and place at which qualified voters may vote who on the occurrence of any primary or election are unavoidably absent from the State or county of their residence because their duties occupation or business require them to be elsewhere or who on the occurrence of any primary or election are unable to attend at their proper polling places because of illness or physical disability and may provide for the return and canvass of their votes in the election district in which they respectively reside

And said bill having been read at length the third time, and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

#### YEAS—193

Adam,	Garlock,	Mahan,	Rudisill,
Agnew,	Gelfand,	Maxwell,	Sarra,
Amarando,	Gibb,	Markley,	Scarcelli,
Anderson, S. A.,	Gibson,	McCann,	Schuster,
Ashton,	Goldstein,	McCormack,	Sherman,
Auker,	Gramlich,	McGee,	Sigman,
Banker,	Greenwood,	McInroy,	Smith, C. C.,
Barnatovich,	Guss,	McKeever,	Smith, Wm. B.,
Bazin,	Guthrie,	McLaughlin,	Snider,
Bell,	Hamilton, R. K.,	McWherter,	Stank,
Blair,	Hamilton, W. H.,	Meholchick,	Stebbins,
Boles,	Hass,	Metz,	Steckel,
Bonner,	Haudenschild,	Mihm,	Stephens,
Boory,	Heavey,	Mikula,	Stevenson,
Bower,	Helm,	Miller,	Stone,
Branca,	Henzel,	Mills,	Stoner,
Brelschi,	Hewitt,	Monroe,	Strausser,
Brennan, A. P.,	Hocker,	Moody,	Swartz,
Brennan, J. J.,	Holt,	Moran,	Taylor,
Breth,	Horst,	Moscrip,	Thomas,
Brown,	Houk,	Muldowney,	Thompson,
Bucchin,	Isaacs,	Mullen,	Toll,
Bullen,	Jenkins,	Munley,	Tompkins,
Capano,	Johnson,	Murphy,	Toomey,
Cianfrani,	Jones, G. E.,	Murray, H. P.,	Varallo,
Cioffi,	Jones, T. H. W.,	Murray, J. J.,	Varner,
Cochran,	Jump,	Murray, P. G.,	Vaughan,
Comer,	Kamyk,	Musto,	Verona,
Connelly,	Keller,	Naugle,	Wall,
Cooper,	Kent,	Needham,	Wallace,
Curwood,	Kline,	Ogilvie,	Walsh,
Davis,		Olsen,	Wargo,



Donahue, Dougherty, Ehrgood, Ellberg, Erb, Eshleman, Ewing, Farabaugh, Filo, Fineman, Flint, Floyd, Foster, Frank, Frascella, Frost, Gaffney,	Knecht, Kolankiewicz, Kooker, Kornick, Kubacki, Lafore, Lawyer, Leiby, Leisey, Leonard, Leven, Light, Limper, Lippincott, Lopresti, Lovett, Lutty,	O'Neill, Pacchioli, Parry, Pashley, Paulhamus, Petrosky, Polaski, Polen, Pomeroy, Price, Pursley, Readinger, Reibman, Renwick, Rosen, Royer, Rubin,	Waterhouse, Weidner, Welsh, Wescott, Wheeler, Whitenight, Williams, Wilt, Wood, Worley, Yetter, Yetzer, Young, Ziegler, Andrews, Speaker
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## NAYS—0

## NOT VOTING—16

Anderson, M. S., Brenninger, Donaldson, Down,	Flynn, George, Kehler, Kratz,	Kromer, Magee, Pettigrew, Reidenbach,	Rigby, Rovanssek, Stroup, Willaredt,
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The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 491 as follows:

An Act regulating and prescribing working hours of police matrons in cities of the second class

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 No police matron employed by any city of the second class shall be on duty more than eight hours in any one day all of which shall be consecutive nor more than forty hours during any seven-day period The provisions of this section shall not apply during any temporary period of emergency for the suppression of riots or tumults the preservation of the public peace or in times of conflagration or public celebrations In such instances the police matron shall be paid for the extra hours of duty at the same hourly rate as her regular hourly rate of compensation

Section 2 All acts and parts of acts are repealed in so far as they are inconsistent herewith

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

## YEAS—193

Adam, Agnew, Amarando, Anderson, S. A., Ashton, Auker, Banker, Barnatovich, Bazin, Bell, Blair, Boles, Bonner, Boory, Bower, Branca, Breisch, Brennan, A. P.,	Garlock, Gelfand, Gibb, Gibson, Goldstein, Gramlich, Greenwood, Guss, Guthrie, Hamilton, R. K., Hamilton, W. H., Hass, Haudenschild, Heavey, Helm, Henzel, Hewitt, Hocker,	Mahan, Markley, Maxwell, McCann, McCormack, McGee, McInroy, McKeever, McLaughlin, McWherter, Meholchick, Metz, Mihm, Mikula, Miller, Mills, Monroe, Moody,	Rubin, Rudisill, Sarraf, Scarcelli, Schuster, Sherman, Sigman, Smith, C. O., Smith, Wm. B., Snider, Stank, Stebbins, Steckel, Stephens, Stevenson, Stone, Stoner, Strausser,
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Brennan, J. J., Breth, Brown, Bucchin, Bullen, Capano, Cianfrani, Cioffi, Cochran, Comer, Connelly, Cooper, Curwood, Davis, Donahue, Dougherty, Ehrgood, Ellberg, Erb, Eshleman, Ewing, Farabaugh, Filo, Fineman, Flint, Floyd, Foster, Frank, Frascella, Frost, Gaffney,	Holt, Horst, Houk, Isaacs, Jenkins, Johnson, Jones, G. E., Jones, T. H. W., Jump, Kamyk, Keller, Kent, Kline, Knecht, Kolankiewicz, Kooker, Kornick, Kubacki, Lafore, Lawyer, Leiby, Leisey, Leonard, Leven, Light, Limper, Lippincott, Lopresti, Lovett, Lutty,	Moran, Moscrip, Muldowney, Mullen, Munley, Murphy, Murray, H. P., Murray, J. J., Murray, P. G., Musto, Naugle, Needham, Ogilvie, Olsen, O'Neill, Pacchioli, Parry, Pashley, Paulhamus, Petrosky, Polaski, Polen, Pomeroy, Price, Pursley, Readinger, Reibman, Renwick, Rosen, Royer,	Swartz, Taylor, Thomas, Thompson, Toil, Tompkins, Toomey, Varallo, Varner, Vaughan, Verona, Wall, Wallace, Walsh, Wargo, Waterhouse, Weidner, Welsh, Wescott, Wescott, Wheeler, Whitenight, Williams, Wilt, Wood, Worley, Yetter, Yetzer, Young, Ziegler, Andrews, Speaker
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## NAYS—0

## NOT VOTING—16

Anderson, M. S., Brenninger, Donaldson, Down,	Flynn, George, Kehler, Kratz,	Kromer, Magee, Pettigrew, Reidenbach,	Rigby, Rovanssek, Stroup, Willaredt,
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The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 592, as follows:

An Act amending the act of April 28, 1937 (P. L. 417) entitled "An act relating to milk and the products thereof creating a Milk Control Commission establishing its jurisdiction powers and duties regulating the production transportation manufacturing processing storage distribution delivery and sale of milk and certain products thereof providing for the licensing of milk dealers and the payment of fees therefor requiring milk dealers to file bonds to secure payment for milk to producers and certain milk dealers authorizing the holding of hearings and the issuance of subpoenas by the commission conferring jurisdiction upon courts to punish contempt and to prohibit violations of this act and of rules regulations and orders of the commission authorizing the commission to adopt rules regulations and orders and to enter into interstate and Federal compacts requiring persons who weight measure sample or test milk to procure permits or certificates to take examinations to pay fees therefor to furnish certain notices records and statements and to use certain methods of weighing measuring sampling and testing authorizing the commission to examine the business papers and premises of milk dealers and producers requiring the keeping of records and the filing of reports by milk dealers and permitting with limitations the use of information obtained thereby authorizing the commission to fix prices for milk and certain milk products subject to the approval of the Governor and conferring certain powers upon the Governor with respect thereto providing for appeals to the courts from decisions of the commission and for the burden of proof upon such appeals prescribing penalties fines and imprisonment for violation of this act and rules regulations and orders of the commission defining perjury defining remedies repealing



legislation supplied and superseded by this act and saving rights duties and proceedings thereunder and making appropriations" by changing the provisions relating to licenses license fees and suspension and revocation of licenses

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The act of April 28, 1937 (P. L. 417) known as the "Milk Control Law" is hereby amended by adding immediately following section four hundred four a new section to read as follows

Section 404.1 Penalties in lieu of suspension in any case where the commission shall suspend a license the commission may accept from the licensee an offer in compromise at the rate of one hundred dollars (\$100.00) for each day of suspension as a penalty in lieu of such suspension and thereupon rescind the suspension

Section 2 Sections four hundred eight and four hundred nine of said act as amended by the act approved the nineteenth day of June one thousand nine hundred fifty-three (Pamphlet Laws 286) are hereby further amended to read as follows

Section 408 License fees generally [the commission shall charge and collect license fees from milk dealers on a yearly basis as follows Where a milk dealer received produced or brought within the Commonwealth during the calendar year preceding the period for which the license is issued a daily average total quantity of milk]

[(1) Not exceeding twenty (20) pounds a license fee of one dollar (\$1.00)

(2) Exceeding twenty (20) pounds but not exceeding one hundred (100) pounds a license fee of three dollars (\$3.00)

(3) Exceeding one hundred (100) pounds but not exceeding five hundred (500) pounds a license fee of ten dollars (\$10.00)

(4) Exceeding five hundred (500) pounds but not exceeding one thousand (1,000) pounds a license fee of fifteen dollars (\$15.00)

(5) Exceeding one thousand (1,000) pounds but not exceeding two thousand (2,000) pounds a license fee of thirty dollars (\$30.00)

(6) Exceeding two thousand (2,000) pounds but not exceeding three thousand (3,000) pounds a license fee of forty dollars (\$40.00)

(7) Exceeding three thousand (3,000) pounds but not exceeding four thousand (4,000) pounds a license fee of fifty dollars (\$50.00)]

[(8) Exceeding four thousand (4,000) pounds but not exceeding five thousand (5,000) pounds a license fee of sixty dollars (\$60.00)

(9) Exceeding five thousand (5,000) pounds but not exceeding seven thousand five hundred (7,500) pounds a license fee of seventy-five dollars (\$75.00)

(10) Exceeding seven thousand five hundred (7,500) pounds but not exceeding ten thousand (10,000) pounds a license fee of one hundred dollars (\$100.00)

(11) Exceeding ten thousand (10,000) pounds but not exceeding fifteen thousand (15,000) pounds a license fee of one hundred fifty dollars (\$150.00)

(12) Exceeding fifteen thousand (15,000) pounds but not exceeding twenty-five thousand (25,000) pounds a license fee of two hundred dollars (\$200.00)

(13) Exceeding twenty-five thousand (25,000) pounds but not exceeding fifty thousand (50,000) pounds a license fee of three hundred dollars (\$300.00)

(14) Exceeding fifty thousand (50,000) pounds but not exceeding one hundred thousand (100,000) pounds a license fee of five hundred dollars (\$500.00)

(15) Exceeding one hundred thousand (100,000) pounds but not exceeding two hundred fifty thousand (250,000) pounds a license fee of one thousand dollars (\$1,000.00)

(16) Exceeding two hundred fifty thousand (250,000) pounds but not exceeding five hundred thousand (500,000) pounds a license fee of one thousand five hundred dollars (\$1,500.00)

(17) Exceeding five hundred thousand (500,000) pounds but not exceeding seven hundred fifty thousand (750,000) pounds a license fee of two thousand five hundred dollars (\$2,500.00)

(18) Exceeding seven hundred fifty thousand (750,000)

pounds but not exceeding one million (1,000,000) pounds a license fee of three thousand five hundred dollars (\$3,500.00)

(19) Exceeding one million (1,000,000) pounds a license fee of five thousand dollars (\$5,000.00)

In addition to the foregoing specific annual fee and to be added to the amount thereof the commission shall charge and collect one cent per hunderweight for the license year beginning the first day of May one thousand nine hundred fifty-four and one-half cent per hunderweight for each license year thereafter on all milk The prices of which the commission is required to fix by the mandatory provision of section eight hundred two of this act received produced or brought within the Commonwealth by the dealer during the calendar year preceding the period for which the license is issued if the dealer was engaged in the milk business during a part only of the preceding calendar the number of hunderweight on which the additional license fee shall be computed shall be determined by dividing the total number of hunderweight of milk as defined above received produced or brought into the Commonwealth by the dealer during the preceding license year by the number of months during which the dealer was licensed and multiplying by twelve the foregoing provisions do not apply to sub-dealers sub-handlers or stores

The commission shall charge and collect license fees from sub-dealers on a yearly basis of fifteen dollars (\$15.00) for each route owned or operated at the commencement of the license period

Except as otherwise expressly provided by this act the license fee fixed by this section shall be paid before any license or any renewal thereof is issued where a license fee is applied for by a milk dealer and the commission declines to grant a license to the applicant the license fee shall be charged and retained by the commission only pro rata for so much of the license year as expired prior to the issuance of the order refusing the license

(a) The commission shall charge and collect license fees from milk dealers on a yearly basis the amount of each license fee shall be asked upon the dealers transactions during the calendar year preceding the period for which the license is issued and it shall be the total of the following

(1) One-fourth of one cent per hunderweight on all milk purchased received handled or otherwise acquired from Pennsylvania producers

(2) One-fourth of one cent per hunderweight on all milk brought within the Commonwealth from sources outside the Commonwealth including plant transfers from the licensee's plant or plants located outside of the Commonwealth

(3) One and one-fourth cents per hunderweight on all milk the minimum price of which the commission is required to fix by the provisions of section eight hundred two of this act received produced or brought within the Commonwealth

(b) If the dealer was engaged in the milk business during only a part of the preceding calendar year his license fee shall be computed as follows

(1) Apply the factors set forth in section four hundred eight (a)

(2) Divide the result by the number of months of the preceding calendar year during which the dealer was licensed and multiplying the result by twelve

(c) In lieu of any other license fee imposed by this section the commission shall charge and collect license fees from non-processing milk dealers or handlers including subdealers and subhandlers who only sell or deliver milk in the same containers in which they purchase or acquire it at the rate of twenty dollars (\$20.00) per year for each route owned or operated by the licensee

(d) The minimum license fee shall be five dollars (\$5.00)

(e) Except as otherwise expressly provided in this act the license fee fixed by this section shall be paid before any license or any renewal thereof is issued when the commission refuses the application of a milk dealer for a license the commission shall retain only a pro rata portion of the license fee for the period from the beginning of the license period to the date of refusal



Section 409 license fees of certain milk dealers [milk dealers who are not engaged in the milk business at the commencement of the license period shall pay a proportionate amount of the specific annual fee as follows]

(1) For a license issued on or after August first but prior to November first three-fourths of the annual fee

(2) For a license issued on or after November first but prior to February first to the succeeding year one-half of the annual fee

(3) For a license issued on or after February first but prior to May first one-fourth of the annual fee

Milk dealers not engaged in the milk business during any month in the preceding calendar year shall submit with their application a license fee in the sum of one dollar (\$1.00) and in addition thereto (1) at such time or times as the commission may fix but not more than four months after the granting of the license shall pay an additional sum based upon the daily average total quantity of milk received produced or brought within the Commonwealth by such dealer during any of such months in the proportionate amount above stated and (2) shall pay monthly one cent per hundredweight during the part of the license year beginning the first day of May one thousand nine hundred fifty-four for which he is licensed and one-half cent per hundredweight during the part of any license year thereafter for which he is first licensed on all milk. The prices of which the commission is required to fix by the mandatory provision of section eight hundred two of this act received produced or brought within the Commonwealth by the dealer during the preceding month the foregoing provisions do not apply to sub-dealers sub-handlers or stores]

(a) Any milk dealer who was not engaged in the milk business at the commencement of the license period shall pay a proportionate amount of the annual license fee as follows

(1) For a license issued on or after May first but prior to August first the annual fee

(2) For a license issued on or after August first but prior to November first three-fourths of the annual fee

(3) For a license issued on or after November first but prior to February first of the succeeding year one-half of the annual fee

(4) For a license issued on or after February first but prior to May first one-fourth of the annual fee

(b) Whenever a dealer who was not engaged in the milk business during any month in the preceding calendar year applies for a license he shall submit with his application a fee of five dollars (\$5.00) the amount of his license fee shall be determined by applying the rates set forth in section four hundred eight to his transactions in the first three months during which he is in business multiplying by four and applying the proportions set forth in subsection (a) hereof such license fee shall be paid within four months after the granting of the license

Section 3 Section four hundred ten of said act as amended by the act approved the twenty-fourth day of July one thousand nine hundred forty-one (Pamphlet Laws 443) is hereby further amended to read as follows

Section 410 Computation of license fees [milk sold and distributed outside of this Commonwealth in any state which charges milk dealers or handlers a license fee may be deducted in the determination of the amount of the license fee required by this act provided that such quantity of milk is actually computed in determining the amount of such license fee in such other state in computing the license fee to be charged by the commission the fluid milk equivalent of milk other than fluid milk shall be ascertained and fixed in such manner as the commission shall prescribe except in the case of farm-separated sour cream used exclusively in making butter to be marketed or ultimately sold as such in which case the daily average total quantity of such milk shall be computed according to pounds of butterfat of sour cream rather than the fluid milk equivalent thereof nothing herein is to be considered as requiring in the computation of the license fee the inclusion of milk which is received by the applicant milk dealer or handler from another milk dealer or handler subject to license hereunder which milk has been included in the computation of such other dealers fee or milk which is produced by the applicant dealer or handler and not

sold by him to stores or consumers applicant milk dealers or handlers other than subdealers or subhandlers receiving their entire supply from milk dealers or handlers who have paid a license fee thereon to this commission shall pay the license fee of ten dollars (\$10.00)]

(a) In computing the license fee to be charged by the commission the weight of the milk received from producers shall be based on the actual weight and butterfat received and for all other items handled in Pennsylvania plants shall be based on the actual product pounds of milk cream and milk products received except in the case of farm-separated sour cream used exclusively in making butter to be marketed or ultimately sold as butter in which case the total quantity of milk shall be computed according to pounds of butterfat in sour cream nothing herein is to be construed as requiring in the computation of the license fee the inclusion of milk which is received by the applicant milk dealer or handler from another milk dealer or handler subject to a license under the provisions of this act which milk has been included in the computation of the other dealers license fee or milk which is produced by the applicant dealer or handler and not sold by him to stores or consumers

(b) Applicant milk dealers or handlers other than sub-dealers or subhandlers engaged solely in the manufacture of dairy products receiving their entire supply from milk dealers or handlers who have paid a license fee thereon to this commission shall pay a license fee of ten dollars (\$10.00)

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. LIGHT. Mr. Speaker and Members of the House, House Bill 592, Printer's No. 1156 has been on the calendar since March 19th of this year. It passed first reading April 16th, second reading on April 19th, and then it had a long delay. On November 23rd it was re-reported by the Committee on Agriculture.

I doubt very much whether many people in this House know what this bill contains. It is the first effort to break the Milk Control Law by a list of amendments which appear in this House Bill 592, Printer's No. 1156. This Printer's No. 1156 cannot be compared to the original bill except in the title. Everything is practically new that is in this bill. It is impossible to discuss the details, but I wish to discuss the general plan and what it will do to agriculture in this state.

We should remember that the basic principle in the Milk Control Law is that in the interest of public health an adequate and pure milk supply must be available to the public. That is the basis of the Milk Control Law. To that end the farmer or the dairyman who produces milk must receive sufficient money from the sale of milk to warrant and justify the production of milk under proper sanitary conditions.

The dealer is entitled to receive a reasonable return for the services rendered through processing and distributing. The price paid by the consuming public must not be exorbitant and should be consistent with the prices of other food.

More than 20 states have Milk Control Laws and the Pennsylvania Milk Control Law has been used as a typical law because it was the first permanent milk control law enacted. This law has been tried and tested in the courts and before any drastic changes are made like the intent of House Bill 592, Printer's No. 1156 this House should give serious study to the matter. To comprehend the



effect that House Bill 592 may have if enacted into law, let us consider just a few important conditions in the milk industry.

Pennsylvania is the third largest milk producing state in the United States, and the dairy industry supplies more income to the farmers than any other branch of agriculture. It must be apparent to everyone that the farmer, the dealer and the consumer each in his own interest has a stake in the milk business and in the amendment which is before you, and the Milk Control Commission needs must always be the arbiter or umpire, for that is the function of the Milk Control Board.

I would like to continue by saying that the amendments to Sections 408, 409 and 410, which are in House Bill 592, Printer's No. 1156, will bring new problems to the producer and the consumer. No doubt hearings by the board and proceedings to apply the new schedule must be followed. Because of the increased cost of licenses to dealers, the dealers will surely wish to establish their increased cost of processing, hauling and so forth.

It is a known fact that the Commission must hold hearings to establish new orders, and orders can only be established upon the basis of evidence produced in the hearings.

The dealer is able with the aid of his statisticians and experts to establish definite costs of operations for the consideration of the Commission. The milk producer cannot meet this strong competition for he does not have cost systems upon which he can depend. No, in the final analysis any increase in costs to dealers will result unfavorably to producers.

In stead of passing this amendment, the opinion of those who are familiar with Commission hearing procedure, is that the greatest need is to get sufficient legal talent for the Milk Control Board who will develop the true and exact facts at hearings so that the Commission will have the true story on which to base orders. The farmers, the dealers and the consumers, yes, you can readily see, have a stake in this amendment. If the House passes this bill 592 and enacts it into law the cost to the dealer becomes too great, he will look for sources of milk supply costing less money, to the disadvantage of the Pennsylvania producer and the consumer.

The major farm organizations of Pennsylvania have taken a position on this bill and they generally are opposed to any amendments to the Milk Control Law.

Before I proceed to discuss that, I wish to call attention to what has been the financial background of this Milk Control cost.

As you well know, the Commonwealth appropriates in its budget an amount for the Milk Control Commission's use. Since 1935, inclusive of 1953 and 1955, the Commonwealth has appropriated \$3,279,750 and the receipts from fees, fines and all other income of the Milk Control Board are \$2,693,776.03.

In the last session of the legislature the rate the milk dealer paid was increased and in 1953 to '55 the dealers in Pennsylvania paid into the Milk Control Fund \$432,671, and there was an appropriation of \$300,000 from the Commonwealth towards the cost of the Milk Control Commission.

Now, hear what the Pennsylvania Council of Farm Organizations said. "They favor the perpetuation and

effective enforcement of the present Milk Control program of the state and are opposed to any amendments of the present act which will offset the administration of that law and its effective enforcement."

The Pennsylvania State Grange too is opposed to any tinkering with the law. In speaking of groups such as the Pennsylvania Farmers Organizations, a resolution was passed that since the Milk Control Commission was established for the benefit of the consumer and the producer, the functions and expenses of the Commission over and above the income received from the dealers' license funds and fees should be paid out of the general fund. So it would seem that the farmer organizations, the majority of Pennsylvania producers being represented by these organizations, are opposed to the principles of House Bill 592, Printer's No. 1156.

The Milk Control Law is the best help farmers have had in their milk problems in the past 30 years. This law was passed by the Democratic party in 1937 and I believe as the Majority Party today you will not let it be damaged or destroyed. Should this House pass this amendment, it will be the first step toward breaking down Milk Control legislation.

In the final analysis the additional cost which will be paid by dealers, because of the increase of these fees and penalties, will mean an added cost of production to the farmer and to the dairyman.

I should like to add very briefly, this bill should not pass in view of what I have said, and in addition, the income, the farmers income in 1955, by no less an authority than—our own Secretary of Agriculture, is 10 per cent less than in 1954. And according to his figures and data 1956 promises to be another 10 per cent less.

I have before me a resolution that was passed by one of the farm organizations within the last month which states:

The picture of farming continues to cloud darker and darker. The farmer's share of the consumer's dollar grows less each year and now is at an all time low. Farm help is more difficult to obtain. Farm investments climb higher and higher. Taxes continue to increase as community improvements grow and demand attention. The real farm population decreases yearly."

Before we vote on this bill, I think we ought to ask ourselves a few questions.

First, I would respectfully ask that the Membership consider five things:

First, that the Commission has had sufficient money to operate.

Second, that the proposed schedule in House Bill No. 592, with the additional license money will produce more than sufficient money.

Third, is House Bill No. 592 an effort on the part of the Milk Control Commission to become self sufficient and beyond the reach of the legislature?

Fourth, can the consumer depend on a guaranteed ample supply of pure milk?

Fifth, if House Bill 592 be passed is it the purpose of the administration to withdraw an amount from the budget amounting to \$300,000?

I would respectfully ask that the Membership of this House to consider very carefully these five questions before voting "aye."



Mr. PETROSKY. Mr. Speaker, as one farmer to another, I think the gentleman from Lebanon deserves a brief answer.

House Bill 592, Printer's No. 1156, does not carry the ramifications as expressed and feared by the gentleman from Lebanon, Mr. Light. It is primarily a measure which corrects an inequity which has existed for a long time.

True enough, at the time of the passage of the original Milk Control Act in 1937 sufficient moneys were appropriated to administer the enforcement of the act from the General Fund budget.

However, at that time it was suggested that after the Commission would get into a position to become self-sustaining that such should be done. During the following years that had been done in a partial manner.

At the present time House Bill 592, Printer's No. 1156, finally accomplishes that which was promised to be done in 1937, eventually for the Milk Control Commission to be self-sustaining.

This is the only amount of money this will raise, a sufficient amount of money so that the act will not be weakened.

We have here a piece of legislation which puts this Commission in the same position as our Public Utility Commission, and other commissions throughout the state government which operate in behalf of a particular industry.

It has no ramification or effect on the farmers. It primarily raises very slightly the fees to dealers in order to make this Commission self-sustaining.

As to the fifth question of the gentleman from Lebanon, yes, in the event this proposal becomes law the amount that it will raise will be withdrawn from the budget. It cannot be the entire amount at this late date, because of the effective date of the act, only a portion can be raised and that portion which will be raised for the time allotted in the bill in this biennium will be withdrawn from the budget. In the future there will be no necessity for appropriating money from the general fund to sustain the Milk Control Commission's operation and enforcement in the manner in which it should be enforced.

I ask the Members of the House to vote for the proposal before us.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken.

Messrs. LIGHT, OGILVIE and STONER requested a verification of the roll.

The affirmative roll was verified and the roll was as follows:

## YEAS—98

Adam,	Floyd,	McCann,	Rosen,
Amarando,	Frank,	McCormack,	Rudisill,
Anderson, S. A.,	Frascella,	McGee,	Sarra,
Barnatovich,	Gaffney,	McKeever,	Scarcell,
Bazin,	Gibson,	McLaughlin,	Schuster,
Boles,	Guss,	McWherter,	Sherman,
Bonner,	Hamilton, R. K.,	Meholchick,	Smith, Wm. B.,
Boory,	Hass,	Mihm,	Snider,
Branca,	Heavey,	Mikula,	Stank,
Brennan, A. P.,	Holt,	Mills,	Stephens,
Brennan, J. J.,	Jenkins,	Monroe,	Taylor,
Breth,	Jones, G. E.,	Moran,	Thomas,
Bucchin,	Kamyk,	Muldowney,	Thompson,
Capano,	Kolankiewicz,	Mullen,	Toll,

Cianfrani,  
Cochran,  
Cooper,  
Curwood,  
Davis,  
Dougherty,  
Ellberg,  
Farabaugh,  
Filo,  
Fineman,  
Flint,

Kornick,  
Kubacki,  
Lawyer,  
Leiby,  
Leonard,  
Leven,  
Limper,  
Lopresti,  
Lovett,  
Lutty,

Munley,  
Murray, J. J.,  
Musto,  
Needham,  
Olsen,  
O'Neil,  
Pacchioni,  
Pashley,  
Polen,  
Reibman,  
Renwick,

Varallo,  
Verona,  
Wallace,  
Wargo,  
Welsh,  
Wheeler,  
Williams,  
Yetter,  
Yetzer,  
Andrews,  
Speaker

## NAYS—79

Agnew,  
Ashton,  
Auker,  
Banker,  
Bell,  
Bower,  
Breisch,  
Brown,  
Bullen,  
Connelly,  
Donahue,  
Ehrgood,  
Erb,  
Eshleman,  
Ewing,  
Foster,  
Frost,  
Garlock,  
Gibb,  
Goldstein,

Gramlich,  
Guthrie,  
Hamilton, W. H.,  
Helm,  
Henzel,  
Hewitt,  
Hocker,  
Horst,  
Houk,  
Isaacs,  
Johnson,  
Jones, T. H. W.,  
Jump,  
Keller,  
Kline,  
Knecht,  
Kooker,  
Lafare,  
Lelsey,  
Light,

Lippincott,  
Mahan,  
Markley,  
McInroy,  
Miller,  
Moody,  
Moscrip,  
Murphy,  
Murray, H. P.,  
Ogilvie,  
Parry,  
Paulhamus,  
Petrosky,  
Polaski,  
Pomeroy,  
Price,  
Pursley,  
Readinger,  
Royer,  
Rubin,

Steckel,  
Stevenson,  
Stoner,  
Strausser,  
Swartz,  
Tompkins,  
Toomey,  
Varner,  
Vaughan,  
Wall,  
Walsh,  
Waterhouse,  
Weidner,  
Whitenight,  
Wilt,  
Wood,  
Worley,  
Young,  
Ziegler,

## NOT VOTING—32

Anderson, M. S.,  
Blair,  
Brenninger,  
Cioffi,  
Comer,  
Donaldson,  
Down,  
Flynn,

Gelfand,  
George,  
Greenwood,  
Haudenshield,  
Kehler,  
Kent,  
Kratz,  
Kromer,

Magee,  
Maxwell,  
Metz,  
Murray, P. G.,  
Naugle,  
Pettigrew,  
Reidenbach,  
Rigby,

Rovansek,  
Sigman,  
Smith, C. C.,  
Stebbins,  
Stone,  
Stroup,  
Wescott,  
Willaredt,

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the bill falls.

HOUSE BILLS Nos. 1823, 1825, 1824 and 1831  
MADE SPECIAL ORDER

Mr. READINGER. Mr. Speaker, I move that House Bill No. 1823, Printer's No. 1103 on page 3, House Bill No. 1825, Printer's No. 1104 on page 4, House Bill No. 1824, Printer's No. 1031 on page 9 and House Bill No. 1831, Printer's No. 1116 on page 9

of today's calendar be made a special order of business in that order immediately.

The motion was agreed to.

The SPEAKER. The Chair lays before the House the first bill on special order fixed for this time, House Bill No. 1823.

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 1823 as follows:

An Act to further amend subsection (i) of section four of the act approved the eighteenth day of April one thousand nine hundred forty-nine (P. L. 604) entitled "An Act to promote the welfare of the people of the Commonwealth creating a State Highway and Bridge Authority as a body corporate and politic with power to construct reconstruct improve mainain equip furnish and operate highway and bridge projects and roadside rests and to lease the same and to fix and collect fees rentals and charges for the use thereof authorizing and regulating the issuance of bonds by said Authority



and providing for the payment of such bonds and the rights of the holders thereof and to enter into agreements with the Government of the United States or any Federal agency and authorizing the Department of Highways to grant assign convey or lease to the Authority lands easements or rights of way of the Commonwealth and interests therein and to acquire lands therefor authorizing said Authority and the Department of Highways to enter into agreements providing for mutual cooperation in furtherance of the construction of any project hereby authorized granting the right of eminent domain empowering said Authority to sell and convey projects and property to the Commonwealth and providing that no debt of the Commonwealth or any of its political subdivisions shall be incurred in the exercise of any of the powers granted by this act and making an appropriation" by increasing the power of the Authority to borrow money and issue evidences of indebtedness therefor in certain cases

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Subsection (i) of section four of the act approved the eighteenth day of April one thousand nine hundred forty-nine (P. L. 604) entitled "An act to promote the welfare of the people of the Commonwealth creating a State Highway and Bridge Authority as a body corporate and politic with power to construct reconstruct improve maintain equip furnish and operate highway and bridge projects and roadside rests and to lease the same and to fix and collect fees rentals and charges for the use thereof authorizing and regulating the issuance of bonds by said Authority and providing for the payment of such bonds and the rights of the holders thereof and to enter into agreements with the Government of the United States or any Federal agency and authorizing the Department of Highways to grant assign convey or lease to the Authority lands easements or rights of way of the Commonwealth and interests therein and to acquire lands therefor authorizing said Authority and the Department of Highways to enter into agreements providing for mutual cooperation in furtherance of the construction of any project hereby authorized granting the right of eminent domain empowering said Authority to sell and convey projects and property to the Commonwealth and providing that no debt of the Commonwealth or any of its political subdivisions shall be incurred in the exercise of any of the powers granted by this act and making an appropriation" as amended by the act approved the thirtieth day of June one thousand nine hundred fifty-one (1951-52 P. L. 954) is hereby further amended to read as follows

Section 4 Purposes and Powers General

(i) To borrow money make and issue negotiable notes bonds and other evidences of indebtedness or obligations (herein called "bonds") of the Authority not exceeding eighty million dollars (\$80,000,000) in the aggregate and in addition whenever the department has been or may be authorized by an act of the General Assembly to build and operate any specific bridge tunnel or public highway the authority without limitation as aforesaid may issue bonds of the authority in such amount as the Secretary of Highways shall certify as necessary for defraying the cost of the construction of any such particular project or projects and to secure the payment of such bonds or any part thereof by pledge or deed of trust of all or any of its revenues rentals and receipts and to make such agreements with the purchasers or holders of such bonds or with others in connection with any such bonds whether issued or to be issued as the Authority shall deem advisable and in general to provide for the security for said bonds and the rights of the holders thereof provided that no work on any bridge tunnel or public highway shall be commenced under these provisions until the Secretary of Highways certifies to the Governor that traffic conditions have created a need for said project

For the purposes of this subsection (I) The term "Cost of the Construction" of any project or projects shall embrace the following

(1) Obligations incurred for labor and to contractors

builders and materialmen in connection with the construction of any such project or projects for machinery and equipment and for the restoration of property damaged or destroyed in connection with such construction

(2) The cost of acquiring by purchase any such project or projects and the cost of acquiring by purchase and the amount of any award or final judgment in any proceeding to acquire by condemnation such lands property rights rights of way franchises easements and other interests as may be deemed necessary or convenient in connection with the acquisition or construction of any such project or projects options and partial payments thereon and the amount of any damages incident to or consequent upon such acquisition or construction

(3) The cost of acquiring any property real personal or mixed tangible or intangible or any interest therein necessary or desirable for the construction of any such project or projects

(4) The principal and interest requirements upon any such bonds for the period during which and to the extent which the rentals received by the authority from such project or projects shall be insufficient for the payment thereof the fees and expenses of the fiscal agent of the authority in respect of such bonds during any such period and the reasonable fees and expenses of any paying agents for such bonds during such period

(5) The taxes or other municipal or governmental charges (if any) lawfully levied or assessed during construction upon any such project or projects and premiums on insurance (if any) in connection with any such project or projects during construction

(6) The cost and expenses of preliminary investigations to determine the feasibility or practicability of constructing any such project or projects and fees and expenses of engineers for making preliminary studies surveys reports estimates of costs and revenues and other estimates and for preparing plans and specifications and supervising construction as well as for the performance of all other duties or engineers in relation to such construction or the issuance of bonds therefor and

(7) Expense of administration properly chargeable to any such project or projects during construction legal expenses and fees financing charges costs of audits and of preparing and issuing such bonds and all other items of expense not elsewhere in this subsection specified incident to the construction of any such project or projects the financing thereof and the acquisition of lands property rights rights of way franchises easements and interests therefor including abstracts of title title insurance title opinions costs of surveys reports and other expenses in connection with such acquisition

On the question,

Shall the bill pass finally?

Mr. JOHNSON. Mr. Speaker, for the information of the House, the bills that are before us, namely, 1823, 1825, 1824 and 1831, are what you might call the "Highway Package."

House Bill 1823 seeks to increase the bonding power of the Highway and Bridge Authority for projects which are already on the statute books, or will be put on the statute books, having to do with the building of new bridges, new tunnels and new highways.

House Bill 1825 permits an increase in the bonded indebtedness of the Highway and Bridge Authority in order to match Federal funds over and above Federal funds granted for the 1953-1955 biennium, which I will explain to you further.

As you know, House Bill 1824 is the fee-raiser bill which raises the fees of your automobile license from \$10 to \$15 and also raises the truck plates from \$16.50 to \$20, and so forth.

House Bill 1831 sets up the special suburban type license for station wagons and makes the fee \$18.

Mr. Speaker, as long as these bills all refer to prac-



tically the same thing and in order to save the time of the House, I would like to discuss the entire package, if that is permissible.

The SPEAKER. The gentleman will proceed. The Chair has no objection.

Mr. JOHNSON. Mr. Speaker, the theory we have before us today is not new taxes, it is not accelerating taxes, it is not saving money, but as far as 1823 and 1825 are concerned it is borrowing money, it is increasing the indebtedness of the state. As I stated, bill 1823 gives the Secretary of Highways and the Governor a blanket authorization to issue bonds for projects that have been or may be authorized in the category of bridges, tunnels and public highways.

We Republicans have been accused of pyramiding our state bonded indebtedness to a point where it is the highest in the nation. Deficit financing was condemned in the gubernatorial campaign, but here we have more of the same thing. We have quite a catalogue of newspaper clippings up in our office having to do with the gubernatorial campaign last year and it certainly makes funny reading. You would think you were reading Miller's Joke Book when you read the promises made by your Governor when he ran last year. I will read to you a clipping we have from the Philadelphia Bulletin of October 25, 1954. Here is what the article said:

State Senator George M. Leader pointed today to Pennsylvania's indebtedness as evidence that "something is wrong with Republican management in Harrisburg."

The Democratic gubernatorial candidate, here for tonight's \$100-a-plate dinner at the Bellevue-Stratford and a statewide telecast, said in a statement that Pennsylvania's debt is the highest of any comparable state.

"Pennsylvania's total debt has now reached the staggering total of \$952,751,000," he declared.

"Of this amount, \$449,491,000 represents full faith and credit obligations, leaving a non-guaranteed debt of \$503,260,000."

"Any way you take it, guaranteed or non-guaranteed, it represents a firm and fixed obligation of the Commonwealth that must be paid off in dollars—not buttons or Republican slogans."

The lead in the article, which is of course the thing I am bringing to your attention today, is that the then candidate for Governor said that this indebtedness is evidence that something is wrong with Republican management in Harrisburg. All right, what do we have here today? We have that same person who was condemning us to the people of Pennsylvania coming before us through these bills and seeking to do exactly the same thing he condemned during the campaign. That is only one of the hundreds of promises made during the campaign which were not kept.

Governor Leader has in eleven short months earned the title of being the biggest taxpayer and the biggest spender, and now he wants to add to that the title of being the biggest borrower in Pennsylvania's history.

If the Legislature passes these bills increasing the borrowing capacity of the State Highway and Bridge Authority without any limit, I predict that by 1960 at least half of the receipts from the gasoline tax will be diverted for payment of interest and principal on borrowed money.

Here we have a bill that will allow the Authority to borrow money to build any highway or bridge project which is authorized by the Legislature. What does this mean? It means that in another decade we will have the Authority doing all the building and the Highway Department relegated to the job of maintaining and repairing our roads. Right now there are pending bills which if this bill becomes law would authorize projects totalling at least \$290 million.

I will just quickly tell you some of the projects that are before us in the form of bills in Committee and some of which have passed this House. For instance, there is a bill in for a toll bridge near Brownsville, \$7.5 million; there is a bill in for the so-called Delaware Expressway in Philadelphia and Bucks Counties which would cost \$195 million; a free bridge over the Susquehanna near Wilkes-Barre, \$2 million; free tunnel in Allegheny County, \$19 million; free tunnel on Route 30 between McConnellsburg and Fort Loudon, \$25 million; and so forth. Those projects would total \$290 million.

If this bill becomes law, this will be only the beginning. I predict that after this bill becomes law every Member out of self-defense will be forced to introduce bills for projects in his own district, or see his constituents go without any new roads. It will be an open invitation to the greatest deluge of log-rolling and back-scratching to get individual projects through that we have ever witnessed in this legislature.

We want to see the state build new roads. We know new highways are badly needed in every section of our state, but we do not want to mortgage future generations to pay for them long after they have been worn out. We know that the Highway Department with the funds it now has can build more roads than have ever been built before, if it only gets on with the job of building roads.

There is no need for more money. Every dollar of Federal aid that is available for this biennium can be matched from the expected receipts of the motor funds and the state can still have enough money left to give bigger grants to municipalities, spend more money on maintenance and right away, and still have more than \$70 million left for construction of highways outside of the Federal aid program.

Right now the motor fund has more than \$30 million in it than it has had as a balance at this season of the year at any time since the end of World War II, and as 1956 license fees come in and gasoline receipts continue through the winter, it will start the 1956 construction season with the biggest balance in its treasury that the state has ever seen.

If we give the Highway Department more money now with an election year ahead, it will take a band of angels to refuse to use those funds for campaign purposes. Whatever we have heard this administration called, we have never heard it called that.

I have given you some figures as to the condition from what we have been able to glean of the motor license fund at the present time. Here is just an example of some comparative figures. For the eleven months of 1953 there was \$85.9 million worth of road contracts let; in 1954 in eleven months there was \$85.7 million let; this year to date, for eleven months, in 1955, there has been \$55.7 million. In other words, there has been \$30 million



worth of contracts less in eleven months this year than last year.

Let us look at the cash balance of the motor license fund. On December 1, 1950, it was \$11.1 million; on December 1st of last year it was \$18.9 million; on December 1st of this year, it is \$50.5 million, or \$30 million more money.

Let us take a look at the gas tax collection picture. For the 1951-1952 fiscal year we collected \$104.3 million; for the fiscal year of 1954-1955 we collected \$123.7 million; and we are pretty safe in our estimate that this year from June 1st to next May 31st we will collect approximately \$135 million. That does not take into consideration the emergency increase in the gas tax which we put through because of the flood.

I believe the Governor's budget shows that for the 1953-1955 biennium, there was \$215 million after payment of fixed charges which was available for contract construction. We have made a compilation taking into consideration the increase in anticipated receipts and we come up with a figure of \$242.5 million in this biennium as being available for contract construction, which is an increase of approximately \$30 million over the last biennium.

This bill 1825, as I stated, provides that when the Federal aid apportioned to Pennsylvania shall be in excess of the amount allocated during the 1953-1955 biennium, which was \$52 million in Federal aid for the last biennium, the State Highway and Bridge Authority may issue bonds in an amount not to exceed the difference between the \$52 million and what we will get in the 1955-1957 and 1957-1959 biennium. The figure we have on that is \$84 million. So if this 1825 goes into effect, \$32 million worth of Highway and Bridge bonds can be issued immediately for any road project they want to spend the money on, as we see it. This \$32 million is the differential between the 1953-1955 and 1955-1957 biennium.

Such a proposition is utterly fantastic when you consider that the Federal aid funds for the 1957 fiscal year starting July 1, 1956, will not be available for obligating until June 30, 1959. So Pennsylvania will have until that time to obligate these funds by formulating plans showing how they intend to spend the money and then having the plans approved by the Bureau of Public Roads.

I know in the Governor's message he said:

"The reason I want the power to issue Highway and Bridge Authority bonds in excess of the Federal aid during the 1953-1955 biennium is so that if the Federal Government comes through with a gigantic program we will be able to issue bonds to match it."

Let us look at that. We are practically through this year, we will be back in session again January 1, 1957, with a new session, just one year away. If Congress should pass this very fine national, gigantic roadbuilding program and they do as they have always done, they will pass the enabling legislation this next session of Congress and then will appropriate the money in the subsequent Congress. That is the way they have always done it with respect to our present Federal aid highway program. Therefore, we will be in session next year when and if that bill is passed, and when and if additional funds will be necessary to match a Federal program. As you know, the highway program that is before Congress now, or was before Congress and we feel will be renewed, would

only require Pennsylvania to match the Federal money by ten per cent. In other words, if Pennsylvania, as they would have been entitled under that bill, received \$50 million in one year for the interstate highway system, the matching money would only have to be \$5 million. So we cannot see why you need this extra \$32 million and then the extra millions on top of that in order to match any Federal program, particularly when in a letter we received from Mr. Lawler, your Secretary of Highways, in answer to the questions from Mr. Smith he states that already they have set aside in their budget \$27.5 million for matching Federal aid this biennium, which is matched by motor license funds. Then he says, in addition the balance of the Federal aid for 1956 is to be matched from motor license funds with \$10.7 million and from existing funds of the Highway and Bridge Authority with \$3.7 million.

In the other bill you seek to increase the registration plates on the motorists from \$10 to \$15 and, as I stated, increase the fees for trucks from \$16.50 to \$20. The Governor in his message said he wants this money for matching purposes and other requirements of the motor license fund. But in his message he does not take into consideration the fact that they will be practically an eight per cent increase in the money that will come in now from registration and license fees just by reason of the tremendous increase in the number of automobiles titled and registered in this state. Nor did he take into consideration the approximately \$15 million that will come in during the biennium from increased truck fees as the result of the truck bill that we passed earlier in the session.

Without going on any further, I say in summation that by reason of the small number of contracts that have been issued so far this year, by reason of the large cash balance that we have in the motor license fund at this time, by reason of the tremendous increase in the money that is going to come in from registration plate fees during the biennium the eight to ten per cent increase in the money from the gasoline tax in the biennium through the increase in the use of automobiles and by reason of other factors, such as not having design engineers, survey crews, and so forth, to lay out these roads you certainly have enough money in this biennium to carry on a successful roadbuilding program without saddling the people of Pennsylvania with an increase in the bonded indebtedness in the Highway and Bridge Authority in direct contradiction of your promises in your campaign. Without raising the registration fee of the motorist from \$10 to \$15 and without increasing the fees on the small trucker, you can get along this biennium with what we have. When we come in the next biennium, if the picture is changed you will know where you stand, you can show us where you stand and then we can consider the matter further. At that time perhaps there will be a Federal program which will need matching, and we can match it a year from now. It is not necessary at this time to put this debt on the people of Pennsylvania.

Mr. PETROSKY. Mr. Speaker, I have listened at great length to the gentleman from McKean, Mr. Johnson, and I am amazed at several statements that he made, and more amazed that he takes the program which should be a non-partisan or a bi-partisan program, because with the highway program in the State of Pennsylvania we must



recognize that all of the people of Pennsylvania and those doing business in Pennsylvania who traverse and go across our highways, are using the highways system in the State. Not too long ago when trying to take our Highway Department to task the gentleman at the time stated that the department was not being operated properly and they did not even have any funds around to match Federal moneys and build the Federal aid highways in the event that such proposal was passed in the Federal Congress.

Today he changes his tune when he picks up at random a great number of figures and uses them to his specifications in presenting his arguments on House Bills No. 1823 and 1825.

I am not going to go into great detail into a lengthy debate on House Bills Nos. 1823 and 1825. However I will at the conclusion of a brief message that I have here I would like to present the complete figures, the overall picture, the well organized program that is now existing in the Highway Department, and those figures if I can have them presented for the Journal will be of enlightenment to the Members in their reading as to what are the needs of the department, and what the department is going to do for a much needed expansion of the highway program and what it is today.

House Bill No. 1823 has in itself sufficient safeguards to control the expenditure of these monies that are necessary for the State Highways and Bridge Authority to be spent upon projects that have been approved by this General Assembly. Now, it goes beyond that with its safeguards for it further states that there must be an established need for these projects that we passed upon here in the Assembly, and beyond that they must be approved by the Highway Department and the Governor of the Commonwealth. Now those are your safeguards, and may I inform the gentleman that right at the present time over in the Highway Department there is a batch of General Assembly legislation which he calls log rolling that is passed that would stack up that high and necessitates the spending of millions of dollars that they do not have, but those were log rolling bills and there was no need for those projects and they were disapproved the same as any project will be disapproved in the future under the safeguards contained in this legislation, and there is no necessity or no fear of this bonded debt becoming so great that it will take away the revenues that we have from the license fund to pay for the interest on the bonded indebtedness. The gentleman need have no fear on that.

Further on House Bill No. 1825, the only moneys that can be used for matching Federal moneys are monies that are brought in for specific Federal projects. I do not believe a Member of the House can get up and say that these projects we need on our Highway Department are not necessary. We are 20 years behind in our highway program. You may think that is a far-fetched statement but any of you know that in the last several years with the campaign that was carried on for further highway safety, and certainly you cannot get a maximum of highway safety until such time as you construct your highways in such a manner as to provide for the many more motor vehicles that are traversing those highways. Recognize this factor, today you have 54 million vehicles upon the highways of the United States, and by the best

yardstick that we know we are told that there will be at least a minimum of 85 million vehicles on our highways in these United States by 1975. Now can we build that kind of a highway in 1975 or must we plan today and project that plan for the positive building into the future to provide for those motor vehicles to have a place to ride along those highways. I think we have got to take this step forward. We have got to take a step forward, we have got to provide for this because the very economy of your state will stop if you can not provide the arteries for the transportation system to continue into the future as you can see the picture projected by the greater number of motor vehicles that will be upon those highways. Now that is all those bills do, the safeguards are written into those bills, the safeguard is there. We do not say let us increase this borrowing capacity by 200 million or 300 million, we say just so much is necessary to do a job for the people of Pennsylvania, we are not doing the job for the people of New Jersey, or New York or any place else. We are trying to protect our economy, we are trying to keep in step with our sister states so that we can have something here in the state of Pennsylvania that will redound to the benefit of all the citizens of the Commonwealth.

On the matter of House Bill No. 1824, Mr. Speaker, I think that we are not outlandish when we say that for the registration fee to be increased from 10 dollars to 15 dollars is such a terrific amount. We need this additional money; it is a proven factor.

Now then how do we compare with our neighboring states? Take the "R", "S" and "T" licenses, truck licenses. We increase the R plate registration from \$16.50 to \$20.00. And our neighboring state, one comparable state, in the economy of our sister state, New York has a \$22.50 fee. Now in the S plate we increased from \$20.00 to \$25.00, New York State has a \$35.00 fee. Now the T plate we increased from \$30.00 to \$35.00, New York has a \$55.00 fee. Take the next state of New Jersey, \$30.00 for an R plate, \$40.00 for an S plate and \$60.00 for a T plate. We are considerably lower even with the raise effort here than our neighboring states.

Now let's take Ohio to the west.

In Ohio the top on an R plate would be slightly lower than the Pennsylvania request in this proposal. It would be \$17.00 compared with our \$20.00. Let's consider the S plate. The S plate in Ohio would be \$42.00 in comparison to the \$30.00 we request for the S plate in Pennsylvania. And going to the T plate we find a \$76.00 fee in Ohio, compared to the \$35.00 that we request.

Now, Mr. Speaker, we can recognize these problems. Do we just want to sit here and decay away and not provide for the future? That is just the position that this Commonwealth will take amongst our sister states in the economy of its people.

We should apply ourselves to good practical, positive thinking, plan a program so we can be a lead state of all our sister states in showing the way the provide for a better economy and a better future for the citizens of Pennsylvania.

You know and I know that in today's mode of progress the movement of transportation of your state is one of the basic items that affects the very economy of the people living in the state.

Mr. Speaker, I do not want to belabor the House with



the figures and data I have, so I respectfully request in order to keep the record straight, that not just a few figures be used to show what the over-all program planning of the Highway Department is, but that there be inserted in the Journal the full and complete figures so that each and every one can read just what the program is in the over-all picture for the people of Pennsylvania.

The SPEAKER. The gentleman may offer the material for the record; it will be included in the Journal.

Mr. PETROSKY offered the following material to be included in the Journal.

Charles C. Smith                      503 E. Wadsworth St.  
Republican Floor Leader           Philadelphia 19, Pa.

#### HOUSE OF REPRESENTATIVES

Harrisburg, Pa.

November 21, 1955

Honorable Joseph J. Lawler, Secretary  
State Department of Highways  
North Office Building, Room 501  
Harrisburg, Pennsylvania

Dear Mr. Lawler:

Since speaking to you at the recent State Highways and Bridge Authority Meeting, I have had the opportunity of examining the data you gave me at that time, and I find it does not answer the questions or supply the information I requested of you in my letter of September 29th.

In that letter, I requested the following:

1. Cash balance in fund on May 31, 1955 (supplied).
2. Receipts during June, July and August. (I appreciate also receiving the receipts during September and October, and a comparison with the estimates for those same months.)
3. Commitments against cash balance on May 31, 1955.
4. Commitments made from May 31, through August 31, 1955. (I would appreciate it if you would include all commitments up to the present or the nearest date to the present that is available).
5. Portion of Federal aid for Fiscal Year (Federal) 1956, beginning June 1, 1955, which has been committed by construction contracts.
6. How much of the Federal aid for Fiscal Year 1956, already committed, has been matched with motor license funds and how much with Highway and Bridge Authority funds.
7. How much of balance of Federal Aid for Fiscal Year 1956, will be matched with motor license

funds, and how much with State and Highway Bridge Authority funds, now in hand. (In other words, Highway and Bridge funds within present borrowing limitation.)

In examining the statement entitled "analysis of Motor Fund, November 15, 1955", which you handed to me last Wednesday, I find a number of variations from similar items in the Governor's budget for which I need information. They are as follows:

1. "Anticipated Receipts—all sources" is given as \$535,378,500, in your statement and \$462,938,500 in the Budget. I can appreciate that the new total includes the anticipated receipts from the emergency tax on gasoline and also the proper amount of Federal Aid already allocated. But what other items does it include which were not included in the Budget estimate?
2. "Allocations to other Departments" is given in your statement as \$48,475,864, but these items, as enumerated in the Budget only total \$42,941,648. What increases are contemplated which were not recommended by the Governor last April?
3. "Appropriations to local municipalities" is listed as \$88,921,439, as compared with the \$60,300,000 recommended in the Budget. I realize that your total must include the special flood appropriation of \$15,000,000, but this does not explain the \$28,000,000 variation.
4. The "fixed charge" item include \$37,000,000 for right-of-way which certainly is an item of cost of new construction.
5. After sharply criticizing prior administration for 'force work' you include \$32,000,000 for "Department force construction", which does not appear in the Budget.
6. What is included in the \$162,000,000 current Federal-aid construction program. Does this include all the Federal Aid for Fiscal 1956 and Fiscal 1957, matched with motor license funds, when as a matter of fact, won't some of this Federal Aid be matched with presently available Highway and Bridge Authority Funds?
7. Is the item of \$38,900,000 list as 100 per cent. state construction program in addition to the \$32,000,000, "Department Force Construction" which will also be a "100 per cent. state construction."

If we may have a prompt reply to these additional questions, I will greatly appreciate it.

Sincerely,

Charles C. Smith  
Republican Floor Leader



Commonwealth of Pennsylvania  
Department of Highways

Analysis of Motor Fund  
November 15, 1955

Monies Available to Motor Fund for Biennium 6/1/55 - 5/31/57			
Cash on hand 6/1/55 .....	63,071,381		
Anticipated receipts—all sources .....	535,378,500		
Special Federal Aid fund resulting from Diane .....	4,750,000	\$603,199,681	
Anticipated Expenditures for Biennium 6/1/55 - 5/31/57			
Exclusive of Contract Construction			
*Allocations to other departments by Act of Legislature .....	48,475,864		
Appropriations to local municipalities .....	88,921,439		
Act 18-A (Diane) .....	30,000,000		
	167,397,303		
Fixed Charges, including Administration, Maintenance, Resurfacing, State Highway & Bridge Authority Rentals, Right-of-Way .....	196,850,000		
Department Force Construction .....	32,000,000		
Total Expenditures Exclusive of Contract Construction .....		\$396,247,303	
Net Funds Available for Contract Construction .....		\$206,952,378	
*Dept. of Public Instruction, Penna. State Police, Dept. of Property & Supplies, Dept. of Revenue, Treasury Dept. Dept. of State, etc.			

Commonwealth of Pennsylvania  
Department of Highways

Breakdown of Contract Construction Requirements  
November 15, 1955

Current Federal-Aid Construction Program for Biennium 6/1/55 - 5/31/57 .....	162,000,000	
100% State Construction Program for Biennium 6/1/55 - 5/31/57 .....	38,900,000	
Special Federal-Aid Rehabilitation Program resulting from Diane .....	4,750,000	
Total Cost Contract Construction .....		\$205,650,000
Additional Federal-Aid Projects which can be programmed if funds are made available .....	26,900,000	
Additional Federal-Aid Projects which can be programmed if funds are made available—Potential State Highway & Bridge Authority Program .....	92,500,000	
Total Additional Projects .....		\$119,400,000
Total Contract Construction Requirements .....		\$325,050,000

November 30, 1955

Honorable Charles C. Smith  
Main Capitol Building  
Harrisburg, Penna.

Dear Representative Smith:

Presented herewith is information which I am confident will answer all of the questions posed in both your letters of September 29th and November 21st. The Department of Highways is pleased to cooperate with you in every respect.

Page 1—

- 1 Cash balance in Motor License Fund on May 31, 1955 \$63,071,381.00

Page 1—

- 2 Total receipts to Motor License Fund during the period June 1 to October 31, 1955
- |                 |                 |
|-----------------|-----------------|
| June .....      | \$20,103,443.00 |
| July .....      | 14,857,577.02   |
| August .....    | 15,655,487.96   |
| September ..... | 15,634,655.36   |
| October .....   | 16,907,425.00   |
| Total .....     | \$83,158,588.34 |

Page 1—

- 3 Commitments against cash balance on May 31, 1955
- |  |                  |
|--|------------------|
| Construction contracts—  |                  |
| Roads and Bridges .....  | \$40,661,691.07  |
| Engineering contracts—   |                  |
| Surveys and plans .....  | 2,293,302.74     |
| Acquisition of Right-of-Way .....  | 28,900,438.00    |
| State Highway & Bridge Authority Rentals .....                             | 5,821,028.71     |
| Purchase order balance ...   | 9,749,049.46     |
| Payments to municipalities:  |                  |
| Due June 1, 1955 .....   | 3,432,199.07     |
| Due December 1, 1955 ..  | 13,392,652.47    |
| Balance due under other appropriations—Roadside rests, Tarentum Bridge ... | 228,786.27       |
| Total .....  | \$104,479,147.79 |

Page 1—

- 4a. Additional commitments made from May 31 thru October 31, 1955
- |   |                 |
|---|-----------------|
| Construction contracts—                         |                 |
| authorized .....                                | \$33,903,599.26 |
| Construction contracts—                         |                 |
| bids received, contracts not yet executed ..... | 10,823,713.93   |



Engineering contracts .....	1,296,949.00
Acquisition of Right-of-Way	4,624,856.47
State Highway & Bridge	
Authority Rentals .....	534,482.12

Total 4a ..... \$51,183,600.78

4b. Commitments against Act 18-A (Diane Fund) thru Oct. 31, 1955 ..... \$16,000,000.00

4c. Commitments for allocations to other Departments (refer to Item 2, page 4 of this letter) ..... \$48,475,864.00

4d. Total commitments through October 31, 1955 ... \$220,138,612.57

Page 1—

5 Portion of Federal-Aid Funds for fiscal year 1956 beginning June 1, 1955 which has been committed by construction contracts Committed by actual contracts including bids received 10/28 ..... \$18,656,700.00  
Bids received Nov. 18, 1955 964,000.00  
Estimated cost of projects for which bids will be received Dec. 2, 16 and 22, 1955 ..... \$7,949,585.00

Total ..... \$27,570,285.00

Page 1—

6 The sum of \$27,570,285.00 have been matched with Motor License Funds, none with Highway and Bridge Authority Funds.

Page 1—

7 Amount of balance of Federal-Aid for fiscal year 1956 to be matched as follows:  
Motor License Fund ..... \$10,731,111.00  
Highway & Bridge Auth. Fund ..... \*3,700,000.00

Total ..... \$14,431,111.00

\*L.R. 67057, Sections 5 & 6, Schuylkill Expressway.

Page 2—

1 Reconciliation of total set up in November 15 statement for anticipated receipts with figure used in the Budget  
Budget figure ..... \$462,938,500.00  
Federal funds in addition to \$70,000,000 in Budget now anticipated ..... 9,000,000.00  
Anticipated Truck Bill receipts ..... 14,140,000.00  
Diane Funds (emergency tax) ..... 49,300,000.00

Total ..... \*\$535,378,500.00

\*Statement of November 15, 1955.

Page 2—

2 Reconciliation of total set up in November 15 statement for allocation to other departments with figure used in Budget

Budget figure ..... \$42,941,648.00  
Carry-over balance May 31, 1955 ..... 5,534,216.00

Total ..... \*\$48,475,864.00

\*Statement of November 15, 1955.

Page 2—

3 Reconciliation of total set up in November 15 statement for appropriations to other municipalities with figure used in Budget  
Budget figure ..... \$60,300,000.00  
Emergency tax (Act 18-A) 15,000,000.00  
Carry-over balance under Township Fund May 31, 1955 et al ..... 13,621,439.00

Total ..... \*\$88,921,439.00

\*Statement November 15, 1955

Page 2—

4 Included among the fixed charges in our November 15 statement was an item for Right-of-Way acquisition. Department procedure has always segregated this item as a separate cost and it has, therefore, been separated from the construction accounts.

Page 2—

5 The statement regarding Department Force work is incorrect inasmuch as the item of \$32,000,000 for Department Force Construction appears in the Budget on Page 3 under the category of 100% State Highways. Incidentally, Department Force construction has for many years been maintained at the level of about \$32,000,000 for a biennium, which is required in addition to funds available for maintenance to maintain a fairly constant level of employment in each County to undertake the necessary maintenance and be prepared for any and all emergencies that may arise.

Page 2—

6 The figure of \$162,000,000 set up in our November 15 statement for Current Federal-Aid Construction Program for biennium June 1, 1955 to May 31, 1957, represented the total cost of this Program, including all the Federal-Aid funds available and the Motor License Funds required to match the Federal Funds. There were not State Highway & Bridge Authority Funds included in this total, since monies from this fund were not available before our November 15 meeting with the Highway and Bridge Authority. The monies which were made available to us at that meeting (\$3,700,000 or a portion thereof) will free a commensurate amount of Motor Fund Money for use on 100% State Construction work, and will permit us to expand this program by this amount. Incidentally, the Highway and Bridge Authority funds will be allocated to the Schuylkill Expressway Project in Philadelphia, L.R. 67057, Sections 5 & 6.

Page 2—

7 The item of \$38,900,000 listed as 100% State Construction Program for biennium June 1, 1955 to May 31, 1957 is the contract construction program, whereas the \$32,000,000 Department Force Construction item is obvi-



ously the Department Force Construction Program. Together they represent the total 100% State Construction Program for the for the biennium.

Respectfully yours,

Joseph J. Lawler,  
Secretary of Highways

Mr. READINGER. Mr. Speaker, the debate we have heard has been very enlightening, It was ably presented by both gentlemen who spoke I assure you I am not an expert on highway affairs or the financing of highways and I do not intend to take more than a minute of your time.

I would like to remind you that you only get what you pay for. I remember eight or ten years ago when the Republican party was in control they saw need for greater expenditures on highways, and they proposed in this House that we raise the gasoline tax by one cent. As I recall the vote was very close and I think there were but two or three of us Democrats who believed the program was right and we voted for that additional one cent. Believe me, it was not very comfortable to do so since our party more or less was solid in deciding that we should not do so. But I voted for it, I thought it was right. I think the events that transpired afterwards, the better roads we received, the safer roads, well warranted the addition of that one cent tax.

I do not know what the vote on this is going to be today, I am speaking now particularly of House Bill 1824, but it seems to me that after the number of years we have had a \$10 passenger license fee, with the cost of living practically doubling or more during that time, we are well warranted in asking those who drive cars and own cars in this Commonwealth to now contribute an additional \$5 for the privilege of having good roads and using those roads. You simply cannot buy roads if you do not have the money. If we do not get this additional money, you are going to get the kind of roads we can afford with the present income, and no better.

I do not think there is a person in this House who does not drive almost daily on some roads which irritate him, which perplex him, and which are just plain downright dangerous.

I am asking the membership of the House when they vote on 1824 to vote for it.

The SPEAKER. The Chair desires to emphasize the fact that all those upon the sidelines are our guests and during the calling of the roll the Chair will insist upon the decorum to which the dignity of this House is entitled.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

#### YEAS—101

Adam,	Frascella,	McKeever,	Scarcelli,
Amarando,	Gaffney,	McLaughlin,	Schuster,
Anderson, S. A.,	Garlock,	McWherter,	Sherman,
Barnatovich,	Gelfand,	Meholchick,	Smith, Wm. B.,
Bazin,	Guss,	Mihm,	Snider,
Boles,	Hamilton, R. K.,	Mills,	Stank,
Bonner,	Hass,	Monroe,	Stebbins,
Boory,	Heavey,	Moran,	Stephens,
Branca,	Holt,	Muldowney,	Stone,
Brennan, A. P.,	Jenkins,	Mullen,	Swartz,
Brennan, J. J.,	Jones, G. E.,	Munley,	Taylor,

Breth,	Kamyk,	Murray, J. J.,	Thomas,
Bucchin,	Kolankiewicz,	Musto,	Toll,
Cianfrani,	Kornick,	Needham,	Varallo,
Cioffi,	Lawyer,	Olsen,	Verona,
Cochran,	Leiby,	O'Neill,	Wallace,
Comer,	Leonard,	Pacchioli,	Walsh,
Curwood,	Leven,	Pashley,	Wargo,
Ellberg,	Limper,	Paulhamus,	Welsh,
Farabaugh,	Lovett,	Polaski,	Wheeler,
Filo,	Lutty,	Polen,	Whitenight,
Fineman,	Maxwell,	Reibman,	Williams,
Flint,	McCann,	Renwick,	Yetter,
Floyd,	McCormack,	Rosen,	Yetzer,
Frank,	McGee,	Rudisill,	Andrews,
		Sarra,	Speaker

#### NAYS—80

Agnew,	Gibb,	Lafore,	Reader,
Ashton,	Gibson,	Leisey,	Royer,
Auker,	Goldstein,	Light,	Rubin,
Banker,	Gramlich,	Lippincott,	Smith, C. C.,
Bell,	Greenwood,	Mahan,	Steckel,
Bower,	Guthrie,	Markley,	Stevenson,
Breisch,	Hamilton, W. H.,	McInroy,	Stoner,
Brown,	Helm,	Metz,	Strausser,
Bullen,	Henzel,	Mikula,	Thompson,
Capano,	Hocker,	Moody,	Tompkins,
Connelly,	Horst,	Moscrip,	Toomey,
Cooper,	Houk,	Murphy,	Varner,
Davis,	Isaacs,	Murray, H. P.,	Vaughan,
Donahue,	Johnson,	Murray, P. G.,	Wall,
Ehrgood,	Jones, T. H. W.,	Ogilvie,	Weidner,
Erb,	Jump,	Parry,	Wilt,
Eshleman,	Keller,	Petrosky,	Wood,
Ewing,	Kline,	Pomeroy,	Worley,
Foster,	Knecht,	Price,	Young,
Frost,	Kooker,	Pursley,	Ziegler,

#### NOT VOTING—28

Anderson, M. S.,	George,	Kubacki,	Rigby,
Blair,	Haudenshield,	Lopresti,	Rovansek,
Brenninger,	Hewitt,	Magee,	Sigman,
Donaldson,	Kehler,	Miller,	Stroup,
Dougherty,	Kent,	Naugle,	Waterhouse,
Down,	Kratz,	Pettigrew,	Wescott,
Flynn,	Kromer,	Reidenbach,	Willaredt,

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the bill falls.

The SPEAKER. The Chair lays before the House the next bill on special order fixed for this time, House Bill No. 1825.

Agreeably to order

The House proceeded to the consideration on final passage of House Bill No. 1825 as follows:

An Act to further amend subsection (i) of section four of the act approved the eighteenth day of April one thousand nine hundred forty nine (P. L. 604) entitled "An act to promote the welfare of the people of the Commonwealth creating a State Highway and Bridge Authority as a body corporate and politic with power to construct reconstruct improve maintain equip furnish and operate highway and bridge projects and roadside rests and to lease the same and to fix and collect fees rentals and charges for the use thereof authorizing and regulating the issuance of bonds by said Authority and providing for the payment of such bonds and the rights of the holders thereof and to enter into agreements with the Government of the United States or any Federal agency and authorizing the Department of Highways to grant assign convey or lease to the Authority lands easements or rights of way of the Commonwealth and interests therein and to acquire lands therefor authorizing said Authority and the Department of Highways to enter into agreements providing for mutual cooperation in furtherance of the construction of any project hereby authorized granting the right of eminent domain empowering said Authority to sell and convey projects and property to the Commonwealth and provid-



ing that no debt of the Commonwealth or any of its political subdivisions shall be incurred in the exercise of any of the powers granted by this act and making an appropriation" by increasing the power of the Authority to borrow money and issue evidences of indebtedness therefor in certain cases

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Subsection (i) of section four of the act approved the eighteenth day of April one thousand nine hundred forty-nine (P. L. 604) entitled "An act to promote the welfare of the people of the Commonwealth creating a State Highway and Bridge Authority as a body corporate and politic with power to construct reconstruct improve maintain equip furnish and operate highway and bridge projects and roadside rests and to lease the same and to fix and collect fees rentals and charges for the use thereof authorizing and regulating the issuance of bonds by said Authority and providing for the payment of such bonds and the rights of the holders thereof and to enter into agreements with the Government of the United States or any Federal agency and authorizing the Department of Highways to grant assign convey or lease to the Authority lands easements or rights of way of the Commonwealth and interests therein and to acquire lands therefor authorizing said Authority and the Department of Highways to enter into agreements providing for mutual cooperation in furtherance of the construction of any project hereby authorized granting the right of eminent domain empowering said Authority to sell and convey projects and property to the Commonwealth and providing that no debt of the Commonwealth or any of its political subdivisions shall be incurred in the exercise of any of the powers granted by this act and making an appropriation as amended by the act approved the thirtieth day of June one thousand nine hundred fifty-one (1951-52 P. L. 954) is hereby further amended to read as follows

Section 4 Purposes and Powers General

(i) To borrow money make and issue negotiable notes bonds and other evidences of indebtedness or obligations (herein called "bonds") of the Authority not exceeding eighty million dollars (\$80,000,000) in the aggregate and in addition whenever during the 1955-1957 and 1957-1959 biennia the Federal government apportions money to the Commonwealth for the construction reconstruction and improvement inclusive of necessary bridges and tunnels of the federally-aided highways and the amount of money so apportioned necessitates the allocation of Commonwealth funds in excess of the amount allocated during the 1953-1955 biennium the authority without limitation as aforesaid may issue bonds of the authority in such amount as the Secretary of Highways shall certify as necessary for defraying the cost of the construction of such projects in an amount not exceeding the difference between the allocation of the Commonwealth in the 1953-1955 biennium and the allocation required in the 1955-1957 and 1957-1959 biennia to obtain the maximum of such Federal Aid and to secure the payment of such bonds or any part thereof by pledge or deed of trust of all or any of its revenues rentals and receipts and to make such agreements with the purchasers or holders of such bonds or with others in connection with any such bonds whether issued or to be issued as the Authority shall deem advisable and in general to provide for the security for said bonds and the rights of the holders thereof Provided that no work on any bridge tunnel or public highway shall be commenced under these provisions until the Secretary of Highways certifies to the Governor that traffic conditions have created a need for said project

For the purposes of this subsection (1) the term "cost of the construction" of any project or projects shall embrace the following

(1) Obligations incurred for labor and to contractors builders and materialmen in connection with the construction of any such project or projects for machinery and equipment and for the restoration of property damaged or destroyed in connection with such construction

(2) The cost of acquiring by purchase any such project or projects and the cost of acquiring by purchase and the amount of any award or final judgment in any

proceeding to acquire by condemnation such lands property rights rights of way franchises easements and other interests as may be deemed necessary or convenient in connection with the acquisition or construction of any such project or projects options and partial payments thereon and the amount of any damages incident to or consequent upon such acquisition or construction

(3) The cost of acquiring any property real personal or mixed tangible or intangible or any interest therein necessary or desirable for the construction of any such project or projects

(4) The principal and interest requirements upon any such bonds for the period during which and to the extent which the rentals received by the authority from such project or projects shall be insufficient for the payment thereof the fees and expenses of the fiscal agent of the authority in respect of such bonds during any such period and the reasonable fees and expenses of any paying agents for such bonds during such period

(5) The taxes or other municipal or governmental charges (if any) lawfully levied or assessed during construction upon any such project or projects and premiums on insurance (if any) in connection with any such project or projects during construction

(6) The cost and expenses of preliminary investigations to determine the feasibility or practicability of constructing any such project or projects and fees and expenses of engineers for making preliminary studies surveys reports estimates of costs and of revenues and other estimates and for preparing plans and specifications and supervising construction as well as for the performance of all other duties of engineers in relation to such construction or the issuance of bonds therefor and

(7) Expense of administration property chargeable to any such project or projects during construction legal expenses and fees financing charges costs of audits and of preparing and issuing such bonds and all other items of expense not elsewhere in this subsection specified incident to the construction of any such project or projects the financing thereof and the acquisition of lands property rights rights of way franchises easements and interests therefor including abstracts of title title insurance title opinions costs of surveys reports and other expenses in connection with such acquisition

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. CHARLES C. SMITH. Mr. Speaker, if it meets with the "Minority Leader's" approval, we will take the same roll call.

Mr. READINGER. Mr. Speaker, is the gentleman talking to himself?

Mr. CHARLES C. SMITH. Mr. Speaker, I purposely said the "Minority Leader." We will take the same roll call if it meets with the "Minority Leader's" approval.

Mr. READINGER. Mr. Speaker, wait until I look around. I might find a couple of missing Members.

Mr. Speaker, I desire the roll be called slowly and at length.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—102

Adam,	Gaffney,	McLaughlin,	Schuster,
Amarando,	Garlock,	McWherter,	Sherman,
Anderson, S. A.,	Gelfand,	Meholchick,	Smith, Wm. B.,
Barnatovich,	Guss,	Mihm,	Snider,
Bazin,	Hamilton, R. K.,	Mills,	Stank,
Boles,	Haas,	Monroe,	Stebbins,
Bonner,	Heavy,	Moran,	Stephens,



Boory,	Holt,	Muldowney,	Stone,
Branca,	Jenkins,	Mullen,	Swartz,
Brennan, A. P.,	Jones, G. E.,	Munley,	Taylor,
Brennan, J. J.,	Kamyk,	Murray, J. J.,	Thomas,
Breth,	Kolankiewicz,	Musto,	Toll,
Bucchin,	Kornick,	Needham,	Varallo,
Cianfrani,	Lawyer,	Olsen,	Verona,
Cioffi,	Leiby,	O'Neill,	Wallace,
Cochran,	Leonard,	Pacchioli,	Walsh,
Comer,	Leven,	Pashley,	Wargo,
Curwood,	Limper,	Paulhamus,	Welsh,
Ellberg,	Lopresti,	Polaski,	Wheeler,
Farabaugh,	Lovett,	Polen,	Whitenight,
Filo,	Lutty,	Reibman,	Williams,
Fineman,	Maxwell,	Renwick,	Yetter,
Flint,	McCann,	Rosen,	Yetzer,
Floyd,	McCormack,	Rudisill,	Andrews,
Frank,	McGee,	Sarraf,	Speaker
Frascella,	McKeever,	Scarcelli,	

## NAYS—79

Agnew,	Gibb,	Lafore,	Readinger,
Ashton,	Gibson,	Leisey,	Rubin,
Auker,	Goldstein,	Light,	Smith, C. C.,
Banker,	Gramlich,	Lippincott,	Steckel,
Bell,	Greenwood,	Mahan,	Stevenson,
Bower,	Guthrie,	Markley,	Stoner,
Breisch,	Hamilton, W. H.,	McInroy,	Strausser,
Brown,	Helm,	Metz,	Thompson,
Bullen,	Henzel,	Mikula,	Tompkins,
Capano,	Hocker,	Moody,	Toomey,
Connelly,	Horst,	Moscrip,	Varnier,
Cooper,	Houk,	Murphy,	Vaughan,
Davis,	Isaacs,	Murray, H. P.,	Wall,
Donahue,	Johnson,	Murray, P. G.,	Weidner,
Ehrgood,	Jones, T. H. W.,	Ogilvie,	Wilt,
Erb,	Jump,	Parry,	Wood,
Eshleman,	Keller,	Petrosky,	Worley,
Ewing,	Kline,	Pomeroy,	Young,
Foster,	Knecht,	Price,	Ziegler,
Frost,	Kooker,	Pursley,	

## NOT VOTING—28

Anderson, M. S.,	George,	Kubacki,	Rovansek,
Blair,	Haudensfield,	Magee,	Royer,
Brenninger,	Hewitt,	Miller,	Sigman,
Donaldson,	Kehler,	Naugle,	Stroup,
Dougherty,	Kent,	Pettigrew,	Waterhouse,
Down,	Kratz,	Reidenbach,	Wescott,
Flynn,	Kromer,	Rigby,	Willaredt,

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the bill falls.

(Following the calling of the roll and before the result was announced)

The SPEAKER. The Chair might remark for the benefit of the gentleman from Philadelphia, the Minority Leader, that the Chair in the past having had such better experience with manipulated roll calls, has made a resolution that during his term as Speaker the Chair would not tolerate any roll call manipulation.

For what reason does the gentleman from Philadelphia rise?

Mr. CHARLES C. SMITH. Just to make a brief statement, Mr. Speaker.

The SPEAKER. The gentleman would not be in order until the announcement of the result of the roll call.

The SPEAKER. The Chair lays before the House the next bill on special order fixed for this time, House Bill No. 1824.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1824, as follows:

An Act amending the act of May 1, 1929 (P. L. 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" increasing the registration fees for motor vehicles and certain commercial motor vehicles and truck tractors

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 702 act of May 1, 1929 (P. L. 905) known as "The Vehicle Code" amended February 18, 1943 (P. L. 3) is amended to read

Section 702 Motor Vehicles The fee for annual registration of motor vehicles except as provided in this act shall be [ten (\$10) fifteen (\$15) dollars]

Section 2 Section 703 and subsection (a) of section 903 of the act amended June 30, 1955 (Act No 70) are amended to read

Section 703 Commercial Motor Vehicles and Truck Tractors with Pneumatic Tires Commercial motor vehicles and truck tractors with pneumatic tires other than those electrically operated shall be divided into eight (8) classes and the fee for annual registration of such vehicles in each of the respective classes based on the gross chassis weight as given and certified to by the manufacturer shall be as follows

## Four-Wheeled

Class	Chassis Weight in Pounds	Fee
R	Less than 2000 .....	\$16.50] \$20.00
S	2000 and over but less than 3000 .....	26.00] 30.00
T	3000 and over but less than 4000 .....	35.00] 40.00
U	4000 and over but less than 5000 .....	55.00
V	5000 and over but less than 6000 .....	90.00
W	6000 and over but less than 7500 .....	120.00
Y	7500 and over but less than 9000 .....	190.00
X	9000 and over .....	225.00

## Six Wheeled (3 Axles)

Class	Chassis Weight in Pounds	Fee
RZ	2000 and over but less than 3000 ...	\$48.00
SZ	3000 and over but less than 4000 ...	60.00
TZ	4000 and over but less than 5000 ...	72.00
UZ	5000 and over but less than 6000 ...	132.00
VZ	6000 and over but less than 7500 ...	168.00
WZ	7500 and over but less than 9000 ...	208.00
YZ	9000 and over but less than 12000 ..	252.00
ZZ	12000 and over .....	300.00

## Eight-Wheeled (4 Axles in Pairs)

Class	Chassis Weight in Pounds	Fee
RX	3000 and over but less than 4000 ...	\$60.00
SX	4000 and over but less than 5000 ...	72.00
TX	5000 and over but less than 6000 ...	132.00
UZ	6000 and over but less than 7500 ...	168.00
VX	7500 and over but less than 9000 ...	208.00
WX	9000 and over but less than 12000 ..	252.00



YX 12000 and over but less than 13500 .	300.00
ZX 13500 and over .....	360.00

### Section 903 Weight of Vehicles and Loads

(a) Commercial motor vehicles and truck tractors other than those electrically operated shall not be used or operated on any highway with gross weight exceeding those specified for the several classes and weights of chassis as follows

Four-Wheeled (2 Axles) Class	Chassis Weight in Pounds	Maximum Gross Weight in Pounds
R Less than 2000 .....	[ 5000]	6000
S 2000 and over but less than 3000 .....	[ 7000]	8000
T 3000 and over but less than 4000 .....	[11000]	12000
U 4000 and over but less than 5000 .....		16500
V 5000 and over but less than 6000 .....		21000
W 6000 and over but less than 7500 .....		26000
Y 7500 and over but less than 9000 .....		30000
Z 9000 and over .....		33000

Six-Wheeled (3 Axles) Class	Chassis Weight in Pounds	Maximum Gross Weight in Pounds
RZ 2000 and over but less than 3000 ...		12000
SZ 3000 and over but less than 4000 ...		14000
TZ 4000 and over but less than 5000 ...		16000
UZ 5000 and over but less than 6000 ...		26000
VZ 6000 and over but less than 7500 ...		31000
WZ 7500 and over but less than 9000 ...		36000
YZ 9000 and over but less than 12000 ...		40000
ZZ 12000 and over .....		47000

Eight-Wheeled (4 Axles in Pairs) Class	Chassis Weight in Pounds	Maximum Gross Weight in Pounds
RX 3000 and over but less than 4000 ...		14000
SX 4000 and over but less than 5000 ...		16000
TX 5000 and over but less than 6000 ...		26000
UX 6000 and over but less than 7500 ...		31000
VX 7500 and over but less than 9000 ...		36000
WX 9000 and over but less than 12000 ..		40000
YX 12000 and over but less than 13500 .		47000
ZX 13500 and over .....		60000

Section 3 This act shall take effect the first day of the registration year commencing 1956

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. READINGER. Mr. Speaker, at the risk of being repetitious, I would like to remind the Members of the House that this is the bill which would increase the license fees from \$10 to \$15 per passenger car, and make a slight increase in various truck licenses.

I would also like to remind the membership of the House that on page 3 of today's calendar is House Bill 1311 which provides for permanent allocation of certain money from the license fund to the municipalities. As I recall the figures it increases the amounts which have been allocated to the local municipality for highway and bridge purposes from \$18 million a year to \$30 million a year. I do not want anybody to think that I am making a threat when I say that if 1824 fails to pass you will not get an opportunity to vote on 1311.

I say it is not a threat because if we don't have the money we cannot allocate \$30 million to the local municipalities. I just state a simple fact. I am very hopeful that some of you gentlemen will weaken, to the extent of maybe four or five of you and vote for 1824 and then

you will very shortly after have the opportunity to vote for House Bill 1311. I am asking the membership to vote for 1824 and not let it die.

Mr. JOHNSON. I would like briefly to answer the Majority Leader.

Again I will return to the lofty promises made in the last campaign. I believe your Governor went through Pennsylvania and promised the municipalities a full cent of the gasoline tax without any increase in the gasoline or motor license taxes.

That speech is ringing in the ears of all of us. Here we have a situation today where you say, "Well, we are sorry Mr. Voter, back in those municipalities, you can have all this money but you will have to swallow a bitter pill to get it. You are going to pay fifteen bucks for your car," which is \$10 more for the car owner during the biennium.

You can put through 1311 based on existing funds by reason of the extra money you are getting from the truck licenses that have already been passed this session, and other funds that are coming in that I have previously talked to you about. I say you don't need the money.

Mr. READINGER. Mr. Speaker, if I understand the gentleman correctly, he said the Governor in his campaign promised to use the additional one cent on gasoline for that purpose. Was I incorrect in my hearing?

At any rate, what I would like to say now is that the Governor with all his fine qualities could not possibly foresee the catastrophe which happened in the Stroudsburg area when the floods came along. He did not at that time have any idea that one cent of gasoline tax would have to be diverted for flood relief. That has been done with the Governor's consent, to his credit. It had to be done in some way and that was done.

I still say that 1824 is necessary and it should be passed to raise this money.

### POINT OF ORDER

Mr. LIPPINCOTT. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. LIPPINCOTT. Mr. Speaker, we all appreciate the devastating humor of sitting here and seeing the majority party humiliate itself by these laborious roll calls. Cannot the Majority Leader merely inquire if there are any changes in the prior roll calls? I think we all have other things we would rather do.

The SPEAKER. It is entirely within the province of the Majority Leader, or it is entirely within the province of the gentleman from Delaware to ask for a slow roll call. The gentleman from Delaware can ask for a slow roll call; any Member of the House can demand a slow roll call.

### PARLIAMENTARY INQUIRY

Mr. McCORMACK. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. McCORMACK. Mr. Speaker, is it in order at the present time to suggest the absence of a quorum?

The SPEAKER. There is nothing in order but the calling of the roll.

And said bill having been read at length the third time, considered and agreed to.

On the question,



Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

A verification of the roll was requested by Messrs. READINGER, STANK, PETROSKY and CAPANO.

The roll was verified and was as follows:

## YEAS—94

Adam,	Garlock,	McLaughlin,	Smith, Wm. B.,
Amarando,	Gelfand,	McWherter,	Snider,
Anderson, S. A.,	Guss,	Meholchick,	Stank,
Barnatovich,	Hamilton, R. K.,	Mihm,	Stebbins,
Bazin,	Hass,	Mills,	Stephens,
Boles,	Heavey,	Monroe,	Stone,
Bonner,	Holt,	Moran,	Swartz,
Brennan, A. P.,	Jones, G. E.,	Muldowney,	Taylor,
Breth,	Kamyk,	Mullen,	Thomas,
Buechin,	Kolankiewicz,	Munley,	Toll,
Cianfrani,	Kornick,	Musto,	Vallo,
Cioffi,	Lawyer,	Needham,	Verona,
Cochran,	Leiby,	Olsen,	Wallace,
Comer,	Leonard,	O'Neil,	Walsh,
Curwood,	Leven,	Pashley,	Wargo,
Ellberg,	Limper,	Paulhamus,	Welsh,
Farabaugh,	Lopresti,	Polen,	Wheeler,
Filo,	Lovett,	Reibman,	Whitenight,
Fineman,	Lutty,	Renwick,	Williams,
Flint,	Maxwell,	Rosen,	Yetter,
Floyd,	McCann,	Sarrafi,	Yetzer,
Frank,	McCormack,	Scarcelli,	Andrews,
Frascella,	McGee,	Schuster,	Speaker
Gaffney,	McKeever,	Sherman,	

## NAYS—82

Agnew,	Gibson,	Lafore,	Pursley,
Ashton,	Goldstein,	Lelsey,	Readinger,
Auker,	Gramlich,	Light,	Royer,
Banker,	Greenwood,	Lippincott,	Rubin,
Bell,	Guthrie,	Mahan,	Smith, C. C.,
Bower,	Hamilton, W. H.,	Markley,	Steckel,
Breisch,	Haudenschild,	McInroy,	Stevenson,
Brennan, J. J.,	Helm,	Metz,	Stoner,
Brown,	Henzel,	Mikula,	Thompson,
Bullen,	Hocker,	Moody,	Tompkins,
Capano,	Horst,	Moserip,	Toomey,
Connelly,	Houk,	Murphy,	Varner,
Davis,	Isaacs,	Murray, H. P.,	Vaughan,
Donahue,	Jenkins,	Murray, J. J.,	Wall,
Ehrgood,	Johnson,	Murray, P. G.,	Weidner,
Erb,	Jones, T. H. W.,	Ogilvie,	Wilt,
Eshleman,	Jump,	Pacchioli,	Wood,
Ewing,	Keller,	Parry,	Worley,
Foster,	Kline,	Petrofsky,	Young,
Frost,	Knecht,	Polaski,	
Gibb,	Kooker,	Pomeroy,	

## NOT VOTING—33

Anderson, M. S.,	Down,	Kubacki,	Rovansek,
Blair,	Flynn,	Magee,	Rudisill,
Boory,	George,	Miller,	Sigman,
Branca,	Hewitt,	Naugle,	Strausser,
Brenninger,	Kehler,	Pettigrew,	Stroup,
Cooper,	Kent,	Price,	Waterhouse,
Donaldson,	Kratz,	Reidenbach,	Wescott,
Dougherty,	Kromer,	Rigby,	Willaredt,
			Ziegler,

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the bill falls.

The SPEAKER. The Chair lays before the House the next bill on special order fixed for this time, House Bill No. 1831.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1831, entitled:

An Act to further amend the act approved the first day of May one thousand nine hundred twenty-nine (P. L.

905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" by adding a certain classification and definition of motor vehicles and fixing a fee therefor

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

## BILL POSTPONED

Mr. READINGER. Mr. Speaker, I move that this bill be placed on the final passage postponed calendar.

The motion was agreed to.

## BILL PASSED OVER

There being no objection

House Bill No. 1073, Printer's No. 1166

was passed over at the request of Mr. READINGER.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1219, as follows:

An Act amending the act of August 5, 1932 (P. L. 45) entitled "An act empowering cities of the first and second classes to levy assess and collect or to provide for the levying assessment and collection of certain additional taxes for general revenue purposes authorizing the establishment of bureaus and the appointment and compensation of officers and employes to assess and collect such taxes and permitting penalties to be imposed and enforced" reserving under certain conditions the legality of taxes imposed by any city of the first class notwithstanding the imposition of similar taxes by the State

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The act of August 5, 1932 (P. L. 45) entitled "An act empowering cities of the first and second classes to levy assess and collect or to provide for the levying assessment and collection of certain additional taxes for general revenue purposes authorizing the establishment of bureaus and the appointment and compensation of officers and employes to assess and collect such taxes and permitting penalties to be imposed and enforced" is amended by adding at the end thereof a new section to read

Section 5 Notwithstanding any provision of section 1 of the act to which this is an amendment whenever any tax is imposed by the State the State tax shall not vacate affect or impair the levy or collection of any similar tax imposed by any city of the first class pursuant to this act if the act imposing the State tax specifically provides



that the tax imposed by any city shall not be vacated affected or impaired

Section 2 This act shall take effect immediately

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

Messrs. ISAACS, LAFORE and MOSCRIP requested a verification of the roll.

The affirmative roll was verified and the roll was as follows:

#### YEAS—101

Adam,	Frank,	McGee,	Rudisill,
Amarando,	Frascella,	McKeever,	Sarra,
Anderson, S. A.,	Gaffney,	McLaughlin,	Scarcelli,
Auker,	Garlock,	McWherter,	Schuster,
Barnatovich,	Gelfand,	Meholchick,	Sherman,
Bazin,	Guss,	Mihm,	Smith, C. C.,
Boles,	Hamilton, R. K.,	Monroe,	Smith, Wm. B.,
Bonner,	Hamilton, W. H.,	Moran,	Snider,
Boory,	Hass,	Muldowney,	Stank,
Bower,	Heavey,	Munley,	Stebbins,
Branca,	Helm,	Needham,	Stone,
Breisch,	Holt,	Olsen,	Swartz,
Brennan, J. J.,	Jones, G. E.,	O'Neil,	Taylor,
Breth,	Jump,	Pacchioli,	Varallo,
Bucchin,	Kamyk,	Pashley,	Verona,
Capano,	Kolankiewicz,	Paulhamus,	Wallace,
Cianfrani,	Kornick,	Petfosky,	Wargo,
Cioffi,	Lawyer,	Polaski,	Welsh,
Cochran,	Leiby,	Polen,	Wheeler,
Comer,	Leonard,	Pomeroy,	Whitenight,
Eilberg,	Leven,	Readinger,	Williams,
Farabaugh,	Limper,	Reibman,	Yetter,
Filo,	Lopresti,	Renwick,	Yetzer,
Fineman,	McCann,	Rosen,	Andrews,
Flint,	McCormack,	Rubin,	Speaker
Floyd,			

#### NAYS—67

Agnew,	Gibb,	Light,	Stevenson,
Ashton,	Gibson,	Lovett,	Stoner,
Banker,	Goldstein,	Mahan,	Strausser,
Bell,	Gramlich,	Markley,	Thomas,
Brennan, A. P.,	Greenwood,	McInroy,	Thompson,
Brown,	Guthrie,	Mikula,	Toll,
Bullen,	Haudenschild,	Moscrip,	Tompkins,
Connelly,	Henzel,	Mullen,	Toomey,
Cooper,	Hocker,	Murphy,	Varner,
Curwood,	Isaacs,	Murray, H. P.,	Vaughan,
Davis,	Johnson,	Musto,	Wall,
Donahue,	Jones, T. H. W.,	Ogilvie,	Weidner,
Ehrgood,	Keller,	Parry,	Wilt,
Erb,	Kline,	Pursley,	Wood,
Ewing,	Kooker,	Royer,	Worley,
Foster,	Lafore,	Steckel,	Young,
Frost,	Leisey,	Stephens,	Ziegler,

#### NOT VOTING—41

Anderson, M. S.,	Horst,	Lutty,	Pettigrew,
Blair,	Houk,	Magee,	Price,
Brenninger,	Jenkins,	Maxwell,	Reldenbach,
Donaldson,	Kehler,	Metz,	Rigby,
Dougherty,	Kent,	Miller,	Rovansek,
Down,	Knecht,	Mills,	Sigman,
Eshleman,	Kratz,	Moody,	Stroup,
Flynn,	Kromer,	Murray, J. J.,	Walsh,
George,	Kubacki,	Murray, P. G.,	Waterhouse,
Hewitt,	Lippincott,	Naugle,	Wescott,
			Willaredd,

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the bill falls.

#### FORMER MEMBER WELCOMED

The SPEAKER. The Chair welcomes to the Hall of the

House a very distinguished former Member, the gentleman from York, Mr. Goodling.

The Chair was privileged in former days on many matters to work shoulder to shoulder with the gentleman from York. We agreed on many matters. He was a good soldier and a good Legislator.

The Parliamentarian tells me he comes from a mighty good Democratic county.

Mr. JUMP. Mr. Speaker, may I add that we miss his singing. We haven't had a chance to get someone to lead us in any songs like he used to do.

The SPEAKER. He was a mighty singer.

The SPEAKER. The Chair requests the gentleman from Armstrong, Mr. Helm, to preside temporarily.

Mr. HELM IN THE CHAIR.

#### PERMISSION TO ADDRESS HOUSE

Mr. READINGER asked and obtained unanimous consent to address the House.

Mr. Speaker, if I may join the ranks of the mighty singers for a moment, I would like to inform the House that we do not intend to bring up any more controversial bills this afternoon and that tomorrow will be a consent calendar. There seems to be a terrific desire on the part of many Members to depart for home and elsewhere. For that reason I am now advising the membership that we do not intend to bring up anything further that is controversial today.

#### REPORTS FROM COMMITTEES

Mr. McGEE from the Committee on Professional Licensure, reported as committed, House Bill No. 118, entitled:

An Act to define, license and regulate, resident and non-resident auctioneers and apprentice auctioneers in certain political subdivisions, and revising, consolidating and making the law uniform relative thereto; creating the State Auctioneers Commission; \* \* \*

Mr. McGEE from the Committee on Professional Licensure, reported as committed, House Bill No. 119, entitled:

An Act amending the act of April 9, 1929 (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges;\*\*\*\*" establishing the State Auctioneers' Commission as a departmental administrative commission in the Department of Public Instruction; fixing the qualifications and compensation of members, and imposing certain duties on the commission.

Mr. SCHUSTER from the Committee on Law and Order, reported as amended, House Bill No. 323, entitled:

An Act providing for the protection of the public safety by regulating the sale offering or exposing for sale at retail and the use of air rifles defining air rifles authorizing cities boroughs towns and townships to issue permits for licensing and to regulate target ranges imposing duties on the Pennsylvania State Police sheriffs police officers and constables and providing penalties.

Mr. ASHTON from the Committee on Townships, reported as committed, House Bill No. 874, entitled:



An Act amending the act of June 25, 1931 (P. L. 1206), entitled "An act concerning townships of the first class; amending, revising, consolidating, and changing the law relating thereto," increasing millage of annual tax for general township purposes.

Mr. SHERMAN from the Committee on Judiciary, reported as amended, House Bill No. 1765, entitled:

An Act relating to services furnished to or performed for contractors and subcontractors; regulating waivers, releases, receipts and other evidence of payment and their effect; providing procedure for collecting certain claims.

Mr. BOIES from the Committee on Professional Licensure, reported as committed, Senate Bill No. 284, entitled:

An Act amending the act of April 9, 1929 (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof \* \* \*" creating the State Board of Chiropractic Examiners as a departmental administrative board in the Department of Public Instruction.

Mr. BOIES from the Committee on Professional Licensure, reported as committed, Senate Bill No. 285, entitled:

An Act relating to the practice of chiropractic conferring powers and imposing duties on the State Board of Chiropractic Examiners and the Department of Public Instruction and providing penalties.

Mr. BRETH from the Committee on Rules, reported as committed, Senate Bill No. 757, entitled:

An Act amending the act of June 25, 1947 (P. L. 1145) entitled as amended "An act empowering cities of the second class cities of the second class A cities of the third class boroughs towns townships of the first class townships of the second class school districts of the second class school districts of the third class and school districts of the fourth class to levy assess and collect; \* \* \*" defining the effect of requirement that real property transfer taxes be paid by the transferor on pre-existing ordinances and resolutions and validating such ordinances and resolutions.

Mr. BRETH from the Committee on Rules, reported as committed, Senate Bill No. 758, entitled:

An Act amending the act of June 25, 1947 (P. L. 1145) entitled as amended "An act empowering cities of the second class cities of the second class A cities of the third class boroughs towns townships of the first class townships of the second class school districts of the second class school districts of the third class and school districts of the fourth class to levy assess and collect; \* \* \*" authorizing taxing authority to impose real property transfer taxes on either the transferor or on the transferee.

### BILL RE-REFERRED

Mr. GELFAND from the Committee on Banking and Building and Loan, returned with the recommendation that it be re-referred to the Committee on Judiciary, Senate Bill No. 698, entitled:

An Act amending the act of May 15, 1933 (P. L. 624) entitled as amended "An act relating to the business of banking and to the exercise of fiduciary powers by corporations \* \* \*" further providing for authorized investments of savings banks.

The SPEAKER pro tempore. The bill is re-referred by the Speaker to the Committee on Judiciary.

### BILL ON FINAL PASSAGE POSTPONED

#### TIME EXTENDED ON BILL

Mr. TOLL asked and obtained unanimous consent to extend the time five days on House Bill No. 1768, Printer's No. 1025, on page 4 of today's calendar, bills on final passage postponed.

### BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 128, as follows:

An Act amending the act of June three one thousand nine hundred thirty-seven (P. L. 1333) entitled "An act concerning elections including general municipal special and primary elections the nomination of candidates primary and election expenses and election contests creating and defining membership of county boards of elections imposing duties upon the Secretary of the Commonwealth courts county boards of elections county commissioners imposing penalties for violation of the act and codifying revising and consolidating the laws relating thereto and repealing certain acts and parts of acts relating to elections" permitting electors who have changed their residence from one election district to another during a certain period to vote in the election district in which they are registered with certain exceptions

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Caluse (3) of section 701 act of June three one thousand nine hundred thirty-seven (P. L. 1333) known as the "Pennsylvania Election Code" is amended to read

Section 701 Qualifications of Electors Every citizen of this Commonwealth twenty-one years of age possessing the following qualifications shall be entitled to vote at all elections provided he or she has complied with the provisions of the acts requiring and regulating the registration of electors

\* \* \*

(3) He or she shall have resided in the election district where he or she shall offer to vote at least two months immediately preceding the election or except in the city of Philadelphia has removed therefrom to another district after the last day in which he or she could have registered in the election district to which he or she has removed

Section 2 Section 1210 of the act is amended by amending subsection (d) and adding subsection (e) to read

Section 1210 Manner of Applying to Vote Persons Entitled to Vote Voter's Certificates Entries to Be Made in District Register Numbered Lists of Voters Challenges

\* \* \*

(d) No person except a qualified elector who is in actual military or naval service under a requisition of the President of the United States or by the authority of this Commonwealth and who votes under the provisions of Article XIII of this act shall be entitled or permitted to vote at any primary or election at any polling place outside the election district in which he resides except as provided in subsection (e) nor shall he be permitted to vote in the election district in which he resides unless he has been personally registered as an elector and his registration card appears in the district register of such election district except by order of the court of common pleas as provided in this act and any person although personally registered as an elector may be challenged by any qualified elector election officer overseer or watcher at any primary or election as to his identity as to his continued residence in the election district or as to any alleged violation of the provisions of section 1210 of this act and if challenged as to identity or residence he shall produce at least one qualified elector of the election district as a witness who shall make affidavit of his identity or continued residence in the election district Provided however That no person shall be entitled to vote as a



member of a party at any primary unless he registered and enrolled as a member of such party upon the district at any primary or election as to his identity as to his register which enrollment shall be conclusive as to his party membership and shall not be subject to challenge on the day of the primary

(e) A qualified elector who has removed from the election district in which he is registered to another election district after the last day during which he could have registered in that district shall be permitted to vote in any primary or election in the election district in which he is registered if such district is not in the city of Philadelphia upon filing with the judge of elections his affidavit declaring the date of his removal his exact former address in the election district and his exact address in the election district to which he has removed

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

#### YEAS—193

Adam,	Gaffney,	Lutty,	Royer,
Agnew,	Garlock,	Magee,	Rudisill,
Amarando,	Gelfand,	Mahan,	Sarra,
Anderson, S. A.,	Gibb,	Markley,	Scarcell,
Ashton,	Gibson,	Maxwell,	Schuster,
Auker,	Goldstein,	McCann,	Sherman,
Banker,	Gramlich,	McCormack,	Sigman,
Barnatovich,	Greenwood,	McInroy,	Smith, C. C.,
Bazin,	Guss,	McKeever,	Smith, Wm. B.,
Bell,	Guthrie,	McLaughlin,	Snider,
Blair,	Hamilton, R. K.,	McWherter,	Stank,
Boles,	Hamilton, W. H.,	Meholchick,	Stebbins,
Bonner,	Hass,	Metz,	Steckel,
Boory,	Haudenschild,	Mihm,	Stephens,
Bower,	Heavey,	Mikula,	Stevenson,
Branca,	Helm,	Miller,	Stone,
Breisch,	Henzel,	Mills,	Stoner,
Brennan, A. P.,	Hewitt,	Monroe,	Strausser,
Brennan, J. J.,	Hocker,	Moody,	Swartz,
Breth,	Holt,	Moran,	Taylor,
Brown,	Horst,	Moscrip,	Thomas,
Bucchin,	Houk,	Muldowney,	Thompson,
Bullen,	Isaacs,	Mullen,	Toll,
Capano,	Jenkins,	Munley,	Tompkins,
Cianfrani,	Johnson,	Murphy,	Toomey,
Cloff,	Jones, G. E.,	Murray, H. P.,	Varallo,
Cochran,	Jones, T. H. W.,	Murray, J. J.,	Varner,
Comer,	Jump,	Murray, P. G.,	Vaughan,
Connelly,	Kamyk,	Musto,	Verona,
Cooper,	Keller,	Naugle,	Wall,
Curwood,	Kent,	Needham,	Wallace,
Davis,	Kline,	Ogilvie,	Walsh,
Donahue,	Knecht,	Olsen,	Wargo,
Dougherty,	Kolankiewicz,	O'Neill,	Waterhouse,
Ehrgood,	Kooker,	Pacchioli,	Weidner,
Eilberg,	Kornick,	Parry,	Welsh,
Erb,	Kubacki,	Pashley,	Wescott,
Eshleman,	Kubacki,	Paulhamus,	Wheeler,
Ewing,	Lafore,	Petrosky,	Whitenight,
Farabaugh,	Lawyer,	Polaski,	Williams,
Filo,	Leiby,	Polen,	Wilt,
Fineman,	Leisey,	Pomeroy,	Wood,
Flint,	Leonard,	Price,	Worley,
Floyd,	Leven,	Pursley,	Yetter,
Foster,	Light,	Readinger,	Yetzer,
Frank,	Limper,	Reibman,	Young,
Frascella,	Lippincott,	Renwick,	Ziegler,
Frost,	Lopresti,	Rosen,	Andrews,
	Lovett,	Rubin,	Speaker

#### NAYS—0

#### NOT VOTING—16

Anderson, M. S.,	Flynn,	Kromer,	Rigby,
Brenninger,	George,	McGee,	Rovansek,
Donaldson,	Kehler,	Pettigrew,	Stroup,
Down,	Kratz,	Reidenbach,	Willaredt,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1267 as follows:

An Act amending the act of July 28, 1953 (P. L. 723) entitled "An act relating to counties of the second class amending revising consolidating and changing the laws relating thereto" increasing the annual salaries of certain officers in counties of the second class

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 1810 act of July 28, 1953 (P. L. 723) known as the "Second Class County Code" is amended to read

Section 1810 Salaries of County Officers The annual salaries of the following county officers shall be as follows

The sheriff [twelve thousand five hundred dollars (\$12,500)] fifteen thousand dollars (\$15,000)

The prothonotary [twelve thousand five hundred dollars (\$12,500)] fifteen thousand dollars (\$15,000)

The recorder of deeds [twelve thousand five hundred dollars (\$12,500)] fifteen thousand dollars (\$15,000)

The register of wills and clerk of the orphans' court [five thousand five hundred dollars (\$5,500)] eight thousand dollars (\$8,000)

The clerk of the court [twelve thousand five hundred dollars (\$12,500)] fifteen thousand dollars (\$15,000)

The treasurer [twelve thousand five hundred dollars (\$12,500)] fifteen thousand dollars (\$15,000)

The controller [twelve thousand five hundred dollars (\$12,500)] fifteen thousand dollars (\$15,000)

The coroner [twelve thousand five hundred dollars (\$12,500)] fifteen thousand dollars (\$15,000)

The district attorney [fourteen thousand dollars (\$14,000)] sixteen thousand five hundred dollars (\$16,500)

The chairman of the county commissioners [eighteen thousand five hundred dollars (\$18,500)] twenty-one thousand dollars (\$21,000) the other county commissioners [fifteen thousand five hundred dollars (\$15,500)] eighteen thousand dollars (\$18,000) each

Two elective jury commissioners [six thousand dollars (\$6,000)] nine thousand dollars (\$9,000)

Section 2 The act of July 29, 1953 (P. L. 986) entitled "An act fixing the salary of jury commissioners in counties of the second class" is repealed

Section 3 This act shall take effect immediately

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

#### YEAS—189

Adam,	Garlock,	Lutty,	Rubin,
Agnew,	Gelfand,	Magee,	Rudisill,
Amarando,	Gibb,	Mahan,	Sarra,
Anderson, S. A.,	Gibson,	Markley,	Scarcell,
Ashton,	Goldstein,	Maxwell,	Schuster,
Banker,	Gramlich,	McCann,	Sherman,
Barnatovich,	Greenwood,	McCormack,	Sigman,
Bazin,	Guss,	McInroy,	Smith, C. C.,
Bell,	Guthrie,	McKeever,	Smith, Wm. B.,
Blair,	Hamilton, W. H.,	McLaughlin,	Snider,
Boles,	Hamilton, R. K.,	McWherter,	Stank,
Bonner,	Hass,	Meholchick,	Stebbins,
Boory,	Haudenschild,	Metz,	Steckel,
Bower,	Heavey,	Mihm,	Stephens,
Branca,	Helm,	Mikula,	Stevenson,
Breisch,	Henzel,	Mills,	Stone,
Brennan, A. P.,	Hewitt,	Monroe,	Stoner,
Brennan, J. J.,	Hocker,	Moody,	Strausser,
Breth,	Holt,	Moran,	Swartz,
Brown,	Horst,	Moscrip,	Taylor,
		Muldowney,	Thomas,



Bucchin,	Houk,	Mullen,	Thompson,
Bullen,	Isaacs,	Munley,	Toll,
Capano,	Jenkins,	Murphy,	Tompkins,
Cianfrani,	Johnson,	Murray, H. P.,	Toomey,
Cioffi,	Jones, G. E.,	Murray, J. J.,	Varallo,
Cochran,	Jones, T. H. W.,	Murray, P. G.,	Varnier,
Comer,	Jump,	Musto,	Vaughan,
Connelly,	Kamyk,	Naugle,	Verona,
Cooper,	Keller,	Needham,	Wall,
Curwood,	Kent,	Ogilvie,	Wallace,
Davis,	Kline,	Olsen,	Walsh,
Donahue,	Knecht,	O'Neil,	Wargo,
Dougherty,	Kolankiewicz,	Pacchioni,	Waterhouse,
Ehrgood,	Kooker,	Parry,	Weldner,
Ellberg,	Kornick,	Pashley,	Welsh,
Erb,	Kubacki,	Paulhamus,	Wescott,
Eshleman,	Lafore,	Petrosky,	Wheeler,
Ewing,	Lawyer,	Polaski,	Whitenight,
Farabaugh,	Leiby,	Polen,	Williams,
Filo,	Lelsey,	Pomeroy,	Wilt,
Fineman,	Leonard,	Price,	Wood,
Flint,	Leven,	Pursley,	Yetter,
Floyd,	Light,	Readinger,	Yetzer,
Frank,	Limper,	Reibman,	Young,
Frascella,	Lippincott,	Renwick,	Ziegler,
Frost,	Lopresti,	Rosen,	Andrews,
Gaffney,	Lovett,	Royer,	Speaker

## NAYS—4

Auker,	Poster,	Miller,	Worley,
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## NOT VOTING—16

Anderson, M. S.,	Flynn,	Kromer,	Rigby,
Brenninger,	George,	McGee,	Rovanssek,
Donaldson,	Kehler,	Pettigrew,	Stroup,
Down,	Kratz,	Reidenbach,	Willaredt,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

## BILLS PASSED OVER

There being no objection

House Bill No. 1314, Printer's No. 883

House Bill No. 1367, Printer's No. 1099 and

House Bill No. 1368, Printer's No. 1100

were passed over at the request of the SPEAKER pro tempore.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1405 as follows:

An Act amending the act of March 30, 1937 (P. L. 115) entitled "An act to provide for the permanent personal registration of electors in cities of the first class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties bodies of electors registration commissions commissioners registrars inspectors of registration and other appointees of registration commission election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics real estate brokers rental agents certain public service companies persons firms and corporations operating vehicles for moving furniture and household goods and boards of school directors and imposing penalties" removing limitations on the power of the commission to establish officers for receipt of applications for registration and changing the provisions of the act

as to registration of electors before municipal elections The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Subsection (a) of section 17 act of March 30, 1937 (P. L. 115) known as "The First Class City Permanent Registration Act" amended May 16, 1951 (P. L. 305) is amended to read

Section 17 Days and Hours of Registration Places of Registration Use of Poling Places Payments of Rentals Use of School Building Public Notice

(a) The commission or any commissioner employe or clerk assigned for that purpose shall at the main office of the commission during ordinary business hours and during such additional hours as the commission shall from time to time prescribe on each day and on such days and during such hours as the commission may from time to time designate at other offices in the city which the commission shall from time to time [during the period of ninety days preceding any election] have power to establish and discontinue except Sundays holidays the days hereinafter provided for the registration of electors in the districts or wards the day of each election and each primary the fifty days next preceding each general [municipal] and primary election the thirty-five days next preceding each municipal election and the thirty days next following each election and the five days next following each primary receive personal applications from persons who claim that they are entitled to be registered as electors of the city and who appear for registration Provided however That in case of a special election within a certain district (congressional senatorial or representative) held on a day other than the day of a primary general or municipal election the registration of electors shall be discontinued in the wards comprising such district for the period of thirty-five days prior to and the five days next following such special election In each year the commission may also when it considers it necessary for the convenience of the electors provide one or more places of registration in each or any ward of the city at which two or more registrars as the commission may deem necessary shall be present to receive personal application from qualified electors of the city who claim that they are entitled to be registered which registrars shall be present thereat between the hours of seven antemeridian and one postmeridian and between the hours of four and ten postmeridian on such days as may be selected by the commission which shall be not more than sixty days and not less than fifty days prior to any general [municipal] or primary election and which shall be not more than sixty days and not less than thirty-five days prior to any municipal election Provided further however That with respect to any person who shall become a citizen of the United States on a day subsequent to the sixtieth day prior to any election or primary but at least one month prior to the day of such election or primary the commission or any commissioner employe or clerk assigned for that purpose shall receive personal applications from such person if he or she is otherwise qualified at the office of the registration commission until the thirtieth day prior to such election or primary during ordinary business hours except Sundays holidays and the days hereinbefore provided for the registration of electors in the districts or wards

\* \* \*

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

## YEAS—193

Adam,	Garlock,	Markley,	Rudisill,
Agnew,	Gelfand,	Maxwell,	Sarra,
Amarando,	Gibb,	McCann,	Scarcell,
Anderson, S. A.,	Gibson,	McCormack,	Schuster,
Ashton,	Goldstein,	McGee,	Sherman,



Auker,	Gramlich,	McInroy,	Sigman,
Banker,	Greenwood,	McKeever,	Smith, C. C.
Barnatovich,	Guss,	McLaughlin,	Smith, Wm. B.
Bazin,	Guthrie,	McWherter,	Snider,
Bell,	Hamilton, R. K.,	Meholchick,	Stank,
Blair,	Hamilton, W. H.,	Metz,	Stebbins,
Boles,	Hass,	Mihm,	Steckel,
Bonner,	Haudenschild,	Mikula,	Stephens,
Boory,	Heavey,	Miller,	Stevenson,
Bower,	Helm,	Mills,	Stone,
Branca,	Henzel,	Monroe,	Stoner,
Brelsch,	Hewitt,	Moody,	Strausser,
Brennan, A. P.,	Hocker,	Moran,	Swartz,
Brennan, J. J.,	Holt,	Moscrip,	Taylor,
Breth,	Horst,	Muldowney,	Thomas,
Brown,	Houk,	Mullen,	Thompson,
Bucchin,	Isaacs,	Munley,	Toll,
Bullen,	Jenkins,	Murphy,	Tompkins,
Capano,	Johnson,	Murray, H. P.,	Toomey,
Cianfrani,	Jones, G. B.,	Murray, J. J.,	Varallo,
Cioffi,	Jones, T. H. W.	Murray, P. G.,	Varner,
Cochran,	Jump,	Musto,	Vaughan,
Comer,	Kamyk,	Naugle,	Verona,
Connelly,	Keller,	Needham,	Wall,
Cooper,	Kent,	Ogilvie,	Wallace,
Curwood,	Kilne,	Olsen,	Walsh,
Davis,	Knecht,	O'Neill,	Wargo,
Donahue,	Kolankiewicz,	Pacchioli,	Waterhouse,
Dougherty,	Kooker,	Parry,	Weldner,
Ehrgood,	Kornick,	Pashley,	Welsh,
Eshleman,	Kubacki,	Paulhamus,	Wescott,
Ellberg,	Lafore,	Petrosky,	Wheeler,
Erb,	Lawyer,	Polaski,	Whitenight,
Ewing,	Leiby,	Polen,	Williams,
Farabaugh,	Lelsey,	Pomeroy,	Wilt,
Fillo,	Leonard,	Price,	Wood,
Fineman,	Leven,	Pursley,	Worley,
Flint,	Light,	Readinger,	Yetter,
Floyd,	Limper,	Reibman,	Yetzer,
Foster,	Lippincott,	Renwick,	Young,
Frank,	Lopresti,	Rosen,	Ziegler,
Frascella,	Lovett,	Royer,	Andrews,
Frost,	Lutty,	Rubin,	Speaker
Gaffney,	Mahan,		

## NAYS—0

## NOT VOTING—16

Anderson, M. S.,	Flynn,	Kromer,	Rigby,
Brenninger,	George,	Magee,	Rovansek,
Donaldson,	Kehler,	Pettigrew,	Stroup,
Down,	Kratz,	Reidenbach,	Willardt,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

## BILLS PASSED OVER

There being no bojection

House Bill No. 1738 Printer's No. 1113

House Bill No. 1750 Printer's No. 1013

House Bill No. 1754 Printer's No. 1183

House Bill No. 1755 Printer's No. 1070

House Bill No. 1785 Printer's No. 1003 and

House Bill No. 1793 Printer's No. 1181

were passed over at the request of the SPEAKER pro tempore.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1819, entitled:

An Act enabling the department of procurement of cities of the first class to establish by resolution the requirements of responsible bidders for city printing

On the question,

Will the House agree to the bill on third reading?

Mr. McGEE. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

Amend page 1, line 2 of the title, by striking out at the end of the line after the word "the" the following: "requirements of responsible bidders" and inserting in lieu thereof the following: "conditions upon which it will award contracts."

Amend Section 1, page 1, line 3, by striking out at the end of the line after the word "to" the following: "establish."

Amend Section 1, page 1, by striking out line 4 and inserting in lieu thereof the following: "comply with the following conditions."

Amend Section 1, page 2, line 5, by striking out at the end of the line after the word "is" the following: "produced" and inserting in lieu thereof the following: "to be performed."

Amend Section 1, page 2, line 10, by striking out at the end of the line after the word "be" the following: "the minimum requirements."

Amend Section 1, page 2, by striking out line 11 and inserting in lieu thereof the following: "a condition upon which the contract will be awarded."

The SPEAKER. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1820, entitled:

An Act enabling county commissioners of counties of the first class to establish by resolution the requirements of responsible bidders for county printing

On the question,

Will the House agree to the bill on third reading?

Mr. McGEE. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

Amend page 1, line 2 of the title, by striking out after the word "the" and before the word "for" the following: "requirements of responsible bidders" and inserting in lieu thereof the following: "conditions upon which it will award contracts."

Amend Section 1, page 1, line 3, by striking out at the end of the line after the word "to" the following: "establish con-"

Amend Section 1, page 1, by striking out line 4, and inserting in lieu thereof the following: "comply with the following conditions."

Amend Section 1, page 2, line 5, by striking out at the end of the line after the word "is" the following: "produced" and inserting in lieu thereof the following: "to be performed."

Amend Section 1, page 2, line 10, by striking out at the end of the line after the word "be" the following: "the minimum re-"

Amend Section 1, page 2, by striking out line 11, and inserting in lieu thereof the following: "a condition upon which the contract will be awarded."



The SPEAKER. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

#### BILLS PASSED OVER

There being no objection

House Bill No. 1833 Printer's No. 1118

House Bill No. 1839 Printer's No. 1120

House Bill No. 1849 Printer's No. 1173 and

House Bill No. 1864 Printer's No. 1125

were passed over at the request of the SPEAKER pro tempore.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1873 as follows:

An Act to further amend the act approved the seventeenth day of May one thousand nine hundred twenty-one (P. L. 789) entitled as amended "An act relating to insurance establishing an insurance department and amending revising and consolidating the law relating to the licensing qualification regulation examination suspension and dissolution of insurance companies Lloyds associations reciprocal and inter-insurance exchanges and certain societies and orders the examination and regulation of fire insurance rating bureaus and the licensing and regulation of insurance agents and brokers the service of legal process upon foreign insurance companies associations or exchanges providing penalties and repealing existing laws" by changing provisions relating to certain legal proceedings

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 501 of the act approved the seventeenth day of May one thousand nine hundred twenty-one (P. L. 789) entitled as amended "An act relating to insurance establishing an insurance department and amending revising and consolidating the law relating to the licensing qualification regulation examination suspension and dissolution of insurance companies Lloyds associations reciprocal and inter-insurance exchanges and certain societies and orders the examination and regulation of fire insurance rating bureaus and the licensing and regulation of insurance agents and brokers and service of legal process upon foreign insurance companies associations or exchanges providing penalties and repealing existing laws" as amended by the act approved the twenty-second day of June one thousand nine hundred thirty-one (P. L. 616) is hereby further amended to read as follows

Section 501 Suspension of Business of Insurance Companies of other states and foreign Governments Et Cetera by Insurance Commissioner The Insurance Commissioner shall suspend the entire business [of any domestic insurance company association or exchange fraternal benefit society or beneficial society and the business] within this Commonwealth of any insurance company association or exchange or fraternal benefit society or beneficial society of another State or foreign government during its non-compliance with any provision of law obligatory upon it or whenever he shall find that its assets are insufficient to justify its continuance in business by suspending or revoking its certificate of authority granted by him If such insurance company association or exchange fraternal benefit society or beneficial society was incorporated or-

ganized or is operating without authority of law the commissioner shall have equal authority to suspend [or dissolve] as if a certificate of authority had been granted by law If upon examination or other evidence exhibited to him the Insurance Commissioner is of opinion that any such insurance company association or exchange or fraternal benefit society or beneficial society or an officer or agent thereof has violated any provision of the insurance laws he shall report the facts to the Attorney General who [under the direction of the Insurance Commissioner] shall take such legal action as the case may require

Section 2 Section 502 of said act as amended by the act approved the twelfth day of July one thousand nine hundred thirty-five (P. L. 958) is hereby further amended to read as follows

Section 502 Suspension of and Applications to Court to Take Over Business of Domestic Companies Et Cetera for Protection of Policyholders Creditors Et Cetera Whenever any domestic insurance company association exchange title insurance company fraternal benefit society or beneficial society or order including all corporations associations societies and orders which are subject to examination by the Insurance Commissioner or which are doing or attempting to do or representing that they are doing the business of insurance in this Commonwealth or which are in process of organization intending to do such business therein (a) is insolvent or (b) has refused to submit its books papers accounts or affairs to the reasonable inspection of the Insurance Commissioner or his deputy or examiner or (c) has neglected or refused to observe an order of the Insurance Commissioner to make good within the time prescribed by law any deficiency whenever its capital if it be a stock company or its reserves if it be a mutual company an association exchange title insurance company fraternal benefit society or beneficial society or order shall have become impaired or (d) has by contract of reinsurance or otherwise transferred or attempted to transfer substantially its entire property or business or entered into any transaction the effect of which is to merge substantially its entire property or business in the property or business of any other company association exchange title insurance company fraternal benefit society or beneficial society or order without having first obtained the written approval of the Insurance Commissioner or (e) is found after an examination to be in such condition that its further transaction of business will be hazardous to its policyholders or to its creditors or to the public or (f) has wilfully violated its charter or any law of the Commonwealth or (g) whenever any officer thereof has refused to be examined under oath touching its affairs or (h) was incorporated organized or is operating without authority of law the Insurance Commissioner after examination shall suspend the entire business of any such domestic insurance company association exchange title insurance company fraternal benefit society or beneficial society or order if it be found by him to be insolvent or in such condition that its further transaction of business will be hazardous to its policyholders or to its creditors or to the public and may suspend any such organization if it be found by him to have violated any of the provisions of (b) (c) (d) (f) (g) or (h) of this section Any suspension shall prohibit issuance of policies transfers of property and payments of moneys without prior written approval of the Insurance Commissioner Notice of such suspension shall be given by first class mail within fifteen days thereof by the suspended organization to those who were creditors policyholders members and certificate holders at the date of suspension Notice of such suspension shall be given within fifteen days thereof by the Insurance Commissioner to creditors policyholders members and certificate holders by advertising the same by one publication in a newspaper of general circulation in the county where the suspended organization has its principal office From the date of such suspension on the ground that the suspended organization is insolvent or is in such condition that its further transaction of business will be hazardous to its policyholders or to its creditors or to the public no action at law or equity shall



be commenced or prosecuted nor shall any judgment be entered against nor shall any execution or attachment be issued or prosecuted against the suspended company association exchange title insurance company fraternal benefit society or beneficial society or order or against its property in any court of this Commonwealth Provided that if such suspension order be vacated by the Court of Common Pleas of Dauphin County for the reason that the suspended organization is no longer insolvent or in such condition that its further transaction of business will be hazardous to its policyholders or to its creditors or to the public these restraints upon legal process regarding that organization shall hereafter cease to be operative Upon suspension of any such organization by the Insurance Commissioner upon any of the grounds set forth in any one of provisions (a) to (h) inclusive of this section he shall after approval of the Attorney General [shall communicate the facts to the Attorney General who shall after hearing] apply to the court of common pleas of Dauphin County or to the court of any county in which the principal office of such company association exchange title insurance company fraternal benefit society or beneficial society or order is located for an order directing such company association exchange title insurance company fraternal benefit society or beneficial society or order to show cause why its business should not be closed and the Insurance Commissioner should not take possession of its property and conduct its business and for such other relief as the nature of the case and the interests of its policyholders creditors stockholders or the public may require

Section 3 Section 503 of said act is hereby amended to read as follows

Section 503 Nonpayment of Judgments by Mutual Companies Assessment of Policyholders Dissolution Whenever proof shall be submitted to the Insurance Commissioner showing that any execution against any mutual insurance company of this State in pursuance of judgment obtained against said company in any court of record of this Commonwealth has been returned nulla bona by the sheriff of the county in which said company is located [it shall be his duty to notify the Attorney General who thereupon shall] he shall after approval of the Attorney General apply to the court of common pleas of Dauphin County or to a judge thereof in vacation for an order upon such company to show cause why its business should not be closed Upon the hearing of such rule or order the court or judge aforesaid shall direct the officers of said company to assess and collect from the policyholders thereof a sum sufficient to satisfy said judgment and execution and all other claims against said company or make any other order or orders in the premises as may appear to said court or judge just and necessary In case it shall finally appear to said court or judge that the company aforesaid cannot collect from its members sufficient funds to satisfy the claims against it the said company shall be adjudged insolvent and the court or judge aforesaid shall decree its dissolution and appoint the Insurance Commissioner as receiver to take charge of its effects with like powers as hereinafter provided

Section 4 Section 505 of said act is hereby amended to read as follows

Section 505 Injunction Return of Order to Show Cause and Decrees Thereon On such application or at any time thereafter such court may in its discretion issue an injunction restraining such company association exchange society or order from the transaction of its business or disposition of its property until the further order of the court On the return of such order to show cause and after a full hearing before the court or before an examiner appointed by the court the court shall either deny the application or direct the Insurance Commissioner forthwith to take possession of the property and conduct the business of such company association exchange society or order and retain such possession and conduct such business until on the application either of the commissioner [through the Attorney General] or of such company association exchange society or order it shall after a like hearing appear to the court that the ground for such order

directing the Insurance Commissioner to take possession has been removed and that the company association exchange society or order can properly resume possession of its property and the conduct of its business

Section 5 Section 511 of said act as added by the act approved the seventeenth day of May one thousand nine hundred thirty-three (P. L. 798) is hereby amended to read as follows

Section 511 Liquidation of Title Insurance Companies Partially Under Supervision of Department of Banking The Insurance Commissioner may be appointed in accordance with the provisions of this article as liquidator of the title insurance business of any company which also has the power to transact any class of business under the supervision of the Department of Banking The Insurance Commissioner shall promptly notify the Department of Banking of his appointment as liquidator of any such company.

Upon receipt of notice from the Secretary of Banking that as receiver he has taken possession of any such company [the Attorney General may procure the appointment of] the Insurance Commissioner may be appointed as liquidator of the title insurance business of such company in accordance with the provisions of this article

Section 6 The provisions of this act shall become effective immediately upon final enactment.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

#### YEAS—193

Adam,	Garlock,	Magee,	Rudisill.
Agnew,	Gelfand,	Mahan.	Sarra,
Amarando,	Gibb,	Markley,	Scarcell.
Anderson, S. A.,	Gibson,	Maxwell,	Schuster,
Ashton,	Goldstein,	McCann,	Sherman,
Auker,	Gramlich,	McCormack,	Sigman,
Banker,	Greenwood,	McInroy,	Smith, C. C.,
Barnatovich,	Guss,	McKeever,	Smith, Wm. B.,
Bazin,	Guthrie,	McLaughlin,	Snider,
Bell,	Hamilton, R. K.,	McWherter,	Stank,
Blair,	Hamilton, W. H.,	Meholchick,	Stebbins,
Boles,	Hass,	Metz,	Steckel,
Bonner,	Haudenschild,	Mihm,	Stephens,
Boory,	Heavey,	Mikula,	Stevenson,
Bower,	Helm,	Miller,	Stone,
Branca,	Henzel,	Mills,	Stoner,
Breisch,	Hewitt,	Monroe,	Strausser,
Brennan, A. P.,	Hocker,	Moody,	Swartz,
Brennan, J. J.,	Holt,	Moran,	Taylor,
Breth,	Houk,	Moscrip,	Thomas,
Brown,	Horst,	Muldowney,	Thompson,
Bucchin,	Isaacs,	Mullen,	Toll,
Bullen,	Jenkins,	Munley,	Tompkins,
Capano,	Johnson,	Murphy,	Toomey,
Cianfrani,	Jones, G. E.,	Murray, H. P.,	Varallo,
Cloffi,	Jones, T. H. W.,	Murray, J. J.,	Varnar,
Cochran,	Jump,	Murray, P. G.,	Vaughan,
Comer,	Kamyk,	Musto,	Verona,
Connelly,	Keller,	Naugle,	Wall,
Cooper,	Kent,	Needham,	Wallace,
Curwood,	Kline,	Ogilvie,	Walsh,
Davis,	Knecht,	Olsen,	Wargo,
Donahue,	Kolankiewicz,	O'Neill,	Waterhouse,
Dougherty,	Kooker,	Pacchioli,	Weidner,
Ehrgood,	Kornick,	Parry,	Welsh,
Eilberg,	Kubacki,	Pashley,	Wescott,
Erb,	Lafore,	Paulhamus,	Wheeler,
Eshleman,	Lawyer,	Petrosky,	Whitenight,
Ewing,	Leiby,	Polaski,	Williams,
Farabaugh,	Lelsey,	Polen,	Wilt,
Filo,	Leonard,	Pomeroy,	Wood,
Fineman,	Leven,	Price,	Worley,
Flint,	Light,	Pursley,	Yetter,
Floyd,	Limper,	Readinger,	Yetzer,
Foster,	Lippincott,	Reibman,	Young,
Frank,	Lopresti,	Renwick,	Ziegler,
Frascella,	Lovett,	Rosen,	Andrews,
Frost,	Lutty,	Royer,	Speaker
Gaffney,		Rubin,	



## NAYS—0

## NOT VOTING—16

Anderson, M. S.,	Flynn,	Kromer,	Rigby,
Brenninger,	George,	McGee,	Rovansek.
Donaldson,	Kehler,	Pettigrew,	Stroup.
Down,	Kratz,	Reidenbach,	Willaredt,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

## BILL PASSED OVER

There being no objection

House Bill No. 1874, Printer's No. 1174 was passed over at the request of the SPEAKER pro tempore.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1877, entitled:

An Act amending the act of March 10, 1949 (P. L. 30), entitled "An act relating to the public school system including certain provisions applicable as well to private and parochial schools amending revising consolidating and changing the laws relating thereto" changing the basis for reimbursement on account of rentals payable to the State Public School Authority municipality authorities and nonprofit corporations and the conditions therefor and limitations on approval of projects for reimbursement purposes providing for reimbursement on account of sinking fund charges on indebtedness for school buildings hereafter constructed and making an appropriation.

On the question,

Will the House agree to the bill on third reading?

Mr. McCANN. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

Amend Sec. 2 (Sec. 2572), page 3, lines 13 and 14, by striking out both of said lines and inserting in lieu thereof "building rentals by fifty one-hundredths (50-100) and by the annual rental charge as fixed by the State Public School Building Authority."

Amend Sec. 2 (Sec. 2579), page 16, lines 6 to 11, by striking out "The cost of inspection of projects and ex-" in line 6, and all of lines 7 to 11.

The SPEAKER. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

## BILL PASSED OVER

There being no objection

House Bill No. 1881, Printer's No. 1151 was passed over at the request of the SPEAKER pro tempore.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1907, as follows:

An Act making an appropriation to the House of Representatives of the General Assembly for the salaries of officers and employes and mileage of members  
The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The following sums or as much thereof as is necessary are appropriated to the House of Representatives of the General Assembly for the purposes herein-after set forth The sums hereby appropriated shall be in addition to any sums heretofore appropriated for the purposes

## To the House of Representatives

For the payment of the salaries of the officers and employes of the House of Representatives session of 1955 also for the payment of the session and recess salaries of all officers and employes whose positions are now or may hereafter be created and for the payment of which provision is not otherwise made also for the payment of any increases which may now or hereafter be authorized in the recess and session salaries of the officers and employes of the House of Representatives whose present salaries are provided for in this section the sum of ninety thousand dollars (\$90,000)

For the payment of the mileage of two hundred ten members of the House of Representatives session of 1955 the sum of thirty-six thousand dollars (\$36,000)

And said bill having been read at length the third time, considered and agreed to,

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

## YEAS—193

Adam,	Gelfand,	Mahan,	Rudisill,
Agnew,	Gibb,	Markley,	Sarra,
Amarando,	Gibson,	Maxwell,	Scarcelli,
Anderson, S. A.,	Goldstein,	McCann,	Schuster,
Ashton,	Gramlich,	McCormack,	Sherman,
Auker,	Greenwood,	McInroy,	Sigman,
Banker,	Guss,	McKeever,	Smith, C. C.,
Barnatovich,	Guthrie,	McLaughlin,	Smith, Wm. B.,
Bazin,	Hamilton, R. K.,	McWherter,	Snider,
Bell,	Hamilton, W. H.,	Meholchick,	Stank,
Blair,	Hass,	Metz,	Stebbins,
Boles,	Haudenschild,	Mihm,	Steckel,
Bonner,	Heavey,	Mikula,	Stephens,
Boory,	Helm,	Miller,	Stevenson,
Bower,	Henzel,	Mills,	Stone,
Branca,	Hewitt,	Monroe,	Stoner,
Breisch,	Hocker,	Moody,	Strausser,
Brennan, A. P.,	Holt,	Moran,	Swartz,
Brennan, J. J.,	Horst,	Moscrip,	Taylor,
Breth,	Houk,	Muldowney,	Thomas,
Brown,	Isaacs,	Mullen,	Thompson,
Bucchin,	Jenkins,	Munley,	Toll,
Bullen,	Johnson,	Murphy,	Tompkins,
Capano,	Jones, G. E.,	Murray, H. P.,	Toomey,
Cianfrani,	Jones, T. H. W.,	Murray, J. J.,	Varallo,
Cloffi,	Jump,	Murray, P. G.,	Varnier,
Cochran,	Kamyk,	Naugle,	Vaughan,
Comer,	Keller,	Needham,	Verona,
Connelly,	Kent,	Ogilvie,	Wall,
Cooper,	Kline,	Olsen,	Wallace,
Ourwood,	Knecht,	O'Neill,	Walsh,
Davis,	Kolankiewicz,	Pacchioni,	Wargo,
Donahue,	Kooker,	Parry,	Waterhouse,
Dougherty,	Kornick,	Pashley,	Weidner,
Ehrgood,	Kubacki,	Paulhamus,	Welsh,
Eilberg,	Lafore,	Petrosky,	Wescott,
Erb,	Lawyer,	Polaski,	Wheeler,
Eshleman,	Leiby,	Polen,	Whitenight,
Ewing,	Leisey,	Pomeroy,	Williams,
Farabaugh,	Leonard,	Price,	Wilt,
Filo,	Leven,	Pursley,	Wood,
Fineman,	Light,		Worley,
Flint,			



Floyd, Poster, Frank, Frascella, Frost, Gaffney, Garlock,	Lilmer, Lippincott, Lopresti, Lovett, Lutty, Magee,	Readinger, Reibman, Renwick, Rosen, Royer, Rubin,	Yetter, Yetzer, Young, Ziegler, Andrews, Speaker
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NAYS—0

NOT VOTING—16

Anderson, M. S., Brenninger, Donaldson, Down,	Flynn, George, Kehler, Kratz,	Kromer, McGee, Pettigrew, Reidenbach,	Rigby, Rovanseck, Stroup, Willaredt,
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The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILLS PASSED OVER

There being no objection

- Senate Bill No. 511, Printer's No. 365
- Senate Bill No. 520, Printer's No. 181 and
- Senate Bill No. 543, Printer's No. 231

were passed over at the request of the SPEAKER pro tempore.

Agreeably to order,

The House proceeded to the third reading and consideration of Senate Bill No. 773, entitled:

An Act amending the act of May 1, 1929 (P. L. 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding fo animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justice of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" prohibiting the operation of motor vehicles the mufflers of which have internal parts removed and changing penalties.

On the question,

Will the House agree to the bill on third reading?

Mr. MORAN. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

Amend Title, page 2, next to last line of Title by inserting after "the" with certain types of.

Amend Title, page 2, last two lines of Title, by striking out "of which have internal parts removed".

Amend Sec. 1 (Sec. 819) page 3, line 6 by inserting after "highway" (1).

Amend Sec. 1 (Sec. 819) page 3, line 8 by inserting after "replaced" or (2) equipped with a muffler commonly known as a "Hollywood Muffler" or any other similar type muffler which does not have baffles, plates or screens.

The SPEAKER. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

BILLS ON FINAL PASSAGE

BILLS PASSED OVER

There being no objection

- House Bill No. 1311, Printer's No. 1102 and
- House Bill No. 1706, Printer's No. 841

were passed over at the request of the SPEAKER pro tempore.

BILL ON FINAL PASSAGE POSTPONED

TIME EXTENDED ON BILL

Mr. READINGER asked and obtained unanimous consent to extend the time five days on House Bill No. 257, Printer's No. 679, on page 4 of today's calendar, bills on final passage postponed.

SENATE MESSAGE

AMENDED SENATE BILL CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives to Senate bill numbered and entitled as follows:

SENATE BILL No. 837.

An Act to further amend the act approved the eighteenth day of July one thousand nine hundred seventeen (P. L. 1043) entitled "An act establishing a public school employees' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing employees defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon boards having the employment of public school employees exempting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" increasing the amount of retirement or compensation payments to persons now retired receiving survivor annuities or State compensation under the public school employees' retirement system in conformity with provisions of amendment of section 11 or article 3 of the Constitution and harmonizing the provisions of past amendments

SENATE MESSAGE

AMENDED SENATE BILL CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives to Senate bill numbered and entitled as follows:



## SENATE BILL No. 838.

An Act to further amend the act approved the twenty-seventh day of June one thousand nine hundred twenty-three (P. L. 858) entitled "An act establishing a State employees' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing State employees defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon the heads of departments in which State employees serve excepting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" providing for minimum retirement allowances for present beneficiaries and appropriations for payment of the costs thereof in conformity with provisions of amendment of section 11 of article 3 of the constitution

## SENATE MESSAGE

## CONCURRENCE IN HOUSE RESOLUTION

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives as follows:

In the House of Representatives, December 6, 1955.

Resolved (if the Senate concur), that House Bill No. 342, Printer's No. 637, entitled "An act amending the act of May 1, 1929 (P. L. 905) entitled 'An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds' exempting and limiting the number of motor vehicles of war amputees from the payment of title or registration fees," be recalled from the Governor for the purpose of amendment.

## SENATE MESSAGE

## CONCURRENCE IN HOUSE RESOLUTION

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives as follows:

In the House of Representatives, December 6, 1955.

Resolved (if the Senate concur) that House Bill No. 737, Printer's No. 705, entitled "An act amending the act of May 2 1929 (P. L. 1278) entitled 'An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto' providing rooms for use of the American Gold Star Mothers Inc and for certain ladies' auxiliaries," be recalled from the Governor for the purpose of amendment.

## SENATE MESSAGE

## CONCURRENCE IN HOUSE RESOLUTION

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives as follows:

In the House of Representatives, December 6, 1955.

Resolved (if the Senate concur) that House Bill No. 738, Printer's No. 706, entitled "An act amending the act of July 8 1919 (P. L. 784, No. 321) entitled 'An act authorizing counties cities and boroughs to furnish rooms in public buildings for meeting places for certain organizations' including certain ladies' auxiliaries and the American Gold Star Mothers Inc within provisions of act," be recalled from the Governor for the purpose of amendment.

## RESOLUTION

## RECALLING HOUSE BILL NO. 662 FROM THE GOVERNOR

Mr. READINGER offered the following resolution which was twice read, considered and adopted:

In the House of Representatives, December 6, 1955.

Resolved (if the Senate concur) that House Bill No. 662, Printer's No. 929, entitled "An act amending the act of May 5, 1933 (P. L. 289) entitled 'An act relating to nonprofit corporations defining and providing for the organization merger consolidation and dissolution of such corporations conferring certain rights powers duties and immunities upon them and their officers and members prescribing the conditions on which such corporations may exercise their powers providing for the inclusion of certain existing corporations of the first class within the provisions of this act prescribing the terms and conditions upon which foreign nonprofit corporations may be admitted or may continue to do business within the Commonwealth conferring powers and imposing duties on the courts of common pleas prothonotaries of such courts recorders of deeds and certain State departments commissions and officers authorizing certain local public officers and State departments to collect fees for services required to be rendered by this act imposing penalties and repealing certain acts and parts of acts relating to corporations' empowering nonprofit corporations to transfer their property and assets in trust", be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk present the same to the Senate for concurrence.

## BILLS SIGNED BY SPEAKER

The SPEAKER pro tempore. The Speaker signed the following bills:

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

## SENATE BILL No. 53.

An Act providing for the revocation of commission of notaries public issuing checks without funds on deposit.

## SENATE BILL NO. 121.

An Act requiring rents and royalties from oil and gas leases of Commonwealth land to be placed in a special fund to be used for conservation recreation dams and flood control authorizing the Secretary of Forests and Waters to determine the need for and location of such projects and to acquire the necessary land.



## SENATE BILL No. 156.

An Act amending the act of June 1 1945 (P. L. 1242) entitled "An act relating to roads streets highways and bridges amending revising consolidating and changing the laws administered by the Secretary of Highways and by the Department of Highways relating thereto" authorizing the department to provide for certain work on municipality owned public utilities.

## SENATE BILL No. 165.

An Act amending the act of June 30, 1947 (P. L. 1183) entitled "An act relating to strikes by public employes prohibiting such strikes providing that such employes by striking terminate their employment providing for reinstatement under certain conditions providing for a grievance procedure and providing for hearings before civil service and tenure authorities and in certain cases before the Pennsylvania Labor Relations Board" changing the method of selecting panels for the adjustment of grievances of certain school district employes and imposing additional duties on such panels.

## SENATE BILL No. 325.

An Act amending the act of May 4, 1927 (P. L. 519), entitled "An act concerning boroughs, and revising, amending and consolidating the law relating to boroughs," further regulating the incorporation of boroughs; changing certain penalties and making such changes retroactive; fixing the expense allowance for delegates to the meetings of the State Association of Boroughs; providing for the creation of capital reserve funds for capital expenditures, and the advertising of notices relative to land subdivision ordinances.

## SENATE BILL No. 366.

An Act amending the act of July 11 1917 (P. L. 758) entitled "An act for the protection of the public health by regulating the possession control dealing in giving away delivery dispensing administering prescribing and use of certain drugs and keeping records thereof by regulating the use of drugs in the treatment of the drug habit by providing for the revocation and suspension of licenses of physicians dentists veterinarians pharmacists druggists and registered nurses for certain causes and by providing for the enforcement of this act and penalties" correcting the spelling of the word "cocoa" to "coca" and providing for oral prescriptions in certain cases and regulating their use.

## SENATE BILL No. 400.

An Act amending the act of May 23, 1907 (P. L. 227) entitled "An act relating to husband and wife and to enlarge the rights and remedies of married women in case of desertion or non-support by husbands" including desertion of children and extending the right of action.

## SENATE BILL No. 457.

An Act amending the act of June 23, 1931 (P. L. 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" further providing for appropriations by such cities to official police pension funds.

## SENATE BILL No. 475.

An Act amending the act of August 22, 1953 (P. L. 1344) entitled "An act relating to marriage and amending revising consolidating and changing the law relating thereto" further regulating the issuance of marriage licenses when applicants are infected with syphilis.

## SENATE BILL No. 528.

An Act authorizing and empowering the Delaware River Port Authority to finance construct erect acquire operate maintain and own a new toll bridge for vehicular

traffic across the Delaware River between Philadelphia County Pennsylvania and Burlington County or Camden County New Jersey at a location to be selected by the said Delaware River Port Authority between a point or points within a three mile radius of the intersection of State Road and Levick Street in the City of Philadelphia Pennsylvania and a point or points within a three mile radius of the intersection of New Jersey State Route No 73 Market Street and Temple Boulevard in the borough of Palmyra County of Burlington New Jersey together with such approaches thereto and such highway connections as may be necessary or desirable and granting and defining and continuing certain powers of eminent domain and other functions powers duties and privileges all of said actions to be taken pursuant to and in accordance with this act and the Compact or Agreement and amendments or supplements thereto between New Jersey and Pennsylvania dated July 1, 1931 August 23, 1951 and August 30, 1951, and the consent by the Congress of the United States thereto.

## SENATE BILL No. 722.

An Act amending the act of May 1, 1929 (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," regulating issuance of registration plates to newspaper, newsreel or television photographers.

## SENATE BILL No. 723.

An Act amending the act of March 10, 1949 (P. L. 30) entitled "An act relating to the public school system including certain provisions applicable as well to private and parochial schools amending revising consolidating and changing the laws relating thereto" authorizing joint school committees to manage designated functions of joint schools or departments.

## SENATE BILL No. 837.

An Act to further amend the act approved the eighteenth day of July one thousand nine hundred seventeen (P. L. 1043) entitled "An act establishing a public school employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon boards having the employment of public school employes exempting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" increasing the amount of retirement or compensation payments to persons now retired receiving survivor annuities or State compensation under the public school employes' retirement system in conformity with provisions of amendment of section 11 of article 3 of the Constitution and harmonizing the provisions of past amendments.



## SENATE BILL No. 838.

An Act to further amend the act approved the twenty-seventh day of June one thousand nine hundred twenty-three (P. L. 858) entitled "An act establishing a State employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing State employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon the heads of departments in which State employes serve excepting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" providing for minimum retirement allowances for present

beneficiaries and appropriations for payment of the costs thereof in conformity with provisions of amendment of section 11 of article 3 of the constitution.

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

**ADJOURNMENT**

Mr. GIBSON. Mr. Speaker, I move that this House do now adjourn until Wednesday, December 7, 1955 at 11:00 a. m.

The motion was agreed to, and (at 6:00 p. m.) the House adjourned.



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No. 116.

## SENATE

WEDNESDAY, December 7, 1955

The Senate met at 10:00 o'clock a. m., Eastern Standard Time.

The PRESIDENT (Lieutenant-Governor Roy E. Furman) in the Chair.

### PRAYER

The Chaplain, Rev. PENNOD L. DUNLAP, Pastor of Mt. Zion Baptist Church, Steelton, offered the following prayer:

Eternal God, our Father, who has prepared for us from Thy goodness things not yet seen nor heard not imagined, keep us faithful, we pray Thee, to the tasks that are assigned to our hands to do. We pray, gracious Father, that Thou wouldst be with this Senate, which had a hectic week here. We have seen one in its midst drop by the way, yet we hear Thy voice saying, "Two shall be working in the field; one shall be taken and the other left." Those who are left here, teach them, O Father, that they are left because of Thy mercy and that they are to be more concerned about their faithfulness to Thee.

O God, as we approach the Christmas season, we pray that we will accept anew the Christ Child in our hearts and make room for him in all our affairs.

Go with us, we pray Thee, as we prepare to leave for our several homes. For those on trains, be their engineer; for those who travel by automobiles, take the steering wheel; for those who go by air, be their pilot. Take them to their homes and may they not only have a merry Christmas, a blessed season, but stretch the years out before them so that they may accomplish much good. In Thy Name, we pray, Amen.

### JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. MAHANY and Mr. HAYS, further reading was dispensed with, and the Journal was approved.

### COMMUNICATIONS FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows:

### APPROVED AND SIGNED SENATE BILL No. 837, PRINTER'S No. 392

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, December 6, 1955.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed Senate Bill No. 837, Printer's No. 392, entitled "An Act to further amend the act approved the eighteenth day of July one thousand nine hundred seventeen (P. L. 1043) entitled 'An act establishing a public school employees' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing employees defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon boards having the employment of public school employees exempting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties' increasing the amount of retirement or compensation payments to persons now retired receiving survivor annuities or State compensation under the public school employees' retirement system in conformity with provisions of amendment of section 11 of article 3 of the Constitution and harmonizing the provisions of past amendments."

GEORGE M. LEADER.

### APPROVED AND SIGNED SENATE BILL No. 838, PRINTER'S No. 393

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, December 6, 1955.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed Senate Bill No. 838, Printer's No. 393, entitled "An Act to further amend the act approved the twenty-seventh day of June one thousand nine hundred twenty-three (P. L. 858) entitled 'An act establishing a State employees' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing State employees defining the uses and purpose thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon the heads of departments in which State employees serve excepting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties' providing for minimum retirement allowances for present beneficiaries and appropriations for payment of the costs thereof in conformity with provisions of amendment of section 11 of article 3 of the constitution."

GEORGE M. LEADER.



## SENATE BILL No. 531 TAKEN FROM TABLE

Mr. RUTH. Mr. President, I call from the table Senate Bill No. 531, Printer's No. 185, which was recalled from His Excellency, the Governor of the Commonwealth, for the purpose of amendment.

## RECONSIDERATION OF SENATE BILL No. 531

Mr. RUTH. Mr. President, I move that the Senate do now reconsider the vote by which Senate Bill No. 531, entitled:

An Act amending the act of May 3, 1909 (P. L. 413), entitled "An act relating to the granting of titles by the Commonwealth of Pennsylvania to vacant or unappropriated land, the price to be paid for the same, the conveyance to the State Forestry Reservation Commission, where desirable for forest culture or forest preservation, preventing the granting of warrants for the beds of navigable rivers, and providing for acceptance of returns of surveys without limitation as to excess or surplus," providing for and regulating the granting of easements in, across and under the beds of navigable rivers for sewer lines and other facilities of sewage treatment systems.

passed finally.

The PRESIDENT. How did the Senator vote?

Mr. RUTH. Mr. President, I voted with the majority.

Mr. LANE. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. LANE. Mr. President, I voted with the majority.

The motion was agreed to.

And the question recurring,

Shall the bill pass finally?

Mr. RUTH. Mr. President, I move to reconsider the vote by which the bill passed third reading.

The PRESIDENT. How did the Senator vote?

Mr. RUTH. Mr. President, I voted with the majority.

Mr. LANE. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. LANE. Mr. President, I voted with the majority.

The motion was agreed to.

And the question recurring,

Will the Senate agree to the bill on third reading?

Mr. RUTH. Mr. President, I ask unanimous consent to offer an amendment at this time.

The PRESIDENT. Is there objection? The Chair hears none.

The Clerk read the amendment as follows:

Amend page 2, line 1 of the title, by inserting after the word "of" and before the word "easements" the following: "warrants or other office rights and."

On the question,

Will the Senate agree to the amendment?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

## RECESS

Mr. MAHANY. Mr. President, I move that the Senate do now take a recess for fifteen minutes for the purpose of having a conference between the Democratic leader and myself prior to considering the Calendar.

Mr. DENT. Mr. President, I second the motion.

The motion was agreed to.

## AFTER RECESS

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

## CALENDAR

## BILLS ON CONCURRENCE IN HOUSE AMENDMENTS OVER IN ORDER

Mr. WADE. Mr. President, I ask unanimous consent that the following bills, all of which are on concurrence in House amendments, go over in their order:

Senate Bill No. 105, Printer's No. 337;

Senate Bill No. 179, Printer's No. 309;

Senate Bill No. 365, Printer's No. 308, and

Senate Bill No. 541, Printer's No. 311.

The PRESIDENT. Is there objection? The Chair hears none.

## FINAL PASSAGE CALENDAR

## BILLS ON FINAL PASSAGE OVER IN ORDER

Mr. WADE. Mr. President, I ask unanimous consent that the following bills, all of which are on final passage, go over in their order:

Senate Bill No. 38, Printer's No. 208;

Senate Bill No. 572, Printer's No. 368;

Senate Bill No. 600, Printer's No. 330;

Senate Bill No. 657, Printer's No. 278, and

Senate Bill No. 693, Printer's No. 357.

The PRESIDENT. Is there objection? The Chair hears none.

## THIRD READING CALENDAR

## BILL ON THIRD READING, RECALLED FROM THE GOVERNOR

## BILL OVER IN ORDER

Mr. WADE. Mr. President, I ask unanimous consent that Senate Bill No. 218, Printer's No. 411, on third reading, recalled from the Governor, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

## SENATE BILL No. 215 CALLED UP OUT OF ORDER

Mr. WADE. Mr. President, at this time I would like to call up out of order from today's Third Reading Calendar, Senate Bill No. 215, Printer's No. 387.

## BILL ON THIRD READING AMENDED

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 215, entitled:

An Act amending the act of March 10 1949 (P. L. 30) entitled "Public School Code of 1949" changing the basis for reimbursement on account of rentals payable to the State Public School Building Authority municipality authorities and nonprofit corporations and the conditions therefor and limitations on approval of projects for reimbursement purposes

And said bill having been read at length the third time, On the question,

Will the Senate agree to the bill on third reading?

Mr. RUTH. Mr. President, I ask unanimous consent to offer a strike out amendment at this time.



The PRESIDENT. Is there objection? The Chair hears none.

The Clerk read the amendment as follows:

Amend Section 2 (Sec. 2574), page 6, by striking out line 17.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the bill on third reading, as amended?

### BILL OVER IN ORDER

Mr. RUTH. Mr. President, I ask unanimous consent that Senate Bill No. 215, Printer's No. 387, on third reading, go over in its order, as amended.

The PRESIDENT. Is there objection? The Chair hears none.

### REMAINING BILLS ON THIRD READING CALENDAR OVER IN ORDER

Mr. WADE. Mr. President, I ask unanimous consent that the remaining bills, on third reading, go over in their order.

The bills were as follows:

House Bill No. 8, Printer's No. 1164;  
House Bill No. 114, Printer's No. 1207;  
Senate Bill No. 383, Printer's No. 375;  
Senate Bill No. 695, Printer's No. 348;  
House Bill No. 794, Printer's No. 1209;  
Senate Bill No. 834, Printer's No. 379;  
Senate Bill No. 842, Printer's No. 381;  
House Bill No. 844, Printer's No. 1129;  
Senate Bill No. 853, Printer's No. 382;  
Senate Bill No. 862, Printer's No. 384;  
Senate Bill No. 877, Printer's No. 385;  
House Bill No. 1319, Printer's No. 880;  
House Bill No. 1378, Printer's No. 536;  
House Bill No. 1392, Printer's No. 433;  
House Bill No. 1501, Printer's No. 1211; and  
House Bill No. 1790, Printer's No. 1004.

The PRESIDENT. Is there objection? The Chair hears none.

### SECOND READING CALENDAR

#### SENATE BILL No. 316 CALLED UP OUT OF ORDER

Mr. WADE. Mr. President, I would like to call up out of order from today's Second Reading Calendar, Senate Bill No. 316, Printer's No. 372.

#### BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 316, entitled:

An Act amending the act of March 30 1917 (P. L. 21) entitled "An act defining optometry . . ." regulating the advertising of products used for ophthalmic purposes and providing penalties for violation thereof

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

#### SENATE BILL No. 836 CALLED UP OUT OF ORDER

Mr. WADE. Mr. President, I call up out of order from today's Second Reading Calendar, Senate Bill No. 836, Printer's No. 351.

#### BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 836, entitled:

An Act amending the act of July 12 1919 (P. L. 941) entitled "An act providing for the preparation contents style printing and binding of the Legislative Journal and its delivery and distribution . . ." eliminating requirements for printing bills joint resolutions and reports of conference committees in full in the Legislative Journal

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

#### SENATE BILL No. 882 CALLED UP OUT OF ORDER

Mr. WADE. Mr. President, I now call up out of order from today's Second Reading Calendar, Senate Bill No. 882, Printer's No. 419.

#### BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 882, entitled:

An Act amending the act of June 23 1931 (P. L. 932) entitled "The Third Class City Code" permitting elected officers of a city to serve as members of the legislature

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

#### SENATE BILL No. 883 CALLED UP OUT OF ORDER

Mr. WADE. Mr. President, I call up out of order from today's Second Reading Calendar, Senate Bill No. 883, Printer's No. 420.

#### BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 883, entitled:

An Act amending the act of May 15 1874 (P. L. 186) entitled "An act declaring what offices are incompatible" permitting members of the legislature elected to the office of councilman in an incorporated city to serve out their terms

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

#### SENATE BILL No. 899 CALLED UP OUT OF ORDER

Mr. WADE. Mr. President, I call up out of order from



today's Second Reading Calendar, Senate Bill No. 899, Printer's No. 418.

#### BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 899, entitled:

An Act making an appropriation to the Department of Public Instruction for the payment of certain overdue reimbursements to school districts and authorizing temporary loans for the immediate payment thereof

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

#### HOUSE BILL No. 1188 CALLED UP OUT OF ORDER

Mr. WADE. Mr. President, I now call up out of order from today's Second Reading Calendar, House Bill No. 1188, Printer's No. 797.

#### BILL ON SECOND READING AMENDED

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 1188, entitled:

An Act amending the act of April 9 1929 (P. L. 343) entitled "The Fiscal Code" limiting interest payments on refund of money subject to escheat to moneys originally on deposit in interest bearing accounts

The first section was read.

On the question,

Will the Senate agree to the section?

Mr. LANE offered the following amendments:

Amend Sec. 1 (Sec. 504), page 3, line 14, by striking out "In" and inserting: "as"; Amend Sec. 1 (Sec. 504), page 3, line 15, by striking out "Account" and inserting: "item"; Amend Sec. 1 (Sec. 504), page 4, line 1, by striking out "monys" and inserting: "moneys".

They were agreed to.

The section was agreed to as amended.

The title was read.

On the question,

Will the Senate agree to the title?

Mr. LANE offered the following amendments:

Amend Title, page 2, line 14, of title, by inserting quotation marks after "Commonwealth"; Amend Title, page 2, next to last line of title, by striking out "In" and inserting: "as"; Amend Title, page 2, last line of title, by striking out "Accounts" and inserting: "items".

They were agreed to.

The title was agreed to as amended.

And said bill having been read at length the second time, as amended,

On the question,

Will the Senate agree to the bill on second reading, as amended?

#### BILL OVER IN ORDER

Mr. LANE. Mr. President, I ask unanimous consent that House Bill No. 1188, Printers No. 797, on second reading, go over in its order, as amended.

The PRESIDENT. Is there objection? The Chair hears none.

#### REMAINING BILLS ON SECOND READING CALENDAR OVER IN ORDER

Mr. WADE. Mr. President, I ask unanimous consent that the remaining bills on second reading go over in their order.

The bills were as follows:

Senate Bill No. 188, Printer's No. 370;  
Senate Bill No. 242, Printer's No. 371;  
Senate Bill No. 317, Printer's No. 394;  
Senate Bill No. 318, Printer's No. 388;  
Senate Bill No. 335, Printer's No. 373;  
Senate Bill No. 446, Printer's No. 376;  
Senate Bill No. 494, Printer's No. 395;  
Senate Bill No. 512, Printer's No. 396;  
Senate Bill No. 513, Printer's No. 397;  
Senate Bill No. 565, Printer's No. 398;  
Senate Bill No. 598, Printer's No. 399;  
Senate Bill No. 599, Printer's No. 400;  
House Bill No. 756, Printer's No. 1208;  
Senate Bill No. 772, Printer's No. 401;  
Senate Bill No. 819, Printer's No. 378.  
Senate Bill No. 820, Printer's No. 421;  
Senate Bill No. 828, Printer's No. 389;  
Senate Bill No. 830, Printer's No. 324;  
Senate Bill No. 831, Printer's No. 325;  
Senate Bill No. 832, Printer's No. 326;  
Senate Bill No. 841, Printer's No. 380;  
Senate Bill No. 854, Printer's No. 415;  
Senate Bill No. 855, Printer's No. 416;  
Senate Bill No. 856, Printer's No. 417;  
House Bill No. 856, Printer's No. 248;  
Senate Bill No. 857, Printer's No. 383;  
Senate Bill No. 867, Printer's No. 391;  
Senate Bill No. 868, Printer's No. 402;  
Senate Bill No. 881, Printer's No. 403;  
Senate Bill No. 889, Printer's No. 404;  
Senate Bill No. 890, Printer's No. 405;  
Senate Bill No. 891, Printer's No. 406;  
Senate Bill No. 892, Printer's No. 414;  
Senate Bill No. 893, Printer's No. 407;  
Senate Bill No. 894, Printer's No. 408;  
Senate Bill No. 895, Printer's No. 409;  
Senate Bill No. 896, Printer's No. 410;  
House Bill No. 986, Printer's No. 1206;  
House Bill No. 1002, Printer's No. 1076;  
House Bill No. 1089, Printer's No. 1095;  
House Bill No. 1091, Printer's No. 1096;  
House Bill No. 1160, Printer's No. 1162;  
House Bill No. 1174, Printer's No. 1160;  
House Bill No. 1222, Printer's No. 1161;  
House Bill No. 1223, Printer's No. 1163;  
House Bill No. 1294, Printer's No. 1210;  
House Bill No. 1330, Printer's No. 800;  
House Bill No. 1552, Printer's No. 700;  
House Bill No. 1722, Printer's No. 1029;  
House Bill No. 1736, Printer's No. 956  
House Bill No. 1737, Printer's No. 993, and  
House Bill No. 1879, Printer's No. 1205.

The PRESIDENT. Is there objection? The Chair hears none.



SENATE CONCURRENT RESOLUTION, SERIAL No. 157,  
TAKEN FROM TABLE

Mr. STIEFEL. Mr. President, I ask unanimous consent to call up from the table an innocent dove ;that is, Senate Concurrent Resolution, Serial No. 157, commending the historical societies of Pennsylvania for the good work which they are doing in the State.

The PRESIDENT. The Senator from Philadelphia, Mr. Stiefel, calls up from the table Senate Concurrent Resolution, Serial No. 157.

Mr. STIEFEL. It is on page 273 of the current Senate History. It was reported out yesterday, favorably, from the Committee on Forests and Waters, Game and Fish.

Mr. WADE. Mr. President, do I understand that the gentleman from Philadelphia, Senator Stiefel, has requested unanimous consent for immediate consideration of this resolution?

The PRESIDENT. He has not, so far.

Mr. WADE. Could we be at ease for a moment?

The PRESIDENT. The Senate will be at ease.

(The Senate was at ease.)

The PRESIDENT. The gentleman is correct. He may call it up. The resolution has been on the table for one day.

The Clerk read the resolution as follows:

## COMMENDING STATE, COUNTY AND LOCAL HISTORIC AND PATRIOTIC SOCIETIES AND ASSOCIATIONS OF THE COMMONWEALTH

In the Senate, November 14, 1955.

Whereas, at no time in history was it more important for the people of the great Commonwealth of Pennsylvania to know and appreciate the great heritage of freedom and liberty which is ours as a bequest from our forefathers, and

Whereas, no single State has contributed more to the development of the American tradition of religious freedom, civil liberties, and representative democracy recognizing the right of all people, regardless of race, creed, or social station, to achieve the fullest possible freedom and opportunity under God, and

Whereas, the State, county, and local historical and patriotic societies and associations of the Commonwealth have a distinguished record of achievement in developing understanding and appreciation of that great heritage; therefore be it

Resolved (the House of Representatives concurring), That the General Assembly of the Commonwealth places itself on record as commending these worthy historical and patriotic societies and associations for the great work they have accomplished; and be it further

Resolved, That the General Assembly of the Commonwealth urges these societies and associations to redouble their efforts to further develop knowledge and understanding of Pennsylvania's rich heritage by increasing their membership and continuing to broaden and expand their influence and worth through suitable publications, educational services to the schools of the Commonwealth and the general public; and be it further

Resolved, That the General Assembly hereby authorizes and requests the Pennsylvania Historical and Museum Commission to act as its agent in transmitting copies of this resolution to all such societies and associations as are a matter of record in the files of the Commission and in particular to those which are members of the Pennsylvania Federation of Historical Societies, together with suitable suggestions as to ways in which said societies and associations may further expand and develop their contributions to Pennsylvania history.

SENATE CONCURRENT RESOLUTION, SERIAL No. 157,  
ADOPTED

Mr. STIEFEL. Mr. President, I move that the resolution just read by the Clerk be adopted.

Mr. LANE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the resolution?

The resolution was agreed to.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

## BILLS INTRODUCED AND REFERRED

Mr. KESSLER. Mr. President, I ask unanimous consent to introduce bills at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Messrs. KESSLER and DENT read in place and presented to the Chair Senate Bill No. 909, entitled:

An Act amending the act of June 3, 1937 (P. L. 1225), entitled "The Game Law," further regulating the issuance of antlerless deer licenses.

Which was committed to the Committee on Forests and Waters, Game and Fish.

Messrs. KESSLER and DIEHM read in place and presented to the Chair Senate Bill No. 910, entitled:

An Act establishing minimum compensation and increments for administrators and members of the faculty of the Thaddeus Stevens Trade School, and imposing duties on the board of trustees of such school and the Superintendent of Public Instruction.

Which was committed to the Committee on Education.

## NOMINATION BY THE GOVERNOR

## REFERRED TO COMMITTEE

The Secretary to the Governor being introduced, presented communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows, and referred to the Committee on Executive Nominations:

## MEMBER OF THE STATE TAX EQUALIZATION BOARD

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, December 7, 1955.  
To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Frank K. Cochran, 444 Sidney Street, Greensburg, Westmoreland County, for appointment as a member of the State Tax Equalization Board, until November 14, 1959, and until his successor shall be duly appointed and shall have qualified, vice John N. O'Neil, Harrisburg, whose term expired.

GEORGE M. LEADER.

## ADJOURNMENT

Mr. WADE. Mr. President, I move that the Senate do now adjourn until Monday, December 12, 1955, at 2:00 o'clock, p. m., Eastern Standard Time.

Mr. VAN SANT. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 11:10 o'clock, a. m., Eastern Standard Time, until Monday, December 12, 1955, at 2:00 o'clock, p. m., Eastern Standard Time.



## HOUSE OF REPRESENTATIVES

WEDNESDAY, December 7, 1955.

The House met at 11:00 a.m.

The SPEAKER (Hiram G. Andrews) in the Chair.

## JOURNAL APPROVAL POSTPONED

The SPEAKER. If there is no objection, the approval of the Journal for Tuesday, December 6, 1955, will be postponed until printed. The Chair hears none.

## BILL INTRODUCED AND REFERRED

By Messrs. SARRAF, KAMYK, LUTTY, EWING, VAUGHAN and GOLDSTEIN.

HOUSE BILL No. 1922.

An Act reenacting and amending section 4, act of May 28, 1915 (P. L. 596), entitled "An act requiring cities of the second class to establish a pension fund for employes of said cities, \* \* \*," increasing the amount of pensions in certain cases.

Referred to the Committee on Cities—Counties Second and Second Class A.

## RESOLUTION INTRODUCED AND REFERRED

By Mr. JUMP. RESOLUTION (Not Printed).

The history of St. Nicholas Parish, Wilkes-Barre, Pennsylvania, dates back one hundred years ago when the parish was first organized in 1855 under the administration of Reverend Fathers Schneider and Sommer, of Honesdale, Pennsylvania. In 1858 Reverend Peter C. Nagle was appointed the first resident pastor.

The first church structure was located at the corner of South Washington and East South Streets, Wilkes-Barre. The parochial school was built in 1868 on East South Street and in 1873 Mother Pauline and the Christian Charity Sisters came to Wilkes-Barre at the request of Father Nagle and established their Motherhouse at the present St. Ann's Academy while teaching at the school and which they continue to do at the present.

Meanwhile it became evident that the first church building was not large enough and in 1882 the present church was erected in Gothic architecture, of red sand stone, measuring 67 feet by 265 feet, with a steeple rising 190 feet and a seating capacity of 1200. For the building fund drive, Father Nagle appealed to each parishioner for a contribution of \$1.50 per month for fifty months and at the end of the drive contributions varied from \$75.00 to \$1,000, with Father Nagle contributing the first \$1,000. On May 8, 1883 the corner stone was laid.

After 53 years of priesthood, Monsignor Peter C. Nagle passed away on March 12, 1911.

Reverend Charles J. Goeckel was appointed the second pastor on April 1, 1911, and his first assignment was the erection of the present school building which was dedicated by Bishop Hoban on January 2, 1916. On September 10, 1928 St. Nicholas High School was opened, while the present parish hall was completed on July 12, 1931.

Monsignor Charles J. Goeckel, while on a cruise on the Mediterranean Sea to regain his health, passed away on March 11, 1935.

The present pastor, Reverend Father Cyriac A. Staib was appointed immediately and he has faithfully, diligently and untiringly carried on the tremendous progress of the parish in cooperation with the parishioners for the past twenty years. During his tenure as pastor the parish has purchased some 35 acres of land for a cemetery at Shavertown, Pennsylvania, repainted and redecorated the church, made major improvements to the rectory and the Sisters' convent and raised the standards of education at St. Nicholas school comparable to the best in the State.

The one hundred years of history of St. Nicholas parish was rightfully and proudly celebrated by a Centennial Celebration held from October 15 to the 30th and climaxed by a parish banquet attended by 550 parishioners; therefore be it

Resolved, That the House of Representatives congratulate Reverend Father Cyriac A. Staib, his predecessors, and all the parishioners of St. Nicholas parish on their One Hundredth Anniversary and for their charitable, industrious, faithful, tireless actions and deeds in fulfilling their obligations as servants of God, and be it further

Resolved, That a copy of the Resolution be forwarded to Reverend Father Cyriac A. Staib, pastor of St. Nicholas parish.

Referred to the Committee on Rules.

## SENATE MESSAGE

## CONCURRENCE IN HOUSE RESOLUTION

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives as follows:

In the House of Representatives, December 6, 1955.

Resolved (if the Senate concur), that House Bill No. 662, Printer's No. 929, entitled "An act amending the act of May 5, 1933 (P. L. 289) entitled 'An act relating to nonprofit corporations defining and providing for the organization merger consolidation and dissolution of such corporations conferring certain rights powers duties and immunities upon them and their officers and members prescribing the conditions on which such corporations may exercise their powers providing for the inclusion of certain existing corporations of the first class within the provisions of this act prescribing the terms and conditions upon which foreign nonprofit corporations may be admitted or may continue to do business within the Commonwealth conferring powers and imposing duties on the courts of common pleas prothonotaries of such courts recorders of deeds and certain State departments commissions and officers authorizing certain local public officers and State departments to collect fees for services required to be rendered by this act imposing penalties and repealing certain acts and parts of acts relating to corporations' empowering nonprofit corporations to transfer their property and assets in trust", be recalled from the Governor for the purpose of amendment.

## SENATE MESSAGE

## HOUSE BILLS CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bills from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 10.

An Act amending the act of May 1 1929 (P. L. 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused



by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" authorizing incorporated towns to remove and impound vehicles.

#### HOUSE BILL No. 1707.

An Act amending the act of June 21, 1939 (P. L. 626), entitled "An act providing for and regulating the assessment and valuation of all subjects of taxation in counties of the second class; creating and prescribing the powers and duties of a Board of Property Assessment, Appeals and Review; imposing duties on certain county and city officers; abolishing the board for the assessment and revision of taxes in such counties; and prescribing penalties," changing the time for valuation or assessment of new buildings.

#### HOUSE BILL No. 1726.

An Act amending the act of May 5, 1933 (P. L. 457) entitled "An act relating to the business of building and loan associations providing for the organization and voluntary dissolution of such associations defining the rights powers duties liabilities and immunities of such associations and of their officers directors shareholders solicitors and other employees prohibiting the transaction of business in this Commonwealth by foreign building and loan associations conferring powers and imposing duties upon the courts recorders of deeds and certain State departments commissions and officers establishing limitations of actions imposing penalties and repealing certain acts and parts of acts" further regulating regular meetings of boards of directors.

#### HOUSE BILL No. 1751.

An Act amending the act of July 28, 1953 (P. L. 723) entitled "An act relating to counties of the second class amending revising consolidating and changing the laws relating thereto" conferring additional powers and duties on the county planning commission

#### HOUSE BILL No. 1763.

An Act amending the act of May 4, 1927 (P. L. 519) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" extending the time for payment on purchase of borough property

With the information that the Senate has passed the same without amendment.

### BILLS SIGNED BY SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

#### HOUSE BILL No. 10.

An Act amending the act of May 1, 1929 (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners,

counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," authorizing incorporated towns to remove and impound vehicles.

#### HOUSE BILL No. 1707.

An Act amending the act of June 21 1939 (P. L. 626) entitled "An act providing for and regulating the assessment and valuation of all subjects of taxation in counties of the second class creating and prescribing the powers and duties of a Board of Property Assessment Appeals and Review imposing duties on certain county and city officers abolishing the board for the assessment and revision of taxes in such counties and prescribing penalties" changing the time for valuation or assessment of new buildings

#### HOUSE BILL No. 1726.

An Act amending the act of May 5 1933 (P. L. 457) entitled "An act relating to the business of building and loan associations providing for the organization and voluntary dissolution of such associations defining the rights powers duties liabilities and immunities of such associations and of their officers directors shareholders solicitors and other employees prohibiting the transaction of business in this Commonwealth by foreign building and loan associations conferring powers and imposing duties upon the courts recorders of deeds and certain State departments commissions and officers establishing limitations of actions imposing penalties and repealing certain acts and parts of acts" further regulating regular meetings of boards of directors.

#### HOUSE BILL No. 1751.

An Act amending the act of July 28, 1953 (P. L. 723) entitled "An act relating to counties of the second class amending revising consolidating and changing the laws relating thereto," conferring additional powers and duties on the county planning commission.

#### HOUSE BILL No. 1763.

An Act amending the act of May 4, 1927 (P. L. 519) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" extending the time for payment on purchases of borough property.

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

### BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 53, entitled:

An Act amending "The Vehicle Code," approved May 1, 1929 (P. L. 905) prohibiting the throwing of certain material from motor vehicles.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 118, entitled:

An Act to define license and regulate resident and non-resident auctioneers and apprentice auctioneers in certain political subdivisions and revising consolidating and making the law uniform relative thereto creating the State Auctioneers Commission \* \* \*



And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 119, entitled:

An Act amending the act of April 9, 1929 (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges \* \* \*" establishing the State Auctioneers' Commission as a departmental administrative commission in the Department of Public Instruction fixing the qualifications and compensation of members and imposing certain duties on the commission.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 272, entitled:

An Act authorizing counties of the fourth class to regulate the production of smoke and other forms of air pollution from chimneys smokestacks or other sources including provisions for the payment of inspection and certificates of compliance fees incident thereto \* \* \* and the acquisition of property for effectuating such regulations and providing penalties.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 323, entitled:

An Act providing for the protection of the public safety by regulating the sale offering or exposing for sale at retail and the use of air rifles defining air rifles authorizing cities boroughs towns and townships to issue permits for licensing and to regulate target ranges imposing duties on the Pennsylvania State Police sheriffs police officers and constables and providing penalties.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 667, entitled:

An Act providing for the determination and effect of comparative negligence in actions of tort and providing that contributory negligence shall not bar recovery.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 874, entitled:

An Act amending the act of June 24, 1931 (P. L. 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" increasing millage of annual tax for general township purposes.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1181, entitled:

An Act amending "The Vehicle Code" approved May 1, 1929 (P. L. 905) prescribing powers of magistrates and committing magistrates in traffic courts in summary proceedings involving certain juveniles providing for reports by magistrates and committing magistrates in traffic courts to probation officers imposing duties upon probation officers and providing for appeals to juvenile courts in certain cases involving juveniles.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1379, entitled:

An Act amending the act of June 1, 1937 (P. L. 1120) entitled "An act to promote the safety of employes and travelers upon railroads by compelling common carriers by railroad to man locomotives trains and other self propelled engines or machines with competent employes \* \* \*" further regulating the size of locomotive crews.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1520, entitled:

An Act amending the act of May 25, 1937 (P. L. 808) entitled "An act providing for the use of the Pennsylvania Industrial School at Huntingdon as an institution for the reception care maintenance detention employment and training of defective delinquents \* \* \*" changing the provisions relating to payment of costs of maintenance of persons committed from certain counties.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1644, entitled:

An Act providing for the construction transportation installation maintenance marking use and inspection of tanks and containers for liquefied petroleum gas prohibiting the filling or refilling of the tanks and containers unless designed for the purpose authorizing the Department of Labor and Industry to prescribe uniform regulations for the carrying out of the provisions of this act requiring fees for permits and providing penalties.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1765, entitled:

An Act relating to services furnished to or performed for contractors and subcontractors regulating waivers releases receipts and other evidence of payment and their effect providing procedure for collecting certain claims.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1797, entitled:



An Act amending the act of June 25, 1947 (P. L. 973) entitled "An act relating to the annual salaries of certain county officers of counties of the third class" increasing the salaries of prothonotaries of counties of the third class.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,  
The House proceeded to the first reading and consideration of House Bill No. 1804, entitled:

An Act authorizing photostating photographing microphotographing microfilming or other mechanical processing of court records on file ten years or more making such copies and copies thereof admissible in evidence and providing for the transfer of custody of certain originals.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,  
The House proceeded to the first reading and consideration of House Bill No. 1827, entitled:

An Act amending the act of August 9, 1955 (Act No. 130) entitled "An act relating to counties of the third, fourth, fifth, sixth, seventh and eighth classes amending, revising, consolidating and changing the laws relating thereto" authorizing the appointment of depositories for county funds by the county treasurer.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,  
The House proceeded to the first reading and consideration of House Bill No. 1828, entitled:

An Act repealing section 445 act of August 9, 1955 (Act No. 130) entitled "An act relating to counties of the third, fourth, fifth, sixth, seventh and eighth classes amending, revising, consolidating and changing the laws relating thereto" further regulating the payment by the counties of expenses of the association of county commissioners, solicitors and chief clerks.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,  
The House proceeded to the first reading and consideration of House Bill No. 1829, entitled:

An Act amending the act of August 9, 1955 (Act No. 130) entitled "An act relating to counties of the third fourth fifth sixth seventh and eighth classes amending revising consolidating and changing the laws relating thereto" further regulating the payment of expenses of county commissioners attending annual meetings of their association.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,  
The House proceeded to the first reading and consideration of House Bill No. 1889, entitled:

An Act amending the "Chiropractic Registration Act of 1951" approved August 10, 1951 (P. L. 1182) further providing for the licensing of certain graduates of unincorporated schools or colleges of chiropractic.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,  
The House proceeded to the first reading and consideration of Senate Bill No. 249, entitled:

An Act amending the act of June 24, 1937 (P. L. 2051) entitled "An act relating to public assistance providing for and regulating assistance to certain classes of persons designated and defined as dependent children aged persons blind persons and other persons \* \* \*" increasing monthly pension allowance and maximum income allowance crediting encumbrances in realty valuation and abolishing the sum of income and pension as a ceiling for pension receivable.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,  
The House proceeded to the first reading and consideration of Senate Bill No. 284, entitled:

An Act amending the act of April 9, 1929 (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof \* \* \*" creating the State Board of Chiropractic Examiners as a departmental administrative board in the Department of Public Instruction.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,  
The House proceeded to the first reading and consideration of Senate Bill No. 285, entitled:

An Act relating to the practice of chiropractic conferring powers and imposing duties on the State Board of Chiropractic Examiners and the Department of Public Instruction and providing penalties.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,  
The House proceeded to the first reading and consideration of Senate Bill No. 523, entitled:

An Act amending the act of May 29, 1931 (P. L. 280) entitled "An act relating to delinquent taxes on seated lands and prescribing interest charges on nonpayment thereof \* \* \*" further regulating the tax sales and payment of the purchase money.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,  
The House proceeded to the first reading and consideration of Senate Bill No. 757, entitled:

An Act amending the act of June 25, 1947 (P. L. 1145) entitled as amended "An act empowering cities of the second class cities of the second class A cities of the third class boroughs towns townships of the first class townships of the second class school districts of the second class school districts of the third class and school districts of the fourth class to levy assess and collect \*\*\*" defining the effect of requirement that real property transfer taxes be paid by the transferor on pre-existing ordinances and resolutions and validating such ordinances and resolutions

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,



The House proceeded to the first reading and consideration of Senate Bill No. 758, entitled:

An Act amending the act of June 25, 1947 (P. L. 1145) entitled as amended "An act empowering cities of the second class cities of the second class A cities of the third class boroughs towns townships of the first class townships of the second class school districts of the second class school districts of the third class and school districts of the fourth class to levy assess and collect \*\*\*" authorizing taxing authorities to impose real property transfer taxes on either the transferor or on the transferee

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of Senate Bill No. 835, entitled:

An Act amending the act of August 9, 1955 (Act No. 130) entitled "An act relating to counties of the third fourth fifth sixth seventh and eighth classes amending revising consolidating and changing the laws relating thereto" authorizing the appointment of solicitors by clerks of the court of quarter sessions and over and terminer in third fourth and fifth class counties and prescribing their duties

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

#### BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 322, entitled:

An Act amending the act of July 24, 1913 (P. L. 965) entitled "An act defining commodities regulating the sale thereof and providing penalties for violation hereof" further regulating the sale and delivery of commodities.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1080, entitled:

An Act amending the act of May 1, 1929 (P. L. 1005) entitled as amended "An Act relating to and regulating tractors and their operation \*\*\* providing for the titling of including liens encumbrances and legal claims against farm tractors regulating the possession and sale of farm tractors giving the Department of Revenue additional powers to make regulations for the administration of the act and fixing penalties

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1875, entitled:

An Act amending the act of June 2, 1891 (P. L. 176), entitled "An act to provide for the health and safety of persons employed in and about the anthracite coal mines of Pennsylvania and for the protection and preservation of property connected therewith," changing duties of mine foremen and assistants with respect to mine examinations and safety.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate Bill No. 467, entitled:

An Act providing for the creation and incorporation as municipal corporations of joint service districts by cities of the third class boroughs towns and townships to carry out certain of their municipal functions prescribing the officers and powers and duties of such districts and the duties of participating municipalities and conferring jurisdiction on courts of quarter sessions in connection therewith

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

#### BILL PASSED OVER

There being no objection

Senate Bill No. 813 Printer's No. 322  
was passed over at the request of the SPEAKER.

#### BILL ON FINAL PASSAGE POSTPONED

##### TIME EXTENDED ON BILL

Mr. READINGER asked and obtained unanimous consent to extend the time five days on House Bill No. 368, Printer's No. 622, on page 10 of today's calendar, bills on final passage postponed.

#### SENATE MESSAGE

##### AMENDED SENATE BILL RECALLED FROM THE GOVERNOR RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence bill numbered and entitled as follows:

##### SENATE BILL No. 593.

An Act amending the act of May 28, 1915 (P. L. 596) entitled "An act requiring cities of the second class to establish a pension fund for employes of said cities and regulating the administration and the payment of such pensions" extending the benefits to employes of certain authorities created jointly with other political subdivisions or joined in by the cities and authorizing credit for past service on making back payments

Said bill having been recalled from the Governor for the purpose of amendment. The vote had on final passage and third reading on said bill was reconsidered in the Senate and the bill amended, in which amendments the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend Section 2, page 4, line 16, by striking out after the word "within" the word "six" and inserting in lieu thereof the word "twelve"; page 4, line 17, by striking out after the word "within" the word "six" and inserting in lieu thereof the word "twelve"; page 4, line 18, by striking out after the word "later" the following: "or at such subsequent time as the pension board shall approve."

On the question,

Will the House concur in the amendments made by the Senate?



## COMMUNICATION AND BILL LAID ON TABLE

Mr. READINGER. Mr. Speaker, I move that the communication from the Senate together with the bill be laid on the table.

The motion was agreed to.

## SENATE MESSAGE

## SENATE BILL FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence, bill numbered and entitled as follows:

## SENATE BILL No. 689.

An Act amending the act of April 24, 1947 (P. L. 89) entitled "Wills Act of 1947" revising and changing provisions relating to foreign wills divorce testamentary conveyances affecting right of spouse taking against a will rights of adopted persons and illegitimates in lapsed and void devises and legacies and appointment of guardian of property passing to a minor upon testator's death whether or not passing under the will.

Referred to the Committee on Judiciary.

## SENATE MESSAGE

## RESOLUTION FOR CONCURRENCE

The Clerk of the Senate being introduced presented an

extract from the Journal of the Senate, which was read as follows:

In the Senate, October 7, 1955.

Polk State School in western Pennsylvania and Pennhurst State School in eastern Pennsylvania are devoted exclusively to the care of mental defective. The facilities of both schools are overtaxed. There is a crying need for an additional school centrally located; therefore be it

Resolved (the House of Representatives concurring), That the General State Authority be urged to acquire property in central Pennsylvania, with the approval of the Governor and the Department of Welfare, and to erect thereon the buildings and equipment required for a State school for mental defectives, to be leased to the Commonwealth and operated by the Department of Welfare according to law.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

Referred to the Committee on Rules.

## ADJOURNMENT

Mr. OGILVIE. Mr. Speaker, I move that this House do now adjourn until Monday, December 12, 1955 at 3:00 p. m.

The motion was agreed to, and (at 11:37 a. m.) the House adjourned.







# Legislative Journal.

Session 1955.

141st of the General Assembly.

Vol. 34.

HARRISBURG, PA., MONDAY, DECEMBER 12, 1955.

No. 117.

## SENATE

MONDAY, December 12, 1955.

The Senate met at 2:00 o'clock, p. m., Eastern Standard Time.

The PRESIDENT (Lieutenant-Governor Roy E. Furman) in the Chair.

### PRAYER

The Chaplain, Rev. CARL M. FULTON, Assistant Pastor of Middletown Second Baptist Church, Middletown, offered the following prayer:

Almighty and most merciful God, our Heavenly Father, we approach Thy Holy Throne in prayer this day, seeking in our most meek and humble way Thy Holy Blessing upon this General Assembly, the governing body of our Commonwealth of Pennsylvania. We pray, our dear Heavenly Father, that Thou will give them wisdom, understanding and knowledge from on High to perform the great work that Thou hast appointed them to do.

We also pray, our dear Heavenly Father, that Thou will bless their homes and families, from whence they came, and we also pray Thy holy blessing upon our Governor Leader, head of our Commonwealth of Pennsylvania, with a wise and understanding heart, to do the great work that Thou has appointed him to do.

Also we pray that President Eisenhower, head of our National Government, will continue in good health to perform his great work.

Our dear Heavely Father, we ask these blessings in the Name of our Lord and Saviour, Jesus Christ, Amen.

### JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. MAHANY and Mr. PECHAN, further reading was dispensed with, and the Journal was approved.

### LEAVE OF ABSENCE

Mr. RUTH asked and obtained leave of absence for Mr. MILLER, for today only, due to illness.

### COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows:

## JOINT SESSION

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, December 7, 1955.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

If it meets with the approval of the General Assembly, I should like to address the members in joint session Monday, December 19, 1955, at five o'clock p. m.

GEORGE M. LEADER

## HOUSE MESSAGES

### SENATE BILL No. 192 RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives being introduced returned to the Senate, Senate Bill No. 192, entitled:

An Act providing for and regulating the licensing and practice of practical nursing; imposing duties on the State Board of Nurse Examiners and imposing penalties.

with the information that the House has passed the same with amendments in which the concurrence of the Senate is requested.

The PRESIDENT. The bill, as amended, will appear on tomorrow's Calendar.

### HOUSE BILLS FOR CONCURRENCE

He also presented for concurrence bills of the House, as follows:

House Bill No. 128, entitled:

An Act amending the act of June 3, 1937 (P. L. 1333), entitled "Pennsylvania Election Code," permitting electors who have changed their residence from one election district to another during a certain period to vote in the election district in which they are registered with certain exceptions.

Which was committed to the Committee on Elections.

House Bill No. 388, entitled:

An Act amending the act of June 3, 1937 (P. L. 1333), entitled "Pennsylvania Election Code," extending voting rights to bedridden or hospitalized veterans when not absent from county of residence.

Which was committed to the Committee on Elections.

House Bill No. 413, entitled:

A Joint Resolution proposing an amendment to article eight of the Constitution of the Commonwealth of Pennsylvania providing for absentee voting.



Which was committed to the Committee on Constitutional Changes and Federal Relations.

House Bill No. 491, entitled:

An Act regulating and prescribing working hours of police matrons in cities of the second class.

Which was committed to the Committee on Local Government.

House Bill No. 814, entitled:

An Act amending the act of June 11, 1915 (P. L. 938), entitled "An act to regulate and establish the fees to be charged and collected by the several clerks of the courts of oyer and terminer, general jail delivery, and quarter sessions of the peace, in counties of this Commonwealth having a population of over eight hundred thousand and less than one million five hundred thousand inhabitants, as computed by the last preceding United States census," changing and fixing fees in counties of the second class.

Which was committed to the Committee on Local Government.

House Bill No. 1267, entitled:

An Act amending the act of July 28, 1953 (P. L. 723), entitled "Second Class County Code," increasing the annual salaries of certain officers in counties of the second class.

Which was committed to the Committee on Local Government.

House Bill No. 1405, entitled:

An Act amending the act of March 30, 1937 (P. L. 115), entitled "The First Class City Registration Act," removing limitations on the power of the commission to establish offices for receipt of applications for registration, and changing the provisions of the act as to registration of electors before municipal elections.

Which was committed to the Committee on Elections.

House Bill No. 1873, entitled:

An Act to further amend the act approved the seventeenth day of May one thousand nine hundred twenty-one (P. L. 789) entitled as amended "Insurance Department Act of 1921," by changing provisions relating to certain legal proceedings.

Which was committed to the Committee on Insurance.

House Bill No. 1907, entitled:

An Act making an appropriation to the House of Representatives of the General Assembly for the salaries of officers and employees and mileage of members.

Which was committed to the Committee on Appropriations.

### BILLS SIGNED

The President (Lieutenant-Governor Roy E. Furman) announced that the Chief Clerk having reported that the following bills had passed both houses of the General Assembly and the same being correct, the titles were publicly read as follows:

House Bill No. 10, entitled:

An Act amending the act of May 1, 1929 (P. L. 905), entitled "Vehicle Code" authorizing incorporated towns to remove and impound vehicles.

House Bill No. 1707, entitled:

An Act amending the act of June 21, 1939 (P. L. 626), entitled "An act providing for and regulating the assessment and valuation of all subjects of taxation in counties of the second class; creating and prescribing the powers and duties of a Board of Property Assessment, Appeals and Review; imposing duties on certain county and city officers; abolishing the board for the assessment and revision of taxes in such counties; and prescribing penalties," changing the time for valuation or assessment of new buildings.

House Bill No. 1726, entitled:

An Act amending the act of May 5, 1933 (P. L. 457), entitled "Building and Loan Code," further regulating regular meetings of boards of directors.

House Bill No. 1751, entitled:

An Act amending the act of July 28, 1953 (P. L. 723), entitled "Second Class County Code," conferring additional powers and duties on the county planning commission.

House Bill No. 1763, entitled:

An Act amending the act May 4, 1927 (P. L. 519), entitled "General Borough Act," extending the time for payment on purchases of borough property.

Whereupon,

The President (Lieutenant-Governor Roy E. Furman) in the presence of the Senate signed the same.

### GENERAL COMMUNICATION

The Chair cleared his table and laid before the Senate the following communication, which was read by the Clerk:

December 12, 1955.

The Honorable Roy E. Furman  
President  
Senate of Pennsylvania  
Harrisburg, Pennsylvania  
and

The Honorable M. Harvey Taylor  
President pro tempore  
Senate of Pennsylvania  
Harrisburg, Pennsylvania

Re: Resignation

Dear Sir:

Whereas, on November 2, 1954, I, the undersigned, was duly elected a member of the Senate of Pennsylvania for a term of four years, beginning January 4, 1955, to represent the 32nd Senatorial District, comprising the county of Fayette; and,

Whereas, on November 8, 1955 I was duly elected to the office of judge of the Court of Common Pleas of the 14th Judicial District, comprising the county of Fayette; and,

Whereas, under the Laws of the Commonwealth of Pennsylvania applicable thereto, said offices are incompatible; and,

Whereas, it is my desire and election to assume the duties of the office of Judge of the Court of Common Pleas of the 14th Judicial District to which I have been duly elected; and,



Whereas, the foregoing circumstances necessitate my resigning as a member of the Senate of Pennsylvania,  
Now Therefore Know All Men By These Presents That I, Eustace H. Bane, member of the Senate of Pennsylvania, representing the 32nd Senatorial District, comprising the county of Fayette, do hereby tender my resignation as such Senator, effective midnight, December 31, 1955.

In witness whereof I have hereunto set my hand and seal this 12th day of December, 1955.

Witness:

/s/ G. Harold Watkins.

/s/ EUSTACE H. BANE (Seal)  
Senator—32nd District  
Commonwealth of Pennsylvania.

#### REMARKS BY MAJORITY LEADER UPON THE RESIGNATION OF SENATOR EUSTACE H. BANE

Mr. MAHANY. Mr. President, all of us, more or less, have been considering that at some time we were going to receive this resignation of Senator Bane's in the Senate, after we saw the election returns from his judicial district and found that the people there had wisely chosen Senator Bane to be their judge for the next ten years. We are all going to miss him in the Senate because we have come to know him and to love him as a colleague, a friend and an associate.

I want to say to him, on behalf of all the Republican Senators, that he has certainly been looked up to as one of the outstanding statesmen of the Senate of Pennsylvania. We admire him, we respect him and some of us even envy him a bit because he is going to be able to get out of this muddle down here and he will not have to worry after the first of the year about how some of the affairs of the Commonwealth are going to be carried on in the halls of the Legislature.

Mr. President, I see that Senator Bane is going to resign as of midnight, December 31, 1955. If things happen as usual at that particular hour, the bells will ring and the whistles will blow to welcome him as one of the Judges of the State of Pennsylvania, and we will have a little bit of mourning in our hearts for having lost such an outstanding gentleman and friend as our good Senator, Senator Eustace Bane.

It seems as though all the Senators want to applaud to show that they agree with me, on this side.

Mr. President, I regret that we must accept this resignation, and we do so with regret.

#### ACCEPTANCE OF RESIGNATION OF SENATOR EUSTACE H. BANE

Mr. MAHANY. Mr. President, I move that the resignation of the Honorable Eustace H. Bane as a Member of this Senate, from the Thirty-second Senatorial District, be accepted effective December 31, 1955, at 12:00 o'clock, midnight.

Mr. DENT. Mr. President, I rise to second the motion just made by Senator Mahany.

Mr. President, the action we are taking here today, as the result of an election back in the district of our esteemed colleague, Senator Bane, belies the story that a prophet without honor in his own home. I think that this is a good lesson to all the Members of this State Senate. Although over the years, as a Member of both the House and the Senate, Senator Bane had to face many problems, I know that on many occasions he worried quite consider-

ably about how the reaction of the way in which he voted in the Senate and the House would affect his people at home. It is a great credit to him, as an individual, that the people at home must have approved—at least, the great majority of them—of the actions which he performed here as a Member of this Senate.

I am sure that it gives all of us a great deal more pleasure to say good-by to Eustace Bane when he is being elevated in the field of public duty. Too many of us fall by the wayside in this game of politics and our ranks become decimated both by casualties at elections and also by the choice of the Master above who decides that our time has run out.

Therefore, Mr. President, it is befitting that this Senate pause a moment and reflect that although we at times disagree on many acts upon which we vote and we sometimes approach the point of bitterness in our discussions on the floor, it is a credit to Eustace Bane that at no time in all the years that he ever served with us has he, at any time, participated in any particular debate where he became obnoxious to anyone. I am sure that we on this side join with you on the other side in regretting the necessity of accepting this resignation from our body.

To Eustace Bane, on behalf of the Democratic colleagues who have served with him over the years, who have learned to love and respect him, we can only say to him, "Godspeed in your new duties and may the Lord preserve you for many more years of service to the people of Pennsylvania."

On the question,

Will the Senate agree to the motion?

The motion was unanimously agreed to.

THE PRESIDENT. The resignation of Senator Bane, together with the motion for acceptance and the remarks, will be spread upon the Legislative Journal.

#### REMARKS BY SENATOR EUSTACE H. BANE

Mr. BANE. Mr. President and Members of the Senate, it is very difficult for me at a time like this to express myself in the manner in which I should like to. At moments such as these, we find that words very often are extremely inadequate to express the sincere feelings which we have in our hearts.

I can only feel at the moment, with a certain amount of nostalgia, that I have reached perhaps a point in graduation which many of us have gone through. We have spent the years together with our friends; we have done the very best that we possibly could within the limits of our capacities and abilities and we have reached the day of graduation. Gathered about us are all our friends whom we know, and we assure each other that we shall join together in the days which lie ahead; that we will not let the friendships pass from us which we have made at a time such as this. However, we know that with the passing of the years there has been a tendency, as in the past, for those to momentarily forget. The letters become less and less frequent, the visits become less and less often.

Therefore, I say to you from the very bottom of my heart that I hope this is not good-by, that there will be times when I shall have the occasion, the opportunity to once again return to this body where I served and meet again the friends which I have made over the years here in Harrisburg. I say to you that I recognize a graduation



from one very high and esteemed body to that of another branch of government where my friends, at least at home, have seen fit to bestow upon me the responsibilities of a very high office. I sought it very humbly and I sincerely hope that I shall not fail in the charge which they have placed upon me. I give you my assurance that I shall try to bring the same credit as a Judge as I have tried to bring to the Senate of Pennsylvania.

Mr. President, it is with deep regret that I part from my friends, but certainly with a happy outlook on the future to assume the duties and responsibilities which will be mine in the days which lie ahead. Thank you.

#### BILLS INTRODUCED AND REFERRED

Mr. RUTH read in his place and presented to the Chair Senate Bill No. 911, entitled:

An Act amending the act of June 1, 1933 (P. L. 1172), entitled "Borough Rural State Highway Law," deleting a route in Berks County.

Which was committed the Committee on Highways.

He also read in his place and presented to the Chair Senate Bill No. 912, entitled:

An Act amending the act of June 22, 1931 (P. L. 594), entitled "Rural State Highway Law," deleting a route in Berks County.

Which was committed the Committee on Highways.

Mr. KOPRIVER, JR. read in his place and presented to the Chair Senate Bill No. 913, entitled:

An Act amending the act of June 1, 1933 (P. L. 1172), entitled "Borough Rural State Highway Law," adding new routes in Carnegie Borough, Allegheny County.

Which was committed the Committee on Highways.

Messrs. WATKINS and FLACK read in place and presented to the Chair Senate Bill No. 914, entitled:

An Act amending the act of June 25, 1947 (P. L. 973), entitled "An act relating to the annual salaries of certain county officers of counties of the third class," increasing the salaries of certain county officers.

Which was committed to the Committee on Local Government.

Messrs. SCHMIDT and PEELOR read in place and presented to the Chair Senate Bill No. 915, entitled:

An Act amending the act of April 4, 1925 (P. L. 127), entitled "Adoption Law," authorizing courts to take testimony of intermediaries by deposition or in such other manner as the court may direct.

Which was committed to the Committee on Judiciary General.

#### PERMISSION TO ADDRESS SENATE

Mr. STIEFEL asked and obtained unanimous consent to address the Senate.

Mr. STIEFEL. Mr. President, this bill deals with a very important phase of Pennsylvania's history. May I say that within the last two weeks, while Senate Bill No. 672 and Senate Bill No. 673 are languishing on the Postponed Second Reading Calendar, further acts of rape were committed in Philadelphia upon the history of Pennsylvania. The Engle House, which was built in 1758, which is one

of the outstanding examples of colonial architecture in America and which has been studied by architectural students for years, where the first tannery of the Colonies was constructed, has now been demolished to become a parking lot.

Mr. President, a speculator purchased the Squire Baynton House, one of the finest early examples of colonial brickwork, for \$17,000. When the Germantown Historical Society came and asked to buy the house, offering him \$1,000 profit, he said that he would not take less than \$25,000.

In my opinion, Mr. President, this is rape committed and if we would have passed Senate Bill No. 672 and Senate Bill No. 673, these dastardly acts would not have been permitted and speculators would be unable to take advantage of historical societies.

Mr. President, this bill which I am about to offer will create in Philadelphia a colonial compound, compared to Williamsburg, in Virginia, and other historical projects will be just carbon copies. It is a most important and vast project which will not cost the Commonwealth a penny.

With great pride, Mr. President, I am introducing this bill and also the recurring county historian bill.

#### BILLS INTRODUCED AND REFERRED

Mr. STIEFEL read in his place and presented to the Chair Senate Bill No. 916, entitled:

An Act authorizing the Pennsylvania Historical and Museum Commission to make a study of appropriate ways and methods for developing and promoting the historical interest of Philadelphia and vicinity and specifically for developing a "Colonial compound" in Germantown.

Which was committed to the Committee on Local Government.

He also read in his place and presented to the Chair Senate Bill No. 917, entitled:

An Act authorizing the Pennsylvania Historical and Museum Commission to appoint an honorary county historian in each county of the Commonwealth not having a historical society.

Which was committed to the Committee on Local Government.

#### PETITIONS AND REMONSTRANCES

Mr. STIEFEL. Mr. President, true to my vein of action, I am going to speak now not under Petitions and Remonstrances, but at this juncture I will speak upon commendations.

Mr. President and Gentlemen of the Senate, I am about to unfold before you one of the most breath-taking and scintillating attainments of Philadelphia's city administration, under the helmsmanship of Mayor Joseph S. Clark, Jr. This is the story of the meteoric rise and success of the Department of Recreation which was created in January 1952, pursuant to the provisions of the Home Rule Charter of Philadelphia.

Per aspera ad astra! It took a man of great vision, indomitable energy, exemplary dynamism and genius of execution, the Honorable Frederic R. Mann, the first Commissioner of Recreation under Philadelphia's Home Rule Charter of 1951, to reach the following lofty goals:

1. Take a bureau which was formerly a humble and in-



conspicuous part of the old Department of Public Welfare and make it a full-fledged, independent body with broad responsibilities.

2. Take the old-fashioned notion of recreation as "a field, a ball and a bat" and expand it into a program of real scope, variety and interest.

3. Take an assumption that recreation was just for children and replace it with the realization that recreation is for everybody, no matter what age.

4. Take worn-out, badly constructed, ill-conceived facilities and turn them into attractive, functional, modern centers for healthful activities and fun.

This is only the quintessence of Mr. Mann's attainments, who was ably assisted by his deputy, Robert W. Crawford, considered the Country's top professional recreation expert. I will speak about the multifaceted activities of Philadelphia's Department of Recreation later, taking up first the introduction of Frederic R. Mann to you.

Mr. Mann is a fabulous personality. He is undoubtedly Philadelphia's Maecenas par excellence. I could go on for quite a long time listing his club memberships, business affiliations, his membership on numerous industrial and bank boards, his membership on civic boards such as The Free Library of Philadelphia, Academy of Natural Sciences of Philadelphia, the Pennsylvania Academy of Fine Arts and many others, his community affiliations and his affiliations with musical organizations, such as his Presidency of Robin Hood Dell Concerts, Inc., his treasurership of the Philadelphia Orchestra Pension Foundation, his service on the Philadelphia Committee of the Metropolitan Opera Association, and the fact that he was one of the founders and is a Director of the Israeli Philharmonic Orchestra.

But I know we are pressed for time and I am, therefore, limiting myself to summations.

I can sum up all these services and Mr. Mann's egregious generosity by stating that not unlike the legendary King Midas of antiquity, he possesses a magic touch with that difference that instead of turning everything into gold, he is coining great cultural values that inure to the comfort and spiritual advancement of his fellow citizens and add to the glory of Pennsylvania and the luster of Philadelphia.

On November 1, 1952, the National Recreation Association published its outstanding report on the first complete survey ever made of public recreation in Philadelphia. Their verdict: "The City's recreation facilities and programs are strikingly deficient . . ." Among these striking deficiencies: "serious defects in many buildings . . . swimming places with few exceptions substandard . . . woefully lacking in neighborhood playgrounds . . . not one of the recreation sites developed since 1946 could be designated as a well-planned area."

On September 4, 1954 LIFE magazine, in a four page article focused the attention of the nation on Philadelphia's recreation program. Their comment: "Two years ago in Philadelphia, which venerates tradition, recreation department officials took a long look at the city's playground facilities and decided tradition no longer was good enough. They launched one of the most impressive playground programs in U. S. Municipal history, a

program that is modernizing Philadelphia's play areas and filling them with an assortment of bold new play devices."

Today, with 25 new and redeveloped playgrounds completed, 25 more under construction, and 20 more on the planning boards, Philadelphia is acknowledged the nation's leading city in the field of recreation, a pioneer of new standards, pacesetter for new developments. In a short time, recreation in Philadelphia has come a long way. The Department of Recreation is less than four years old.

It was established under the Home Rule Charter in January 1952, and the job that faced the new Department was tremendous. What it had to do with Philadelphia's recreation "tradition" was this:

1. Take a bureau which was formerly a small part of the old Department of Public Welfare and make it a full-fledged, independent body with broad responsibilities.

2. Take the old-fashioned notion of recreation as "a field, a ball, and a bat" and expand it into a program of real scope, variety and interest.

3. Take an assumption that recreation was just for children and replace it with the realization that recreation is for everybody, no matter what age.

4. Take worn-out, badly constructed, ill-conceived facilities and turn them into attractive, functional, modern centers for healthful activities and fun.

To do this job, Fredric R. Mann, well-known businessman, philanthropist, and leader in Philadelphia's civic and cultural affairs was named the city's first Recreation Commissioner; and Robert W. Crawford, considered the country's top professional recreation expert, was named Commissioner.

Together, they began from the ground up to demonstrate what a public recreation program should be.

What remained of the old Bureau of Recreation was completely reorganized. Standards for all professional positions were raised, and for the first time—with help of the City's new reclassification and pay plan-recreation personnel received salaries comparable with those of professional people in allied fields.

On-the-job training courses were inaugurated for the general staff, followed by intensive in-service training programs for all personnel, and a continuing of workshops. The result has been a professional staff with qualities of leadership, and a recognition of individual differences, basic needs and social goals in recreation.

All playgrounds and centers were put into operation on a year-round supervised basis for the first time in the city's history. They offered enriched programs which include music, drama, dancing, and arts and crafts as well as athletics.

In expanding the program they did not stop there. From sponsoring the Greater Philadelphia



Drama Association to presenting free concerts by the Philadelphia Orchestra in Convention Hall and at Robin Hood Dell, the department has participated and/or cooperated with almost every organized recreational activity in the city, as part of the program. Games, tournaments, celebrations, championships, parties, festivals, are the standard fare of the Department's extensive activities. The city's remarkable cultural endowment became part of a public recreation program as—through the Department—grants were given to the Museum of Natural Science, the Museum of Natural History, and the Franklin Institute; while the Atwater Kent Museum and Betsy Ross House are now actually operated by the Department.

At the same time, all these varied programs were integrated with the activities of the Fairmount Park Commission and the Board of Public Education through the creation of a Recreation Coordination Board.

This was the new approach to recreation: a total community program utilizing all available resources centered under one management. But for such an approach to be successful, to really work, a new look in recreation facilities was needed. A community cannot have a family recreation program on a ballfield. Modern playgrounds and centers are needed. And in these, as the National Recreation Association pointed out, Philadelphia was woefully lacking.

With the same energy, enthusiasm and imagination they had used to revamp the program and activities, Mann and Crawford, at the same time embarked on a huge physical reconstruction program. At less cost to the taxpayer than had been spent in the previous comparable period—1945-51: \$18,000,000 plus; 1952-53: \$15,000,000 plus—they scheduled the capital program that would bring a new look to Philadelphia's recreation facilities and give the people of the community the kind of modern playgrounds and centers which had been denied them.

Of the more than 70 projects—playgrounds, centers, parks, public squares, swimming pools, camps—which have been substantially improved since 1952 by the Department of Recreation, it is the family-style playground which has received widest acclaim. For it was with the typical Philadelphia playground—a cinder field, a small concrete shelter house, and a couple of swings surrounded by a high forbidding fence—that the department most concerned itself. And it was here, too, that there was the greatest opportunity to start from scratch, to build a virtually all-new facility.

Philadelphia's new playground (25 and growing at the rate of approximately one per week in the summer of 1955) and center's (one complete, and one nearing completion) are a concrete expression of the Department of Recreation's basic philosophy: the program must serve everyone, regardless of age, sex, race, creed, neighborhood or income group.

Thus the basic design of the playground consists of five separate play areas, safely apart from one another; for pre-school-age children, older children, teen-agers, adults, and older people. While each playground has special equipment and facilities for all five groups, no two playgrounds, are alike. They differ according to the needs of the community, the size of the area, and the function of the facility.

Colorful, imaginative, varied, the new playgrounds have brought to Philadelphia's neighborhoods new recreation resources, and new play ex-

perienced, For adults, shuffleboard, bocci, quoits, horseshoes, and tennis courts have been made available in most places for the first time. For teenagers, courts and fields for games of all kinds—football, baseball, softball, volley-ball, basketball, soccer, handball, badminton are being provided throughout the City.

For older people, new walks and benches in park-like areas, with chess, checkers and other passive recreation featured in each of the new playgrounds.

Baseball stops, basketball back-boards, lighting standards, ordinary park benches—all have been redesigned, painted and improved by the department. No part of the facility is too small or too unimportant to receive attention in the integrated design of the modern, functional playground. Everywhere the break with the past is in evidence.

It is in the tot-lot, the special play area for small children, however, that Philadelphia's new feeling for recreation is most explicit. In place of the small sandbox, the rigid wooden swings, and the see-saw, there have been created a series of intriguing new play devices designed, as Life magazine put it, "to be pleasing in line, safe to use and stimulating to the imagination. The new playthings cater to the natural inclination of youngsters to climb like mountain animals, crawl through dark passageways and hang by their heels." The official name for these magical new pieces is "playsculpture," and whether they take the form of a tent-like turtle, a spiral slide, a 70 foot-long dragon, or a star-shaped climber, they have proved to be the delight of the children of Philadelphia.

Playsculpture, spray-pools, striped swings—each in many varieties and colors—are but a few among the many innovations which have made these new playgrounds the most remarkable ever built in America.

Only half-way through the initial capital construction program, the department has already changed public recreation in the city. Meanwhile, playgrounds and centers will be soon by swimming pools, ice-skating rinks, day camps and a host of other improvements. By 1958 almost all of the 116 playgrounds and centers operated by the department will have been completely redeveloped or reconstructed, and bold new plans are already being made for the years beyond.

Recreation in Philadelphia has come of age.

Mr. YOSKO. Mr. President, last week in both the House and Senate, resolutions were introduced and comments made on the situation in Georgia, created by the Governor of that State when he attempted to prohibit the participation of a colored boy, who is a member of the University of Pittsburgh's football team.

Mr. President, I have a very good friend in Georgia. His name is George Hamilton and he happens to be the State Treasurer there. He apparently read something in the Georgia newspapers on what took place here in the Pennsylvania Legislature. He sent me a little note, plus a copy of the Atlanta Journal, dated December 6, 1955, in which appears an editorial that I thought would be worth reading in order to give the Members of the Senate an indication of how they feel in Georgia about the situation.

The editorial is entitled "Regents Deserve Thanks," and is as follows:



The Board of Regents acted with good judgment on Monday. They voted that Georgia Tech should play in the Sugar Bowl. They voted that the athletic policies of Tech and the University of Georgia should continue virtually as they have been. For these reasonable and proper decisions, the people of Georgia owe them thanks.

Gov. Griffin and his advisors have received the setback they deserve. In an obvious grandstand play, in an effort to call attention to themselves and to further themselves politically, they were willing to break a solemn contract and sacrifice the athletic program at Tech and the University. They quickly found that, in overstepping the bounds of commonsense, they had offended many of the people of Georgia.

The Regents, in their wisdom and independence, have restored the situation to normalcy. The Regents proved in this instance that they merit the confidence of the state, and the state looks to them to keep the University System inviolate, completely apart from the political ambitions and maneuvering of any individual or group.

This whole affair was ill-conceived and unfortunate in the extreme. Certainly Gov. Griffin gained nothing. Nor did the Tech students who disregarded the law in their attack on the capitol and disgraced themselves by hanging a governor of Georgia in effigy.

No one benefited; but the state of Georgia was harmed. Its standing in the nation has been somewhat lowered because of the strained and rather foolish sounding off by a shortsighted governor.

#### SENATE CONCURRENT RESOLUTIONS JOINT SESSION

Mr. WHALLEY offered the following resolution which was twice read, considered and agreed to:

In the Senate, December 12, 1955.

Resolved (the House of Representatives concurring). That the Senate and House of Representatives meet in Joint Session, Monday, December 19, 1955, at five o'clock, p. m., in the Hall of the House of Representatives for the purpose of hearing an address by His Excellency the Governor of the Commonwealth.

Ordered, That the Clerk present the same to the House of Representatives for concurrence.

#### COMMITTEE TO ESCORT THE GOVERNOR

Mr. WHALLEY offered the following resolution which was twice read, considered and agreed to:

In the Senate, December 12, 1955.

Resolved (the House of Representatives concurring), That a committee of three on the part of the Senate be appointed to act with a similar committee on the part of the House of Representatives (if the House shall appoint such committee), to escort His Excellency the Governor to the Hall of the House of Representatives to address the members of the General Assembly in Joint Session, pursuant to a resolution already adopted by the Senate and the House of Representatives.

Ordered, That the Clerk present the same to the House of Representatives for concurrence.

#### CALENDAR

#### BILL ON CONCURRENCE IN HOUSE AMENDMENTS

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 105, as follows:

An Act amending the act of May 1, 1929 (P. L. 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" exempting war amputees and paralytics from the payment of certain fees in connection with motor vehicles.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Subsection (a) of section 722 Act of May 1 1929 (P. L. 905) known as "The Vehicle Code" amended in part August 17 1951 (P. L. 1264) and amended August 24, 1951 (P. L. 1352) is amended to read

#### Section 722 Exemptions from Fees

(a) No fee shall be charged for a certificate of title or registration of motor vehicles fire department equipment trailers and semi-trailers owned by and used exclusively in the performance of the duties of (a) the Federal Government (b) any state other than Pennsylvania which issues titles or registrations to this Commonwealth without charge (c) the Commonwealth of Pennsylvania (d) any city borough incorporated town township county poor or school district of this Commonwealth (e) any duly authorized volunteer fire force in the extinguishment and prevention of fires or in rescue work hospital humane society or anticruelty society in this Commonwealth (f) the American Red Cross (g) churches (h) Girl Scouts of America (i) Boy Scouts of America (j) Salvation Army (k) duly chartered post organization or combination of organizations of the American Legion Veterans of Foreign Wars Philippine Pacific War Veterans Navy Club of the United States United States Army Ambulance Corps Disabled American Veterans American Veterans of World War II (AMVETS) the Marine Corp League Military Order of the Purple Heart Jewish War Veterans Catholic War Veterans Inc or United Spanish War Veterans of this Commonwealth or La Societe Des Forty Hommes et Eight Chevaux and organizations and units of the Pennsylvania National Guard (l) mine or industrial ambulances (m) ambassadors ministers foreign consuls general consuls and vice consuls who are nationals of the country appointing them and who are assigned to foreign consulates in this Commonwealth Provided That American consular officers of equal rank who are citizens of the United States and who exercise their official functions at American consulates in such foreign country are granted reciprocal exemptions No fee shall be charged for certificates of title or registration of motor vehicles one motor vehicle owned and used by war amputees which were obtained through the Veterans Administration any veteran who served in the armed forces of the United States during any period of war or armed conflict in which it was engaged and who lost a limb or became paralyzed as a result of such service All such vehicles except those owned and used by the Federal Government shall be titled and registered and shall display registration plates as is now provided for privately owned motor vehicles trailers and semi-trailers.



which was returned from the House of Representatives with amendments.

Said amendments having been twice read, and printed as required by the Constitution.

On the question,

Will the Senate concur in the same?

#### SENATE CONCURS IN AMENDMENTS MADE BY THE HOUSE TO SENATE BILL No. 105

Mr. MAHANY. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 105.

Mr. LANE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

#### YEAS—48

Bane,	Fleming,	McGinnis,	Stevenson,
Barr,	Haluska,	McMenamin,	Stiefel,
Berger,	Harney,	McPherson, Jr.	Taylor,
Blass,	Hays,	Mullin,	Van Sant,
Camiel,	Holland,	Pechan,	Wade,
Chapman,	Kessler,	Peelor,	Wagner,
Dent,	Koprivier, Jr.	Propert,	Watkins,
Derk,	Lane,	Ruth,	Watson,
Diehm,	Madigan,	Schmidt,	Weiner,
DiSilvestro,	Mahany,	Scott,	Whalley,
Donolow,	Mallery,	Seyler,	Wolfe,
Flack,	McCreesh,	Silvert,	Yosko,

#### NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

#### BILL ON CONCURRENCE IN HOUSE AMENDMENTS

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 179, as follows:

An Act amending the act of April 25, 1929 (P. L. 723) entitled "An act regulating the investment of funds by administrative departments boards commissions and officers of the State Government" increasing the investment powers of State administrative departments boards commissions or officers.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 1 act of April 25, 1929 (P. L. 723) entitled "An act regulating the investment of funds by administrative departments boards commissions and officers of the State Government" amended August 26 1953 (P. L. 1459) is amended by adding at the end thereof a new subsection to read

Section 1 Be it enacted &c That any administrative department board commission or officer of the State Government authorized by law to make investments of funds in the custody or under the control of such department board commission or officer excepting only the moneys in the State Sinking Fund may lawfully invest such funds in any of the following securities.

\* \* \*

(15) Bonds notes or other obligations issued assumed or guaranteed by the International Bank for Reconstruction and Development which contain an unconditional promise to pay by the International Bank for Reconstruction and Development or an unconditional guarantee by the International Bank for Reconstruction and Development of the payment of the interest thereon regularly and the principal thereof on or before a specified date in lawful currency of

the United States not more than two per cent of the funds in the custody or under the control of the department board commission or officer shall be invested in such bonds notes or obligations the principal office of the obligor shall be located within the United States at the time the investment is made.

Section 2 This act shall take effect immediately.

which was returned from the House of Representatives with amendments.

Said amendments having been twice read, and printed as required by the Constitution,

On the question,

Will the Senate concur in the same?

#### SENATE CONCURS IN AMENDMENTS MADE BY THE HOUSE TO SENATE BILL No. 179

Mr. MAHANY. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 179.

Mr. LANE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion-

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

#### YEAS—48

Bane,	Fleming,	McGinnis,	Stevenson,
Barr,	Haluska,	McMenamin,	Stiefel,
Berger,	Harney,	McPherson, Jr.	Taylor,
Blass,	Hays,	Mullin,	Van Sant,
Camiel,	Holland,	Pechan,	Wade,
Chapman,	Kessler,	Peelor,	Wagner,
Dent,	Koprivier, Jr.	Propert,	Watkins,
Derk,	Lane,	Ruth,	Watson,
Diehm,	Madigan,	Schmidt,	Weiner,
DiSilvestro,	Mahany,	Scott,	Whalley,
Donolow,	Mallery,	Seyler,	Wolfe,
Flack,	McCreesh,	Silvert,	Yosko,

#### NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

#### BILL ON CONCURRENCE IN HOUSE AMENDMENTS

##### BILL OVER IN ORDER

Mr. MAHANY. Mr. President, I ask unanimous consent that Senate Bill No. 365, Printer's No. 308, on concurrence in House amendments, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

#### BILL ON CONCURRENCE IN HOUSE AMENDMENTS

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 541, as follows:

An Act amending the act of March 31, 1949 (P. L. 372) entitled "An act to promote the welfare of the people of the Commonwealth creating The General State Authority as a body corporate and politic with power to construct improve equip furnish and operate projects and to lease the same and to fix fees rentals and charges for the use thereof authorizing and regulating the issuance of bonds for said Authority and providing for the payment of such bonds and the rights of the holders thereof and to enter into agreements with the Government of the United States or any Fed-



eral agency and authorizing the Department of Property and Supplies to grant assign convey or lease to the Authority lands of the Commonwealth and interests therein and to acquire lands therefor granting the right of eminent domain empowering The General State Authority to sell and convey projects and property to the Commonwealth and providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act" authorizing the sale transfer and conveyance of property or interest therein The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Clause (d) of section 4 act of March 31, 1949 (P. L. 372) known as "The General State Authority Act of one thousand nine hundred forty-nine" amended September 26, 1951 (P. L. 1509) and January 5, 1952 (P. L. 1829) is amended to read

Section 4 Purposes and Powers General The Authority is created for the purpose of constructing improving equipping furnishing maintaining acquiring and operating sewers sewer systems and sewage treatment works for State institutions of every kind and character (heretofore or hereafter constructed) public buildings for the use of the Commonwealth an official residence in the city of Harrisburg which shall thereafter be used as the official residence of the Governor of the Commonwealth State arsenals armories and military reserves State airports and landing fields State institutions of every kind and character (heretofore or hereafter constructed) additions and improvements to land grant colleges school buildings and the furnishings and equipment thereof for the use of the public schools State highways and bridges toll bridges tunnels and traffic circles on State highways swimming pools and lakes on State land low head dams improvements to river embankments desilting dams impounding basins flood control projects and the purchase of lands for rehabilitation purposes in connection with State institutions (any and all the foregoing being herein called "projects") Provided however That the purpose and intent of this act being to benefit the people of the Commonwealth by among other things increasing their commerce and prosperity and not to unnecessarily burden or interfere with existing business by the establishment of competitive enterprises none of the powers granted hereby (other than for the construction improvement and maintenance of bridges) shall be exercised in the construction improvement maintenance extension or operation of any project or projects which in whole or in part shall duplicate or compete with existing enterprises serving substantially the same purposes and the Authority is hereby granted and shall have and may exercise all powers necessary or convenient for the carrying out of the aforesaid purposes including but without limiting the generality of the foregoing the following rights and powers

\* \* \*

(d) To acquire purchase hold and use any property real personal or mixed tangible or intangible or any interest therein necessary or desirable for carrying out the purposes of the Authority and (without limitation of the foregoing) to lease as lessee with the approval of the Governor any property real personal or mixed or any interest therein for a term not exceeding ninety-nine (99) years at a nominal rental or at such annual rental as may be determined and with the approval of the Governor to lease as lessor to the Commonwealth of Pennsylvania and any city county school district or other political subdivision or any agency department or public body of the Commonwealth or land grant college any project at any time constructed by the Authority whether wholly or partially completed and any property real personal or mixed tangible or intangible or any interest therein at any time acquired by the Authority whether wholly or partially completed and with the approval of the Governor to sell transfer and convey to the Commonwealth of Pennsylvania any project at any time constructed by the Authority and with the approval of the Governor to sell transfer and convey any property real personal or mixed tangible or intangible or any interest therein at any time acquired by the Authority

\* \* \*

Section 2 This act shall take effect immediately

which was returned from the House of Representatives with amendments.

Said amendments having been twice read, and printed as required by the Constitution,

On the question,

Will the Senate concur in the same?

SENATE CONCURS IN AMENDMENTS MADE BY THE HOUSE TO SENATE BILL No. 541

Mr. MAHANY. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 541.

Mr. LANE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Bane,	Fleming,	McGinnis,	Stevenson,
Barr,	Haluska,	McMenamin,	Stiefel,
Berger,	Harney,	McPherson, Jr.	Taylor,
Blass,	Hays,	Mullin,	Van Sant,
Camel,	Holland,	Pechan,	Wade,
Chapman,	Kessler,	Peelor,	Wagner,
Dent,	Koprivier, Jr.	Propert,	Watkins,
Derk,	Lane,	Ruth,	Watson,
Diehm,	Madigan,	Schmidt,	Weiner,
DiSilvestro,	Mahany,	Scott,	Whalley,
Donolow,	Mallery,	Seyler,	Wolfe,
Flack,	McCreesh,	Silver,	Yosko,

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

## FINAL PASSAGE CALENDAR

### BILL ON FINAL PASSAGE

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 38, as follows:

An Act making an appropriation to the Department of Health for payments to municipalities and municipality authorities under the provisions of the act of August twentieth one thousand nine hundred and fifty-three (P. L. 1217) entitled "An act providing for payments by the Commonwealth to municipalities which have expended money to acquire and construct sewage treatment plants in accordance with the Clean Streams Program and the act approved the twenty-second day of June one thousand nine hundred thirty-seven (P. L. 1987) and making an appropriation" and for the acquisition and construction of certain sewage treatment plants

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of two million six hundred thousand dollars (\$2,600,000) or as much thereof as is necessary is appropriated to the Department of Health for payments to municipalities and municipality authorities toward the cost of operating maintaining repairing replacing and other expenses relating to sewage treatment plants an amount not to exceed two per centum of the costs (1) for the acquisition and construction of the sewage treatment plants by the municipalities and municipality authorities to control stream pollution expended by the municipalities and municipality authorities from the



effective date of the act of June twenty-second one thousand nine hundred and thirty-seven (P. L. 1937) up to and including the thirty-first day of December of the year preceding the year in which the payment is made as ascertained by the Secretary of Health and approved by the Governor as provided by the act of August twentieth one thousand nine hundred and fifty-three (P. L. 1217) entitled "An act providing for payments by the Commonwealth to municipalities which have expended money to acquire and construct sewage treatment plants in accordance with the Clean Streams Program and the act approved the twenty-second day of June one thousand nine hundred thirty-seven (P. L. 1937) and making an appropriation" and (2) for the acquisition and construction of sewage treatment plants by municipalities to control stream pollution from January 1 1920 to the effective date of the act of June 22, 1937 (P. L. 1937)

On the question,

Shall the bill pass finally?

Mr. LANE. Mr. President and Members of the Senate this piece of legislation has been on our calendar for quite some time. We, on the Democratic side, have caucused in opposition of this legislation. I have before me a communication, dated August the 2nd, 1955, addressed to the Honorable Leroy E. Chapman, Chairman of the Senate Appropriations Committee, and signed by Mr. Mattison, Secretary of Health, in which he states:

"Regarding Senate Bill No. 38, Printer's No. 208, this letter will confirm my telephone conversation with Mr. Stoner this afternoon. I should like to make two points concerning the above mentioned bill:

"First, the figure of \$2,600,000 was based on this department's best estimate at the end of 1954. But on the basis of additional information and requests for reimbursement received during the past six months, our best current estimate of the cost of this program for the biennium is \$3,200,000.

"Second, the amendment pushing the date of eligibility for reimbursement back to 1920 presents very serious difficulties in administration. According to a very rough estimate this would entail about another \$1,000,000 of reimbursement. But perhaps more important, our experience with records of construction costs on these older plants has made it evident that really accurate estimates of cost are almost impossible after so many years. Furthermore the years prior to 1937 were times when a great deal of Federal financing was involved, again complicating the determining of local financial participation. On top of all this, a number of plants constructed during the 20's and early 30's are already obsolescent.

"Thank you for your consideration of these additional facts as the bill is considered in your committee.

"Very truly yours,

"Berwyn F. Mattison, M.D.

"Secretary of Health."

Mr. President, after talking with the department, they advised me that in the event this bill is passed in its present form it will cost the Commonwealth the sum of \$4,200,000. I say to you here today that, in my opinion, there is no necessity of going back to the year 1920. I feel that we committed ourselves several years ago to provide for reimbursement to our various districts on disposal plants, but we never agreed to go back thirty-five years.

Therefore, Mr. President, in the interest of economy and in the interest of good government, I feel that this bill should be defeated in its present form and I ask the Members on our side to vote "no" on this roll call.

And the question recurring,

Shall the bill pass finally?

(During the calling of the roll, the following occurred:)

Mr. STIEFEL. Mr. President, I wish to be recorded as voting "no."

The PRESIDENT. The gentleman from Philadelphia will be so recorded.

Mr. KOPRIVER, JR. Mr. President, I wish to be recorded as voting "aye."

The PRESIDENT. The gentleman from Allegheny will be so recorded.

Mr. CHAPMAN. Mr. President, I wish to be recorded as voting "aye."

The PRESIDENT. The gentleman from Warren will be so recorded.

#### VERIFICATION OF THE ROLL

Mr. LANE. Mr. President, I ask for a verification of the roll.

Mr. WEINER. Mr. President, I ask for a verification of the roll.

The PRESIDENT. Request has been made to have the roll verified.

The Clerk will call the names of those recorded as having voted in the affirmative.

The Clerk read the names of those recorded as having voted in the affirmative as follows:

Berger,	Kessler,	Peelor,	Wade,
Blass,	Koprivier, Jr.	Propert,	Wagner,
Chapman,	Madigan,	Scott,	Watkins,
Diehm,	Mahany,	Stevenson,	Watson,
Flack,	Mallery,	Taylor,	Whalley,
Fleming,	McPherson, Jr.	Van Sant,	Wolfe,
Harney,	Pechan,		

The PRESIDENT. Are there any corrections? The Chair hears none. The affirmative roll will stand as verified.

The Clerk will call the names of those recorded as having voted in the negative.

The Clerk read the names of those recorded as having voted in the negative as follows:

Bane,	Donolow,	McCreesh,	Seyler,
Barr,	Haluska,	McGinnis,	Silvert,
Camel,	Hays,	Mullin,	Stiefel,
Dent,	Holland,	Ruth,	Weiner,
Derk,	Lane,	Schmidt,	Yosko,
DISilvestro,			

The PRESIDENT. Are there any corrections? The Chair hears none. The negative rolls will stand as verified.

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

#### YEAS—26

Berger,	Kessler,	Peelor,	Wade,
Blass,	Koprivier, Jr.,	Propert,	Wagner,
Chapman,	Madigan,	Scott,	Watkins,
Diehm,	Mahany,	Stevenson,	Watson,
Flack,	Mallery,	Taylor,	Whalley,
Fleming,	McPherson, Jr.,	Van Sant,	Wolfe,
Harney,	Pechan,		

#### NAYS—21



Bane, Barr, Camiel, Dent, Derk, DiSilvestro,	Donolow, Haluska, Hays, Holland, Lane,	McCreesh, McGinnis, Mullin, Ruth, Schmidt,	Seyler, Silvert, Stiefel, Weiner, Yosko,
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A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL OVER IN ORDER

Mr. MAHANY. Mr. President, I ask unanimous consent that Senate Bill No. 572, Printer's No. 368, on final passage, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON FINAL PASSAGE

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 600, as follows:

An Act to amend clause (2) of the second paragraph of section 493 as amended of the act approved the twelfth day of April one thousand nine hundred fifty-one (P. L. 90) entitled "An act relating to alcoholic liquors alcohol and malt and brewed beverages amending revising consolidating and changing the laws relating thereto regulating and restricting the manufacture purchase sale possession consumption importation transportation furnishing holding in bond holding in storage traffic in and use of alcoholic liquors alcohol and malt and brewed beverages and the persons engaged or employed therein defining the powers and duties of the Pennsylvania Liquor Control Board providing for the establishment and operation of State liquor stores for the payment of certain license fees to the respective municipalities and townships for the abatement of certain nuisances and in certain cases for search and seizure without warrant prescribing penalties and forfeitures providing for local option and repealing existing laws" by permitting sales on credit of liquor malt or brewed beverages by railroad or pullman companies in dining club or buffet cars to passengers for consumption while enroute holding authorized credit cards issued by railroad or railroad credit bureaus

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Clause (2) of the second paragraph of section 493 of the act approved the twelfth day of April one thousand nine hundred fifty-one (P. L. 90) entitled "An Act relating to alcoholic liquors alcohol and malt and brewed beverages amending revising consolidating and changing the laws relating thereto regulating and restricting the manufacture purchase sale possession consumption importation transportation furnishing holding in bond holding in storage traffic in and use of alcoholic liquors alcohol and malt and brewed beverages and the persons engaged or employed therein defining the powers and duties of the Pennsylvania Liquor Control Board providing for the establishment and operation of State liquor stores for the payment of certain license fees to the respective municipalities and townships for the abatement of certain nuisances and in certain cases for search and seizure without warrant prescribing penalties and forfeitures providing for local option and repealing existing laws" is hereby amended to read as follows

Section 493 Unlawful Acts Relative to Liquor Malt and Brewed Beverages and Licensees The term "licensee" when used in this Section shall mean those persons licensed under the provisions of Article IV unless the context clearly indicates otherwise

It shall be unlawful

• • •

(2) For any licensee his agent servant or employe to

sell or offer to sell or purchase or receive any liquor or malt or brewed beverages except for cash excepting credit extended by a hotel or club to a bona fide guest or member or by railroad or pullman companies in dining club or buffet cars to passengers for consumption while enroute holding authorized credit cards issued by railroad or railroad credit bureaus no right of action shall exist to collect any claim for credit extended contrary to the provisions of this clause Nothing herein contained shall prohibit a licensee from crediting to a purchaser the actual price charged for original containers returned by the original purchaser as a credit on any sale or from refunding to any purchaser the amount paid by such purchaser for such containers or as a deposit on containers when title is retained by the vendor if such original containers have been returned to the licensee Nothing herein contained shall prohibit a manufacturer from extending usual and customary credit for liquor or malt or brewed beverages sold to customers or purchasers who live or maintain places of business outside of the Commonwealth of Pennsylvania when the liquor or malt or brewed beverages so sold are actually transported and delivered to points outside of the Commonwealth Provided however That as to all transactions affecting malt or brewed beverages to be resold or consumed within this Commonwealth every licensee shall pay and shall require cash deposits on all returnable original containers which contain not more than one hundred twenty-eight fluid ounces and all such cash deposits shall be refunded upon return of the original containers

Section 2 The provisions of this act shall become effective immediately upon final enactment

On the question,  
Shall the bill pass finally?  
(During the calling of the roll, the following occurred:)

Mr. WADE. Mr. President, having voted under a misapprehension, I desire to change my vote from "aye" to "no."

The PRESIDENT. The gentleman from Cumberland will be so recorded.

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—26

Barr, Berger, Blass, Chapman, Ciehm, DiSilvestro, Harney,	Kessler, Koprivier, Jr., Lane, Mahany, Mallery, McGinnis, McPherson, Jr.,	Pechan, Peelor, Proper, Ruth, Scott, Silvert,	Stiefel, Van Sant, Wagner, Watkins, Watson, Wolie,
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NAYS—21

Bane, Camiel, Dent, Derk, Donolow, Flack,	Fleming, Haluska, Hays, Holland, Madigan,	McCreesh, Mullin, Schmidt, Seyler, Stevenson,	Taylor, Wade, Weiner, Whalley, Yosko
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A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 657, as follows:

An Act amending the act of August 22, 1953 (Appropriations Act 101) entitled "An act making an appropriation to the Elwyn Training School at Elwyn in the County of Delaware Commonwealth of Pennsylvania and prescribing certain conditions upon which the ap-



proprietion will be available to the school" increasing the per capita annual maintenance rate of wards of the Commonwealth.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 1 act of August 22, 1953 (Appropriations Acts 101) entitled "An act making an appropriation to the Elwyn Training School at Elwyn in the County of Delaware Commonwealth of Pennsylvania and prescribing certain conditions upon which the appropriation will be available to the school" as reduced by the Governor is amended to read

Section 1 An appropriation is hereby made to the Elwyn Training School at Elwyn in the County of Delaware Commonwealth of Pennsylvania for the maintenance of six hundred (600) wards of the Commonwealth at [eight hundred fifty dollars (\$850)] nine hundred sixty dollars (\$960) per capita per annum and the sum of one million twenty thousand dollars (\$1,020,000) or as much thereof as may be necessary is hereby specifically appropriated to the said institution for the purpose stated to cover the two fiscal years beginning June first one thousand nine hundred fifty-three Absences or vacations of three weeks or less in any fiscal year shall not be deducted but any absences or vacations in excess of three weeks in any fiscal year shall be deducted

Section 2 This act shall take effect immediately

On the question,  
Shall the bill pass finally?

#### REQUEST THAT BILL GO OVER IN ORDER

Mr. LANE. Mr. President, I ask unanimous consent that Senate Bill No. 657, Printer's No. 278, on final passage, go over in its order.

The PRESIDENT. Is there objection?

Mr. MAHANY. Mr. President, this bill has been on our calendar for several weeks. I feel that we all know the contents of the bill. It is a bill which would give Elwyn Training School a certain reimbursement for the students or enrollees down there, or the wards of the State, in line with the approximate cost that it costs this school to take care of them.

I think we are ready to vote on the bill. I cannot see any reason to hold it any longer and I think that we should dispose of this bill one way or the other today. Therefore, I object to the request to delay action on it any longer.

Mr. LANE. Mr. President, this bill has been before our Caucus a number of times and there has been quite a difference of opinion with regard to the subject matter contained in the bill. We, on the Democratic side, have not resolved that difference and, therefore, I requested that the bill go over in order.

However, Mr. President, if the Majority Leader insists, we can debate the bill right now and I will yield to Senator Yosko of Northampton County.

Mr. YOSKO. Mr. President, I spoke on this bill before when I asked that it go over in order. At that time, I said that I was for institutions which render a service to the Commonwealth getting such funds to which they are entitled. At that time, I asked that the bill go over in order so that we could study the figures that are involved here. Since that time, I did make such a study.

I came to the conclusion that this institution is not entitled to this money. If it was, I would be one of the first to say so and would vote for it.

Mr. President, I think the Members are entitled to the facts so that when they vote, they can vote intelligently. During the last Session of the Legislature there was a

bill passed. When this bill was passed, it constituted a contract between the Commonwealth of Pennsylvania and the Elwyn Training School. In this contract, which was in the bill, the Elwyn Training School was authorized to take care of 600 patients that would be assigned to the institution by the Commonwealth. The school was to receive \$850 per patient, and an appropriation to that extent was made.

Mr. President, State-aided institutions, and there are many of them in Pennsylvania—there are 186 medical-surgical hospitals alone—are given appropriations based on a stipulated sum per person they treat or maintain, but they have to earn the money. For that purpose, there was a quarterly audit made of a statement which is submitted by the institution itself. When this statement is issued and sworn to, it goes to the Auditor General and the Auditor General, in turn, goes back to the institution and checks the records to find out whether the statement is correct and makes a charge against the Commonwealth for whatever is due.

There are eight quarters in a biennium. As I said before, the amount of the appropriation totaling \$1,020,000 was based on the fact that this institution would care for 600 patients. Mr. President and Members of this Senate, this was not done. In a statement submitted by the institution itself for the first quarter, which ended in August, 1953, there were 594 patients or six less than the 600. For the quarter which ended in November of 1953, there were 584 patients or sixteen less than 600. In February 1954, there were 573 patients or twenty-seven less than 600. In May 1954, there were 572 patients or twenty-eight less than 600. In August 1954, there were 581 patients or nineteen less than 600. In November 1954, there were 585 patients or fifteen less than 600. In February 1955, there were 595 patients or five less than 600. The only time that the institution actually maintained 600 patients was for the final quarter of the last biennium, which ended May 31, 1955, and the number of patients at that time was 600.

To that end, Mr. President, the Commonwealth carried out its contract with the institution and it paid the institution the total which it earned, based on the number of patients that were cared for. This institution was paid \$996,036.37 and is not entitled to any more money.

Mr. President and Members of the Senate, if we should give this institution the difference between what was appropriated and what was not earned, then we ought to do the same thing with the 186 medical-surgical hospitals because many of them which received an appropriation of money forfeited some of it because they did not earn it. However, they still lost money because it cost them more to maintain a patient than the amount that the Commonwealth agreed to pay. As a result, there was \$900,000 which was lapsed into the General Fund which was originally appropriated to the 186 medical-surgical hospitals and they are on a par with this institution.

I say, Mr. President, a contract was entered into. The Department of Justice objects to this bill because of that. The number of patients that were cared for, the institution was reimbursed for and, therefore, there is nothing due this institution. The Commonwealth at the moment, frankly, is in bankruptcy. It is in bankruptcy because we have not passed a tax program to



finance the obligations of the Commonwealth. The gentlemen on the other side have been on a legislative sit-down strike so far as a tax bill is concerned to finance these obligations.

Mr. President, I realize that the amount is only \$23,000, but you cannot pay out \$23,000, first, when you do not owe it and, second, you cannot pay it out when you do not have it and we do not have it. We have about \$136,000,000 worth of obligations at the moment and we only have about \$61,000,000, or thereabouts, in the State Treasury; \$17,000,000 of which is in cash and the balance in investments.

Therefore, Mr. President, under all these circumstances here, I do not see how I could vote to give away to an institution, although it is a good one and I have no complaints against it, something to which it is not entitled and, thereby, show partiality against other State institutions which perhaps suffered a loss because the Commonwealth did not pay them the actual cost of maintaining a patient, whether it be in this institution, a medical-surgical hospital, a home for the aged or any of the others.

For that reason and as a matter of economy, I ask, Mr. President, that this bill be voted against.

Mr. WATKINS. Mr. President and gentlemen of the Senate, I do not care to go into any political debate about who is holding up the tax program or just why the Commonwealth is in the financial situation that it is in today. However, I would like to say, very briefly, that Senator Yosko has always been a great fellow to stand up and say that he believed in taking care of hospitals and I thought he was serious about that.

Senate Bill No. 657, Printer's No. 278, only pays twenty-three odd thousand dollars to the Elwyn Training School which has 600 patients of the State. This twenty-three odd thousand dollars is money which is now held in reserve, money that has never been used, money that is available to pay them what I would call a deficiency. Even though the bill does not say it is a deficiency appropriation, the money is due the institution.

Mr. President, if the Senator would prefer to have a deficiency appropriation made up, we will be glad to do so. I certainly do not agree with his figures and the way he has them broken down, that on certain dates they had so many patients there. At the present time, I do not have figures available to say that his figures are correct or incorrect.

I say to the gentlemen of the Senate, Mr. President, that Senator Yosko, and only Senator Yosko, has continuously tried to deny these poor invalids and sick people at the Elwyn Training School the \$23,000 which is gravely needed. His great plea is that it is unfair to pay this money. I ask him if it is fair, Mr. President, to pay the bills for patients which we have in our mental hospitals. I ask him, in the other State institutions which we have and solely control ourselves, whether we pay the bills or whether we do not pay the bills.

Mr. President, I say just this very briefly. This money is due Elwyn Training School and I ask the gentlemen of the Senate to vote in favor of the bill regardless of how Senator Yosko might feel.

Mr. YOSKO. Mr. President, I want the Members of the Senate to know that these figures on the number of patients who were maintained at this school were given

to me from official, sworn statements, filed by the institution itself with the Auditor General's Department. Whatever facts I gave here, I have because they were given to me from an official source.

I was also informed, Mr. President, that this institution has been the only one in Pennsylvania that has been able to come back here each biennium, at least for the last couple, and pick up the unearned amount, representing the difference between what was earned and what was actually appropriated. I was told that it is about time this sort of thing was stopped, because it is not fair and just to the other institutions in the same category.

Mr. LANE. Mr. President, in reply to the statement of Senator Watkins, I might say that we on this side of the aisle want to pay our just debts. We want to pay for the care and maintenance of the wards at Elwyn Training School. However, we have never received a proper statement as to what is actually owed. All we know is the statement of the Senator from Delaware, Senator Watkins, when he says that the amount of \$23,000 is due. The question in the minds of the Members of the Senate on this side is this, do we owe the money and, if so, what is the amount. That is our question.

Mr. President, we want to pay our debts and we want to help out these unfortunates. We do not want anyone left under the impression that we are opposing the maintaining of these wards of the State. However, we want to make sure that the amount of money is correct.

Mr. WATKINS. Mr. President, I would like to say to the gentleman from Washington, in answer to this question, just this. There is actually more money due, \$156,000 is due, but there is no need of asking for something which we do not have. There is twenty-three odd thousand dollars available and that is all that we are asking for in this bill. If I were to put in a deficiency appropriation, it would be for \$156,000. That is my answer to your question.

We are only asking that these people be paid justly and fairly, the same as the State of Pennsylvania pays their own institutions regardless of what the cost might be.

Mr. LANE. Mr. President, I desire to interrogate the gentleman from Delaware, Senator Watkins.

The PRESIDENT. Will the gentleman from Delaware, Mr. Watkins, permit himself to be interrogated?

Mr. WATKINS. I will, Mr. President.

Mr. LANE. Senator Watkins, you stated that the sum of \$23,000 is all that is available. Could you tell the Members of the Senate where you received that information?

Mr. WATKINS. From the Budget Director, Mr. President.

Mr. LANE. How long ago?

Mr. WATKINS. Within the last ten days.

Mr. LANE. He did not give you a statement in writing to that effect but just gave you those figures, is that correct?

Mr. WATKINS. I have no reason to doubt his word. This has also been investigated by the Senate Majority Leader, Senator Mahany, and he can confirm that the money is there.

Mr. LANE. I wish to thank the gentleman.

Mr. YOSKO. Mr. President, I was just going to say that if this money is due the Elwyn Training School,



then every State-aided institution that expended more for the care of the indigent in Pennsylvania ought to be accorded the same treatment. My information is that it would run into millions of dollars because we only gave the medical-surgical hospitals, I think, seven dollars a day to maintain a patient whereas, in some cases, it cost them as high as thirteen dollars a day to maintain them. Those facts were brought out on the hearings on the budget.

Here is an institution that made a contract with the Commonwealth, and all institutions do, to care for patients at a per capita cost. The Commonwealth took care of its obligation and paid this and every other school the amount that it earned. This happens to be an unearned balance which Senator Watkins is talking about, and it is not due to this school as earned funds which the Commonwealth owes.

Mr. President, so far as my figures are concerned, I will be glad to have the official reports brought here by a representative of the Justice Department and the Auditor General's Department for verification purposes, because that is where I got my figures and if they were lying to me, which I do not think they were, then, of course, they would be in error. However, I feel that the figures are correct because they came from statements which were submitted by the institution and they are sworn to. During the two year period, there were 116 patients under the 600 figure at \$850 a piece.

Mr. President, I repeat that this is not earned money. This is unearned money, this balance of \$23,000.

And the question recurring,

Shall the bill pass finally?

(During the calling of the roll, the following occurred:)

Mr. STIEFEL. Mr. President, having voted under a misapprehension, I desire to change my vote from "aye" to "no."

The PRESIDENT. The gentleman from Philadelphia will be so recorded.

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

#### YEAS—28

Berger,	Kessler,	Pechan,	Van Sant,
Blass,	Koprivier, Jr.,	Peelor,	Wade,
Chapman,	Lane,	Probert,	Wagner,
Diehm,	Madigan,	Ruth,	Watkins,
Flack,	Mahany,	Scott,	Watson,
Fleming,	Mallery,	Stevenson,	Whalley,
Harney,	McPherson, Jr.,	Taylor,	Wolfe,

#### NAYS—16

Camel,	Haluska,	McGinnis,	Silvert,
Dent,	Hays,	Mullin,	Stiefel,
Derk,	Holland,	Schmidt,	Weiner,
Donolow,	McCreesh,	Seyler,	Yosko,

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

#### BILL OVER IN ORDER

Mr. MAHANY. Mr. President, I ask unanimous consent that Senate House Bill No. 693, Printer's No. 357, on final passage, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

#### THIRD READING CALENDAR

#### BILL ON THIRD READING AND FINAL PASSAGE, RECALLED FROM THE GOVERNOR

Agreeably to order,

The Senate resumed the third reading and consideration of Senate Bill No. 218, as follows:

An Act to further amend Section 2 of the act approved the twentieth day of June one thousand nine hundred forty-seven (P. L. 733) entitled as amended "An act to provide revenue in school districts of the first class A by imposing a temporary tax upon certain classes of personal property providing for its levy and collection conferring and imposing powers and duties on the county assessing authority board of revision of taxes receiver of school taxes school treasurer board of public education in such districts and courts providing for compensation to certain officers and employes and imposing penalties" by providing for the method of valuation of taxable shares of stock in any regulated investment company

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 2 of the act approved the twentieth day of June one thousand nine hundred forty-seven (P. L. 733) entitled as amended "An act to provide revenue in school districts of the first class A by imposing a temporary tax upon certain classes of personal property providing for its levy and collection conferring and imposing powers and duties on the county assessing authority board of revision of taxes receiver of school taxes school treasurer board of public education in such districts and courts providing for compensation to certain officers and employes and imposing penalties" as last amended by the act approved the twenty-ninth day of May one thousand nine hundred fifty-one (P. L. 441) is hereby further amended by adding at the end of said section a new paragraph to read as follows

Section 2 Tax on Mortgages Judgments etc Imposition and Rate of Tax Exceptions All personal property of the classes hereinafter enumerated owned held or possessed by any resident whether such personal property be owned held or possessed by such resident in his her their or its own right or as active trustee agent attorney-in-fact or in any other capacity or by any resident as trustee agent or attorney-in-fact jointly with one or more trustees agents or attorney-in-fact domiciled in another state or within this Commonwealth but outside the school district levying the tax where such personal property is held and managed in such school district of the first class A except as executor or administrator of the estate of a non-resident decedent and except as trustee for a resident or non-resident religious charitable or educational organization no part of the net earnings of which inures to the benefit of any private stockholder or individuals for the use benefit or advantage of any other person copartnership unincorporated association company joint-stock company or association limited partnership bank or corporation and the equitable interest in any such personal property of the classes hereinafter enumerated owned held or possessed by any resident where the legal title to such personal property is vested in a trustee agent or attorney-in-fact domiciled in another state or within this Commonwealth but outside the school district levying the tax or where the legal title to such personal property is vested in more than one trustee agent or attorney-in-fact one or more of whom are domiciled in another state or within this Commonwealth but outside the school district levying the tax and one or more of whom are domiciled within such school district such personal property is held and managed in another state or within this Commonwealth but outside the school district levying the tax and where such resident is entitled to receive all or part of the income therefrom is hereby made taxable annually for the year one thousand nine hundred forty-eight and annually thereafter for public school purposes in school districts of the first class A shall be levied upon an-



nually by the board of public education in every such school district at the rate of not less than one (1) nor more than four (4) mills on each dollar of the value thereof and no failure to assess or return the same shall discharge such owner or holder thereof from liability therefor that is to say

\* \* \* \* \*

The value of any taxable shares of stock issued by any regulated investment company as defined under the provisions of the Federal Internal Revenue Code in effect during the year for which the tax return is filed shall be that part of the current value of said share to be determined by multiplying said current value by a fraction the numerator of which shall be the total value of so much of the personal property owned by the regulated investment company as would be taxable by this act if owned by a resident of Pennsylvania and the denominator of which shall be the total value of all of the personal property owned by the regulated investment company

Section 2 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,  
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Bane,	Fleming,	McGinnis,	Stevenson,
Barr,	Haluska,	McMenamin,	Stiefel,
Berger,	Harney,	McPherson, Jr.	Taylor,
Blass,	Hays,	Mullin,	Van Sant,
Camlel,	Holland,	Pechan,	Wade,
Chapman,	Kessler,	Peelor,	Wagner,
Dent,	Koprivier, Jr.	Propert,	Watkins,
Derk,	Lane,	Ruth,	Watson,
Diehm,	Madigan,	Schmidt,	Weiner,
DiSilvestro,	Mahany,	Scott,	Whalley,
Donolow,	Mallery,	Seyler,	Wolfe,
Flack,	McCreesh,	Silvert,	Yosko,

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL ON THIRD READING AND FINAL PASSAGE,  
RECALLED FROM THE GOVERNOR

Agreeably to order,

The Senate resumed the third reading and consideration of Senate Bill No. 531, as follows:

An Act amending the act of May 3 1909 (P L 413) entitled "An act relating to the granting of titles by the Commonwealth of Pennsylvania to vacant or unappropriated land the price to be paid for the same the conveyance to the State Forestry Reservation Commission where desirable for forest culture or forest preservation preventing the granting of warrants for the beds of navigable rivers and providing for acceptance of returns of surveys without limitation as to excess or surplus" providing for and regulating the granting of warrants or other office rights and easements in across and under the beds or navigable rivers for sewer lines and other facilities of sewage treatment systems

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 3 act of May 3 1909 (P L 413) entitled "An act relating to the granting of titles by the

Commonwealth of Pennsylvania to vacant or unappropriated land the price to be paid for the same the conveyance to the State Forestry Reservation Commission where desirable for forest culture or forest preservation preventing the granting of warrants for the beds of navigable rivers and providing for acceptance of returns of surveys without limitation as to excess or surplus" amended May 21 1943 (P L 304) is amended to read

Section 3 That on and after the passage of this act there shall be no warrants easements or other office rights granted in any of the counties of the Commonwealth for lands in the beds of navigable river or in beds of streams which are by law declared public highways except

(1) Warrants or other office rights may be granted for such lands as intervene between former islands for which patents have been granted and the former mainland of navigable rivers where such intervening lands form an obstruction to navigation and are without the ordinary low water lines of such navigable rivers as shown by the certificate [of the Secretary of War] of the United States Secretary of the Army No such warrant or other office right shall be granted unless and until written approval of the Water and Power Resources Board of the Department of Forests and Waters has been obtained following the submission of formal application and plans to the board showing the manner in which the said lands within the flood water channel of the navigable river will be occupied and used and the extent to which the flood carrying capacity of the channel will be reduced or modified Provided however That preference in granting any such patent shall be given to applications of owners of the land abutting the land intervening between the former islands to which patents have been granted and the former mainland of navigable rivers Such patents may be issued in accordance with any agreement entered into by all such land owners providing for an allotment of the land intervening between the former islands

(2) Easements may be granted for sewage treatment plants and intercepting sewer systems and facilities necessary and incidental thereto under across and in the beds of navigable rivers or streams which are by law declared public highways for the purpose of diverting sewage and industrial wastes from said rivers or streams to sewage treatment plants where permits for the construction thereof have been issued by or by authorization of the Sanitary Water Board the Water and Power Resources Board and the United States Secretary of the Army The Secretary of Internal Affairs shall on application by any municipality authority or institution make such grants to such municipality of such easements in the name of the Commonwealth and in such form as shall be approved by the Attorney General without the payment of purchase money interest or fees The Secretary of Internal Affairs shall not be required to submit to the Department of Forests and Waters any copies of such applications as is required in applications for vacant lands generally As used herein "municipality authority or institution" means any county county authority municipality authority city borough town township school district and any healing preventive mental health educational correctional and penal institution almshouse and county and city homes operated by the State or any political subdivision thereof the sewage from which is not admitted to a public sewer system

And said bill having been at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:



## YEAS—48

Bane,	Fleming,	McGinnis,	Stevenson,
Barr,	Haluska,	McMenamin,	Stiefel,
Berger,	Harney,	McPherson, Jr.,	Taylor,
Blass,	Hays,	Mullin,	Van Sant,
Camiel,	Holland,	Pechan,	Wade,
Chapman,	Kessler,	Peelor,	Wagner,
Dent,	Koprivier, Jr.,	Propert,	Watkins,
Derk,	Lane,	Ruth,	Watson,
Diehm,	Madigan,	Schmidt,	Weiner,
DiSilvestro,	Mahany,	Scott,	Whalley,
Donolow,	Mallery,	Seyler,	Wolfe,
Flack,	McCreesh,	Silvert,	Yosko,

## NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

## BILL OVER IN ORDER

Mr. LANE. Mr. President, I ask unanimous consent that House Bill No. 8, Printer's No. 1164, on third reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

## BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 114, as follows:

An Act to repeal Section 518 of and to add a new section 518.1 to the act approved the twenty-second day of May one thousand nine hundred thirty-three (P. L. 853) entitled "An act relating to taxation designating the subjects property and persons subject to and exempt from taxation for all local purposes providing for and regulating the assessment and valuation of persons property and subjects of taxation for county purposes and for the use of those municipal and quasi-municipal corporations which levy their taxes on county assessments and valuations amending revising and consolidating the law relating thereto and repealing existing laws" by eliminating all the provisions of the act which regulate the payment of the taxes pending appeals from assessments

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 518 of the act approved the twenty-second day of May one thousand nine hundred thirty-three (P. L. 853) entitled: An act relating to taxation designating the subjects property and persons subject to and exempt from taxation for all local purposes providing for and regulating the assessment and valuation of persons property and subjects of taxation for county purposes and for the use of those municipal and quasi-municipal corporations which levy their taxes on county assessments and valuations amending revising and consolidating the law relating thereto and repealing existing laws" as amended by the acts approved the twelfth day of July one thousand nine hundred thirty-five (P. L. 674) and the fifteenth day of July one thousand nine hundred thirty-five (P. L. 1007) is hereby repealed absolutely

Section 2 The act is hereby further amended by adding thereto immediately after Section 517 a new section to read as follows

Section 518.1 Appeal to Court from Assessments Collection Pending Appeal Refunds Any owner of real estate or taxable property in this Commonwealth who may feel aggrieved by the last or any future assessment or valuation of his real estate or taxable property may appeal from the decision of the county commissioners acting as a board of revision or the board of revision of taxes

or the board for the assessment and revision of taxes or the Board of Property Assessment Appeals and Review in counties of the second class as the class may be to the court of common pleas of the county within which such property is situated or the County Court of Allegheny County as the case may be and for that purpose may present to said court or file in the prothonotary's office or in the office of the clerk of the County Court of Allegheny County within sixty days after the county commissioners acting as a board of revision or the board of revision of taxes or the board for the assessment and revision of taxes or the Board of Property Assessment Appeals and Review in counties of the second class as the case may be have held the appeals provided for by this or any other act of Assembly and acted on the said assessments and valuations a petition signed by him his agent or attorney setting forth the facts of the case and thereupon the court shall proceed at the earliest convenient time to be by them appointed of which notice shall be given to the county commissioners acting as a board of revision or the board of revision of taxes or the board for the assessment and revision of taxes or the Board of Property Assessment Appeals and Review in counties of the second class as the case may be to hear the said appeal and the proofs in the case and to make such orders and decrees touching the matter complained of as to the judges of said court may seem just and equitable the costs of the appeal and hearing to be apportioned or paid as the court may direct Provided however That the appeal shall not prevent the collection of the taxes complained of but in case the same shall be reduced then the excess shall be returned to the person or persons who shall have paid the same Upon final disposition of the appeal the amount found to be due the appellant as a refund may at the election of the taxing district be set off or credited against any future taxes assessed against appellant in the same taxing district Provided That where such taxing district is unable to thus credit all of such refund or any balance thereof in any one year the court may upon application of either party ascertain and determine how much of said refund shall be credited in that year The aforesaid proviso shall be construed to apply to all refunds that are now due or may hereafter become due as the result of appeals from assessments that have not been finally determined or adjusted at the time this act takes effect

Section 3 The provisions of this act shall become effective immediately upon final enactment and shall apply to all appeals now pending in the court of common pleas or in the County Court of Allegheny County as the case may be and to all appeals hereafter instituted

And said bill having been read at length the third time, and agreed to.

And the amendments made thereto having been printed as required by the Constitution.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

## YEAS—48

Bane,	Fleming,	McGinnis,	Stevenson,
Barr,	Haluska,	McMenamin,	Stiefel,
Berger,	Harney,	McPherson, Jr.,	Taylor,
Blass,	Hays,	Mullin,	Van Sant,
Camiel,	Holland,	Pechan,	Wade,
Chapman,	Koprivier, Jr.,	Peelor,	Wagner,
Dent,	Lane,	Propert,	Watkins,
Derk,	Kessler,	Ruth,	Watson,
Diehm,	Mahany,	Schmidt,	Weiner,
DiSilvestro,	Mallery,	Scott,	Whalley,
Donolow,	Madigan,	Seyler,	Wolfe,
Flack,	McCreesh,	Silvert,	Yosko,

## NAYS—0



A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 215, as follows:

An Act amending the act of March 10, 1949 (P. L. 30) entitled "An act relating to the public school system including certain provisions applicable as well to private and parochial schools amending revising consolidating and changing the laws relating thereto" changing the basis for reimbursement on account of rentals payable to the State Public School Building Authority municipality authorities and nonprofit corporations and the conditions therefor and limitations on approval or projects for reimbursement purposes The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The last paragraph of section 790 added August 26, 1953 (P. L. 1471) and section 2511.1 act of March 10, 1949 (P. L. 30) known as the "Public School Code of 1949" and its amendments are repealed

Section 2 Article XXV of the act is amended by adding at the end a new subdivision to read

(f) School Building Rentals

Section 2571 Standard Reimbursement Fraction for School Building Rentals (a) For the purpose of reimbursement on account of all public school building rentals a school district's standard reimbursement fraction shall be computed

For projects heretofore or hereafter constructed by subtracting from four thousand five hundred dollars (\$4500) an amount determined by multiplying the school district's valuation per district teaching unit by four-one thousandths (.004) and dividing the difference so obtained by four thousand five hundred dollars (\$4500)

(b) The school district's valuation is the valuation placed upon its taxable real property by the State Tax Equalization Board The Department of Public Instruction shall compute the standard reimbursement fraction of each school district entitled to payments on account of public school buildings annually in the month of December

Section 2572 State Public School Building Authority Leases Heretofore Approved (a) The Commonwealth shall pay annually to each school district erecting or sharing in the erection of a building or buildings or providing educational equipment under the provisions of the State Public School Building Authority Act for every lease or contract entered into or approved by the Superintendent of Public Instruction prior to August 26, 1953 an amount to be determined (1) by multiplying the school district's standard reimbursement fraction for school building rentals by fifty one-hundredth (50/100) and by the annual rental charge as fixed by the State Public School Building Authority or (2) if the district's standard reimbursement fraction for school building rentals is greater than five thousand nine hundred ninety-nine ten-thousandths (.5999) by multiplying the standard reimbursement fraction for school building rentals by itself and by the portion of the annual rental charge fixed by the State Public School Building Authority

(b) The Commonwealth shall pay annually to each school district erecting or sharing in the erection of a building or buildings under the provisions of the State Public School Building Authority Act for every lease approved by the Department of Public Instruction on or after August 26, 1953 but prior to the effective date of this amendment act an amount to be determined (1) by multiplying the school district's standard reimbursement fraction for school building rentals by fifty one-hundredths (50/100) and by that portion of the annual rental

charge sufficient during the period of the lease to pay the cost of acquiring or constructing the school buildings the cost of acquiring the land upon which the school buildings and situate and the interest on such cost or (2) if the district's standard reimbursement fraction for school building rentals is greater than five thousand nine hundred ninety-nine ten-thousandths (.5999) by multiplying the standard reimbursement fraction for school building rentals by itself and by the portion of the annual rental charge stated above

Section 2573 Municipality Authority and Nonprofit Corporation Leases Heretofore Approved (a) The Commonwealth shall also pay annually to each school district which shall have entered into a lease approved by the Department of Public Instruction prior to August 26, 1953 with a municipality authority or with a nonprofit corporation for the rental of a school building or buildings or providing education equipment an amount to be determined (1) by multiplying the school district's standard reimbursement fraction for school building rentals by fifty one-hundredths (50/100) and by the annual rental or share thereof provided for under its lease with such municipality authority or nonprofit corporation or (2) if the district's standard reimbursement fraction for school building rentals is greater than five thousand nine hundred ninety-nine ten-thousandths (.5999) by multiplying the standard reimbursement fraction for school building rentals by itself and by the annual rental or share thereof provided for under its lease with such municipality authority or nonprofit corporation

(b) The Commonwealth shall also pay annually to each school district which shall have entered into a lease approved by the Department of Public Instruction on or after August 26, 1953 but prior to the effective date of this amending act with a municipality authority or with a nonprofit corporation for the rental of a school building or buildings an amount to be determined (1) by multiplying the school district's standard reimbursement fraction for school building rentals by fifty one hundredths (50/100) and by that portion of the annual rental or share thereof provided for under its lease with such municipality authority or nonprofit corporation sufficient during the period of the lease to pay the cost of acquiring or constructing the school buildings the cost of acquiring land upon which the school buildings are situate and the interest on such costs or (2) if the district's standard reimbursement fraction for school building rentals is greater than five thousand nine hundred ninety-nine ten-thousandths (.5999) by multiplying the standard reimbursement fraction for school building rentals by itself and by the portion stated above of the annual rental or share thereof provided for under its lease with such municipality authority or nonprofit corporation

Section 2574 Approved Reimbursable Rental for leases hereafter approved (a) For school building projects for which the general construction contract is awarded subsequent to the effective date of this amending act and for approved school building projects for which the general construction contract was awarded but for which a lease was not approved by the Department of Public Instruction prior to the effective date of this amending act the Department of Public Instruction shall calculate an approved reimbursable rental Approved reimbursable rental shall consist of that part of the annual rental charge attributable to

(1) The cost of acquiring the land upon which the school buildings are situate to the extent that the cost is deemed reasonable by the Department of Public Instruction and the interest on such cost of acquisition and

(2) The approved building construction cost and the interest on such construction cost

(b) For new school buildings the approved building construction cost shall be the lesser of

(1) The cost of constructing the school buildings including the cost of essential fixtures and equipment but not including architect's fees or

(2) The product of the rated pupil capacity as determined by the Department of Public Instruction at the



time the project is approved and (i) one thousand one hundred dollars (\$1100) in the case of elementary schools (ii) one thousand seven hundred dollars (\$1700) in the case of secondary schools (iii) an amount in the case of combined elementary-secondary schools obtained by multiplying the rated elementary pupil capacity by one thousand one hundred dollars (\$1100) and the rated secondary pupil capacity by one thousand seven hundred dollars (\$1700) and dividing the sum by the total rated pupil capacity

(c) For additions or alterations to existing buildings approved building construction cost shall be the lesser of

(1) The cost of constructing the additions or alterations including the cost of essential fixtures and equipment but not including architect's fees or

(2) The difference obtained by subtracting the appraisal value of the existing building from the product of rated pupil capacity of the altered or expanded building as determined by the Department of Public Instruction at the time the project is approved and (i) one thousand one hundred dollars (\$1100) in the case of elementary schools (ii) one thousand seven hundred dollars (\$1700) in the case of secondary schools (iii) an amount in the case of combined elementary-secondary schools obtained by multiplying the rated elementary pupil capacity of the altered or expanded building by one thousand one hundred dollars (\$1100) and the rated secondary pupil capacity of the altered or expanded building by one thousand seven hundred dollars (\$1700) and dividing the sum by the total rated pupil capacity of the altered or expanded building

Appraisal value shall be the valuation made immediately before the additions or alterations are begun by three competent appraisers one appointed by the school authorities one by the Superintendent of Public Instruction and the third by the other two

(d) For purposes of calculating the amount of rental reimbursement the approved reimbursable rental for a school project constructed for two or more school districts shall annually be apportioned among the participating districts on the basis of the proportion which the valuation of each district as certified by the state tax equalization board during the preceding school year bears to the total valuation of all participating districts

Section 2575 Payments on Account of leases hereafter approved The Commonwealth shall pay annually to each school district erecting or sharing in the erection of a building or buildings under the provisions of the Public School Building Authority Act the Municipality Authority Act or section 758 of the Public School Code of 1949 on account of buildings for which the lease is approved subsequent to the effective date of this amending act an amount to be determined

(1) By multiplying the district's standard reimbursement fraction by itself and by fifty one hundredths (50/100) and adding the product to the districts standard reimbursement fraction multiplied by twenty-five one hundredths (25/100) and multiplying the sum by the approved reimbursable rental or

(2) If the district's standard reimbursement fraction is greater than four thousand nine hundred ninety-nine ten-thousandths (.4999) by multiplying the district's standard reimbursement fraction by itself and by the approved reimbursable rental Standard reimbursement fraction referred to herein is that provided by section 2571 for the purpose of reimbursement on account of public school building rentals

Section 2576 Approval of Department of Public Instruction (a) No payment shall be made to any school district on account of any lease entered into with the State Public School Building Authority or any municipality authority or nonprofit corporation unless such lease is approved by the Department of Public Instruction Except as hereinafter provided the Department of Public Instruction may give its approval to any lease heretofore or hereafter entered into if it shall find that the leased project is in conformance with county-wide plans prepared by the county board of school directors and approved by the State Council of Education for the orderly

development of improved attendance areas and administrative units and for the improved housing of public schools in the Commonwealth that the school building will conform with standards and regulations prescribed by the department with respect to educational and architectural design building materials fixtures and equipment location usefulness for community activities safety comfort and convenience and that the school district or school districts to which the project is to be leased will have the ability to meet from current revenues the rental or their respective shares of rental to be paid to the State Public School Building Authority municipality authority or nonprofit corporation under the proposed lease and to defray the cost of their respective shares of the cost of operation and maintenance of the project

(b) The department shall have the right to disapprove or approve with reservation a lease because of any failure or the part of the authority or school district to comply with the provisions of the laws of the Commonwealth relating to such authority or school district only to such extent as will prevent the school district from paying a greater sum as rental because of such noncompliance with law For that purpose the department may require a modification of the lease if not at that time executed or may approve the lease with the reservation that the department will pay the reimbursement on that amount only which would have been determined by reason of the lower rental

(c) The Department of Public Instruction shall not approve any project for which Commonwealth reimbursement is sought unless an inspection has been made by the department of the location and adequacy of existing school facilities and the determination made that existing facilities are inadequate in terms of prevailing educational standards

Section 2577 Limitations on approval of projects for reimbursement purposes (a) The superintendent of Public Instruction shall not give his approval for reimbursement purposes to any phase of any project or any project to be undertaken by the state public school building authority or by any municipality authority or nonprofit corporation that would cause the approved reimbursable costs of projects to exceed six hundred and twenty-five million dollars (\$625,000,000) during the school year 1955-1956 seven hundred and twenty-five million dollars (\$725,000,000) during the school year 1956-1957 eight hundred and twenty-five million dollars (\$825,000,000) during the school year 1957-1958 and nine hundred and twenty-five million dollars (\$925,000,000) during the school year 1958-1959 in the aggregate for all the authorities and nonprofit corporations combined for projects already undertaken and to be undertaken

(b) The Department of Public Instruction shall determine reimbursement eligibility of all projects including projects submitted for approval prior to the effective date of this act in the order of date of filing of applications for project approval with the department if a delay in departmental processing of any application on file is occasioned by the applying school district the department shall proceed to determine reimbursement eligibility of projects next in order

(c) Unless the general construction contract for any project is awarded within ten months subsequent to the date of approval by the department approval shall be withdrawn except that when a district shows to the satisfaction of the department that the contract has not been let for reasons beyond its control or that withdrawal of approval would work undue hardship the department may grant extensions beyond the ten-months period for two periods of sixty days each before approval is withdrawn a project for which approval is withdrawn may be resubmitted to the Department as a new project

Section 2578 Payments (a) Payments to a school district shall be determined and approved by the Department of Public Instruction The amount so approved shall be included in and be payable from any future appropriations made to the Department of Public Instruction

(b) All payments due school districts by the Commonwealth on account of obligations to the State Public School Building Authority or rentals under leases with



municipality authorities for building or educational equipment for area technical schools shall be paid to the county board of school directors operating the school. School districts not originally parties to an agreement with the State Public School Building Authority or a lease with a municipality authority for buildings or educational equipment for an area technical school but later electing to participate in the operation of the school and agreeing to pay a part of the annual payments due under the agreement or lease shall be entitled to payments by the Commonwealth to the same extent as though they had originally been parties to the agreement or lease. The amount thereof shall be paid to the county board of school directors. No payments shall be made on account of obligations or rentals for buildings or educational equipment for area technical schools unless the schools conform to county and State plans for technical schools or departments.

**Section 2579 Inspection of Projects by Department of Public Instruction.** The Department of Public Instruction shall inspect during construction the work performed by or under contract with a municipality authority or non-profit corporation on all projects for the rental of which the Commonwealth will make reimbursement and shall compel compliance with approved plans and specifications.

**Section 2580 Changes in the amount of lease rentals.** Reimbursements to school districts on account of rental payments in excess of the amount specified in the lease between the school districts and the state public school building authority or any municipality authority or non-profit corporation or in the case of refinancing on account of rental payments provided by a renegotiated lease shall be calculated in the same manner as the specified lease rental.

**Section 3** This act shall take effect immediately. And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,  
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48			
Bane,	Fleming,	McGinnis,	Stevenson,
Barr,	Haluska,	McMenamin,	Stiefel,
Berger,	Harney,	McPherson, Jr.	Taylor,
Blass,	Hays,	Mullin,	Van Sant,
Camiel,	Holland,	Pechan,	Wade,
Chapman,	Kessler,	Peelot,	Wagner,
Dent,	Koprivier, Jr.	Propert,	Watkins,
Derk,	Lane,	Ruth,	Watson,
Diehm,	Madigan,	Schmidt,	Weiner,
DiSilvestro,	Mallery,	Scott,	Whalley,
Donolow,	Mahany,	Seyler,	Wolfe,
Flack,	McCreesh,	Silver,	Yosko,

**NAYS—0**  
A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

**BILL OVER IN ORDER**

Mr. MAHANY. Mr. President, I ask unanimous consent that Senate Bill No. 316, Printer's No. 372, on third reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

**BILLS ON THIRD READING AND FINAL PASSAGE**

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 383, as follows:

An Act amending the act of May 20, 1949 (P. L. 1594) entitled "An act for the protection of the public health and to prevent fraud and deception in the manufacture sale offering for sale exposing for sale and possessing with intent to sell of adulterated or deleterious ice cream french ice cream french custard frozen custard frozen ice confections frozen sherbet confections sherbet ice and fruit ice including coated ice cream and the coating thereof fixing standards for ice cream custard ice cream french ice cream french custard including sherbet frozen ice confections frozen sherbet confections frozen dairy confections ice and fruit ice and to prevent the sale of imitation ice cream and defining said imitation ice cream providing for licensing conferring powers and imposing duties upon the Department of Agriculture prescribing penalties and providing for the enforcement thereof" authorizing and regulating the manufacture and sale of artificially sweetened ice cream for diabetics.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

**Section 1** The definition of "ice cream" in section 1 act of May 20, 1949 (P. L. 1594) entitled "An act for the protection of the public health and to prevent fraud and deception in the manufacture sale offering for sale exposing for sale and possessing with intent to sell of adulterated or deleterious ice cream french ice cream french custard frozen custard frozen ice confections frozen sherbet confections sherbet ice and fruit ice including coated ice cream and the coating thereof fixing standards for ice cream custard ice cream french ice cream french custard including sherbet frozen ice confections frozen sherbet confections frozen dairy confections ice and fruit ice and to prevent the sale of imitation ice cream and defining said imitation ice cream providing for licensing conferring powers and imposing duties upon the Department of Agriculture prescribing penalties and providing for the enforcement thereof" is amended to read:

**Section 1** For the purpose of this act "ice cream" is defined as any frozen sweetened milk product which is agitated during the process of freezing and includes every such frozen milk product which contains more than five per centum (5%) by weight of milk or milk solids not fat or milk fat and milk solids not fat and which in any manner simulates the texture or characteristic of ice cream no matter under what coined or trade name it may be sold. Ice cream shall be made from a combination of one or more of the following ingredients viz any clean and wholesome cream milk and all forms of milk fat and any clean and wholesome form of milk solids not fat with one or more of the following ingredients: sucrose dextrose corn syrup invert sugar any of which may be in dry or syrup form water flavor stabilizer emulsifier egg or egg products harmless color which does not conceal either damage or inferiority each of which ingredients shall be wholesome edible material. The finished product may contain not more than one-half of one per centum (1/2 of 1%) by weight of stabilizer and may contain not more than one-fifth of one per centum (1/5 of 1%) by weight of emulsifier. Provided however That the stabilizer and/or emulsifier has been approved by the Department of Agriculture. The finished product shall contain not less than ten per centum (10%) of milk fat by weight except when fruit nuts cocoa or chocolate cakes or confections are added for the purpose of flavoring then it shall contain not less than ten per centum (10%) by weight of milk fat except for such reduction in milk fat as is due to the addition of such flavoring but in no such case shall it contain less than eight per centum (8%) by weight of milk fat and chocolate and cocoa flavored ice cream shall in no event contain less than ten per centum (10%) of total fat. Ice cream manufactured prepared or processed for consumption by diabetics shall contain the ingredients prescribed by this section but shall be sweetened with an artificial sweetening agent approved by the Department of Agriculture and no natural sweetening agent shall be added thereto.



\* \* \*

Section 2 The first clause of section 3 of the act is amended to read

Section 3 Any frozen sweetened product referred to in this act shall be deemed to be adulterated within the meaning of this act

First [If] Except as provided in section 3.1 of this act if it contains any added preservative any artificial sweetener including saccharin dulcin or any other substance or compound that is deleterious to health

Section 3 The act is amended by adding after section 3 a new section to read

Section 3.1 (a) Subject to the standards provided by law or prescribed by the Department of Agriculture pursuant thereto any person may manufacture or prepare ice cream containing an artificial sweetening agent approved by the Department of Agriculture to make the ice cream suitable diet for diabetics The manufacturer shall place the ice cream in packages or containers and label thereon on each side of the package or container the name of the prescribed artificial sweetening agent followed by the word "sweetened" in type no smaller than type which may be plainly seen and read by the purchaser and in addition shall label thereon any other warning statement which the Department of Agriculture may prescribe The artificially sweetened ice cream shall not be sold in any quantity or in any manner other than in sealed or unbroken packages or containers from one or more separate compartments of a refrigerated container or cabinet

(b) Any person violating any of the provisions of this section shall for the first or second offense upon conviction thereof in a summary proceeding be sentenced to pay a fine of not less than twenty-five dollars (\$25) nor more than one hundred dollars (\$100) and costs of prosecution or in default of payment thereof shall undergo an imprisonment for not less than thirty (30) days nor more than sixty (60) days and for a third or subsequent offense shall be guilty of a misdemeanor and sentenced to pay a fine not exceeding one thousand dollars (\$1000) or undergo imprisonment not exceeding one year or both in the discretion of the court

And said bill having been read at length the third time and agreed to.

On the question,

Shall the bill pass finally?

#### REQUEST THAT BILL GO OVER IN ORDER

Mr. LANE. Mr. President, I ask unanimous consent that Senate Bill No. 383, Printer's No. 375, on final passage, go over in its order.

The PRESIDENT. Is there objection?

Mr. FLEMING. Mr. President, may we be at ease a moment?

The PRESIDENT. The Senate will be at ease.

(The Senate was at ease.)

#### REQUEST THAT BILL GO OVER IN ORDER WITHDRAWN

Mr. LANE. Mr. President, I wish to withdraw my request that Senate Bill No. 383, Printer's No. 375, on final passage, go over in its order.

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Dent,  
Derk,  
Diehm,  
DiSilvestro,  
Donolow,  
Flack,

Koprivier, Jr.,  
Lane,  
Madigan,  
Mahany,  
Mallery,  
McCreesh,

Probert,  
Ruth,  
Schmidt,  
Scott,  
Seyler,  
Silver,

Watkins,  
Watson,  
Weiner,  
Whalley,  
Wolfe,  
Yosko,

#### NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present the said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 695, as follows:

An Act amending the act of May 15, 1933 (P. L. 624) entitled as amended "An act relating to the business of banking and to the exercise of fiduciary powers by corporations providing for the organization of corporations with fiduciary powers and of banking corporations with or without fiduciary powers including the conversion of National banks into State banks and for the licensing of private bankers and employees' mutual banking associations defining the rights powers duties liabilities and immunities of such corporations of existent corporations authorized to engage in a banking business with or without fiduciary powers of private bankers and employees' mutual banking associations and of the officers directors trustees shareholders attorneys and other employees of all such corporations employees' mutual banking associations or private bankers or of affiliated corporations associations or persons restricting the exercise of banking powers by any other corporation association or person and of fiduciary powers by any other corporation conferring powers and imposing duties upon the courts prothonotaries recorders of deeds and certain State departments commissions and officers imposing penalties and repealing certain acts and parts of acts" further providing for the power of bank and trust companies and trust companies to establish and maintain mortgage investment funds

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Sections 1109.2 1109.3 1109.4 1109.5 and 1109.6 act of May 15, 1933 (P. L. 624) known as the "Banking Code" added June 5, 1937 (P. L. 1675) are repealed

Section 2 The act is amended by adding after section 1109.1 a new section to read

Section 1109.2 (a) Creation of Mortgage Fund A bank and trust company in its trust department or a trust company may establish and maintain one or more mortgage funds as separate entities for the investment of moneys held by it (1) as fiduciary (2) as co-fiduciary (3) as agent for a fiduciary or (4) as agent for a church or other charity

(b) Investments of Funds Assets of the mortgage fund shall be invested only in bonds or obligations secured by mortgages which in addition to meeting the requirements for authorized investments in Pennsylvania shall be amortized within a period not exceeding fifteen years from the date of the acquisition in installments totalling in each year not less than five per centum thereof No mortgage of the fund shall exceed ten thousand dollars (\$10,000) or five per centum of the fund whichever is greater Provided That in no event shall a mortgage exceed fifty thousand dollars (\$50,000)

(c) Temporary Investments During any period in which appropriate mortgages are not available for investment of moneys in the mortgage fund investment may be made in obligations of the United States or the United States Treasury of the Commonwealth or of any political subdivision of the Commonwealth

(d) Participating Accounts The total amount of moneys of any one fiduciary account which may be invested in a mortgage fund shall not exceed five thousand dollars (\$5000)

Bane,  
Barr,  
Berger,  
Blass,  
Camiel,  
Chapman,

Fleming,  
Haluska,  
Harney,  
Hays,  
Holland,  
Kessler,

McGinnis,  
McMenamin,  
McPherson, Jr.,  
Mullin,  
Pechan,  
Peel,

Stevenson,  
Stiefel,  
Taylor,  
Van Sant,  
Wade,  
Wagner,



Upon the termination of a fiduciary account or when withdrawal of an investment is required by it cash of the mortgage fund equal to the amount invested shall be distributed to such fiduciary account No participating account shall be entitled after such termination or withdrawal to participate in any principal accretions of the fund or in its reserve hereinafter mentioned

(e) Reserve The bank and trust company or trust company at the close of each earning period shall transfer to a reserve account of the mortgage fund from income of the fund a sum which in its discretion shall be at the rate of not less than one-half of one per centum per annum nor more than one per centum per annum of the total of the outstanding participations in the fund at the close of such earning period Any gain or loss in the sale or liquidation of an asset of the fund shall be credited or charged to the reserve The bank and trust company or trust company in its discretion may reduce or discontinue transfers of income to principal when the reserve account equals or exceeds one-tenth of the outstanding participations

(f) Income The balance of income remaining after transferring such part thereof to the reserve as is herein provided shall be distributed periodically among the outstanding participating accounts in proportion to the amounts of their participations and the period of time owned

(g) Liquidation of Mortgage Fund The mortgage fund may be closed to new investments or placed in liquidation by the board of directors of the bank and trust company or trust company or by the Secretary of Banking at any time that it or he shall consider that such action is advisable or necessary for the protection of the fiduciary accounts holding participating in the fund When a mortgage fund has been placed in liquidation as herein provided the bank and trust company or trust company or any party in interest may apply to the orphans' court of the county in which the principal office of the institution is located for the approval of a plan of liquidation Thereupon the court after such hearing and such notice as it shall direct shall approve such plan or enter such order as seems fitting and proper under the circumstances having due regard for the interest of all participating accounts

(h) Application of Amendment The provisions of this act shall be applicable to mortgage investment funds heretofore or hereafter created

And said bill having been read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

Mr. LANE. Mr. President, I wish to advise the membership on the other side that the Democratic Caucus has voted in opposition to this measure, and I request the Members on this side to vote "no."

And the question recurring,

Shall the bill pass finally?

(During the calling of the roll, the following occurred:)

Mr. HARNEY. Mr. President, I wish to be recorded as voting "aye."

The PRESIDENT. The gentleman from Chester will be so recorded.

Mr. DENT. Mr. President, having voted from the wrong side of the aisle, I desire to be recorded as voting "no."

The PRESIDENT. The gentleman from Westmoreland will be so recorded.

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

#### YEAS—26

Berger,	Kessler,	Peelor,	Wade,
Blass,	Koprivier, Jr.,	Propert,	Wagner,
Chapman,	Madigan,	Scott,	Watkins,
Diehm,	Mahany,	Stevenson,	Watson,
Flack,	Mallery,	Taylor,	Whalley,

Fleming,  
Harney,

McPherson, Jr.,  
Pechan,

Van Sant,  
Wolfe,

#### NAYS—20

Bane,  
Camel,  
Dent,  
Derk,  
DISilvestro.

Donolow,  
Hays,  
Holland,  
Lane,  
Haluska,

McCreesh,  
McGinnis,  
Mullin,  
Ruth,  
Schmidt,

Seyler,  
Silvert,  
Stiefel,  
Weiner,  
Yosko,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present the said bill to the House of Representatives for concurrence.

#### BILL OVER IN ORDER

Mr. LANE. Mr. President, I ask unanimous consent that House Bill No. 794, Printer's No. 1209, on third reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

#### INTERROGATION

Mr. MAHANY. Mr. President, I desire to interrogate the gentleman from Washington, Senator Lane.

The PRESIDENT. Will the gentleman from Washington, Mr. Lane, permit himself to be interrogated?

Mr. LANE. With the greatest of pleasure, Mr. President.

Mr. MAHANY. Did I understand that you stated relative to Senate Bill No. 695, Printer's No. 348, your Caucus took action that it would be against the bill?

Mr. LANE. That is correct.

Mr. MAHANY. I just wondered whether or not you were still practicing the unit rule over there.

Mr. LANE. We do not seem to be.

#### THIRD READING CALENDAR

#### BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 834, as follows:

An Act validating and confirming certain contracts heretofore entered into by municipality authorities for the construction of a school building project or projects and for relevant service contracts as a part of the construction when there is no evidence of fraud or conspiracy and authorizing or ratifying payments on such contracts or parts of contracts by the municipality authority upon approval thereof by the Department of Public Instruction and the Department of Justice

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 When any municipality authority has heretofore contracted for labor material supplies and relevant service contracts for the municipality authority for the construction of a school building project or projects the purchase or contracting of which by contract is authorized under the provisions of the Municipality Authorities Act and the municipality authority has actually received the labor material supplies and relevant service contracts and they are or have been used by the municipality authority for the school project if the contract or service contract does not evidence any fraud or conspiracy to violate the provisions of the Municipality Authorities Act and the municipality authority has not suffered any pecuniary loss as the result of the contract or service contract then such contracts shall be valid and binding on the municipality authorities and payment for labor



material supplies and relevant service contracts by the municipality authority is hereby authorized or if payment has been made it is hereby ratified notwithstanding the fact that the contract was legally void by reason of the failure to advertise for bids or by reason of defect in the advertising or by reason of any other defect in compliance with or in the failure or omission to comply with the Municipality Authorities Act regulating the awarding of contracts for labor material supplies and service contracts Provided however That no such contract shall be valid and binding or ratified unless approved by the Department of Public Instruction and the Department of Justice and Provided further That the Department of Public Instruction and the Department of Justice may approve all or any part of such contract or service contracts No member of the municipality authority shall be surcharged for any payment made on any such contract

Section 2 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

#### YEAS—48

Bane,	Fleming,	McGinnis,	Stevenson,
Barr,	Haluska,	McMenamin,	Stiefel,
Berger,	Harney,	McPherson, Jr.,	Taylor,
Blass,	Hays,	Mullin,	Van Sant,
Camel,	Holland,	Pechan,	Wade,
Chapman,	Kessler,	Peelor,	Wagner,
Dent,	Koprivier, Jr.,	Probert,	Watkins,
Derk,	Lane,	Ruth,	Watson,
Diehm,	Madigan,	Schmidt,	Weiner,
DiSilvestro,	Mahany,	Scott,	Whalley,
Donolow,	Mallery,	Seyler,	Wolfe,
Flack,	McCreesh,	Silvert,	Yosko,

#### NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present the said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 836, as follows:

An Act amending the act of July 12, 1919 (P. L. 941) entitled "An act providing for the preparation contents style printing and binding of the Legislative Journal and its delivery and distribution providing for the preparation printing and binding of the Journals of the Senate and House of Representatives authorizing the appointment of official reporters expert typewriters clerks and other employees and providing for their compensation and mileage providing for the making of an appendix and index the printing of wrappers or envelopes for mailing the Legislative Journal and repealing all acts or parts of acts inconsistent herewith" eliminating requirements for printing bills joint resolutions and reports of conference committees in full in the Legislature Journal

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 2 act of July 12, 1919 (P. L. 941) entitled "An act providing for the preparation contents style printing and binding of the Legislative Journal and its delivery and distribution providing for the preparation printing and binding of the Journals of the Senate and House of Representatives authorizing the appointment of official reporters expert typewriters clerks and other employees and providing for their compensation and mileage

providing for the making of an appendix and index the printing of wrappers or envelopes for mailing the Legislative Journal and repealing all acts or parts of acts inconsistent herewith" amended June 19, 1939 (P. L. 411) is amended to read

Section 2 The Legislative Journal shall be prepared under the direction of the chief clerks of the Senate and House of Representatives by the official reporters clerks and employees of each House authorized to supervise and prepare the same and shall contain the following matters namely motions resolutions (simple and concurrent) in full petitions remonstrances and memorials by brief reference debate in full bills and joint resolutions on first [and] second and third reading and final passage by title [on third reading and final passage in full] reports of conference committees [in full] by title in the proceedings of both Houses the yeas and nays messages and communications from either House to the other or to the Governor or messages and communications from the Governor to either House in full the biennial messages and inaugural address of the Governor and tabulated returns of elections for State officers in full in the proceedings of the Senate and by reference only in the proceedings of the House returns of elections for Senators and Members in full in the proceedings of the respective Houses to which returns are made annual communications of the several State departments by brief reference reports of institutions and organizations required by law to be made to the Legislature by brief reference in the proceedings of the day on which presented reports of committees on bills by title only bills introduced by title only executive nominations when confirmed at the same time and by the same vote with but one list of yeas and nays appended in full in the proceedings of the Senate and generally what is actually said read or done under the limitations heretofore prescribed A list of the standing committee of the Senate and House of Representatives shall be printed in solid form at the end of the proceedings in the last number of each month The reports of all special committees presented in either House shall be printed in an appendix unless authorized by resolution to be printed in the same day's Journal on which the report is presented in which case the said report shall be printed but once in separate form following the proceedings of both Houses The Legislative Journal shall include an appendix which shall contain an index to the Legislative Journal and said appendix the index to be compiled under the direction of the librarian of the Senate and shall be prepared as concisely as possible the said appendix and index to be part of the Legislative Journal The reports and other matters in the appendix shall be printed in separate sections Provided That the chief clerks of the respective Houses may each order not more than three thousand extra copies of any particular report or matter appearing in the appendix to be delivered by the printer to the Division of Distribution of Documents subject to requisition as follows by the Senate three-twelfths by the House of Representatives five-twelfths and four-twelfths by the Legislative Reference Bureau The appendix shall be printed in the manner and style provided in section three of this act Five hundred and fifty copies of the appendix and four hundred copies of the index shall be printed Fifty copies of the complete unbound appendix shall be furnished and delivered by the printer to the Senate fifty copies to the House of Representatives and fifty copies to the Legislative Reference Bureau Four hundred copies each of the appendix and index shall be retained by the printer of the Legislative Journal and bound by him together with a like number of each copy of the Legislative Journal as hereinafter provided and be delivered by him to the Division of Distribution of Documents and be subject to requisition as herein provided

And said bill having been read at length the third time and agreed to,

On the question,

Shall the bill pass finally?



The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

## YEAS—42

Berger,	Hays,	Mullin,	Taylor,
Blass,	Holland,	Pechan,	Van Sant,
Chapman,	Kessler,	Peelor,	Wade,
Dent,	Koprivier, Jr.,	Propert,	Wagner,
Diehm,	Lane,	Ruth,	Watkins,
DiSilvestro,	Madigan,	Schmidt,	Watson,
Donolow,	Mahany,	Scott,	Weiner,
Flack,	Mallery,	Silver,	Whalley,
Fleming,	McCreesh,	Stevenson,	Wolfe,
Haluska,	McGinnis,	Stiefel,	Yosko,
Harney,	McPherson, Jr.,		

## NAYS—4

Bane,	Camel,	Derk,	Seyler,
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A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present the said bill to the House of Representatives for concurrence.

## BILL OVER IN ORDER

Mr. LANE. Mr. President, I ask unanimous consent that Senate Bill No. 842, Printer's No. 381, on third reading, go over in its order for the purpose of amendment.

The PRESIDENT. Is there objection? The Chair hears none.

## BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 844, as follows:

An Act amending the act of May 1 1929 (P L 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" authorizing use of warning figures commonly known as "silent policemen" to be erected within school zones on highways and State highways by certain political subdivisions

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Subsection (a) of section 1110 of the act of May 1 1929 (P L 905) known as "The Vehicle Code" amended June 5 1937 (P L 1718) is amended to read

Section 1110 Erection of Traffic Signs Signals and Markings

(a) The Secretary of Highways of this Commonwealth with reference to State highways and local authorities in counties cities boroughs incorporated towns and town-

ships of the first class with reference to highways under their jurisdiction are hereby authorized to erect and maintain official traffic signs signals and markings Before local authorities except in cities of the first and second class shall erect or cause to be erected traffic signals they must first obtain the approval of the Secretary of Highways of this Commonwealth

Local authorities in counties cities boroughs incorporated towns townships and school districts may at their discretion place or cause to be placed and used within school zones warning figure commonly known as silent policemen on highways and State highways within such political subdivisions a school zone shall be a distance of not exceeding one hundred (100) feet from the nearest boundary of the school grounds in any direction the local authority responsible for the placing of such traffic signs signals and markings shall also be responsible for their removal within a reasonable period of time at the conclusion of the school day all such signs signals and markings shall have the approval of the secretary of highways prior to being put in use

Section 2 This act shall take effect immediately

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

## YEAS—48

Bane,	Fleming,	McGinnis,	Stevenson,
Barr,	Haluska,	McMenamin,	Stiefel,
Berger,	Harney,	McPherson, Jr.,	Taylor,
Blass,	Hays,	Mullin,	Van Sant,
Camel,	Holland,	Pechan,	Wade,
Chapman,	Kessler,	Peelor,	Wagner,
Dent,	Koprivier, Jr.,	Propert,	Watkins,
Derk,	Lane,	Ruth,	Watson,
Diehm,	Madigan,	Schmidt,	Weiner,
DiSilvestro,	Mahany,	Scott,	Whalley,
Donolow,	Mallery,	Seyler,	Wolfe,
Flack,	McCreesh,	Silver,	Yosko,

## NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 853, as follows:

An Act amending the act of May 23, 1949 (P. L. 1669) entitled as amended "An act to provide revenue for school districts of the first class by imposing a tax on persons engaging in certain businesses professions occupations trades vocations and commercial activities therein providing for its levy and collection conferring and imposing powers and duties on the Board of Public Education receiver of school taxes and school treasurer in such districts and prescribing penalties" excluding certain costs from the term receipts"

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Clause (5) of section 1 act of May 23, 1949 (P. L. 1669) entitled as amended "An act to provide revenue for school districts of the first class by imposing a tax on persons engaging in certain businesses professions occupations trades vocations and commercial activities therein providing for its levy and collection confer-



ring and imposing powers and duties on the Board of Public Education receiver of school taxes and school treasurer in such districts and prescribing penalties" reenacted and amended May 10, 1951 (P. L. 265) and amended August 22, 1953 (P. L. 1357) is amended to read

Section 1 Definitions The following words and phrases when used in this act shall have the meanings ascribed to them in this section except where the context clearly indicates a different meaning

\* \* \*

(5) "Receipts" Cash credits property of any kind or nature received in or allocable to a school district of the first class from any business or by reason of any sale made or services rendered or commercial or business transaction had within a school district of the first class without deduction therefrom on account of the cost of property sold materials used labor service or other cost interest or discount paid or any other expense "Receipts" shall exclude (a) the dollar volume of annual business covering the resale of goods wares or merchandise taken by a dealer as a trade-in or as part payment for other goods wares and merchandise in the usual and ordinary course of his business except to the extent that the resale price exceeds the trade-in allowance (b) in the case of a financial business the cost of securities and other property sold exchanged paid at maturity or redeemed and moneys or credits received in repayment of advances credits and loans but not to exceed the principal amount of such advances credits and loans and shall also exclude deposits and in the case of building and loan or savings and loan associations payments received on account of shares purchased by shareholders (c) in the case of a broker any commissions paid by him to another broker on account of a purchase or sales contract initiated executed or cleared in conjunction with such other broker (d) the receipts or the portion thereof attributable to any sale involving the bona fide delivery of goods commodities wares or merchandise of the taxpayer's own manufacture growth or produce to a location regularly maintained by the other party to the transaction outside the limits of such school district and not for the purpose of evading or avoiding payment of the tax or any portion thereof imposed under this act (e) in the case of a person who at the execution of a contract for the sale in a natural state of the produce of a mine does not have title thereto and does not at any time take possession thereof the cost to him of the produce of a mine covered by the contract For the purpose of determining taxable receipts from sales made by a manufacturing corporation of goods commodities wares and merchandise of its own manufacture through a wholly owned distributing corporation such sales shall be treated as if made directly by the manufacturing corporation to the vendees of the distributing corporation For the purpose of determining taxable receipts from sales made by a manufacturing corporation of goods commodities wares and merchandise of its own manufacture made through a distributing corporation such sales shall be treated as if made directly by the manufacturing corporation to the vendees of the distributing corporation if a majority of the shares of stock of both the manufacturing corporation and the distributing corporation is owned by the same individual association or corporation For the purpose of determining receipts from the business of insurance such receipts shall mean those from premiums received from risks within the school district of the first class whether by mutual or stock companies domestic or foreign without any deductions therefrom for any cost or expense whatsoever The collector shall determine from such data as he shall require from insurance companies subject to this act the amount of such receipts and shall ascertain the amount of the tax in accordance with such determination "Receipts" shall exclude the cost of the commodity at its source in the case of a person who is a wholesale dealer in fresh meats produced by such person by the slaughter of cattle hogs and sheep

Section 2 The act shall take effect immediately and shall be retroactive to January 1, 1950 No refunds of refunds of taxes interest or penalties paid prior to the effective date of this act shall be made as a result of the amendments herein contained

And said bill having been read at length the third time and agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Bane,	Fleming,	McGinnis,	Stevenson,
Barr,	Haluska,	McMenamin,	Stiefel,
Berger,	Harney,	McPherson, Jr.,	Taylor,
Blass,	Hays,	Mullin,	Van Sant,
Camel,	Holland,	Pechan,	Wade,
Chapman,	Kessler,	Peelor,	Wagner,
Dent,	Koprivier, Jr.,	Propert,	Watkins,
Derk,	Lane,	Ruth,	Watson,
Diehm,	Madigan,	Schmidt,	Weiner,
DiSilvestro,	Mahany,	Scott,	Whalley,
Donolow,	Mallery,	Seyler,	Wolfe,
Flack,	McCreesh,	Silvert,	Yosko,

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present the said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 862, as follows:

An Act amending the act of June 16, 1836 (P. L. 715) entitled "An act relating to Reference and Arbitration" providing by rule of the County Court of Allegheny County for the arbitration of certain suits at issue The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 8.1 act of June 16, 1836 (P. L. 715) entitled "An act relating to Reference and Arbitration" amended July 22, 1955 (P. L. 270) is amended to read

Section 8.1 The several courts of common pleas and the County Court of Allegheny County may by rules of court provide that all cases which are at issue where the amount in controversy shall be one thousand dollars (\$1000) or less except those involving title to real estate shall first be submitted to and heard by a board of three (3) members of the bar within the judicial district Cases which are not at issue and whether or not suit has been filed may be referred to the board of arbitration by agreement of reference signed by counsel for both sides in the case Said agreement of reference shall define the issues involved for determination by the board and when agreeable shall also contain stipulations with respect to facts submitted or agreed or defenses waived In such cases the agreement of reference shall take the place of the pleadings in the case and be filed of record

And said bill having been read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Bane,	Fleming,	McGinnis,	Stevenson,
Barr,	Haluska,	McMenamin,	Stiefel,
Berger,	Harney,	McPherson, Jr.,	Taylor,
Blass,	Hays,	Mullin,	Van Sant,
Camel,	Holland,	Pechan,	Wade,
Chapman,	Kessler,	Peelor,	Wagner,
Dent,	Koprivier, Jr.,	Propert,	Watkins,
Derk,	Lane,	Ruth,	Watson,
Diehm,	Madigan,	Schmidt,	Weiner,
DiSilvestro,	Mahany,	Scott,	Whalley,
Donolow,	Mallery,	Seyler,	Wolfe,
Flack,	McCreesh,	Silvert,	Yosko,



## NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present the said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 877, as follows:

An Act amending the act of May 21, 1943 (P. L. 571) entitled as amended "An act relating to assessment for taxation in counties of the fourth fifth sixth seventh and eighth classes designating the subjects property and persons subject to and exempt from taxation for county borough town township school except in cities and county institution district purposes and providing for and regulating the assessment and valuation thereof for such purposes creating in each such county a board for the assessment and revision of taxes defining the powers and duties of such boards providing for the acceptance of this act by cities regulating the office of ward borough town or township assessors abolishing the office of assistant triennial assessor in townships of the first class providing for the appointment of a chief assessor assistant assessors and other employees providing for their compensation payable by such counties prescribing certain duties of and certain fees to be collected by the recorder of deeds and municipal officers who issue building permits imposing duties on taxables making improvements on land and grantees of land prescribing penalties and eliminating the triennial assessment" imposing certain temporary restrictions on the taxing authorities of political subdivisions affected by the provisions of said act

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 602 act of May 21, 1943 (P. L. 571) known as "The Fourth to Eighth Class County Assessment Law" amended July 17, 1953 (P. L. 464) is amended to read

Section 602 Valuation of Persons and Property It shall be the duty of the chief assessor to assess rate and value all subjects and objects of local taxation whether for county township town school (except in cities) county institution district poor or borough purposes according to the actual value thereof and in the case of subjects and objects of local taxation other than real property at such rates and prices for which the same would separately bona fide sell After there has been established and completed for the entire county the permanent system of records consisting of tax maps property record cards and property owner's index as required by section three hundred six of the act herein amended real property shall be assessed at a value based upon an established predetermined ratio of which proper notice shall be given not exceeding seventy-five per centum (75%) of its actual value or the price for which the same would separately bona fide sell In arriving at such value the price at which any property may actually have been sold shall be considered but shall not be controlling Instead such selling price estimated or actual shall be subject to revision by increase or decrease to accomplish equalization with other similar property within the county After the completion of the permanent system of records for the county when assessing real property the chief assessor shall also take into consideration the value of such property as indicated by the use of the permanent system of records cost charts and land values applied on the basis of zones and districts as well as the general adherence to the established predetermined ratio

After any county has established and completed for the entire county the permanent system of records consisting of tax maps property record cards and property owner's index as required by section three hundred six of the act herein amended and has made its first county assessment of real property under that system and at values based upon an established predetermined ratio as required

by this section each political subdivision which hereafter for the first time levies its real estate taxes on that first assessment or valuation shall for that first year reduce its tax rate if necessary for the purpose of having the total amount of taxes levied for that year against the real properties contained in the duplicate for the preceding year equal the same total amount it levied on such properties the preceding year plus their proportionate share of the amount necessary to pay the cost of having installed the permanent record system notwithstanding the increased valuation of such properties under the new assessment system for the Purpose of determining the total amount of taxes to be levied for said first year the amount to be levied on newly constructed houses or on increased valuations based on new improvements made to existing houses need not be considered The tax rate shall be fixed for that year at a figure (with a tolerance of 1/10 of a mill) which will accomplish this purpose With the approval of the court of common pleas upon good cause shown any such political subdivision may increase the tax rate herein prescribed notwithstanding the provisions of this paragraph

Section 2 This act shall take effect immediately

And said bill having been read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

## YEAS—48

Bane,	Fleming,	McGinnis,	Stevenson,
Barr,	Haluska,	McMenamin,	Stiefel,
Berger,	Harney,	McPherson, Jr.	Taylor,
Blass,	Hays,	Mullin,	Van Sant,
Camel,	Holland,	Pechan,	Wade,
Chapman,	Kessler,	Peelor,	Wagner,
Dent,	Koprivier, Jr.	Propert,	Watkins,
Derk,	Lane,	Ruth,	Watson,
Diehm,	Madigan,	Schmidt,	Weiner,
DiSilvestro,	Mahany,	Scott,	Whalley,
Donolow,	Mallery,	Seyler,	Wolfe,
Flack,	McCreesh,	Silver,	Yosko,

## NAYS—

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present the said bill to the House of Representatives for concurrence.

## BILLS OVER IN ORDER

Mr. MAHANY. Mr. President, I ask unanimous consent that the following bills, on third reading, go over in their order:

Senate Bill No. 882, Printer's No. 419, and

Senate Bill No. 883, Printer's No. 420.

The PRESIDENT. Is there objection? The Chair hears none.

## BILL OVER IN ORDER TEMPORARILY

Mr. LANE. Mr. President, I ask unanimous consent that Senate Bill No. 899, Printer's No. 418, on third reading, go over in its order, temporarily.

The PRESIDENT. Is there objection?

Mr. MAHANY. Mr. President, I desire to interrogate the gentleman from Washington, Senator Lane.

The PRESIDENT. Will the gentleman from Washington, Mr. Lane, permit himself to be interrogated?

Mr. LANE. I will be glad to, Mr. President.

Mr. MAHANY. Senator Lane, do you expect to take action on this bill sometime today?



Mr. LANE. I do, Mr. President.

I might elaborate and say that Senator Barr would like to make a statement on this legislation, and he will probably be on the floor shortly. At that time, we will call the bill up.

The PRESIDENT. There being no objection, Senate Bill No. 899, Printer's No. 418, will go over in its order temporarily.

### BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 1319, as follows:

An Act amending the act of May 1, 1933 (P. L. 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" clarifying the effect of certain provisions of the act with respect to powers granted by other laws

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Article XI act of May 1, 1933 (P. L. 103) known as "The Second Class Township Code" reenacted and amended July 10, 1947 (P. L. 1481) is amended by adding at the end thereof a new subdivision to read

#### Article XI

Roads Streets and Highways

\* \* \*

#### (r) Legislative Intent

Section 1197 Powers and Exercise Thereof Supplemental to Other Laws The foregoing sections in this Article XI shall be deemed to provide an additional and alternative method for the doing of things authorized thereby and shall be regarded as supplemental and additional to powers conferred by other laws and shall not be regarded as in derogation of any powers granted by other laws

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

#### YEAS—48

Bane,	Fleming,	McGinnis,	Stevenson,
Barr,	Haluska,	McMenamin,	Stiefel,
Berger,	Harney,	McPherson, Jr.	Taylor,
Blass,	Hays,	Mullin,	Van Sant,
Camel,	Holland,	Pechan,	Wade,
Chapman,	Kessler,	Peelor,	Wagner,
Dent,	Koprivier, Jr.	Propert,	Watkins,
Derk,	Lane,	Ruth,	Watson,
Diehm,	Madigan,	Schmidt,	Weiner,
DiSilvestro,	Mahany,	Scott,	Whalley,
Donolow,	Mallery,	Seyler,	Wolfe,
Flack,	McCreesh,	Silvert,	Yosko,

#### NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 1378, as follows:

An Act amending the act of May 20, 1915 (P. L. 566) entitled "An act requiring cities of the first class to establish a pension fund for employes of said cities and all county or other public employes if any paid by appropriation of the city councils thereof and out of the treasury of said cities and regulating the administration and the payment of such pensions" increasing period of school service for which credit may be given

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 11 act of May 20, 1915 (P. L. 566) entitled "An act requiring cities of the first class to establish a pension fund for employes of said cities and all county or other public employes if any paid by appropriation of the city councils thereof and out of the treasury of said cities and regulating the administration and the payment of such pensions" amended August 24, 1953 (P. L. 1375) is amended to read

Section 11 The time of service herein specified namely twenty years or in case of the lesser pension fifteen years or more but less than twenty years shall be computed from the time of the first or original employment said employment to consist of service either to such cities or to the county or other public service paid out of the city treasury or both as aforesaid and need not be continuous Provided That in no case shall a period of more than eighteen years be credited to the service record of any person or persons who shall be employed after the passage of this act and who shall have been employed by the said cities prior to the passage of this act No pensions shall be paid under the provisions of this act however until after January first one thousand nine hundred and seventeen

The time of service shall include [twenty thirty-fifths] service with a school district of the first class coterminous with the city or county of the first class if the person claiming such credit shall within one year after the effective date of this amendment or within one year after joining the pension fund in the case of any person who may hereafter join the pension fund pay into the fund the contributions he or she would have paid had he or she been employed during the period of credited service by the city or county at the same salary received from the school district In no case shall credited service with a school district exceed [ten] twelve years

For the purpose of determining the total number of years or months of service or contribution under this act any period of fifteen days or more but less than a month beyond the total number of full months shall be considered a "month of service"

Section 2 Nothing contained in this amending act shall be construed to affect the power of a city of the first class or the powers or duties of a board department or the council thereof to provide and administer pension and retirement systems covering officers and employes of the city as provided by and authorized and directed under the Home Rule Charter of such city

Section 3 This act shall take effect immediately

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

#### YEAS—48

Bane,	Fleming,	McGinnis,	Stevenson,
Barr,	Haluska,	McMenamin,	Stiefel,
Berger,	Harney,	McPherson, Jr.	Taylor,
Blass,	Hays,	Mullin,	Van Sant,
Camel,	Holland,	Pechan,	Wade,
Chapman,	Kessler,	Peelor,	Wagner,
Dent,	Koprivier, Jr.	Propert,	Watkins,
Derk,	Lane,	Ruth,	Watson,
Diehm,	Madigan,	Schmidt,	Weiner,
DiSilvestro,	Mahany,	Scott,	Whalley,



Donolow, Mallory, Seyler, Wolfe,  
Flack, McCreesh, Silvert, Yosko,

## NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 1392, as follows:

An Act amending the act of May 10 1939 (P L 111) entitled "An act relating to and providing for the promotion and development of business industry and commerce in the Commonwealth conferring powers and duties upon the Department of Commerce and other agencies of the Commonwealth abolishing the Pennsylvania State Publicity Commission terminating the terms of its members and conferring its powers upon and transferring and appropriating the balance of its current appropriation to the Department of Commerce and repealing certain laws" granting to and imposing certain powers and duties on the Department of Commerce relating to planning programs assistance and other work heretofore administered by the State Planning Board and transferring records and equipment relative thereto. The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 2 act of May 10 1939 (P L 111) known as the "Commerce Law" is amended to read

Section 2 For several years an acute economic emergency has existed in certain parts of this Commonwealth threatening the health public safety welfare and future prosperity of the people. Thousands of our citizens are without employment through no fault of their own and appropriations required for their assistance are a heavy burden on the Commonwealth and her people. Such economic conditions demand the adoption of a public policy and an administrative program to alleviate these conditions and prevent their recurrence which can be remedied only as business industry and commerce are encouraged rehabilitated developed and expanded and only as the Commonwealth's communities and regions solve their physical development problems and make themselves attractive convenient and economical areas in which to live and work [Since no department of the State government is now devoted to the solution of these conditions it] It is necessary that a department be empowered to effectuate such a program. Accordingly the powers and duties hereinafter enumerated in this act are vested in the Department of Commerce

Section 2 Section 3 of the act amended July 7 1941 (P. L. 275) is amended by adding at the end thereof a new clause to read

Section 3 The Department of Commerce shall have the power and its duty shall be

(13) To provide planning assistance and to do planning work including surveys land use studies urban renewal plans technical services and other elements of comprehensive planning programs in and for any counties cities boroughs townships towns or regions and for this purpose to accept and utilize any funds personnel or other assistance made available by the Federal government or any of its agencies or made available from any other source public or private and notwithstanding the provisions of any other law and for the purposes of receiving and using Federal planning grants for provision of urban planning assistance to serve as the official State planning agency of the Commonwealth and to these ends to enter into agreements or contracts regarding the acceptance or utilization of such funds or assistance for any of the purposes authorized by this act

Section 3 The act is amended by adding after section 7 thereof a new section to read

Section 7.1 All contracts classified data files maps air photographs and equipment heretofore used by the State Planning Board in the exercise of the functions transferred herewith from the Board to the Department of Commerce are hereby transferred to the Department of Commerce

Section 4 This act shall take effect immediately.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

## YEAS—48

Bane,	Fleming,	McGinnis,	Stevenson,
Barr,	Haluska,	McMenamin,	Stiefel,
Berger,	Harney,	McPherson, Jr.	Taylor,
Blass,	Hays,	Mullin,	Van Sant,
Camiel,	Holland,	Pechan,	Wade,
Chapman,	Kessler,	Peelor,	Wagner,
Dent,	Koprivier, Jr.	Propert,	Watkins,
Derk,	Lane,	Ruth,	Watson,
Diehm,	Madigan,	Schmidt,	Welner,
DiSilvestro,	Mahany,	Scott,	Whalley,
Donolow,	Mallery,	Seyler,	Wolfe,
Flack,	McCreesh,	Silvert,	Yosko,

## NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 1501, as follows:

An Act authorizing the Department of Property and Supplies with the approval of the Governor to sell and convey real property situate in the township of West Goshen Chester County

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The Department of Property and Supplies with the approval of the Governor is hereby authorized on behalf of the Commonwealth of Pennsylvania to sell at public sale to the highest bidder the following described tract of land situate in the Township of West Goshen County of Chester and Commonwealth of Pennsylvania bounded and described as follows

Beginning in the east line of Spruce Avenue as the same is laid out and opened fifty feet wide at a corner of Lot number 95 thence leaving Spruce Avenue and extending along Lot number 95 north sixty-three degrees forty-seven minutes east two hundred and twenty feet thence extending along Lots numbers 108 and 91 south twenty-six degrees thirteen minutes east one hundred and ten feet thence extending along the remainder of Lots 92 and 93 south sixty-three degrees forty-seven minutes west two hundred and twenty feet to the east line of Spruce Avenue thence extending along the east line of Spruce Avenue north twenty-six degrees thirteen minutes west one hundred and ten feet to the first mentioned point and place of beginning

Containing 24,200 square feet of land more or less with the appurtenances buildings and improvements thereon erected

This is a part of the same land conveyed by Lewis S Hickman Jr and Margaret Hickman husband and wife to William Drayman a party grantor herein by deed dated January 12 1946 and recorded January 14 1946 in Chester County Deed Book "Y-21" Volume 521 at page 279 and laid out in a plan of lots as surveyed by Damon and Foster Registered Engineers under date of August 1 1945



a print of said plan being recorded in Chester County Plan Book Volume 2 at page 75

Section 2 The deed of conveyance shall be approved by the Department of Justice and shall be executed by the Secretary of Property and Supplies in the name of the Commonwealth of Pennsylvania

Section 3 All moneys received from the sale of the land shall be deposited in the General Fund

Section 4 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

#### YEAS—48

Bane,	Fleming,	McGinnis,	Stevenson,
Barr,	Haluska,	McMenamin,	Stiefel,
Berger,	Harney,	McPherson, Jr.,	Taylor,
Blass,	Hays,	Mullin,	Van Sant,
Camiel,	Holland,	Pechan,	Wade,
Chapman,	Kessler,	Peelor,	Wagner,
Dent,	Koprivier, Jr.,	Propert,	Watkins,
Derk,	Lane,	Ruth,	Watson,
Diehm,	Madigan,	Schmidt,	Weiner,
DiSilvestro,	Mahany,	Scott,	Whalley,
Donolow,	Mallery,	Seyler,	Wolfe,
Flack,	McCreesh,	Silvert,	Yosko,

#### NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 1790, as follows:

An Act giving the consent of the Commonwealth of Pennsylvania to the acquisition by the United States of America of approximately one thousand two hundred sixty-six acres of land in the Township of Coolbaugh County of Monroe Pennsylvania known as Tobyhanna Signal Depot and ceding jurisdiction to the United States

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The consent of the Commonwealth of Pennsylvania is hereby granted in accordance with the seventeenth clause eighth section of the first article of the Constitution of the United States to the acquisition by the United States of America of a tract of land situate in the Township of Coolbaugh County of Monroe Commonwealth of Pennsylvania known as the Tobyhanna Signal Depot bounded and described as follows

Beginning at a point in the northwesterly boundary line of the Tobyhanna Signal Depot Military Reservation which point is North 77 degrees 31 minutes 30 seconds East 25 feet from the point where the center line of Pennsylvania State Route No 45036 intersects said boundary line and which beginning point is also North 77 degrees 31 minutes 30 seconds East 1325 feet more or less from pipe monument No 48B thence from said beginning point North 77 degrees 31 minutes 30 seconds East 4412.10 feet more or less to pipe monument No 48A being the most northeasterly corner of the Tobyhanna Signal Depot Military Reservation thence South 12 degrees 23 minutes East 3095.30 feet to pipe monument

No 48 thence South 12 degrees 23 minutes East 3888.50 feet to pipe monument No 47 thence North 77 degrees 32 minutes 30 seconds East 74.29 feet to pipe monument No 46 thence South 1 degree 05 minutes 30 seconds West 403.79 feet to pipe monument No 45 thence South 89 degrees 44 minutes 30 second East 1674.09 feet to pipe monument No 44 thence South 89 degrees 44 minutes 30 seconds East 350 feet to westerly right of way line of Pennsylvania State Route No 490 thence following the westerly right of way line of said Route 490 southerly as the road meanders approximately 3400 feet to a point where said westerly right of way line of Route 490 intersects the southerly boundary line of the Tobyhanna Signal Depot Military Reservation thence North 89 degrees 42 minutes 30 seconds West 750.71 feet to pipe monument No 40 thence South 17 degrees 53 minutes West 510.15 feet to pipe monument No 39 thence South 29 degrees 43 minutes West 178.65 feet to pipe monument No 38 thence South 28 degrees 50 minutes West 32.70 feet to pipe monument No 23 thence South 29 degrees 59 minutes West 347.12 feet to pipe monument No 22 thence North 60 degrees 09 minutes West 802.01 feet to pipe monument No 21 thence South 29 degrees 52 minutes West 429.21 feet to pipe monument No 20 thence North 60 degrees 07 minutes West 1803.25 feet to a point in the southerly boundary line to the Tobyhanna Signal Depot Military Reservation thence North 29 degrees 52 minutes East 100 feet more or less to the southeasterly line of an existing road thence on a straight line in a northwesterly direction being the line of perimeter fence if extended southeasterly 150 feet more or less to the southeasterly corner of said existing perimeter fence thence in a northwesterly direction along said perimeter fence a distance of 6600 feet more or less to the northwesterly corner of said perimeter fence thence leaving said fence in a northerly direction and at a distance of 25 feet easterly of and parallel to the center line of State Route No 45036 a distance of 4180 feet more or less to the point of beginning containing 1265.81 acres more or less

Section 2 Exclusive jurisdiction in and over the aforesaid lands is hereby ceded to the United States of America by the Commonwealth of Pennsylvania for the erection of forts magazines arsenals dock yards and other needful buildings with the exception of roads abutting on said lands to be used by the United States for military and other public purposes which are not already under the jurisdiction of the United States

Section 3 The jurisdiction so ceded to the United States of America is granted upon the express condition that the Commonwealth of Pennsylvania shall retain concurrent jurisdiction with the United States in and over the lands and buildings aforesaid in so far that civil process in all cases and such criminal process as may issue under the authority of the Commonwealth of Pennsylvania against anyone charged with crime committed outside said land may be executed thereon in the same manner as if this jurisdiction had not been ceded The United States shall retain such jurisdiction so long as the said land shall be used for the purposes for which jurisdiction is ceded and no longer

Section 4 The jurisdiction so ceded to the United States shall be upon the further condition that the Commonwealth reserves to itself and its political subdivisions whatever power of taxation it may constitutionally reserve to levy and collect all taxes now or hereafter imposed by the Commonwealth and its political subdivisions upon property persons and franchises within the boundaries so ceded

Section 5 This act shall become effective immediately upon its final enactment

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

#### YEAS—48



Bane,	Fleming,	McGinnis,	Stevenson,
Barr,	Haluska,	McMenamin,	Stiefel,
Berger,	Harney,	McPherson, Jr.,	Taylor,
Blass,	Hays,	Mullin,	Van Sant,
Camiel,	Holland,	Pechan,	Wade,
Chapman,	Kessler,	Peelot,	Wagner,
Dent,	Koprivier, Jr.,	Propert,	Watkins,
Derk,	Lane,	Ruth,	Watson,
Diehm,	Madigan,	Schmidt,	Weiner,
DiSilvestro,	Mahany,	Scott,	Whalley,
Donolow,	Mallery,	Seyler,	Wolfe,
Flack,	McCreesh,	Silvert,	Yosko,

## NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

## REORGANIZATION PLANS Nos. 2, 3, 4 AND 5 CALLED UP OUT OF ORDER

Mr. MAHANY. Mr. President, inasmuch as the hour is relatively early at the present time, I would like to go to page 24 of the calendar, before we take up the Second Reading Calendar, and dispose of the Reorganization Plans which the Governor has sent to us. I notice this is the 28th day that these plans have been before us and it will be necessary to take some action on them today or tomorrow. Otherwise, they would go into effect without any action on our part, under the Reorganization Act which we passed earlier in the Session.

Therefore, Mr. President, if there is no objection, I request that we revert to page 24 and the calendar and take action on these Reorganization Plans.

## RECESS

Mr. LANE. Mr. President, I move that the Senate do now take a recess for five minutes, for the purpose of holding a Democratic Caucus.

Mr. RUTH. Mr. President, I second the motion.

The motion was agreed to.

## AFTER RECESS

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

The gentleman from Crawford, Mr. Mahany, has called up from page 24 of today's calendar, Resolutions, Reorganization Plans Nos. 2, 3, 4 and 5.

## RESOLUTIONS

## REORGANIZATION PLANS

Reorganization Plan No. 2 was read by the Clerk as follows:

## REORGANIZATION PLAN NO. 2 OF 1955

Section 1. The functions of the Department of Public Instruction as set forth in the Act of May 13, 1925, P. L. 644, and its amendments, are transferred from that department to the Department of State.

Section 2. There are hereby transferred to the Department of State to be used, employed and expended in connection with the functions transferred by Section 1 of this Reorganization Plan the records and equipment now being used or held in connection with such functions; and the unexpended balances of appropriations or other funds available or to be made available for use in connection with such functions

Section 3 The Act of May 13, 1925, P. L. 644, as amended is suspended in so far as it is in conflict with this Reorganization Plan.

On the question,

Will the Senate agree to the resolution?

## REORGANIZATION PLAN NO. 2 OF 1955 APPROVED

Mr. MAHANY. Mr. President, Reorganization Plan No. 2 would have the effect of moving the bureau or the group of people who have to do with administering the Solicitation Act from the Department of Public Instruction, where it now is, to the Department of State. In the plan of transmittal, there was nothing stated as to whether or not any money would be saved. I understood that under the Reorganization Act, which we passed, that when the Governor sent over plans of reorganization there was supposed to be some paragraph or statement in this transmittal message of how much money would be saved. Under the transmittal message, not only under this plan but also under Reorganization Plan No. 3 and Reorganization Plan No. 4 and Reorganization Plan No. 5, there is no statement of any money to be saved.

Mr. President, we understood that the Governor had some plans up his sleeve somewhere that he was going to save a lot of money by reorganizing the State Government. However, we feel that under Reorganization Plan No. 2, perhaps it is well for this particular bureau to be transferred from the Department of Public Instruction to the Department of State. It is one of those functions of government which, when you set it up, you are not quite sure under which department it should be. I think for awhile, it was under the Department of Revenue—no, it was under the Department of Welfare. From there, it went over to the Department of Public Instruction because there were licenses involved in this connection. Frankly, at the time we studied this, no one was quite sure where this particular function should be. If the Governor feels that he wants it under the Department of State for the purpose of better functioning of this particular service, I move that Reorganization Plan No. 2 be approved.

Mr. DENT. I second the motion, Mr. President, made by Senator Mahany, that Reorganization Plan No. 2 be approved.

On the question,

Will the Senate agree to the motion?

The roll was called and was as follows:

YEAS—48

Bane,	Fleming	McGinnis,	Stevenson,
Barr,	Haluska	McMenamin,	Stiefel,
Berger,	Harney,	McPherson, Jr.,	Taylor,
Blass,	Hays,	Mullin,	Van Sant,
Camiel,	Holland,	Pechan,	Wade,
Chapman,	Kessler,	Peelot,	Wagner,
Dent,	Koprivier, Jr.,	Propert,	Watkins,
Derk,	Lane,	Ruth,	Watson,
Diehm,	Madigan,	Schmidt,	Weiner,
DiSilvestro,	Mahany,	Scott,	Whalley,
Donolow,	Mallery,	Seyler,	Wolfe,
Flack,	McCreesh,	Silvert,	Yosko,

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.



Reorganization Plan No. 3 was read by the Clerk as follows:

#### REORGANIZATION PLAN No. 3 OF 1955

Section 1 The State Board of Undertakers, renamed the State Board of Funeral Directors by the Act of January 14, 1952, P. L. 1898, together with its functions, powers and duties, is transferred from the Department of Health, where it has been a departmental administrative board, to the Department of State, where it shall be a departmental administrative board, with the same status under the Act of April 9, 1929, P. L. 177, known as "The Administrative Code of 1929", and its amendments, as that of departmental administrative boards.

Section 2. There are hereby transferred to the Department of State, to be used, employed and expended in connection with the functions transferred by Section 1 of this Reorganization Plan, the records, equipment and personnel now being used, held or employed in connection with such functions and the unexpended balances of appropriations, allocations and other funds available or to be made available for use in connection with such functions.

Section 3. The functions of the Secretary of Health, under Section 419 of The Administrative Code of 1929, and its amendments, are transferred to and shall be exercised by the Secretary of the Commonwealth.

Section 4. The functions of the Department of Health, under the Act of January 14, 1952, P. L. 1898, known as the "Funeral Director Law", and its amendments, are transferred to and shall be exercised by the Department of State.

Section 5. The following acts and parts of acts are suspended as particularly set forth:

The Act of January 14, 1952, P. L. 1898, known as the "Funeral Director Law", and its amendments, in so far as they are in conflict with this Reorganization Plan.

Section 202 of the Act of April 9, 1929, P. L. 177, known as "The Administrative Code of 1929", and its amendments, in so far as it affects the location of the State Board of Undertakers, renamed the State Board of Funeral Directors by the Act of January 14, 1952, P. L. 1898, in the Department of Health.

Section 419 of the Act of April 9, 1929, P. L. 177, known as "The Administrative Code of 1929", and its amendments, in so far as it imposes functions, powers and duties on the Secretary of Health, and in so far as the name "State Board of Undertakers" is concerned.

Section 2112 of the Act of April 9, 1929, P. L. 177, known as "The Administrative Code of 1929", and its amendments, in so far as the name "State Board of Undertakers" is concerned.

On the question,

Will the Senate agree to the resolution?

#### REORGANIZATION PLAN No. 3 OF 1955 DISAPPROVED

Mr. MAHANY. Mr. President, Reorganization Plan No. 3 would transfer the Undertakers Licensing Board from the Department of Health, where it now is, over to the Department of State.

Mr. President, when we had a hearing on these Reorganization Plans a couple of weeks ago, the representatives of the morticians or funeral directors or undertakers, whichever they choose to call themselves, stated that they had not been advised of the hearing and, therefore, they were not present at the time. However, since that time, their representatives, as well as the individual members of the Funeral Directors Association, have advised me that they are very much opposed to this plan. They feel that their particular function has to do with health and they feel that they have been going along well under the Department of Health.

They also feel that there is no money to be saved under this particular transfer and, therefore, rather than make some change and put them under a department which would be foreign to their particular powers and functions, they have sent me innumerable telegrams—I hold them up and you can see that I have approximately twenty-five or so from all parts of the State—saying in effect that they request us to defeat Reorganization Plan No. 3.

Therefore, Mr. President, I move that Reorganization Plan No. 3 be disapproved.

Mr. BERGER. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. DENT. Mr. President, I do not believe that we will take the time of the Senate to get into a long discussion over the merits of these Reorganization Plans. I think it would have been just as well if Senator Mahany would have discussed both Reorganization Plans No. 3 and No. 4 at the same time. They both do practically the same thing.

The Majority Floor Leader questions whether or not these Reorganization Plans will save money. First, I would like to add to that by saying that if you put into effect a coordinated plan of reorganization of government, it cannot do anything except save money. The idea behind these Reorganization Plans is to put in the office of the Secretary of the Commonwealth, which is the proper office of these particular licensing boards, all of the functions of the licensing boards in that particular department, by taking them out of the Department of Health and in the next Reorganization Plan, out of the Department of Public Instruction. There is no question in my mind that when you consolidate these functions into one department, you are bound to save money. You cannot do anything else but that.

Another thing, Mr. President, I might suggest that the fact that the undertakers have come forth with opposition is not anything new. We all know that the minute you start to make any change in a governmental function or any governmental department, those affected immediately distrust any change and want to fight that change as much and as hard as they can. I remember, not too long ago, when the Republicans were in control, when we took the State Police and put them under the Department of Justice in the State. Of course, they fought that rather bitterly, but you Republicans went into it. As I understand it, it has saved a great deal of money, something like—I do not know what the actual amounts are, but someone said it was over a million dollars in the functioning of that department. Incidentally, the Prison Board was included in conjunction with the prisons.

Reorganization Plan No. 5 just finishes up that particular reorganization plan, started under the Republicans, and takes other functions that should have been transferred at that time to the Department of Justice and we are now attempting to put them all into one department.

I do not see anything wrong and I do not see where any undertaker is going to be aggrieved or hurt by the transferring of the functions of his licensure board from the Department of Health and putting it into the Office of the Secretary of the Commonwealth. There is not



anything in this Reorganization Plan that changes the operation of that board. It does not take away from the board any existing powers, any of its existing duties. It does not give the Secretary of the Commonwealth any duties other than those which are contained now in the law. It does not in any way affect the operation of the licensing board to set up its own standards or to set up its own examinations. It does not affect the membership of the board whatsoever. It does not alter or change that. The only thing that we are trying to do is to give you exactly what we promised you, a reorganization of some of the administrative functions of this government. They are being performed after a great deal of study, and they are not being performed as a matter of trying to disturb things just for the sake of disturbance. I do not believe that you are giving the Governor the cooperation that he justly deserves when he asks for the right to reorganize these functions of government.

The same argument that I am making holds for Reorganization Plan No. 3 and I am going to ask those of you who are interested in trying to readjust governmental functions on this Hill, and in trying to get a more efficient form of government in existence, that you at least should give the Governor an opportunity to try it his way. All you are saying is, "We are against it because the undertakers do not like it."

Mr. President and Members of this Senate, you all know that no matter which board you try to disturb—and the next Reorganization Plan disturbs thirteen licensing boards in the Commonwealth and just as sure as we are alive, they will probably come down here with a great protest. However, none of them have been able to point out to me where it makes any difference to their profession, where it makes any difference to their licensing board whatsoever, to move their offices from where they now are into a consolidated department which will have control of all licensing boards in one department.

Therefore, Mr. President, I am asking our Members to vote "no" on this motion of the gentleman on the other side, and would request that they take another view of it before they completely vote out the Governor's Reorganization Plan.

Mr. SEYLER. Mr. President, I desire to interrogate the gentleman from Crawford, Senator Mahany.

The PRESIDENT. Will the gentleman from Crawford, Mr. Mahany, permit himself to be interrogated?

Mr. MAHANY. I will, Mr. President.

Mr. SEYLER. Mr. President, I would like to ask the gentleman if I understood him correctly to say, in moving the approval of Reorganization Plan No. 2, that he believed the board that was moved in that case would function just as well, or presumably better since he approved it, in the Department of State as it has in the Department of Public Instruction?

Mr. MAHANY. Senator, the reason I voted for Plan No. 2 was because there was no particular good reason why the Solicitation Act enforcement should be under the Department of Public Instruction. The fact of the matter is, the Solicitation Act has been so adulterated, we might say, by various amendments which we have put in to exempt just about everybody out of it that it does not amount to a whole lot any more anyway,

so you might as well put it over in the Department of State if that is where you want it. That was the reason I voted for Plan No. 2.

Mr. SEYLER. Mr. President, while not agreeing with all of the gentleman's remarks, I agree with his main point, that it will function just as well over in the Department of State as it did in the Department of Public Instruction.

I would ask him now to instruct me how the operations of this board, or any of the boards mentioned in Reorganization Plan No. 4, will be changed by the move from the department they are now in, namely Public Instruction, over the Department of State. How will their operations be changed?

Mr. MAHANY. We are under No. 3, Senator, instead of No. 4.

Mr. SEYLER. Mr. President, the gentleman's point is well taken and I would ask the chair whether I might have the same latitude, hitherto extended to the Minority Leader, since the Plans are related and I do not wish to repeat the same arguments twice, in order to save the time of the Senate in discussing Plan No. 3 and Plan No. 4 at the same time?

The PRESIDENT. Anything that will save the time of the Senate is a point of order well taken.

Mr. SEYLER. Mr. President, I thank you.

To continue, I would like the gentleman to tell me how the moving of a board from the Department of Health, or the Department of Public Instruction, to the Department of State as in No. 3 and No. 4 would alter, in any way, the operations of those boards. Will the gentleman kindly explain that?

Mr. MAHANY. Well, I do not know how far it would interrupt their particular method of carrying on business. As we understand the law, those who allege must prove and certainly the Governor, in sending over his transmittal plan, should have told us why he thinks that this move would be a good one. Until such time as they advise us why they feel this move is good, I think we have the right to say, "Well, we think the status quo should be preserved." In other words, this board has been functioning properly under the Department of Health and its functions are closely connected with the Department of Health. For instance, I have a telegram here from John D. O'Connor, President of the Allegheny County Funeral Directors' Association, in which he says:

"All members of Allegheny County Funeral Directors' Association feel that the State Board of Funeral Directors should remain in Department of Health, the agency to which its activities are most closely related. Operation of this board has been well handled while under Health Department jurisdiction. We are opposed to passage of Reorganization Plan No. 3 and respectfully request your support in defeating it."

Mr. President, I have a number of telegrams along similar lines. Senator Dent says, "Well, any move is going to save money." That is not true. There is no reason to believe that because you make some transfer from one department to another—

Mr. SEYLER. Mr. President, is the gentleman under the impression that he is still answering the question?

The PRESIDENT. He is conserving the time of the Senate.



Mr. SEYLER. Mr. President, I would thank the gentleman for his answer, and I think that he has gone afield. If the gentleman is willing to stop, I will excuse him from further questioning.

Mr. President, I take from the Majority Leader's answer, since he has offered no instance where there will be any difference in the operation of the board other than the feeling on the part of some individuals that it is more comfortable where it is, that he agrees with me that there is no practical difference in the operation. The board will still be appointed in the same way, the laws governing their action will still be the same and there will be no change.

As far as the reasons for offering it, I would refer the gentleman to the much forgotten Chesterman Report, which I think we all recall and which was prepared under Republican auspices, in which a fine group of outstanding men in the Commonwealth studied this situation. They recommended the same thing and they did give lengthy reasons why they felt that this would be advantageous to the Commonwealth.

Mr. President, the only thing I can take from the position of the Majority Leader on this question is that he is against all reorganization. He was against the Chesterman reorganization, or at least he did nothing effectual to put it into effect, and he is now against the Leader reorganization. It seems to me that the time has come for him to say, "I am just against reorganization. I am for the status quo." We now have had two studies made, one by the Chesterman Committee and one by the gentlemen who are now working in government trying to make reorganization and they both have come to the same conclusion.

All this business about the operation of these boards, as the gentleman very well knows, is imaginary. There will be actually no change whatever made in the operations of those boards. I am just a little bit inclined to think that it is time now to blow away the smoke screen and have the gentleman admit that he is just against reorganization period, and he prefers the status quo.

Mr. MAHANY. Mr. President, in the first place, Senator Seyler knows that his statement that I am against reorganization plans in general is certainly misleading and quite false. I voted for Plan No. 1, which was sent over and put into effect. I just recently voted for Plan No. 2. Now, because I come to the first one which I cannot see any reason for, he immediately brands me as being against all reorganization. That sounds like all the other propaganda that emanates from the Governor's Office and probably will continue to be so. I can well imagine the spokesmen for the Democratic Party next year saying, "The Republicans were always against the reorganization plans. The Governor had all kinds of ideas on how to save money but the Republicans turned them down."

Mr. President, the Governor has not as yet come up with any recommendation or any plan of reorganization which would save five cents, although he stated many times in the campaign that he had such plans. Why does he not send one over which he was for?

Unfortunately, Mr. President, Senator Seyler was not in the Senate when we had Senator Leader here, but

when these plans which were incorporated as part of the Chesterman Committee Report were presented to us in the Senate, the Senator from York at the time, Senator George Leader, voted against them, Senator. Why he is now convinced that something is good, in something that he voted against when he was a Member of the Senate, I cannot understand.

Today, I would like to vote along with the way your Senator, Senator Leader, voted in the last Session of the Legislature. For you to stand over there and say that I did nothing in order to get the Chesterman Committee Report implemented by legislation is another false statement, because if you will examine the record you will find that Senator Dent and I both co-sponsored every bill with regard to that report. Some of the time, and most of the time, Senator Dent and I voted together in opposition to them. We were not very far apart in our vote, Senator, and we are still waiting for the Governor to send over some plans that will save all this money which he said he was going to save during his campaign for Governor. If you will just urge to send something over which will just save five cents, I will be happy to vote for it.

Mr. SEYLER. Mr. President, perhaps my indictment of the Senator was unfair in that he did sponsor, as I recall, with Senator Dent, bills which would have implemented the Chesterman Committee. I was in the House at that time, and so I do know that is correct. However, none of these came to anything so perhaps my indictment should have been broader. I should not have indicted the Senator personally, but I should have indicted perhaps the party to which he belongs.

I would like to make this comment. The gentleman talks about these statements which emanate from the propaganda agencies of the Governor's Office. I would like to refer him to one of the outstanding propaganda agencies of the Governor's Office and that is the Harrisburg Evening News, which I take it the gentleman recognizes as a regular advocate of the Governor's measures, and I would like to refer him to the editorial they have in this evening's paper. If that is not a sound argument, in my mind, for the very thing I have been talking about, then I will let it to the judgment of the Senator as to whether this is a propaganda document, inspired by the Governor, or whether it is a thoughtful publication of good reasons for it. I regret that this came out too late probably to come to the Senator's attention. However, I would honestly recommend it to his attention, because it says some very good things. If the Senator has not read it, it might just possibly change his mind.

And the question recurring,

Will the Senate agree to the motion?

The roll was called and was as follows:

#### YEAS—26

Berger,	Kessler,	Peelor,	Wade,
Blass,	Koprivier, Jr.	Propert,	Wagner,
Chapman,	Madigan,	Scott,	Watkins,
Diehm,	Mahany,	Stevenson,	Watson,
Flack,	Mallery,	Taylor,	Whalley,
Fleming,	McPherson, Jr.	Van Sant,	Wolfe,
Harney,	Pechan,		

#### NAYS—21

Bane,	Donolow,	McCreesh,	Seyler,
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Barr, Camel, Dent, Derk, DiSilvestro,	Haluska, Hays, Holland, Lane,	McGinnis, Mullin, Ruth, Schmidt,	Silvert, Stiefel, Weiner, Yosko,
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A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

Reorganization Plan No. 4 was read by the Clerk as follows:

#### REORGANIZATION PLAN NO. 4 OF 1955

Section 1 Certain agencies and functions of the Department of Public Instruction are transferred from the Department of Public Instruction to the Department of State as herein provided

Section 2 The State Board of Medical Examination and Licensure the State Board of Pharmacy the State Dental Council and Examining Board the State Board of Optometrical Examiners the State Board of Osteopathic Examiners the Osteopathic Surgeons' Examining Board the State Board of Nurse Examiners the State Board of Barber Examiners the State Board of Cosmetology the State Board of Veterinary Medical Examiners the State Board of Examination of Public Accountants the State Board of Examiners of Architects the State Registration Board for Professional Engineers the State Board of Chiropractic Examiners the State Real Estate Commission and the powers and duties vested in and imposed upon them by law are transferred from the Department of Public Instruction where the above boards have been departmental administrative boards and commissions to the Department of State where the boards shall be departmental administrative boards and commissions with the same status under the Act of April 9 1929 P. L. 177 known as "The Administrative Code of 1929" and its amendments as that of departmental administrative boards and commissions

Section 3 The functions of the Superintendent of Public Instruction under Sections 412 413 414 415 416 417 418 420 421 422 425 453 459 461 and 462 of the Act of April 9, 1929, P. L. 177 known as "The Administrative Code of 1929," and its amendments are transferred to and shall be exercised by the Secretary of the Commonwealth

Section 4 The following functions powers and duties vested in the Department of Public Instruction under clauses (e) (g) (h) (i) (j) (k) and (l) of Section 1304 and Section 1304.1 of the Act of April 9, 1929, P. L. 177 known as "The Administrative Code of 1929," and their amendments are transferred and vested in the Department of State:

(1) To establish reciprocity with other states as regards professional licenses issued by the department

(2) To keep the records of all of the professional examining boards established in the department in the City of Harrisburg Dauphin County Pennsylvania

(3) To issue all certificates and other official documents of the various professional examining boards in the department The officers and members or any of them of any such examining board may also sign such certificates and other documents if the board shall have taken action authorizing such signatures

(4) To assist any professional examining board within the department if as and when requested by the board

(5) To cooperate with the several professions whose examining bodies are within the department in the determination and establishment of standards for professional education

(6) Whenever under any Act of Assembly enacted at the Session of the General Assembly at which this Reorganization Plan was effected or at any subsequent Session of the General Assembly the right to practice any profession or work at any trade or occupation shall be conditioned upon examination licensure or registration by or within the department unless otherwise provided by law to hold the examinations make such investigations

require such information and do and perform all other acts which may be necessary to determine whether applicants for licensure or registration are qualified to practice the profession or work at the trade or occupation within this Commonwealth and in proper cases to issue licenses and certificates of registration In performing its duties under this clause the department shall appoint an advisory committee of not more than five members of each profession trade or occupation applicants to practice or work at which are examined and licensed hereunder Each such committee shall assist the department in holding examinations and passing upon information submitted Members of every advisory committee appointed by the department under the authority hereby conferred shall serve at the pleasure of the department and shall be compensated at the rate of fifteen dollars per diem for each day of service rendered to the department and shall receive the expenses actually incurred by them while engaged in assisting the department as herein provided the payment of such expenses however to be subject to the rules and regulations of the Executive Board

(7) Unless otherwise provided by law to fix the fees to be charged by the several professional examining boards within the department

(8) If any person association copartnership or corporation shall obtain a certificate license permit or registration by fraud or misrepresentation from the Department of State or the responsible administrative agency board or commission therein such department administrative agency board or commission shall have the power to cancel such certificate license permit or registration after giving reasonable notice and opportunity to be heard

Section 5 There are hereby transferred to the Department of State to be used employed and expended in connection with the functions powers and duties transferred by this Reorganization Plan the records equipment and personnel now being used held or employed in connection with such functions powers and duties and the unexpended balances of appropriations allocations and other funds available or to be made available for use in connection with such functions powers or duties

Section 6 (a) The following acts and parts of acts are suspended in so far as they are in conflict with the provisions of this Reorganization Plan

(1) The Act of March 19, 1909, P. L. 46,, entitled "An act to regulate the practice of osteopathy in the State of Pennsylvania; to provide for the establishment of a State Board of Osteopathic Examiners; to define the powers and duties of said Board of Osteopathic Examiners; to provide for the examining and licensing of osteopaths in this State and to provide penalties for the violation of this act" and its amendments

(2) The Act of June 3, 1911, P. L. 639, entitled, as amended "An act relating to the right to practice medicine and surgery in the Commonwealth of Pennsylvania and provide a Bureau of Medical Education and Licensure as a bureau of the Department of Public Instruction and means and methods whereby the right to practice medicine and surgery and any of its branches may be obtained and exemptions therefrom and providing for an appropriation to carry out the provisions of said act and providing for revocation and suspension of licenses by said bureau and providing penalties for violation thereof and repealing all acts or parts of acts inconsistent therewith" and its amendments

(3) The Act of March 30, 1917, P. L. 21, entitled "An act defining optometry and relating to the right to practice optometry in the Commonwealth of Pennsylvania and making certain exceptions and providing a Board of Optometrical Education Examination and Licensure and means and methods whereby the right to practice optometry may be obtained and providing for the means to carry out the provisions of this act and providing for revocation or suspension of licenses given by said board and providing penalties for violations thereof and repealing all acts or parts of acts inconsistent therewith" and its amendments

(4) The Act of May 17, 1917, P. L. 208, entitled "An



act to regulate the practice of pharmacy and sale of poisons and drugs and providing penalties for the violation thereof defining the words "drug" and "poison" and providing for the appointment of a board which shall have in charge the enforcement of said law, and the power to make rules and regulations for the enforcement of said law; and providing for the purchase of samples of drugs for determining their quality, strength, and purity," and its amendments

(5) The Act of July 12, 1919, P. L. 933, entitled "An act to regulate the practice of architecture in the Commonwealth of Pennsylvania by providing for the examination and registration of architects by a State Board of Examiners defining the power and duties of said board of examiners and providing penalties for the violation of this act" and its amendments

(6) The Act of May 13, 1927, P. L. 988, entitled "An act providing for and regulating the State registration of nurses and licensed attendants the annual recording of registration certificates and regulating the profession of nursing and repealing certain existing laws" and its amendments

(7) The act of May 1, 1929, P. L. 1216, known as the "Real Estate Brokers License Act of one thousand nine hundred and twenty-nine" and its amendments

(8) The Act of June 19, 1931, P. L. 589, entitled as amended "An act to promote the public health and safety by providing for the examination and licensure of those who desire to engage in the occupation of barbering regulating barber shops and barber schools and apprentices and students therein regulating compensation for service rendered conferring certain powers and duties on the Department of Public Instruction and providing penalties" and its amendments

(9) The Act of May 1, 1933, P. L. 216, known as "The Dental Law," and its amendments

(10) The Act of May 3, 1933, P. L. 242, entitled "An act to promote the public health and safety by providing for examination and registration of those who desire to engage in the occupation of beauty culture defining beauty culture and regulating beauty culture shops schools students apprentices teachers managers and operators conferring powers and duties upon the Department of Public Instruction providing for appeals to certain courts by applicants and licenses and providing penalties" and its amendments

(11) The Act of April 27, 1945, P. L. 321, known as "The Veterinary Law"

(12) The Act of May 23, 1945, P. L. 913, known as the "Professional Engineers Registration Law"

(13) The Act of May 26, 1947, P. L. 318, known as "The C. P. A. Law," and its amendments

(14) The Act of May 22, 1951, P. L. 317, known as "The Professional Nursing Law"

(15) The Act of August 10, 1951, P. L. 1182, known as the "Chiropractic Registration Act of 1951" and its amendments

(16) Clauses (e) (g) (h) (i) (j) (k) and (l) of Section 1304 and Section 1304.1 and 1310 of the Act of April 9, 1929, P. L. 177, known as "The Administrative Code of 1929" and their amendments

(b) The following acts and parts of acts are suspended as particularly set forth

(1) Section 202 of the Act of April 9, 1929, P. L. 177 known as "The Administrative Code of 1929" and its amendments as it effect the location of the State Board of Medical Education and Licensure, the State Board of Pharmacy the State Dental Council and Examining Board the State Board of Optometrical Examiners the State Board of Osteopathic Examiners the Osteopathic Surgeons' Examiners Board the State Board of Nurse Examiners the State Board of Barber Examiners the State Board of Cosmetology the State Board of Veterinary Medical Examiners the State Board of Chiropractic Examiners the State Board for the Examination of Public Accountants the State Board of Examiners of Architects and the State Registration Board for Professional Engineers in the Department of Public Instruction

(2) Sections 412 413 414 415 416 417 418 420 421 422

425 459 461 and 462 of the Act of April 9, 1929, P. L. 177, known as "The Administrative Code of 1929," and their amendments in so far as they impose functions powers and duties on the Superintendent of Public Instruction

On the question,

Will the Senate agree to the resolution?

#### REORGANIZATION PLAN NO. 4 OF 1955 DISAPPROVED

Mr. MAHANY. Mr. President, we had a hearing a couple of weeks ago in relation to all of these plans, but most of the testimony was produced in relation to Reorganization Plan No. 4. At that hearing, the Realtors Association was represented, along with the Association of Pharmacists, the Engineering Association and others. The Medical Association was also represented. All these people testified that they did not see any good reason to transfer the functions, which they were performing very well under the Department of Public Instruction, over to the Department of State. They felt that they were getting along good the way they were functioning. They felt that they did not want to have this advisory committee put over their boards, and they felt that perhaps the Secretary of the Commonwealth might be more political than the Superintendent of Public Instruction. They are borne out by the fact that the present incumbent of the Cabinet Office of the Department of State, as you know, has been signally honored by being made the campaign manager for one of the leading candidates for the Presidency next year. Therefore, we feel that that particular office seems to lend itself to more or less political activity. The various representatives feel that the business of the Pharmacy Board or any of these boards, for that matter, in the granting of licenses which have to do with our every day lives should not be placed under a Cabinet position which might very well become a political football.

Mr. President, there is no reason at all for making this change, as set forth in the transmittal message. For instance, if I went home some night and said to my wife, "I think we should make a move from this place where we have lived for fourteen years. I think we should move down the street to some place else." Her first question would probably be, "Why do we have to move?" Unless I gave her a pretty good reason, I imagine she would resent it as much as she could and perhaps she would not go along with my plan to make a move. That is just exactly where we are here. These people have been getting along very well.

There has been no reason given to us by the Governor, or anybody else, why this move should be made. There is no money to be saved. There is no showing here by anybody that they will function any better. On the other hand, there is some showing on the part of these people, whom we are supposed to represent, that they do not want the move and they are asking us, as their representatives, to be opposed to it.

Surely, Mr. President, I think all of us, if we are going to be representatives of the people, should pretty much carry out their requests, especially as voiced to us through their associations and through their representatives, if we are going to stand for representative government.

The only person who showed up in favor of this was



evidently the author of the plan, Doctor Charlesworth. Outside of him, no one else showed up who was in favor of these plans.

Therefore, Mr. President, I move that Reorganization Plan No. 4, as outlined in the B Resolution, be disapproved.

Mr. BERGER. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. DENT. Mr. President, of course, the remarks I made before go for this particular Reorganization Plan. The only added note is the inconsistency of the argument of Senator Mahany when he said that the representatives of these various groups were afraid that if their boards were put into some secretary's office, they might get into politics. The fact that they are organized strong enough to come down and wield enough influence on the Republican Caucus to get a unanimous vote not to have their little dunghill disturbed by any measure here or any change in the status quo, proves that they are not averse to being in politics. I imagine they are a darn sight better politicians than the man you mentioned, Doctor Charlesworth. I do not think anyone on this side even accuses him of being political.

Mr. President, I just want to remind the gentleman from Crawford of one thing. He said that it is good because they have been there constantly for four years and, therefore, it is wrong to change. I might remind the gentleman that he must have learned a long time ago that the only thing constant is change itself. Unless you change now and then, you get into a rut which you cannot climb out of. Even the gentleman, himself, likes a little change now and then. He pursues it very diligently when he is out getting acquainted with many of the various activities of life. He does not stay put. He likes to get out and do things.

Mr. President and Members of the Senate, I do not want to make this as a criticism, but I do believe all of us recognize how these boards have become very autocratic over the years. I believe that most of us know that we have had occasion, upon occasion to have some of our constituents believe that they were aggrieved by actions of these boards. I do not think that they are above reproach. I believe that a change would do them good. I think that by putting them all into one department and under one singular head would be beneficial and in the end it will save money.

You cannot prove that the Reorganization Plans will not save money because you will not allow them to go into existence. If you allow them to be put into effect and they do not work, then you can stand aside and criticize. However, so long as you do not allow the Governor to put his Reorganization Plans into effect, you can expect nothing but more of the same during the next election, that you have stood pat and would not allow reorganization of government that might have saved a great deal of money.

Mr. McGINNIS. Mr. President, I was surprised to hear the Majority Leader say that his main objection to this resolution was that the boards might be put into the hands of a politician, the Secretary of the Commonwealth, I am going to say now that every Senator on this floor is a politician, every Member of the House is a politician and every member of every governing body

in the United States is a politician. It is politicians who make our laws and run our government. For the leader of a great Party in this Senate to object to a politician handling an affair of this State is certainly surprising to me.

Mr. MAHANY. Mr. President, I always respect the remarks made by Senator McGinnis. However, I do want to say that the word "politician" was not used in its better sense. It was used in relation to some officeholder who might put his political views on these particular boards. For that reason, I referred to that particular department as being one that these particular boards should not be under.

Mr. McGINNIS. Mr. President, in the school department of the State of Pennsylvania—I want to remind every Senator on this floor that some of the slickest politicians in Pennsylvania are schoolteachers.

And the question recurring,

Will the Senate agree to the motion?

The roll was called and was as follows:

#### YEAS—26

Berger,	Kessler,	Peelor,	Wade,
Blass,	Koprivier, Jr.	Propert,	Wagner,
Chapman,	Madigan,	Scott,	Watkins,
Diehm,	Mahany,	Stevenson,	Watson,
Flack,	Mallery,	Taylor,	Whalley,
Fleming,	McPherson, Jr.	Van Sant,	Wolfe,
Harney,	Pechan,		

#### NAYS—21

Bane,	Donolow,	McCreesh,	Seyler,
Barr,	Haluska,	McGinnis,	Silver,
Camiel,	Hays,	Mullin,	Stiefel,
Dent,	Holland,	Ruth,	Weiner,
Derk,	Lane,	Schmidt,	Yosko,
DiSilvestro,			

A majority of all the Senators having voted "aye." the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

Reorganization Plan No. 5 was read by the Clerk as follows:

#### REORGANIZATION PLAN NO. 5 OF 1955

Section 1. The functions, powers and duties of the Department of Welfare with regard to the supervisions, visiting and inspection of prisons and jails maintained by counties, cities, boroughs or townships, as set forth in clause (b) of Section 2303, and Sections 2304 and 2305 of The Administrative Code of 1929, and their amendments, are transferred to the Department of Justice.

Section 2. There are hereby transferred to the Department of Justice to be used, employed and expended in connection with the functions, powers and duties transferred by Section 1 of this Reorganization Plan, personnel, contract obligations, if any, records, files, property, supplies and equipment now being used or held in connection with such functions powers and duties, and the unexpended balances of appropriations, allocations and other funds available or to be made available for use in connection with such functions, powers and duties.

Section 3. Clause (b) of Section 2303, and Sections 2304 and 2305 of The Administrative Code of 1929, and their amendments, are suspended in so far as they confer functions, powers and duties on the Department of Welfare with regard to the supervision, visiting and inspection of prisons and jails maintained by counties, cities, boroughs or townships.

Section 4. All the duties and responsibilities of the Department of Welfare set forth in the Act of April 5,



1872, P. L. 42, are hereby transferred to the Department of Justice and the provisions of said act are hereby suspended in so far as they confer powers and duties on the Department of Welfare.

On the question,

Will the Senate agree to the resolution?

#### REORGANIZATION PLAN NO. 5 OF 1955 APPROVED

Mr. MAHANY. Mr. President, I have a slight surprise for my colleague over on the other side, Senator Dent. I am going to move, under 5 A, that we adopt Reorganization Plan No. 5.

Mr. DENT. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

The roll was called and was as follows:

#### YEAS—48

Bane,	Fleming,	McGinnis,	Stevenson,
Barr,	Haluska,	McMenamin,	Stiefel,
Berger,	Harney,	McPherson, Jr.,	Taylor,
Blase,	Hays,	Mullin,	Van Sant,
Camel,	Holland,	Pechan,	Wade,
Chapman,	Kessler,	Peelor,	Wagner,
Dent,	Koprivier, Jr.,	Propert,	Watkins,
Derk,	Lane,	Ruth,	Watson,
Diehm,	Madigan,	Schmidt,	Weiner,
DiSilvestro,	Mahany,	Scott,	Whalley,
Donolow,	Mallery,	Seyler,	Wolfe,
Flack,	McCreesh,	Silvert,	Yosko,

#### NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

### SENATE CONCURRENT RESOLUTION

#### RECALLING SENATE BILL No. 475 FROM THE GOVERNOR

Mr. SILVERT. Mr. President, I ask unanimous consent to offer a resolution at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. SILVERT offered the following resolution which was twice read, considered and agreed to:

In the Senate, December 12, 1955.

Resolved (if the House of Representatives concur), That Senate Bill No. 475, Printer's No. 145, entitled "An act amending the act of August 22, 1953 (P. L. 1344) entitled 'An act relating to marriage and amending revising consolidating and changing the law relating thereto' further regulating the issuance of marriage licenses when applicants are infected with syphilis," be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk present the same to the House of Representatives for concurrence.

### SECOND READING CALENDAR

#### BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 188, entitled:

An Act relating to the practice of Ophthalmic Dispensing providing for the licensure and registration of Dispensing Opticians authorizing the issuance of certificates to registered qualified Ophthalmic Dispensers creating a State Board of Examiners for Dispensing Opticians to determine the respective qualifications of applicants and defining specific powers and duties thereof providing for penalties for violations of the provisions thereof and providing for appeals to Court

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

### BILLS OVER IN ORDER

Mr. MAHANY. Mr. President, I ask unanimous consent that Senate Bill No. 242, Printer's No. 371, on second reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. MAHANY. Mr. President, I ask unanimous consent that the following bills, on second reading, go over in their order:

Senate Bill No. 317, Printer's No. 394; and

Senate Bill No. 318, Printer's No. 388.

The PRESIDENT. Is there objections? The Chair hears none.

### BILL ON SECOND READING AMENDED

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 335, entitled:

An Act amending the act of June 22, 1937 (P. L. 1987) entitled as amended "An act to preserve and improve the purity of the waters of the Commonwealth for the protection of public health animal and aquatic life and for industrial consumption and recreation . . ." authorizing certain corporations to acquire interests in land by eminent domain

The first section was read.

On the question,

Will the Senate agree to the section?

Mr. PECHAN offered the following amendment:

Amend Sec. 1 (Sec. 314), Page 4, line 12, by inserting after "amendments"

"Provided that no property devoted to a public use, or owned by a public utility or used as a place of public worship, or used for burial purposes, shall be taken under the right of eminent domain, and provided further that where any existing public street or road is vacated by any municipality in order to facilitate any undertaking in connection with land acquired under the right of eminent domain as provided for above, the corporation acquiring such land shall reimburse all public utilities for the costs of relocating and reconstructing their facilities necessitated by the closing of any such street or road."

It was agreed to.

The section was agreed to as amended.

The title was read and agreed to.

And said bill having been read at length the second time, as amended,

On the questions,



Will the Senate agree to the bill on second reading, as amended?

### BILLS OVER IN ORDER

Mr. PECHAN. Mr. President, I ask unanimous consent that Senate Bill No. 335, Printer's No. 373, on second reading, go over in its order, as amended.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. MAHANY. Mr. President, I ask unanimous consent that the following bills, on second reading, go over in their order:

Senate Bill No. 446, Printer's No. 376;  
Senate Bill No. 494, Printer's No. 395;  
Senate Bill No. 512, Printer's No. 396; and  
Senate Bill No. 513, Printer's No. 397.

The PRESIDENT. Is there objection? The Chair hears none.

### BILL RECOMMITTED

Mr. PECHAN. Mr. President, I move that Senate Bill No. 565, on second reading, entitled:

An Act providing for regulation by the Public Utility Commission of charges made by owners and operators of parking lots and similar facilities imposing duties on the owners and operators and prescribing penalties be recommitted to the Committee on State Government.

Mr. FLEMING. Mr. President. I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. STIEFEL. Mr. President, in connection with this bill, I would like to interrogate, but not tonight, three eminent Members of the Senate; Senator Watkins, of Delaware; Senator Watson, of Bucks; and Senator Harney, of Chester. Their constituents suffer just as much as Philadelphians do in the hands of manipulators, speculators and persons who mulct the public. I refer to owners of parking lots in Philadelphia. I do not want to take advantage of the three Senators because they are not prepared. I am going to ask them about figures. Senator Watkins has been the champion par excellence of all those wage earners who come to Philadelphia from Delaware County. Although Senator Watson has not been so vociferous, he always espoused their cause. Senator Harney has never spoken about it, but I know that many people from Chester County come to work in Philadelphia and park their cars.

Mr. President, so as not to embarrass them about statistics, may I suggest that instead of dooming the bill to execution tonight, it should be postponed so that we can debate it? I appeal to Senator Pechan to pass the bill over. They have the votes and they can do it tomorrow or the day after tomorrow. The hour is late and I do not want to work.

Mr. President, I can deliver a speech on this object that would last for hours. However, some person said that if a speaker cannot strike oil within ten minutes, he should stop working. I do not want to work tonight. Let us pass it over and then fight it out another day.

Mr. PECHAN. Mr. President, if the Senator from Philadelphia was making that little speech in order for me to withdraw my motion, he has failed. My motion stands

to recommit the bill to the Committee on State Government.

Mr. STIEFEL. Mr. President, I have the singular distinction of being the greatest collector of bills on the Second Reading Postponed Calendar. I have thought, "Let them be, I have another one so they will still have a chance to survive maybe; I do not know."

Mr. President, may I offer a substitute motion to place the bill on the Second Reading Postponed Calendar? Make me champion by doing this.

And the question recurring,

Will the Senate agree to the motion?

Mr. STIEFEL. Mr. President, I object to this motion and ask my colleagues generally, and some of those people on the other side whose hearts beat in unison with my ideas, to defeat this motion.

And the question recurring,

Will the Senate agree to the motion?

Mr. LANE. Mr. President, it seems to me that the Majority Party has taken some arbitrary action here today. As a matter of fact, I never knew much about this bill until last week. I received a number of telephone calls and quite a lot of correspondence in my office with regard to this legislation. The more I think of it and the more correspondence I receive, I believe there is some merit to this legislation.

I know there was some argument in Caucus today as to whether or not it was constitutional. That certainly is beside the point. I think, in this modern day and age, motor vehicles cease to be a pleasure. As a matter of fact, they are commercial because most people use motor vehicles in the course of earning their livelihood.

Mr. President, this racket of public parking is becoming a scrouge to the motorists of Pennsylvania. I firmly believe that there should be some regulation. In the city of Pittsburgh itself, some of the operators are making fortunes on the motorists who drive down town in Pittsburgh to shop. The opposition can argue all they want, and I suppose you have Caucus action over there to recommit this bill, but I believe that you are faced with something you do not know too much about. I think your action is hasty because this legislation carries considerable merit. I want to congratulate the sponsors on their foresight. As a matter of fact, I received four calls on Sunday from people who drive into the metropolitan area, saying this is just what they needed.

The Public Utility Commission should have a right to regulate public parking lots. I think that the Majority Party is making a mistake in recommitting the bill. Of course, as Doctor Steifel said, if you start drilling for oil and you drill for ten minutes and you do not strike oil, you had better quit.

Mr. President, I am going to quit, but I want this in the record. Some day this action you are taking here today is going to come back to haunt you. Look at the parking problem right here in Harrisburg. They write their own ticket and the owners of vehicles are penalized because of the fact the streets are not wide enough or there is a prohibition on parking. If they do go to a parking lot, they cannot get away with less than one dollar or one dollar and a half a night.

Mr. President, I think that Doctor Steifel and Sena-



tor Camiel have good legislation, and we should not recommit this bill arbitrarily.

Mr. STIEFEL. Mr. President, this embarrassing situation is quite paradoxical. At least I cannot be accused of being a politician tonight. What am I doing? I am pouring more oil on the lamps of the Republican Public Utility Commission. I am giving them all the trust and a new domain.

Again I say I am not going to make a political speech, but by doing this tonight you are giving a present to William Green, the Chairman of the Democratic Party in Philadelphia, of 50,000 votes. If you want to do that, go ahead and do it. I have done my duty and I may retire. In the words of Shakespeare, "The Moor has done his duty; the Moor may 'go.'"

Mr. MAHANY. Mr. President, we have certainly allowed a great amount of latitude in relation to these remarks. In the first place, when you make a motion to recommit to committee, the merits of the bill are not subject to debate. I believe that all the Senators over on that side know of that rule and they should respect it. The question here is only whether the bill should go back to committee or whether it should not.

This committee, as I understand it, was polled by one of the Senators to get this bill out. The committee did not have the opportunity of having joint discussion in relation to this bill when it was presented to them. Certainly the Senators over there know that—and I am asking them for the same latitude which we gave them for just one statement in relation to the merits—if you put parking lots under the jurisdiction of the Public Utility Commission, then you are giving people who have parking lots monopoly. Before anyone else could start a parking lot, he would have to come in with a petition to the Public Utility Commission in order to find out whether or not this was permissible. He would have to show a general demand of the public for a parking lot, he would have to show that he is equipped to operate a parking lot and this certainly would interfere a great deal with what you might call free enterprise.

Senator, if that is losing votes in Philadelphia—

### POINT OF ORDER

Mr. LANE. Mr. President, I rise to a point of order.

The PRESIDENT. The gentleman from Washington, Mr. Lane, will state his point of order.

Mr. LANE. Mr. President, I am wondering if the Majority Leader is practicing what he preaches?

Mr. MAHANY. No, I am not.

Mr. LANE. Is he speaking on the motion to recommit or on the merits of the bill? If he says that he is speaking on the motion to recommit, I will be glad to listen to him but I am wondering if he practices what he preaches.

Mr. MAHANY. Well, Senator, when you put your statements on the record and I allow you the latitude, then certainly you should not object to me having the same latitude as you had. You were making political statements over there for the record. I think we have a right to show our particular side of this. Now in the future, upon a motion to recommit, if we can all agree that there shall be no argument—

Mr. LANE. Mr. President, I am not objecting to the gentleman making his remarks, I just wanted to call to his attention the fact that he always brings to our attention that we are debating the bill on a motion to recommit. I do not object to him speaking. I just wanted to let him know that we were observing what is going on. We agree that he can talk all night and we will be glad to listen.

Mr. MAHANY. Mr. President, I pled guilty before I even started my remarks. I said that if they will allow me the same latitude as I allowed them, just for one brief statement, I would put something in about the merits. However, as long as they shut us off, it is best we call the roll.

Mr. LANE. Mr. President, let us make the record clear. I am not attempting to shut off Senator Mahanoy in his very learned address.

And the question recurring,

Will the Senate agree to the motion?

Mr. STIEFEL. Mr. President, I object to this motion. I have an idea there may be some Republicans who will see the light of day.

And the question recurring,

Will the Senate agree to the motion?

Mr. STIEFEL. I ask for a roll call, Mr. President.

Mr. LANE. I ask for a roll call, Mr. President.

The yeas and nays were required by Mr. STIEFEL and Mr. LANE, and were as follows, viz:

### YEAS—27

Berger,	Koprivier, Jr.,	Peelor,	Wade,
Blass,	Madigan,	Propert,	Wagner,
Diehm,	Mahany,	Schmidt,	Watkins,
Flack,	Mallery,	Scott,	Watson,
Fleming,	McGinnis,	Stevenson,	Whalley,
Harney,	McPherson, Jr.,	Taylor,	Wolfe,
Kessler,	Pechan,	Van Sant,	

### NAYS—20

Bane,	Derk,	Holland,	Seyler,
Barr,	DiSilvestro,	Lane,	Silvert,
Camiel,	Donolow,	McCreesh,	Stiefel,
Chapman,	Haluska,	Mullin,	Weiner,
Dent,	Hays,	Ruth,	Yosko,

So the question was determined in the affirmative.

### BILLS OVER IN ORDER

Mr. PECHAN. Mr. President, I ask unanimous consent that the following bills, on second reading, go over in their order:

Senate Bill No. 598, Printer's No. 399;  
Senate Bill No. 599, Printer's No. 400; and  
House Bill No. 756, Printer's No. 1208.

The PRESIDENT. Is there objection? The Chair hears none.

### BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 772, entitled:

An Act to amend the act approved the third day of June one thousand nine hundred forty-three (P. L. 818) entitled "An act for the extension of Capitol Park in the



City of Harrisburg and for the acquisition of real estate in connection therewith and for the demolition of the buildings and structures thereon . . ." by empowering and directing the Department of Property and Supplies to acquire by purchase or condemnation all lands buildings and property which will permit the construction by said Department of an extension of East Street (Commonwealth Avenue) northwardly from Forster Street to connect with Sixth Street and making an appropriation.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 819, entitled:

An Act subjecting housing projects to taxation for school purposes.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

#### MOTION TO RECOMMIT BILL

Mr. LANE. Mr. President, I move that Senate Bill No. 820, on second reading, entitled:

An Act amending the act of June 14, 1935 (P. L. 341) entitled as amended "Cigarette Tax Act" declaring the taxes to be a levy on the consumers and imposing duties on dealers.

be recommitted to the Committee on Finance, for the purpose of further study and possible amendments.

Mr. BARR. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. PECHAN. Mr. President, I feel that this bill was given great and careful study in the committee before it was reported out, and I am going to ask my colleagues to vote "no" on the recommitment of this bill.

And the question recurring,

Will the Senate agree to the motion?

(A voice vote having been taken, the question was determined in the negative.)

#### BILL OVER IN ORDER

Mr. LANE. Mr. President, I ask unanimous consent that Senate Bill No. 820, Printer's No. 421, on second reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none

#### MOTION TO RECOMMIT BILL

Mr. PECHAN. Mr. President, I move that Senate Bill No. 828, on second reading, entitled:

An Act requiring owners and lessees of land on which there are certain abandoned excavations to fill in or fence the same to prevent persons falling therein prescribing penalties imposing duties on cities boroughs towns and townships.

be recommitted to the Committee on Local Government.

Mr. McGINNIS. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. YOSKO. Mr. President, I must rise to oppose this motion. I want it known that I did not introduce this bill because of anything personal in so far as the owners of the land are concerned upon which these abandoned excavations exist.

I introduced this bill at the request of some mothers who are worried about their children in the area. I introduced this bill at the request of some motorists, who are in constant danger because of the hazards that exist, and I introduced this bill at the request of some public officials.

Before the bill was introduced, Mr. President, it was given considerable study in the area. I received a number of complaints from mothers who live in the areas of these excavations that are unguarded. I turned the matter over to the Highway Department to see what could be done about them. The Highway Department, in turn, took it up with the borough officials. After investigation, it was learned that there were no ordinances of any kind or any laws which would provide, or compel the providing of, protection to which the residents in the area are entitled. I turned all of the correspondence that I had—

#### POINT OF ORDER

Mr. PECHAN. Mr. President, I rise to a point of order.

The PRESIDENT. The gentleman from Armstrong, Mr. Pechan, will state his point of order.

Mr. PECHAN. Mr. President, I think the gentleman is arguing on the merits or the demerits of the bill. We just went through that a little while ago. We are talking about the motion to recommit the bill. I think that the gentleman should stay within that motion.

The PRESIDENT. The point of order is well taken. The gentleman will confine his remarks to the motion to recommit.

#### REQUEST FOR PERSONAL PRIVILEGE

Mr. YOSKO. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. There is nothing before the Senate but the motion to recommit, which is a preferred motion. And the question recurring,

Will the Senate agree to the motion?

Mr. YOSKO. Mr. President, I desire to interrogate the gentleman from Armstrong, Senator Pechan.

The PRESIDENT. Will the gentleman from Armstrong, Mr. Pechan, permit himself to be interrogated?

Mr. PECHAN. I will, Mr. President.

Mr. YOSKO. Senator Pechan, are you familiar with the situation involving these excavations in the district which I represent?

Mr. PECHAN. No, I am not. I have a marked calendar here, Senator Yosko, indicating that Caucus action was taken to recommit this bill and I have not read the bill.

Mr. YOSKO. Senator Pechan, do you know that because these excavations are unguarded in the area in which I live, a short time ago a boy fell into one of them and the Department of Mines, of the Commonwealth of Pennsylvania, was called upon to go up there with pumps and divers to get this body out at considerable cost to the Commonwealth?

Mr. PECHAN. Did I know that? I was not even paying any attention to you. I am sorry.



Mr. YOSKO. I am asking a question. You can answer "yes" or "no." Now do not get funny about it because this is a serious matter. I am asking you a serious question, to which you can say "yes" or "no." Let us not be funny about it. This is not something to be laughed at.

Mr. PECHAN. Senator, I am not laughing. As I explained to you awhile ago, I was not in our Republican Caucus today, at least not at the time when this bill was considered. I have a marked calendar, saying that this bill should be recommitted to the Committee on Local Government. I am not familiar with the bill.

Mr. YOSKO. I asked you a question about the boy falling into one of these unguarded excavations, and I asked you whether you knew that the Department of Mines was called upon to go to the area with pumps and divers to recover that body at considerable expense to the Commonwealth.

Mr. PECHAN. No, I did not, sir.

Mr. YOSKO. Did you know that another body fell into one of those excavations and, in spite of the fact that pumps and divers worked in the area, it was impossible to discover the body, at considerable expense to the Commonwealth?

Mr. PECHAN. No, I did not.

Mr. YOSKO. Did you know—

Mr. MAHANY. Mr. President,—

Mr. YOSKO. If you do not want to be interrogated, just say so.

#### POINT OF ORDER

Mr. MAHANY. Mr. President, I rise to a point of order.

The PRESIDENT. The gentleman from Crawford, Mr. Mahany, will state his point of order.

Mr. MAHANY. Mr. President, this interrogation has nothing whatsoever to do with the motion before us. We have before us a motion to recommit this bill to the Committee on Local Government for further study and possible amendment. I feel that the Committee on Local Government is well represented by a chairman whom both Democrats and Republicans admire and respect. I have no doubt that at some near future time Senator Stevenson will listen to both sides in relation to the arguments on this bill before his committee. This bill may be put in shape by committee action, by amendment, so that when it comes back out on the floor we can all vote for it.

We all sympathize with the thing that the Senator is trying to do, but due to the fact that the hour is growing late and we have a lot of other work to do before we adjourn, I respectfully request that the Senator confine his remarks and his interrogation to the motion before us, which is a motion to recommit this bill.

The PRESIDENT. The point of order of the Majority Leader is well taken. The only thing before the Senate at the present time is the motion to recommit, and the merits of the bill should not be brought into the discussion according to strict parliamentary procedure.

#### PARLIAMENTARY INQUIRY

Mr. DENT. Mr. President, I rise to a question of parliamentary inquiry.

The PRESIDENT. The gentleman from Westmoreland, Mr. Dent, will state his question of parliamentary inquiry.

Mr. DENT. Was the gentleman from Northampton,

Senator Yosko, speaking under a question of personal privilege?

The PRESIDENT. The gentleman is not speaking under a question of personal privilege. He is speaking on the motion to recommit.

Mr. DENT. Mr. President, I might suggest to both sides that I agree that the hour is getting late. However, every now and then there comes before us a piece of legislation concerning which one particular Member has a deep rooted feeling. I believe that it is only reasonable to request, if my Republican colleagues will go along with me, that instead of recommitting, let the bill go over in order with the hope that we may be able to get Senator Yosko's views and talk it over with some of the other Members in the hope that we might work something out on this bill. This is a bill that deals with human misery and human lives.

Mr. President, I would request that the bill go over in order if you can see it within your province to do so.

#### MOTION TO RECOMMIT BILL WITHDRAWN

Mr. PECHAN. Mr. President, I wish to withdraw my motion to recommit Senate Bill No. 828 to the Committee on Local Government.

Mr. McGINNIS. Mr. President, I wish to withdraw my second to the motion.

#### BILLS OVER IN ORDER

Mr. DENT. Mr. President, I ask unanimous consent that Senate Bill No. 828, Printer's No. 389, on second reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. PECHAN. Mr. President, I ask unanimous consent that the following bills, on second reading, go over in their order:

Senate Bill No. 830, Printer's No. 324;

Senate Bill No. 831, Printer's No. 325; and

Senate Bill No. 832, Printer's No. 326.

The PRESIDENT. Is there objection? The Chair hears none.

#### BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 841, entitled:

An Act to promote the welfare of the people of this Commonwealth; creating Port Authorities to function in counties of the second class as bodies corporate and politic, with power to plan, acquire, construct, maintain and operate facilities and projects for the improvement and development of the port district and to borrow money and issue bonds therefor; providing for the payment of such bonds and prescribing the rights of the holders thereof; authorizing the authorities to enter into contracts with and to accept grants from the Federal government or any agency thereof; and conferring exclusive jurisdiction on certain courts over rates and services; and authorizing the authorities to collect tolls, fares, fees, rentals and charges for the use of facilities; defining the authorities' powers and duties, and defining the port districts.



And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

### BILLS OVER IN ORDER

Mr. PECHAN. Mr. President, I ask unanimous consent that the following bills, on second reading, go over in their order:

Senate Bill No. 854, Printer's No. 415;  
Senate Bill No. 855, Printer's No. 416;  
Senate Bill No. 856, Printer's No. 417;  
House Bill No. 856, Printer's No. 248;  
Senate Bill No. 857, Printer's No. 383;  
Senate Bill No. 867, Printer's No. 391;  
Senate Bill No. 868, Printer's No. 402;  
Senate Bill No. 881, Printer's No. 403;  
Senate Bill No. 889, Printer's No. 404;  
Senate Bill No. 890, Printer's No. 405;  
Senate Bill No. 891, Printer's No. 406;  
Senate Bill No. 892, Printer's No. 414;  
Senate Bill No. 893, Printer's No. 407;  
Senate Bill No. 894, Printer's No. 408;  
Senate Bill No. 895, Printer's No. 409;  
Senate Bill No. 896, Printer's No. 410;  
House Bill No. 986, Printer's No. 1206;  
House Bill No. 1002, Printer's No. 1076;  
House Bill No. 1089, Printer's No. 1095;  
House Bill No. 1091, Printer's No. 1096;  
House Bill No. 1160, Printer's No. 1162;  
House Bill No. 1174, Printer's No. 1160;  
House Bill No. 1188, Printer's No. 1220;  
House Bill No. 1222, Printer's No. 1161;  
House Bill No. 1223, Printer's No. 1163;  
House Bill No. 1294, Printer's No. 1210;  
House Bill No. 1330, Printer's No. 800;  
House Bill No. 1552, Printer's No. 700;  
House Bill No. 1722, Printer's No. 1029;  
House Bill No. 1736, Printer's No. 956; and  
House Bill No. 1737, Printer's No. 993.

The PRESIDENT. Is there objection? The Chair hears none.

### BILL ON SECOND READING AMENDED

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 1879, entitled:

An Act to provide revenue for Commonwealth purposes by imposing a tax on the manufacture use storage or purchase of certain manufactured tangible personal property providing for licenses reports payments of tax interest and penalties assessments collections liens reviews and appeals conferring powers and imposing duties upon the Department of Revenue public officers manufacturers wholesalers retailers corporations partnerships associations and individuals and making an appropriation.

The first article was read.

On the question,

Will the Senate agree to the article?

Mr. DENT. Mr. President, with the permission of the Senate, I would like to offer some amendments and I

would like to offer them all at this time. I will give a brief explanation of each one.

Mr. President, the first set of amendments that I am offering have been prepared by the Department of Justice, and they are clarifying amendments to Section 201. on pages 9, 11, and 13. I assure you that they make no change in the intent of the bill whatsoever.

The second set of amendments deal with a change: However, it is not one that will too drastically affect the bill. These amendments were suggested to me originally by Senator Pechan, a couple of weeks ago when he and I were discussing the possibility of an excise tax. He had in mind the question of use of machinery in manufacturing and the consumption of certain goods, tangible goods, and commodities in the ultimate manufacture of a product. Therefore, we have devised here an amendment which I would like to read to you. It strikes out the word "immediately" on page 7, Section 2, line 1, and inserts in lieu thereof "used or." On page 7, line 3, section 2, it inserts after the word "property," "and which is not depreciated as a capital item."

What it does is simply this. It allows the exemption of all or any commodities or materials or personal, tangible properties that are used in the manufacturing of any product. It allows even molds or glass firebrick and all of the accessories that are used and consumed or used in the process of the manufacturing of a product. It does not allow, however, the exemption of any capital investment that will be and is depreciated.

Under various rules which were promulgated under the Sales Tax Act, there have been many definitions that clarified the situation for Pennsylvania manufacturers. I can assure the Senators that in every instance where it is possible, every leeway will be given to Pennsylvania manufacturers in every instance to try to soften whatever blow any tax might be which would be applied against them.

The third amendment, Mr. President, is the one that takes out a confusing amendment that we put in the other day, in error. We thought we were clarifying the elimination of confections from the bill, but actually wrote the language ambiguously and it was suggested that we re-amend it to put the bill back in its original form.

The fourth set of amendments is the one which states that no trick advertising can be used by a person engaged in selling any of the taxable items under this act. In other words, in order to protect a legitimate retail mercantile establishment or a rental outlet of any kind, or any establishment that sells to the public or to another establishment, in order to protect those who try to operate on the basis of good, sound mercantile practices, we believe that it is proper and necessary that we do not give the chiseling operator an opportunity to advertise, for instance, in a page ad or a half-page ad or with big signs on his window that the articles offered here for sale are not subject to the excise tax of the Commonwealth of Pennsylvania. We all know that any tax which is placed in this State, somewhere along the line it has to be either absorbed or passed on. It is not fair to allow a person to use the fact that he is in a position and ready to absorb a tax in an unfair advertisement program.



Mr. President, I would like to offer these amendments and ask for their immediate consideration. By further explanation, I would like to ask my colleagues to indulge with me for just a minute.

I want to say that I have here a list of other amendments which were offered by interested parties. I do not want anybody to get the idea that we are, in any way, not giving every consideration to these amendments which have been offered and to the problems that arise from the imposition of this kind of a tax. However, I want to make it clear, too, that we are studying tonight and we will work awful late, by the looks of things, on the effect of these amendments in relationship to the revenue, in relationship to the income to the Commonwealth, in relationship to administrative difficulties. I want to ask, if you can, to allow me to take these matters up in their proper order and if they are required in the bill, I can assure the Membership of this Senate that I will do everything in my power in the Conference Committee to meet those legitimate complaints. We recognize that in every piece of legislation there are legitimate complaints. Wherever we can, we will do our best to make it as workable as it is humanly possible to do so.

Therefore, Mr. President, I hope that you will go along on the amendments, for which I have just asked consideration.

Mr. DENT offered the following amendments:

Amend Section 2, page 2, lines 15 and 16, by striking out "including but not limited to confections"; Amend Section 2, page 7, line 1, by striking out "immediately" and inserting in lieu thereof: "used or"; Amend Section 2 page 7, line 3, by inserting after "property"; "and which is not depreciated as a capital item".

They were agreed to.

The article was agreed to as amended.

The second article was read.

On the question,

Will the Senate agree to the article?

Mr. DENT offered the following amendment:

Amend Section 201, page 9, line 4, by striking out "paragraphs" and inserting in lieu thereof: "paragraph"; Amend Section 201, page 9, line 4, by striking out "and (4)"; Amend Section 201, page 11, line 11, by striking out "and"; Amend Section 201, page 11, line 13, by striking out "are" and inserting in lieu thereof: "is"; Amend Section 201, page 12, line 10, by striking out "(4)" and inserting in lieu thereof: "(3)"; Amend Section 201, page 13, line 1, by striking out "(4)" and inserting in lieu thereof: "(3)"; Amend Section 201, page 13, line 12, by striking out "(4)" and inserting in lieu thereof: "(3)"; Amend Section 202, page 16, line 20, and page 17, lines 1 to 3, by striking out all of said lines, and inserting in lieu thereof: "(f) Cigarettes (g) Malt beverages, spirituous and vinous liquors".

They were agreed to.

The article was agreed to as amended.

The third article was read and agreed to.

The fourth article was read.

On the question,

Will the Senate agree to the article?

Mr. DENT offered the following amendment:

Amend Section 473 subsection (b) Page 42, line 4, by

inserting after "(a)" the following: "Any person maintaining a place of business in this Commonwealth who advertises or holds out or states to the public or to any purchaser or user directly or indirectly that the tax or any part thereof imposed by this act will be absorbed by such person or that it will not be added to the selling price of the manufactured tangible personal property sold or if added that the tax or any part thereof will be refunded other than when such person refunds the selling price because of such property being returned to the seller and".

It was agreed to.

The article was agreed to as amended.

The fifth article was read.

On the question,

Will the Senate agree to the article?

Mr. MAHANY. Mr. President, the amendment which I am about to offer is a harmless little clarifying amendment to Section 504, which says that the tax imposed by this act shall end May 31, 1957.

Mr. MAHANY offered the following amendment:

Amend Sec. 504, page 47, line 15 by inserting after "fifty-six": "The tax imposed by this act shall end May 31, 1957."

It was agreed to.

The article was agreed to as amended.

The title was read and agreed to.

And said bill having been read at length the second time, as amended.

On the question,

Will the Senate agree to the bill on second reading, as amended?

### BILL OVER IN ORDER

Mr. MAHANY. Mr. President, I ask unanimous consent that House Bill No. 1879, Printer's No. 1205, on second reading, go over in its order, as amended.

The PRESIDENT. Is there objection? The Chair hears none.

### THIRD READING CALENDAR

#### SENATE BILL No. 899 CALLED UP

Mr. MAHANY. Mr. President, I call up from page 7 of today's Third Reading Calendar, Senate Bill No. 899, which was passed over in its order temporarily.

### BILL OVER IN ORDER

Mr. MAHANY. Mr. President, I now ask unanimous consent that Senate Bill No. 899, Printer's No. 418, on third reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

### ADJOURNMENT

Mr. MAHANY. Mr. President, I move that the Senate do now adjourn until Tuesday, December 13, 1955, at 2:00 o'clock, p. m., Eastern Standard Time.

Mr. CHAPMAN. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 8:09 o'clock, p. m., Eastern Standard Time, until Tuesday, December 13, 1955, at 2:00 o'clock, p. m., Eastern Standard Time.



## HOUSE OF REPRESENTATIVES

MONDAY, December 12, 1955

The House met at 3:00 p. m.

The SPEAKER (Hiram G. Andrews) in the Chair.

## PRAYER

The Chaplain, Reverend Harold J. Crouse, Pastor of Trinity Lutheran Church, York, offered the following prayer:

Almighty God, Father of Humanity, we thank Thee for the heritage and privilege of our beloved country and for the wisdom with which Thou hast led it through all difficulties from its very beginning.

We pray that Thou wouldst hallow Thy Name in the hearts and minds of these Representatives and all those who are engaged in the task of carrying on the business of this State government. Make us divinely high minded because we are truly humble. Open up new vistas of opportunities of service in the interest of liberty and freedom throughout the world.

Now our heavenly Father we commit ourselves unto Thee. Because of Thy unfailing goodness and love in the past we know that we can trust Thine everlasting mercy in the days to come. In the name of Jesus Christ. Amen.

## JOURNAL APPROVAL POSTPONED

The SPEAKER. If there is no objection, the approval of the Journal for Wednesday, December 7, 1955, will be postponed until printed. The Chair hears none.

## BILL INTRODUCED AND REFERRED

By Mr. POLEN.

HOUSE BILL No. 1923.

An Act making an appropriation to the Department of Public Assistance and providing for certain allocations therefrom for the purpose of carrying out the Public Assistance Law, for the two fiscal years beginning June first, one thousand nine hundred fifty-five.

Referred to the Committee on Appropriations.

## STATEMENT BY SPEAKER

The SPEAKER. After a battle with the Department of Property and Supplies, a battle with the Governor's office, a battle with various department heads and a battle with divers and sundry Senators, the Chair was able to secure permanent parking places for the Speaker's car and for the Minority Leader's car.

Last night in the dead of night with the whole plaza open the owner of car HR39 elected to park in the space allotted to the Speaker. So there was nothing left for the Speaker to do except park in the place of the Minority Leader. He got here and had to hunt all around the Capitol, but it was one of his jolly boys who parked in the Speaker's slot.

The Chair thinks he will recommend to the Rules Committee that they bring in a rule directing the Department of Property and Supplies, in the event of a repetition, to take the car with a tow truck and dump it in the river.

The Speaker simply has to defend the rights and privileges of the Minority Leader. We cannot see his boys run over him.

## QUESTION OF INQUIRY

Mr. CHARLES C. SMITH. Mr. Speaker, I rise to a question of inquiry.

The SPEAKER. The gentleman will state it.

Mr. CHARLES C. SMITH. Mr. Speaker, for about the last three weeks in a row on the righthand side of my car, which faces the Speaker's parking place, I have had deep scratches. Is the Speaker responsible, or who is going to be responsible for that?

In fact, I have two bills now that I would like to present to someone, if you can place responsibility, for \$32 for one and \$15 for the other last week.

The SPEAKER. The Chair will reply to the gentleman from Philadelphia, if he has a car that can be marred by a little Volkswagon, the Speaker advises him to get a more substantial vehicle.

Mr. CHARLES C. SMITH. I thank the Speaker.

Mr. HOCKER. Mr. Speaker, I think you both got what you deserved. Nobody else has special parking privileges.

The SPEAKER. After the fight the Speaker made to even let you look at the plaza! That's the thanks you get for doing anything for this crowd.

Mr. WORLEY. Mr. Speaker, I would like to inquire whether Members of the House are entitled to park on the plaza, and why there isn't room for Members of the House when they come there to park?

Today when I came in I found a place to park. I had to go up to the Harrisburg Academy for ten minutes to bring my boys down here because my wife is in the hospital. I had no place else to bring them. I told the Capitol cop to reserve the place until I came back. When I came back it was full, no place to park, so I parked my car behind the rest of the cars and there it is sitting now.

The cop said, "You can't do it."

I said, "It stays right there. I have got to be on the floor of the House."

Now, what am I going to do about that, Mr. Speaker?

The SPEAKER. The Chair wants to say to the gentleman from Adams that most of the Members have in their districts powerful constituents, and it is unfortunate that the gentleman from Adams represents a county which does not seem to have any pull on Capitol Hill.

Mr. WORLEY. I think we have many Republicans over there, Mr. Speaker.

The SPEAKER. The Chair is unable at this time to see the gentleman from Allegheny, Mr. Vaughan.

## COMMUNICATION FROM GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILLS NOS. 171, 619, 734, 740, 1079, 1331, 1461, 1729, 1730, 1747, 1779, and 1834.

Commonwealth of Pennsylvania,

Governor's Office, Harrisburg, December 9, 1955.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 171, Printer's No. 817, entitled "An Act amending the act of July seven one thousand eight hundred seventy-nine (P. L. 194) entitled 'An act to enlarge the jurisdiction of justices of peace



and regulating the fees of constables making sales under this act' enlarging the jurisdiction of aldermen magistrates and justices of the peace."

GEORGE M. LEADER

December 9, 1955.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 619, Printer's No. 197, entitled "An Act amending the act of May 11, 1949 (P. L. 1210) entitled 'An act relating to group life insurance describing permitted policies and restrictions thereon the premium basis thereof and rights thereunder limiting the amount of such insurance prescribing standard policy provisions and requiring notice of conversion privileges' decreasing minimum number of employees who may be covered by policies issued to any employer or to trustees of a fund established by an employer."

GEORGE M. LEADER

December 7, 1955.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 734, Printer's No. 577, entitled "An Act amending the act of June 14, 1935 (P. L. 341) entitled as amended 'An act to provide revenue by imposing a State tax upon sales or gifts of cigarettes by dealers as herein defined requiring persons engaged in the sale of cigarettes at wholesale and retail to secure permits prescribing the method and manner of collecting such tax making it unlawful to possess cigarettes upon which the tax has not been paid conferring powers and imposing duties on the Department of Revenue and persons as herein defined engaged in the sale of cigarettes at retail or wholesale and providing penalties' exempting cigarettes purchased for gratuitous issue to veteran patients in State and State-aided hospitals."

GEORGE M. LEADER

December 7, 1955.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 740, Printer's No. 583, entitled "An Act amending the act of May 22, 1945 (P. L. 837) entitled as amended 'An act providing for and requiring in certain cases preference in appointments to and retention in public position or on public works for honorably discharged persons who served in the military or naval service during any war in which the United States engaged and in certain cases for the widows and wives of such persons' extending civil service preference to veterans of armed conflicts."

GEORGE M. LEADER

December 9, 1955.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 1079, Printer's No. 377, entitled "An act amending the act of May 17, 1921 (P. L. 682) entitled 'An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing law' further providing for defining and regulating the issuance of

group blanket and franchise accident and sickness insurance."

GEORGE M. LEADER

December 9, 1955.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 1331, Printer's No. 801, entitled "An Act amending the act of May 17, 1921 (P. L. 789) entitled as amended 'An act relating to insurance establishing an insurance department and amending revising and consolidating the law relating to the licensing qualification regulation examination suspension and dissolution of insurance companies Lloyds associations reciprocal and inter-insurance exchanges and certain societies and orders the examination and regulation of fire insurance rating bureaus and the licensing and regulation of insurance agents and brokers the service of legal process upon foreign insurance companies associations or exchanges providing penalties and repealing existing laws' changing provisions relating to fees."

GEORGE M. LEADER

December 7, 1955.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 1461, Printer's No. 750, entitled "An Act amending the act of May 1, 1929 (P. L. 905) entitled 'An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justice of the peace the court and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds' exempting the YMCA and YWCA from vehicle registration and title fees."

GEORGE M. LEADER.

December 9, 1955.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 1729, Printer's No. 903, entitled "An Act amending the act of May 5, 1933 (P. L. 289) entitled 'An act relating to nonprofit corporations defining and providing for the organization merger consolidation and dissolution of such corporations conferring certain rights powers duties and immunities upon them and their officers and members prescribing the conditions on which such corporations may exercise their powers providing for the inclusion of certain existing corporations of the first class within the provisions of this act prescribing the terms and conditions upon which foreign nonprofit corporations may be admitted or may continue to do business within the Commonwealth conferring powers and imposing duties on the courts of common pleas prothonotaries of such courts recorders of deeds and certain State departments commissions and officers authorizing certain local public officers and State



departments to collect fees for services required to be rendered by this act imposing penalties and repealing certain acts and parts of acts relating to corporations' providing for the incorporation and regulation of nonprofit dental service corporations furnishing dental services only to certain subscribers and their dependents."

GEORGE M. LEADER.

December 9, 1955.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 1730, Printer's No. 904, entitled "An act providing for the regulation and supervision of nonprofit dental service corporations to provide dental services to subscribers of low income by the Department of Health and the Insurance Department and defining the functions of such departments with respect thereto authorizing certain departments commissions officers and other agencies of the State and its political subdivisions to subscribe under certain circumstances to the dental service plan of such corporations on behalf of persons of low income prescribing legal investments for the funds of such corporations and the rights of doctors of dental surgery to register with such corporation conferring authority on the Department of Health and on the Insurance Commissioner each within its own sphere of lawful activity to regulate and supervise such corporations conferring certain rights powers duties and immunities upon such corporations and their officers and members prescribing the conditions on which such corporations may exercise their powers exempting such corporations from taxation prohibiting any person copartnership association common law trust or corporation except a nonprofit dental service corporation from providing dental services on a nonprofit plan in return for prepayment periodical or lump sum payments providing penalties for the violation of and mandatory and injunctive relief for the enforcement of the provisions of this act."

GEORGE M. LEADER.

December 9, 1955.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 1747, Printer's No. 994, entitled "An Act to further amend clause (a) of section five hundred ten of the act of May 1, 1929 (P. L. 905) entitled 'An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fee and miscellaneous receipts making an appropriation and providing for refunds' by making an editorial correction and changing the time for beginning use of registration plates for certain vehicles."

GEORGE M. LEADER.

December 9, 1955.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 1779, Printer's No. 997, entitled "An Act to further amend subsection (f) of Section 211.1 of the act approved the seventeenth day of May one thousand nine hundred twenty-one (P. L. 789) entitled as amended 'An act relating to insurance establishing an insurance department and amending revising and consolidating the law relating to the licensing qualification regulation examination suspension and dissolution of insurance companies Lloyds associations reciprocal and inter-insurance exchange and certain societies and orders the examination and regulation of fire insurance rating bureaus and the licensing and regulation of insurance agents and brokers the service of legal process upon foreign insurance companies associations or exchanges providing penalties and repealing existing laws' by continuing the provisions of that section in effect for a further period."

GEORGE M. LEADER.

December 6, 1955.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 1834, Printer's No. 1159, entitled "An Act making an appropriation to the Senate and House of Representatives of the General Assembly for the payment of Salaries of officers and employees mileage of members and incidental expenses for the balance of the legislative session of 1955."

GEORGE M. LEADER.

## LEAVES OF ABSENCE

By unanimous consent leave of absence was granted as follows:

Mr. Agnew for Mr. DONALDSON for today's session.

Mrs. Henzel for Mr. KRATZ for today and tomorrow because of illness.

Mrs. Henzel for Mr. WILLAREDT for today and tomorrow because of death in the family.

Mr. Needham for Mr. REIDENBACH.

## BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 53, entitled:

An Act amending the act of May 1, 1929 (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees and miscellaneous receipts; making an appropriation and providing for refunds," prohibiting the throwing of certain material from motor vehicles.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.



Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 323, entitled:

An Act providing for the protection of the public safety by regulating the sale offering or exposing for sale at retail and the use of air rifles defining air rifles authorizing cities boroughs towns and townships to issue permits for licensing and to regulate target ranges imposing duties on the Pennsylvania State Police sheriffs police officers and constables and providing penalties

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 667, entitled:

An Act providing for the determination and effect of comparative negligence in actions of tort and providing that contributory negligence shall not bar recovery

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 874, entitled:

An Act amending the act of June 24, 1931 (P. L. 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" increasing millage of annual tax for general township purposes

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1181, entitled:

An Act amending the act of May 1, 1929 (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," prescribing powers of magistrates and committing magistrates in traffic courts in summary proceedings involving certain juveniles providing for reports by magistrates and committing magistrates in traffic courts to probation officers imposing duties upon probation officers and providing for appeals to juvenile courts in certain cases involving juveniles

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1379, entitled:

An Act amending the act of June 1, 1937 (P. L. 1120), entitled "An act to promote the safety of employes and travelers upon railroads by compelling common carriers by railroad to man locomotive trains, and other self propelled engines or machines with competent employes; to provide the least number of men that may be employed on locomotive trains, and other self propelled engines or machines; to provide the qualifications of certain employes; and to provide a penalty for the violation thereof, and the enforcement thereof by the Public Utility Commission," further regulating the size of locomotive crews.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1520, entitled:

An Act amending the act of May 25, 1937 (P. L. 808), entitled "An act providing for the use of the Pennsylvania Industrial School at Huntingdon as an institution for the reception, care, maintenance, detention, employment, and training of defective delinquents; authorizing the preparation and equipment (including necessary construction) of the institution for such purposes, either by the Department of Property and Supplies or The General State Authority, and authorizing the necessary leases or conveyances for this purpose; changing the name of the Board of Trustees of Pennsylvania Industrial School; providing for the commitment and transfer of such persons to such institution and discharge therefrom; conferring powers and imposing duties on the aforesaid board of trustees, the Department of Welfare, and courts; and imposing certain charges on counties," changing the provisions relating to payment of costs of maintenance of persons committed from certain counties.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1644, entitled:

An Act providing for the construction transportation installation maintenance marking use and inspection of containers for liquefied compressed gases except liquefied petroleum gas prohibiting the filling or refilling of the tanks and containers unless designed for the purpose authorizing the Department of Labor and Industry to prescribe uniform regulations for the carrying out of the provisions of this act requiring fees for permits and providing penalties

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1765, entitled:

An Act relating to services furnished to or performed for contractors and subcontractors regulating waivers releases receipts and other evidence of payment and their effect providing procedure for collecting certain claims



And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1797, entitled:

An Act amending the act of June 25, 1947 (P. L. 973) entitled "An act relating to the annual salaries of certain county officers of counties of the third class" increasing the salaries of prothonotaries of counties of the third class

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1827, entitled:

An Act amending the act of August 9, 1955 (Act No 130) entitled "An act relating to counties of the third fourth fifth sixth seventh and eighth classes amending revising consolidating and changing the laws relating thereto" authorizing the appointment of depositories for county funds by the county treasurer

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1828, entitled:

An Act repealing section 445 act of August 9, 1955 (Act No 130) entitled "An act relating to counties of the third fourth fifth sixth seventh and eighth classes amending revising consolidating and changing the laws relating thereto" further regulating the payment by the counties of expenses of the association of county commissioners solicitors and chief clerks

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1829, entitled:

An Act amending the act of August 9, 1955 (Act No 130) entitled "An act relating to counties of the third fourth fifth sixth seventh and eighth classes amending revising consolidating and changing the laws relating thereto" further regulating the payment of expenses of county commissioners attending annual meetings of their association

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1889, entitled:

An Act amending the act of August 10, 1951 (P. L. 1182) entitled "An act relating to and defining chiropractic and the right to practice chiropractic requiring licensure conferring powers and imposing duties upon the State Board of Chiropractic Examiners and the Department of Public Instruction providing for the granting suspension and revocation of licenses issued by the

board preserving the rights of existing licensees and giving them certain personal choice as to jurisdiction conferring jurisdiction upon the court of common pleas of Dauphin County and prescribing penalties" further providing for the licensing of certain graduates of unincorporated schools or colleges of chiropractic

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate Bill No. 249, entitled:

An Act amending the act of June 24, 1937 (P. L. 2051) entitled "An act relating to public assistance providing for and regulating assistance to certain classes of persons designated and defined as dependent children aged persons blind persons and other persons requiring relief providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose authorizing the Department of Public Assistance to cooperate with and to accept and disburse moneys received from the United States Government for assistance to such persons providing for the liquidation of the State Emergency Relief Board Boards of Trustees of the Mothers' Assistance Fund and Boards of Trustees of Pension Fund for the Blind and repealing laws relating to mothers' assistance pensions for the blind old age assistance and the State Emergency Relief Board" increasing monthly pension allowance and maximum income allowance crediting encumbrances in realty valuation and abolishing the sum of income and pension as a ceiling for pension receivable

The first section was read.

On the question,

Will the House agree to the section?

#### BILL RECOMMITTED

Mr. POLEN. Mr. Speaker, I move that this bill be recommitted to the Committee on Appropriations.

The motion was agreed to.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate Bill No. 284, entitled:

An Act amending the act of April 9, 1929 (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" creating the State Board of Chiropody Examiners as a departmental administrative board in the Department of Public Instruction.

The first section was read.

On the question,

Will the House agree to the section?



## BILL RECOMMITTED

Mr. READINGER. Mr. Speaker, I move that this bill be recommitted to the Committee on Professional Licensure for the purpose of further study.

The motion was agreed to.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate Bill No. 285, entitled:

An Act relating to the practice of chiropraxy conferring powers and imposing duties on the State Board of Chiropraxy Examiners and the Department of Public Instruction and providing penalties

The first section was read.

On the question,

Will the House agree to the section?

## BILL RECOMMITTED

Mr. READINGER. Mr. Speaker, I move that this bill be recommitted to the Committee on Professional Licensure for the purpose of further study.

The motion was agreed to.

## BILL PASSED OVER

There being no objection

Senate Bill No. 523, Printer's No. 169

was passed over at the request of the SPEAKER.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate Bill No. 757, entitled:

An Act amending the act of June 25, 1947 (P. L. 1145), entitled, as amended, "An act empowering cities of the second class, cities of the second class A, cities of the third class, boroughs, towns, townships of the first class, townships of the second class, school districts of the second class, school districts of the third class and school districts of the fourth class to levy assess, and collect or to provide for the levying, assessment and collection of certain additional taxes subject to maximum limitations for general revenue purposes authorizing the establishment of bureaus and the appointment and compensation of officers and employes to assess and collect such taxes; and permitting penalties to be imposed and enforced; providing an appeal from the ordinance or resolution levying such taxes to the court of quarter sessions and to the Supreme Court and Superior Court," defining the effect of requirement that real property transfer taxes be paid by the transferor on preexisting ordinances and resolutions and validating such ordinances and resolutions.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate Bill No. 758, entitled:

An Act amending the act of June 25, 1947 (P. L. 1145), entitled, as amended, "An act empowering cities of the second class, cities of the second class A, cities of the third class, boroughs, towns, townships of the first class, townships of the second class, school district of the second class, school districts of the third class and school districts of the fourth class to levy, assess, and collect or to provide for the levying, assessment, and collection of certain additional taxes subject to maximum limitations for general revenue purposes; authorizing the establishment of

bureaus and the appointment and compensation of officers and employes to assess and collect such taxes; and permitting penalties to be imposed and enforced; providing an appeal from the ordinance or resolution levying such taxes to the court of quarter sessions and to the Supreme Court and Superior Court," authorizing taxing authorities to impose real property transfer taxes on either the transferor or on the transferee.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

## BILLS PASSED OVER

There being no objection

Senate Bill No. 813, Printer's No. 322 and

Senate Bill No. 835, Printer's No. 413

were passed over at the request of the SPEAKER.

## PERMISSION GRANTED COMMITTEES TO MEET DURING SESSION

Mr. MIHM asked and obtained permission for the Committee on Cities—Counties—Second and Second Class A to meet during the session of the House.

Mr. POLEN asked and obtained permission for the Committee on Appropriations to meet during the session of the House.

## PERMISSION TO ADDRESS HOUSE

Mr. WORLEY asked and obtained unanimous consent to address the House.

Mr. Speaker, in a letter to me dated November 30, 1955, the France Yearly Meeting Executive Committee of Quakers made general approval of House Resolution Number 103 of this 1955 General Assembly. I request that a copy of that letter of general approval be entered upon today's Legislative Journal.

The SPEAKER. The letter will be spread upon the Journal.

Mr. WORLEY submitted the following for the record.

## SOCIETE RELIGIEUSE DES AMIS (QUAKERS)

Assemblee De France

12, Rue Guy de la Brosse, Paris (5)

Telephone GOBelins 16-62

Cheques Postaux Paris 5507-15

Metro "Place Jussieu"

Paris, Nov. 30th, 1955.

Francis WORLEY,  
c/o Friends International Centre,  
110, Av. Mozart,  
PARIS XVI.

Dear Friend,

At a recent meeting of the Executive Committee of France Yearly Meeting, held in Paris on November 13th, 1955; our Friend Josephine Noble, from the Friends International Centre, informed us of your concern relative to the Resolution presented by you last summer at the General Assembly of Pennsylvania.

We listened to it with care and interest and although we did not feel we could interfere with Pennsylvania legislation, we decided to let you know our general approval and sincere hope that your voice will be heard in due time.

We also wish to add that we did appreciate your desire to share this concern with French Friends.

Sincerely yours,



On behalf of France Y. M.  
Executive Committee,  
Marg. Czarnecki  
(M. Czarnecki)

### RECONSIDERATION OF VOTE ON HOUSE BILL 319

Mr. HOCKER. Mr. Speaker, I move that the vote by which House Bill No. 319, Printer's No. 1137, entitled:

"An Act amending the act of April 12, 1951 (P. L. 90) entitled 'Liquor Code' permitting the exchange of liquor licenses for retail dispenser's licenses and establishing procedure therefor."

was defeated on final passage, Tuesday, December 6, 1955, be reconsidered.

Mr. MORAN. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from Dauphin, Mr. Hocker, vote on the final passage of this bill?

Mr. HOCKER. Mr. Speaker, I voted with the prevailing side.

The SPEAKER. How did the gentleman from Allegheny, Mr. Moran, vote on the final passage of this bill?

Mr. MORAN. Mr. Speaker, I voted with the prevailing side.

On the question,

Will the House agree to the motion?

It was agreed to.

On the question recurring,

Shall the bill pass finally?

### BILL POSTPONED

Mr. HOCKER. Mr. Speaker, I move that this bill be placed on the final passage postponed calendar.

The motion was agreed to.

### REPORTS FROM COMMITTEES

Mr. RIGBY from the Committee on Cities—Counties Second and Second Class A reported as committed, House Bill No. 1898, entitled:

An Act amending the act of July 28, 1953 (P. L. 723), entitled "An act relating to counties of the second class, amending, revising, consolidating, and changing the laws relating thereto, "further providing for and changing the provisions of the act relating to employes' retirement system and the powers, duties and liabilities of the county, the county institution district, and the retirement board relative thereto and the rights, privileges, and limitations of employes and beneficiaries under the retirement system.

Mr. OLSEN from the Committee on Cities—Counties Second and Second Class A reported as committed, House Bill No. 1915, entitled:

An Act amending the act of May 22, 1935 (P. L. 233), entitled "An act creating and establishing a fund for the care, maintenance, and relief of aged, retired, and disabled employes of the Bureau of Police in cities of the second class; \*\*\*," changing the amount of payments to certain beneficiaries.

Mr. VAUGHAN from the Committee on Cities—Counties Second and Second Class A reported as committed, House Bill No. 1916, entitled:

An Act amending the act of May 25, 1933 (P. L. 1050), entitled "An act creating and establishing a fund for the care, maintenance, and relief of aged, retired and disabled employes of the bureau of fire in cities of the second class; \*\*\*" changing the amounts of payments to certain beneficiaries.

Mr. LUTTY from the Committee on Cities—Counties Second and Second Class A reported as committed, House Bill No. 1922, entitled:

An Act reenacting and amending section 4 of the act of May 28, 1915 (P. L. 596), entitled "An act requiring cities of the second class to establish a pension fund for employes of said cities, and regulating the administration and the payment of such pensions," increasing the amount of pensions in certain cases.

Mrs. VARALLO from the Committee on Appropriations, reported as committed, House Bill No. 1923, entitled:

An Act making an appropriation to the Department of Public Assistance and providing for certain allocations therefrom for the purpose of carrying out the Public Assistance Law, for the two fiscal years beginning June first, one thousand nine hundred fifty-five.

### BILLS ON FIRST READING

Mrs. VARALLO asked and obtained unanimous consent for House Bill No. 1923 to be read for the first time.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1923, entitled:

An Act making an appropriation to the Department of Public Assistance and providing for certain allocations therefrom for the purpose of carrying out the Public Assistance Law, for the two fiscal years beginning June first, one thousand nine hundred fifty-five.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

### BILLS ON FINAL PASSAGE

#### BILLS PASSED OVER

There being no objection

House Bill No. 68 Printer's No. 1189

House Bill No. 1311 Printer's No. 1102 and

House Bill No. 1706 Printer's No. 841

were passed over at the request of the SPEAKER.

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 1819 as follows:

An Act enabling the department of procurement of cities of the first class to establish by resolution the conditions upon which it will award contracts for city printing

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The department of procurement of any city of the first class may by proper resolution require that printing firms who are desirous of presenting bids for city printing shall be required to comply with the following conditions

(1) That the printing firms shall file with the chief clerk of the department of procurement a sworn statement to the effect that employes in the employ of the firm or firms which are to produce the printing are receiving the prevailing wage rate and are working under conditions prevalent in the locality in which the work is to be performed

(2) That whenever a collective bargaining agreement is in effect between an employer and employes who are represented by a responsible organization which is in no way influenced or controlled by the management the agreement and its provisions shall be considered as conditions prevalent in said locality and shall be a condition upon which the contract will be awarded

(3) That in case any dispute arises as to what is the



prevailing rate of wages for work applicable to the contract which cannot be adjudged by the department of procurement the matter shall be referred to the administrative board and its decision thereon shall be conclusive

Section 2 This act shall take effect immediately

On the question,

Shall the bill pass finally?

Mr. READINGER. Mr. Speaker, I request the sponsor of the bill to explain it briefly for the information of the House.

Mr. LIMPER. Mr. Speaker, all this bill does, as far as the bill itself is concerned, is to award contracts to those firms paying the prevailing rate of wages. Therefore, I think it will create better competition as far as the bidder is concerned. That is the extent of the bill. It only pertains to cities and counties first class.

Mr. CHARLES C. SMITH. Mr. Speaker, may I interrogate the gentleman, please?

The SPEAKER. Will the gentleman from Philadelphia, Mr. Limper, permit himself to be interrogated?

Mr. LIMPER. I shall, Mr. Speaker.

Mr. CHARLES C. SMITH. Mr. Speaker, when the gentleman says that it will limit bidding to those firms paying only prevailing wages, does he mean by that it would limit bidding on this type of work for the city to only those firms that have a union contract?

Mr. LIMPER. No, Mr. Speaker, that is not necessary, because those firms sign an affidavit to the effect that they are paying the prevailing wages. It does not necessarily have to be a union shop.

Mr. CHARLES C. SMITH. Would an non-union firm paying the prevailing wages have the right to bid, Mr. Speaker?

Mr. LIMPER. Yes, Mr. Speaker.

Mr. CHARLES C. SMITH. If a non-union firm did not pay the prevailing wages, they would not have the right to bid, is that right, Mr. Speaker?

Mr. LIMPER. That is right, Mr. Speaker.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

## YEAS—131

Adam,	Gaffney,	McWherter,	Schuster,
Amarando,	Garlock,	Meholchick,	Sherman,
Anderson, M. S.,	Gelfand,	Mihm,	Sigman,
Anderson, S. A.,	Guss,	Mikula,	Smith, C. C.,
Auker,	Hamilton, R. K.,	Miller,	Smith, Wm. B.,
Barnatovich,	Hass,	Mills,	Snider,
Bazin,	Haudenshield,	Monroe,	Stank,
Boies,	Heavey,	Moran,	Stebbins,
Bonner,	Hocker,	Muldowney,	Stephens,
Boory,	Holt,	Mullen,	Stone,
Branca,	Jenkins,	Munley,	Stoner,
Breisch,	Jones, G. E.,	Murphy,	Strausser,
Brennan, A. P.,	Jones, T. H. W.,	Musto,	Swartz,
Brennan, J. J.,	Jump,	Needham,	Taylor,
Breth,	Kamyk,	Ogilvie,	Thomas,
Bucchin,	Kline,	Olsen,	Toll,
Capano,	Kolankiewicz,	O'Neill,	Varallo,
Cianfrani,	Kornick,	Pacchioli,	Vaughan,
Cioffi,	Kubacki,	Parry,	Verona,
Cochran,	Lawyer,	Pashley,	Wallace,
Comer,	Leiby,	Paulhamus,	Walsh,
Connelly,	Leonard,	Petrosky,	Wargo,
Dougherty,	Leven,	Pettigrew,	Welsh,
Ellberg,	Limper,	Polaski,	Wescott,
Ewing,	Lopresti,	Polen,	Wheeler,
Farabaugh,	Lovett,	Readinger,	Whitenight,
Filo,	Lutty,	Reibman,	Williams,
Fineman,	Markley,	Renwick,	Worley,

Flint,  
Floyd,  
Flynn,  
Frank,  
Frascella,

McCann,  
McCormack,  
McGee,  
McKeever,  
McLaughlin,

Rosen,  
Rubin,  
Rudisill,  
Sarraf,  
Scarcelll,

Yetter,  
Yetzer,  
Ziegler,  
Andrews,  
Speaker

## NAYS—51

Agnew,  
Ashton,  
Bell,  
Brenninger,  
Bullen,  
Davis,  
Donahue,  
Ehrgood,  
Eshleman,  
Foster,  
Frost,  
Gibb,  
Goldstein,

Gramlich,  
Greenwood,  
Guthrie,  
Helm,  
Henzel,  
Hewitt,  
Houk,  
Isaacs,  
Kehler,  
Keller,  
Kent,  
Knecht,  
Kooker,

Kromer,  
Leisey,  
Light,  
Lippincott,  
Magee,  
Mahan,  
McInroy,  
Metz,  
Murray, H. P.,  
Murray, P. G.,  
Naugle,  
Pomeroy,  
Pursley,

Rigby,  
Steckel,  
Stevenson,  
Stroup,  
Thompson,  
Tompkins,  
Toomey,  
Wall,  
Waterhouse,  
Weidner,  
Wilt,  
Wood,

## NOT VOTING—27

Banker,  
Blair,  
Bower,  
Brown,  
Cooper,  
Curwood,  
Donaldson,

Down,  
Erb,  
George,  
Gibson,  
Hamilton, W. H.,  
Horst,  
Johnson,

Kratz,  
Lafore,  
Maxwell,  
Moody,  
Moscrip,  
Murray, J. J.,  
Price,

Reidenbach,  
Rovasek,  
Royer,  
Varner,  
Willaredt,  
Young,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 1820 as follows:

An Act enabling county commissioners of counties of the first class to establish by resolution the conditions upon which it will award contracts for county printing

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The commissioners of any county of the first class may by proper resolution require that printing firms who are desirous of presenting bids for county printing shall be required to comply with the following conditions

(1) That the printing firms shall file with the chief clerk of the county commissioners a sworn statement to the effect that employees in the employ of the firm or firms which are to produce the printing are receiving the prevailing wage rate and are working under conditions prevalent in the locality in which the work is to be performed

(2) That whenever a collective bargaining agreement shall be in effect between an employer and employees who are represented by a responsible organization which is in no way influenced or controlled by the management the agreement and its provisions shall be considered as conditions prevalent in said locality and shall be the a condition upon which the contract will be awarded

(3) That in case any dispute arises as to what is the prevailing rate of wages for work applicable to the contract which cannot be adjusted by the county commissioners the matter shall be referred to the county salary board and its decision thereon shall be conclusive

Section 2 This act shall take effect immediately

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

## YEAS—131



Adam,  
Amarando,  
Anderson, M. S.,  
Anderson, S. A.,  
Auker,  
Barnatovich,  
Bazin,  
Boles,  
Bonner,  
Boory,  
Branca,  
Breisch,  
Brennan, A. P.,  
Brennan, J. J.,  
Breth,  
Bucchin,  
Capano,  
Cianfrani,  
Cloff,  
Cochran,  
Comer,  
Connelly,  
Dougherty,  
Eilberg,  
Ewing,  
Farabaugh,  
Filo,  
Fineman,  
Flint,  
Floyd,  
Flynn,  
Frank,  
Frascella,

Gaffney,  
Garlock,  
Gelfand,  
Guss,  
Hamilton, R. K.,  
Hass,  
Haudenshield,  
Heavey,  
Hocker,  
Holt,  
Jenkins,  
Jones, G. E.,  
Jones, T. H. W.,  
Jump,  
Kamyk,  
Kline,  
Kolankiewicz,  
Kornick,  
Kubacki,  
Lawyer,  
Leiby,  
Leonard,  
Leven,  
Limper,  
Lopresti,  
Lovett,  
Lutty,  
Markley,  
McCann,  
McCormack,  
McGee,  
McKeever,  
McLaughlin,

McWherter,  
Meholchick,  
Mihm,  
Mikula,  
Miller,  
Mills,  
Monroe,  
Moran,  
Muldowney,  
Mullen,  
Munley,  
Murphy,  
Musto,  
Needham,  
Ogilvie,  
Olsen,  
O'Neil,  
Pacchioli,  
Parry,  
Pashley,  
Paulhamus,  
Petrosky,  
Pettigrew,  
Polaski,  
Polen,  
Readinger,  
Reibman,  
Renwick,  
Rosen,  
Rubin,  
Rudisill,  
Sarraf,  
Scarcelli,

Schuster,  
Sherman,  
Sigman,  
Smith, C. O.,  
Smith, Wm. B.,  
Snider,  
Stank,  
Stebbins,  
Stephens,  
Stone,  
Stoner,  
Strausser,  
Swartz,  
Taylor,  
Thomas,  
Toll,  
Varallo,  
Vaughan,  
Verona,  
Wallace,  
Walsh,  
Wargo,  
Welsh,  
Wescott,  
Wheeler,  
Whitenight,  
Williams,  
Worley,  
Yetter,  
Yetzer,  
Ziegler,  
Andrews,  
Speaker

## NAYS—51

Agnew,  
Ashton,  
Bell,  
Brenninger,  
Bullen,  
Davis,  
Donahue,  
Ehrgood,  
Ehleman,  
Foster,  
Frost,  
Gibb,  
Goldstein,

Gramlich,  
Greenwood,  
Guthrie,  
Helm,  
Henzel,  
Hewitt,  
Houk,  
Isaacs,  
Kehler,  
Keller,  
Kent,  
Knecht,  
Kooker,

Kromer,  
Lelsey,  
Light,  
Lippincott,  
Magee,  
Mahan,  
McInroy,  
Metz,  
Murray, H. P.,  
Murray, P. G.,  
Naugle,  
Pomeroy,  
Pursley,

Rigby,  
Steckel,  
Stevenson,  
Stroup,  
Thompson,  
Tompkins,  
Toomey,  
Wall,  
Waterhouse,  
Weidner,  
Wilt,  
Wood,

## NOT VOTING—27

Banker,  
Blair,  
Bower,  
Brown,  
Cooper,  
Curwood,  
Donaldson,

Down,  
Erb,  
George,  
Gibson,  
Hamilton, W. H.,  
Horst,  
Johnson,

Kratz,  
Lafore,  
Maxwell,  
Moody,  
Moscrip,  
Murray, J. J.,  
Price,

Reidenbach,  
Rovanssek,  
Royer,  
Varner,  
Willaredt,  
Young,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 1877, entitled:

An Act amending the act of March 10, 1949 (P. L. 30) entitled "An act relating to the public school system, including certain provisions applicable as well to private and parochial schools; amending, revising, consolidating and changing the laws relating thereto," changing the basis for reimbursement on account of rentals payable to the State Public Building Authority, municipality authorities and non-profit corporations and the conditions therefor and limitations on approval of projects for reimbursement purposes; providing for reimbursement on account of sinking fund charges in indebtedness for school buildings hereafter constructed and making an appropriation.

## RECONSIDERATION OF VOTE

Mr. McCANN. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered.

The motion was agreed to.

On the question recurring,

Will the House agree to the bill on third reading?

Mr. McCANN. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

Amend Sec. 2 (Sec. 2576) page 11, line 15 by striking out "county and State plans" and inserting in lieu thereof "county-wide plans prepared by the county board of school directors and approved by the State Council of Education."

Amend Sec. 2 (Sec. 2578) page 16, lines 3 and 4 by striking out "county and State plans for technical schools or departments" and inserting in lieu thereof "county-wide plans prepared by the county board of school directors and approved by the State Board for Vocational Education."

Amend Sec. 2 (Sec. 2579) page 16, line 11 by under-scoring "plans".

The SPEAKER. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

Agreeably to order,

The House proceeded to the consideration on final passage of Senate Bill No. 773 as follows:

An Act amending the act of May 1, 1929 (P. L. 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highway peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" prohibiting the operation of motor vehicles with certain types of mufflers and changing penalties

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 819 act of May 1 1929 (P. L. 905) known as "The Vehicle Code" amended June 22 1931 (P. L. 751) is amended to read

Section 819 Prevention of Noise

(a) No person shall operate a motor vehicle except fire-



department and fire patrol apparatus on a highway unless such motor vehicle is equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise.

(b) It shall be unlawful to use a muffler cut-out or a bi-pass in a muffler on any motor vehicle except fire department and fire patrol apparatus.

(c) No person shall operate a motor vehicle on any highway equipped with a muffler from which the baffles plates screens or other original interior parts have been removed and not replaced or (2) equipped with a muffler commonly known as a "Hollywood muffler" or any other similar type muffler which does not have baffles plates or screens

Penalty Any person violating any of the provisions of this section shall upon summary conviction before a magistrate be sentenced to pay a fine [of ten (\$10) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than five (5) days] not to exceed twenty-five (\$25) dollars or to undergo imprisonment not to exceed fifteen (15) days or both

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

#### YEAS—186

Adam,	Gaffney,	Mahan,	Sarraf,
Agnew,	Garlock,	Markley,	Scarcelli,
Amarando,	Gelfand,	McCann,	Schuster,
Anderson, M. S.,	Gibb,	McCormack,	Sherman,
Anderson, S. A.,	Goldstein,	McGee,	Sigman,
Ashton,	Gramlich,	McInroy,	Smith, C. C.,
Auker,	Greenwood,	McKeever,	Smith, Wm. B.,
Barnatovich,	Guss,	McLaughlin,	Snider,
Bazin,	Hamilton, R. K.,	McWherter,	Stank,
Bell,	Hass,	Meholchick,	Stebbins,
Blair,	Haudenschild,	Metz,	Steckel,
Boles,	Heavey,	Mihm,	Stephens,
Bonner,	Helm,	Mikula,	Stevenson,
Boory,	Henzel,	Miller,	Stone,
Bower,	Hewitt,	Mills,	Stoner,
Branca,	Hocker,	Monroe,	Strasser,
Brelsich,	Holt,	Moran,	Stroup,
Brennan, A. P.,	Horst,	Muldowney,	Swartz,
Brennan, J. J.,	Houk,	Mullen,	Taylor,
Brenninger,	Isaacs,	Munley,	Thomas,
Breth,	Jenkins,	Murphy,	Thompson,
Buchin,	Jones, G. E.,	Murray, H. P.,	Toll,
Bullen,	Jones, T. H. W.,	Murray, J. J.,	Tompkins,
Capano,	Jump,	Murray, P. G.,	Toomey,
Cianfrani,	Kamyk,	Musto,	Varallo,
Cioffi,	Kehler,	Naugle,	Vaughan,
Cochran,	Keller,	Needham,	Verona,
Comer,	Kent,	Ogilvie,	Wall,
Connelly,	Kline,	Olsen,	Wallace,
Davis,	Knecht,	O'Neill,	Walsh,
Donaldson,	Kolankiewicz,	Pacchioli,	Wargo,
Dougherty,	Kooker,	Parry,	Waterhouse,
Ehrgood,	Kornick,	Pashley,	Weidner,
Elberg,	Kromer,	Paulhamus,	Welsh,
Erb,	Kubacki,	Petrosky,	Wescott,
Eshleman,	Lawyer,	Pettigrew,	Wheeler,
Ewing,	Leiby,	Polaski,	Whitenight,
Farabaugh,	Leisey,	Polen,	Williams,
Filo,	Leonard,	Pomeroy,	Wilt,
Fineman,	Leven,	Pursley,	Wood,
Flint,	Light,	Readinger,	Worley,
Floyd,	Limper,	Reibman,	Yetter,
Flynn,	Lippincott,	Renwick,	Yetzer,
Foster,	Lopresti,	Rigby,	Ziegler,
Frank,	Lovett,	Rosen,	Andrews,
Frascella,	Lutty,	Rubin,	Speaker
Frost,	Magee,	Rudisill,	

#### NAYS—1

Guthrie,

#### NOT VOTING—22

Banker,  
Brown,  
Cooper,  
Curwood,  
Donahue,  
Down,

George,  
Gibson,  
Hamilton, W. H.,  
Johnson,  
Kratz,  
Lafore,

Maxwell,  
Moody,  
Moscrip,  
Price,  
Reidenbach,

Rovansek,  
Royer,  
Varner,  
Willaredt,  
Young,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed the same with amendments in which the concurrence of the Senate is requested.

### BILLS ON THIRD READING

#### BILLS PASSED OVER

There being no objection

House Bill No. 322, Printer's No. 255 and

House Bill No. 926, Printer's No. 1190

were passed over at the request of the SPEAKER.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1073, as follows:

An Act providing for the establishment of forestry conservation camps by the Department of Welfare and the Department of Justice for the retaining of male delinquents

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 It is hereby declared to be the legislative intent that the purpose of this act is to promote the welfare of this Commonwealth by making available facilities for the rehabilitation of juvenile delinquent and youthful offenders who do not require confinement in training or industrial schools or other correctional or penal institutions

Section 2 (A) As a means of correcting the socially harmful tendencies of certain juvenile delinquents sixteen years of age and over the Department of Welfare shall establish one or more forestry conservation camps

(b) As a means of correcting the socially harmful tendencies of certain youthful offenders between the ages of eighteen and twenty-five years the Department of Justice shall establish one or more forestry conservation camps

Section 3 The Department of Welfare and the Department of Justice shall cooperate with the Department of Forests and Waters in the matter of the location of the forestry conservation camps and the assignment of work projects therein The Department of Forests and Waters shall furnish to the Department of Welfare and the Department of Justice technical consultation service for the operation of the forestry conservation camps

Section 4 (a) The Department of Welfare may recommend to the juvenile courts of the Commonwealth the placement of juveniles in or the transfer of juveniles to forestry conservation camps under its administration and the juvenile courts may commit or transfer juveniles to such camps in accordance with procedures established by the Department of Welfare (b) The Deputy Commissioner for Treatment of the Bureau of Correction in the Department of Justice shall have the sole responsibility of transferring to forestry conservation camps under the administration of the Department of Justice male offenders under the age of twenty-five years sentenced to a State institution

Section 5 Persons placed in or transferred to the camps shall be required to work on forestation or reforestation of public lands on the making of forest roads for fire prevention or fire fighting including fire trails and fire breaks or in blister or pest control or in soil conservation all laws regulating child labor shall be applicable the Department of Welfare and the Department of Justice shall provide for the payment of wages to the boys and



young men for work they do while in camps at the rate currently paid for inmate labor at State correctional institutions

Section 6 One of the first two forestry conservation camps established under the provisions of this act shall be under the administration of the Department of Welfare for the training of male delinquents who at the time of their placement in the camp are between sixteen and eighteen years of age the other camp shall be under the administration of the Department of Justice for the training of offenders under twenty-five years of age who are transferred to the camp as provided in subsection (b) of section 4 of this act

Section 7 The sum of one hundred fifty thousand dollars (\$150,000) or as much thereof as may be necessary is hereby appropriated to the Department of Justice for the acquisition development construction furnishing and equipping of the forestry conservation camps

Section 8 This act shall take effect immediately and the first camp under the administration of the Department of Welfare and the first camp under the administration of the Department of Justice shall be established not later than January 1, 1957

And said bill having been read at length the third time, considered and agreed to:

On the question,  
Shall the bill pass finally?  
Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—185			
Adam,	Garlock,	Markley,	Sarraf,
Agnew,	Gelfand,	McCann,	Scarcelll,
Amarando,	Gibb,	McCormack,	Schuster,
Anderson, M. S.,	Goldstein,	McGee,	Sherman,
Anderson, S. A.,	Gramlich,	McInroy,	Sigman,
Ashton,	Greenwood,	McKeever,	Smith, C. C.,
Auker,	Guss,	McLaughlin,	Smith, Wm. B.,
Barnatovich,	Guthrie,	McWherter,	Snider,
Bazin,	Hamilton, R. K.,	Meholchick,	Stank,
Bell,	Hass,	Metz,	Stebbins,
Blair,	Haudenshield,	Mihm,	Steckel,
Boles,	Heavey,	Mikula,	Stephens,
Bonner,	Helm,	Miller,	Stevenson,
Boory,	Henzel,	Mills,	Stone,
Bower,	Hewitt,	Monroe,	Stoner,
Branca,	Hocker,	Moran,	Strausser,
Brelsch,	Holt,	Muldowney,	Stroup,
Brennan, A. P.,	Horst,	Mullen,	Swartz,
Brennan, J. J.,	Houk,	Munley,	Taylor,
Brenninger,	Isaacs,	Murphy,	Thomas,
Breth,	Jenkins,	Murray, H. P.,	Thompson,
Bucchin,	Jones, G. E.,	Murray, J. J.,	Toll,
Bullen,	Jones, T. H. W.,	Murray, P. G.,	Tompkins,
Capano,	Jump,	Musto,	Toomey,
Cianfrani,	Kamyk,	Naugle,	Varallo,
Cloff,	Kehler,	Needham,	Vaughan,
Cochran,	Keller,	Ogilvie,	Verona,
Comer,	Kent,	Olsen,	Wall,
Connelly,	Kline,	O'Neill,	Wallace,
Donaldson,	Knecht,	Pacchioli,	Walsh,
Dougherty,	Kolankiewicz,	Parry,	Wargo,
Ehrgood,	Kooker,	Pashley,	Waterhouse,
Eilberg,	Kornick,	Paulhamus,	Weidner,
Erb,	Kromer,	Petrosky,	Welsh,
Eshleman,	Kubacki,	Pettigrew,	Wescott,
Ewing,	Lawyer,	Polaski,	Wheeler,
Farabaugh,	Lelby,	Polen,	Whitenight,
Filo,	Lelsey,	Pomeroy,	Williams,
Fineman,	Leonard,	Pursley,	Wilt,
Flint,	Leven,	Readinger,	Wood,
Floyd,	Light,	Reibman,	Worley,
Flynn,	Lamper,	Renwick,	Yetter,
Foster,	Lippincott,	Rigby,	Yetzer,
Frank,	Lopresti,	Rosen,	Ziegler,
Frascella,	Lovett,	Rubin,	Andrews,
Frost,	Lutty,	Rudisill,	Speaker
Gaffney,	Magee,		

NAYS—2	
Davis,	Mahan,

NOT VOTING—22

Banker,	George,	Maxwell,	Rovansek,
Brown,	Gibson,	Moody,	Royer,
Cooper,	Hamilton, W. H.,	Moscrip,	Varnier,
Curwood,	Johnson,	Price,	Willaredt,
Donahue,	Kratz,	Reidenbach,	Young,
Down,	Lafore,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILLS PASSED OVER

There being no objection  
House Bill No. 1080, Printer's No. 1191  
House Bill No. 1314, Printer's No. 883  
House Bill No. 1367, Printer's No. 1099 and  
House Bill No. 1368, Printer's No. 1100  
were passed over at the request of the SPEAKER.

Agreeably to order,  
The House proceeded to the third reading and consideration of House Bill No. 1738, entitled:

An Act amending the act of April 9, 1929 (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employees in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employees of certain departments boards and commissions shall be determined" providing for Commonwealth ownership of patentable matters developed in State institutions

On the question,  
Will the House agree to the bill on third reading?

BILL RECOMMITTED

Mr. READINGER. Mr. Speaker, I move that this bill be recommitted to the Committee on Judiciary.  
The motion was agreed to.

Agreeably to order,  
The House proceeded to the third reading and consideration of House Bill No. 1750, entitled:

An Act amending the act of August 9, 1955 (P. L. Act No. 130) entitled "An act relating to counties of the third fourth fifth sixth seventh and eighth classes amending revising consolidating and changing the laws relating thereto" providing for appeals to courts of common pleas from the decisions of salary board

On the question,  
Will the House agree to the bill on third reading?  
Mr. LAWYER. Mr. Speaker, I ask unanimous consent to offer an amendment at this time.



The SPEAKER. The amendment will be read by the Clerk for information.

Amend Sec. 1, (Sec. 1625), page 3, line 4, by inserting after "please" Provided, That no appeal shall be granted by the court unless the court finds as a fact that the salary board acted arbitrarily and that to refuse the appeal would prevent the proper functioning of the office of the aggrieved member. And provided further, That in any appeal taken from the action of the board by a judge of said county, the matter shall be heard and determined by a judge of the court of common pleas of another county.

The SPEAKER. Will the House give unanimous consent to the offering of an amendment at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1754 as follows:

An Act amending the act of June 2, 1891 (P. L. 176) entitled "An act to provide for the health and safety of persons employed in and about the anthracite coal mines of Pennsylvania and for the protection and preservation of property connected therewith" changing applicability of act

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 1 act of June 2, 1891 (P. L. 176) entitled "An act to provide for the health and safety of persons employed in and about the anthracite coal mines of Pennsylvania and for the protection and preservation of property connected therewith" amended July 20, 1953 (P. L. 522) is amended to read

Section 1 Be it enacted &c That this act shall apply to every anthracite coal mine or colliery in the Commonwealth [where five or more persons are employed or engaged in work but mine inspectors shall nevertheless at least once in each six months enter and inspect all mines where from one to five persons are employed or engaged in work for the purpose of determining the conditions of safety in any such mine In case a mine inspector shall find any such mine to be unsafe or to be operated in any unsafe manner measured by standards of safety provided by regulations promulgated by the Secretary of Mines he or his mine inspector shall order such unsafe conditions to be forthwith corrected and in default of the owner or operator doing so shall order such mine closed until the unsafe conditions are corrected Appeals from any order of the Secretary of Mines or any of his mine inspectors shall be taken as provided under the Administrative Agency Law Mandatory enforcement of any such order may be had by injunction proceedings In any mine where five or less persons are employed or where five or less persons are engaged in the production of anthracite the Secretary shall close such mine pending any appeal from his order or the order of any of his mine inspectors with respect to the correction of any unsafe conditions or from any restraining order of any court

Any such regulations promulgated by the Secretary of Mines shall be selected from the act and the amendments thereto for mines in which five or more persons are employed or engaged in work and shall include only such regulations as are reasonably applicable to mines employing fewer than five persons

Any person who shall continue to operate or be a party to the operation of a mine in which from one to five

persons are employed or engaged in work without correcting the unsafe conditions as ordered by a mine inspector shall upon conviction thereof in a summary proceeding for a first offense be sentenced to pay a fine of fifty dollars (\$50) and costs of prosecution and in default of the payment of such fine and costs shall be imprisoned for a period of ten (10) days and upon conviction of a second or subsequent offense shall be sentenced to pay a fine of one hundred dollars (\$100) and costs of prosecution and be imprisoned for a period of thirty (30) days Upon conviction of a second or subsequent offense each day during which a person shall operate or be a party to the operation of a mine contrary to the order of the mine inspector shall constitute a separate offense

Information charging violations of any of the summary provisions of this act shall be brought before any magistrate alderman or justice of the peace within the county where the alleged violation occurred

Section 2 This act shall take effect immediately

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

#### YEAS—123

Adam,	Flynn,	McGee,	Rubin,
Agnew,	Frank,	McKeever,	Rudisill,
Amarando,	Frascella,	McLaughlin,	Sarra,
Anderson, M. S.,	Gaffney,	McWherter,	Scarcelli,
Anderson, S. A.,	Garlock,	Meholchick,	Schuster,
Auker,	Gelfand,	Mihm,	Sherman,
Barnatovich,	Gibson,	Mikula,	Smith, Wm. B.,
Bazin,	Goldstein,	Mills,	Snider,
Bell,	Guss,	Monroe,	Stank,
Blair,	Hamilton, R. K.,	Moran,	Stebbins,
Boles,	Hass,	Muldowney,	Stone,
Bonner,	Heavey,	Mullen,	Strausser,
Boory,	Holt,	Munley,	Stroup,
Brancas,	Jenkins,	Murphy,	Swartz,
Brennan, A. P.,	Jones, G. E.,	Musto,	Taylor,
Brennan, J. J.,	Jump,	Needham,	Thomas,
Brenninger,	Kamyk,	Olsen,	Toll,
Breth,	Kolankiewicz,	O'Neil,	Varallo,
Buchin,	Kornick,	Pacchioli,	Verona,
Capano,	Kubacki,	Parry,	Wallace,
Cianfrani,	Lawyer,	Pashley,	Walsh,
Cloff,	Leiby,	Paulhamus,	Wargo,
Cochran,	Leonard,	Petrosky,	Welsh,
Comer,	Leven,	Pettigrew,	Wheeler,
Dougherty,	Limper,	Polaski,	Whitnigh,
Elberg,	Lopresti,	Polen,	Williams,
Farabaugh,	Lovett,	Price,	Wilt,
Filo,	Lutty,	Readinger,	Worley,
Fineman,	McCann,	Reibman,	Yetter,
Flint,	McCormack,	Renwick,	Yetter,
Floyd,		Rosen,	Andrews,

Speaker

#### NAYS—61

Ashton,	Greenwood,	Kromer,	Pursley,
Bower,	Guthrie,	Leisey,	Rigby,
Breisch,	Haudensfield,	Light,	Smith, C. C.,
Bullen,	Helm,	Lippincott,	Steckel,
Connelly,	Henzel,	Magee,	Stevenson,
Cooper,	Hocker,	Mahan,	Stoner,
Davis,	Houk,	Markley,	Thompson,
Donahue,	Horst,	McInroy,	Tompkins,
Ehrgood,	Jones, T. H. W.,	Metz,	Toomey,
Erb,	Kehler,	Miller,	Vaughan,
Eshleman,	Keller,	Murray, H. P.,	Wall,
Ewing,	Kent,	Murray, P. G.,	Waterhouse,
Foster,	Kline,	Naugle,	Weidner,
Frost,	Knecht,	Ogilvie,	Wood,
Gibb,	Kooker,	Pomeroy,	Ziegler,
Gramlich,			

#### NOT VOTING—25

Banker,	Hewitt,	Moody,	Sigman,
Brown,	Isaacs,	Moscrip,	Stephens,
Curwood,	Johnson,	Murray, J. J.,	Varnier,
Donaldson,	Kratz,	Reidenbach,	Wescott,
Down,	Lafore,	Rovansek,	Willaredt,
George,	Maxwell,	Royer,	Young,
Hamilton, W. H.,			



The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL PASSED OVER

There being no objection  
House Bill No. 1755 Printer's No. 1070  
was passed over at the request of the SPEAKER.

Agreeably to order,  
The House proceeded to the third reading and consideration of House Bill No. 1785 as follows:

An Act to further amend section one of the act approved the eighth day of June one thousand nine hundred twenty-three (P. L. 685) entitled "An act prescribing the fees for the office of Secretary of the Commonwealth" by further regulating the fees to be charged and collected

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section one of the act approved the eighth day of June one thousand nine hundred twenty-three (P. L. 685) entitled "An act prescribing the fees for the office of Secretary of the Commonwealth" as last amended by the act approved the twentieth day of May one thousand nine hundred forty-nine (P. L. 1523) is hereby further amended to read as follows

Section 1 Be it enacted &c That the fees of the Secretary of the Commonwealth for the use of the State shall be as follows

For certificates with great seal two dollars  
Certificate with secretary's seal [one dollar] two dollars  
Taking or filing bond of any public officer two dollars  
Taking or filing recognizance of any public officer two dollars

Writ of assistance including great seal five dollars  
Commission for any city county or district officer who receives emoluments and pays no taxes on commission five dollars (coroners are by law exempt from this fee)

Commission to take acknowledgment of deeds or other instruments [ten dollars] twenty-five dollars

[Receiving and filing each praecipe for search twenty-five cents

Each search where no other service is performed to which any fee is attached twenty-five cents

Certified copies for each page twenty-five cents

Photostatic copies for each page thirty-five cents]

Filing praecipe and making search thereon one dollar

Photocopies of records per photocopy page or part thereof one dollar

Conforming copies of records per page or part thereof one dollar

Each commission for justice of the peace or alderman to be collected and paid over to the recorder of deeds three dollars

Requisition for criminals three dollars

Warrants on requisition for criminal three dollars

Approving plans of prisons including certificate and great seal three dollars

Each commission for railroad [mining] or other police [five dollars] ten dollars

Registering assumed or fictitious names under act of Assembly [six dollars] ten dollars plus twenty-five cents for each registrant in excess of three

Filing statements of cancellation or withdrawal of assumed or fictitious names under act of Assembly [six dollars] ten dollars

Registering trade marks labels et cetera under act of Assembly [five dollars] twenty-five dollars

Description of bottles under act of Assembly [six dollars] ten dollars

Registering union labels under act of Assembly [six dollars] ten dollars

Issuing a certificate of authority [or an amended certificate of authority] to a foreign corporation [thirty dollars] one hundred dollars

Issuing an amended certificate of authority to a foreign corporation fifty dollars

Issuing a certificate of withdrawal to a foreign corporation [five dollars] ten dollars

[Issuing a certificate of authority prior to the third day of October one thousand nine hundred and thirty-three to any foreign corporation which had a written power of attorney and statement on file with the Secretary of the Commonwealth on the third day of July one thousand nine hundred and thirty-three twenty dollars]

Filing power of attorney and statement by foreign corporations [thirty dollars] one hundred dollars

Filing statement of revocation of agent by foreign corporations [five dollars] ten dollars

Filing certificate of change of corporate title by foreign corporations [twenty dollars] fifty dollars

Filing statement of change of Pennsylvania office by foreign corporations ten dollars

[Receiving service of process on foreign corporations five dollars]

Service of process for each defendant served five dollars

Letters patent certificate of incorporation or instrument incorporating any corporation or association [thirty dollars] fifty dollars

Filing articles of association for railroad or street railway companies and recording the same fifty dollars

Letters patent or instrument incorporating any insurance company [thirty-seven dollars] fifty dollars

Filing acceptance of provisions of act of Assembly or Constitution ten dollars

Filing an application to reserve a corporate name [five dollars] ten dollars

Filing an application for registration of corporate name and issuance of certificate [ten dollars] fifteen dollars

Filing application for change of name and issuance of certificate [twenty dollars] fifty dollars

Filing articles of association by corporative associations including copies [twenty-six dollars] fifty dollars

Filing proceedings in extension of route by street railway companies [twenty dollars] fifty dollars

Filing election return authorizing increase or decrease of capital stock or indebtedness or sale of franchises and recording same [thirty dollars] fifty dollars

Filing report of actual increase or decrease of capital stock or indebtedness or sale of franchises [five dollars] ten dollars

Filing a statement of shares to be issued in series [twenty dollars] twenty-five dollars

Filing a statement of redemption and concellation of shares [twenty dollars] twenty-five dollars

Filing a statement of reduction of stated capital without change in share structure [ten dollars] twenty-five dollars

Filing each waiver of sixty days' notice [five dollars] ten dollars

Filing certificate or statement of change of location of principal or registered office or date of annual meeting ten dollars

Filing certificate of change of par value of shares [ten dollars] twenty-five dollars

Issuing a certificate of amendment to a corporation [thirty dollars] fifty dollars

Filing agreement of merger or consolidation fifty-five dollars

Filing each secretary's certificate relating thereto [five dollars] ten dollars

Issuing a certificate of merger or certificate of consolidation to a corporation [thirty dollars] fifty dollars plus an additional fee of [five dollars] ten dollars for each corporation which is a party to the merger or consolidating proceeding

Issuing a certificate of authorization to any bank trust company or bank and trust company [ten dollars] twenty-five dollars

Issuing a certificate of approval of a merger or consolidation of State banks or banks and trust companies with a National bank [thirty dollars] fifty dollars and



an additional fee of [five dollars] ten dollars for each State bank or bank and trust company which is a party to the merger or consolidation proceeding

Issuing a certificate of conversion of a State bank or bank and trust company into a National bank or of a National bank into a State bank or bank and trust company [thirty dollars] fifty dollars

Filing a certified copy of articles of merger or consolidation of qualified foreign business corporation [with either one or more qualified or unqualified foreign business corporations ten dollars] fifteen dollars plus ten dollars for each qualified foreign corporation a party thereto

Filing proceedings in reorganization [forty-five dollars] fifty dollars

Filing copy of decree of dissolution [ten dollars] fifteen dollars

Filing a certificate of election to dissolve [ten dollars] fifteen dollars

Issuing a certificate of dissolution [ten dollars] fifteen dollars

Filing affidavit of paid up capital stock or paid-in capital ten dollars

Filing copy of articles of association limited partnership [ten dollars] twenty-five dollars

Filing cancellation of conditional sales agreement twenty-five dollars

Filing certified copy of amendment fifteen dollars

Filing application for registration of new name of non-profit corporation fifteen dollars

Filing articles by cooperative associations fifty dollars

Filing election return change of par value of stock fifty dollars

Filing election return conversion of stock fifty dollars

Filing amendment to charter insurance fifty dollars

Registry of emblem or name fifteen dollars

Registry of name unincorporated association fifteen dollars

Filing statement of financing three dollars

Filing statement of continuation three dollars

Filing statement of termination one dollar fifty cents

Filing trade-mark cancellations fifty dollars

Filing trade-mark assignments fifteen dollars

Filing treasurer's return conversion of stock ten dollars

Duplicate certificate five dollars

Fee or fine fictitious name fifty dollars foreign corporation five hundred dollars

And equivalent fees for any like services though not herein specified

The Secretary of the Commonwealth shall not be required to receive or file any papers unless the same shall be in accordance with law and accompanied by the proper fee

Section 2 All acts and parts of acts inconsistent with the provisions of this act are hereby repealed

Section 3 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

## YEAS—95

Adam,	Flynn,	McCormack,	Sarraf,
Amarando,	Frank,	McGee,	Scarcelli,
Anderson, M. S.,	Frascella,	McKeever,	Schuster,
Anderson, S. A.,	Gaffney,	McLaughlin,	Smith, Wm. B.
Boies,	Garlock,	McWherter,	Snider,
Bonner,	Guss,	Meholchick,	Stank,
Boory,	Hamilton, R. E.,	Mihm,	Stebbins,
Branca,	Hass,	Mills,	Stephens,
Brennan, A. P.,	Heavey,	Monroe,	Stone,
Brennan, J. J.,	Jenkins,	Moran,	Swartz,
Breth,	Jones, G. E.,	Muldowney,	Taylor,
Buccin,	Kamyk,	Mullen,	Toll,
Capano,	Kolankiewicz,	Munley,	Varallo,

Cianfrani,  
Cioffi,  
Cochran,  
Comer,  
Dougherty,  
Ehrgood,  
Farabaugh,  
Filo,  
Fineman,  
Flint,  
Floyd,

Kornick,  
Kubacki,  
Lawyer,  
Leiby,  
Leonard,  
Leven,  
Limper,  
Lopresti,  
Lovett,  
Lutty,  
McCann,

Musto,  
Needham,  
Olsen,  
O'Neil,  
Pashley,  
Paulhamus,  
Petrosky,  
Pettigrew,  
Polaski,  
Polen,  
Renwick,

Verona,  
Wallace,  
Wargo,  
Welsh,  
Wheeler,  
Whitenight,  
Williams,  
Yetter,  
Yetzer,  
Andrews,  
Speaker

## NAYS—84

Agnew,  
Aashton,  
Auker,  
Bell,  
Bower,  
Breisch,  
Brenninger,  
Bullen,  
Connelly,  
Davis,  
Donahue,  
Erb,  
Eshleman,  
Ewing,  
Foster,  
Frost,  
Gelfand,  
Gibb,  
Gibson,  
Goldstein,  
Gramlich,

Greenwood,  
Guthrie,  
Haudenschild,  
Henzel,  
Hewitt,  
Hocker,  
Holt,  
Horst,  
Houk,  
Isaacs,  
Jones, T. H. W.  
Jump,  
Kehler,  
Keller,  
Kent,  
Kline,  
Knecht,  
Kooker,  
Kromer,  
Lelsey,  
Light,  
Lippincott,  
Magee,  
Mahan,  
Markley,  
McInroy,  
Metz,  
Mikula,  
Miller,  
Murray, H. P.,  
Murray, P. G.,  
Naugle,  
Ogilvie,  
Pomeroy,  
Pursley,  
Readinger,  
Reibman,  
Rigby,  
Rosen,  
Rubin,  
Rudisill,  
Sherman,

Sigman,  
Smith, C. C.  
Steckel,  
Stevenson,  
Stoner,  
Strausser,  
Stroup,  
Thomas,  
Thompson,  
Tompkins,  
Toomey,  
Vaughan,  
Wall,  
Walsh,  
Waterhouse,  
Weidner,  
Wescott,  
Wilt,  
Wood,  
Worley,  
Ziegler,

## NOT VOTING—30

Banker,  
Barnatovich,  
Bazin,  
Blair,  
Brown,  
Cooper,  
Curwood,  
Donaldson,

Down,  
Eilberg,  
George,  
Hamilton, W. H.,  
Helm,  
Johnson,  
Kratz,  
Lafore,  
Maxwell,  
Moody,  
Moscrip,  
Murphy,  
Murray, J. J.,  
Pacchioli,  
Parry,

Price,  
Reidenbach,  
Rovansek,  
Royer,  
Varnar,  
Willardt,  
Young,

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the bill falls.

## BILL PASSED OVER

There being no objection

House Bill No. 1793, Printer's No. 1181

was passed over at the request of the SPEAKER.

Agreeably to order,

The House Proceeded to the third reading and consideration of House Bill No. 1833, as follows:

An Act amending the act of April 15, 1873 (P. L. 75) entitled "An act relating to the fees of the surveyor general" increasing fees to be charged by the Department of Internal Affairs

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 1 act of April 15, 1873 (P. L. 75) entitled "An act relating to the fees of the surveyor general" amended April 28, 1933 (P. L. 100) is amended to read

Section 1 Be it enacted &c That from and after the passage of this act the fees to be collected by the Department of Internal Affairs for the use of the Commonwealth shall be as follows namely

For warrant including return thereof five dollars

Patent for five acres or less five dollars

Patent for more than five acres ten dollars

Certified copy of patent [for two hundred words or less two] three dollars [and twenty-five cents for every hundred words or fraction thereof additional]

Certificate with seal of office on patent when mortgage is discharged one dollar and fifty cents

Every search fifty cents



Caveat two dollars  
Issuing citation two dollars  
Recording application for and making order of re-survey two dollars  
Order of the board of property directed by the Department of Internal Affairs to the county surveyor to be executed two dollars  
Certified copy of action or determination of board of property with seal two dollars  
Order for valuing islands five dollars  
Entering application on petition to the board of property together with the minutes thereon for any other purpose than a re-survey two dollars  
Certified copy of a draft of a single tract with certificate and seal [one dollar] two dollars and fifty cents  
Connecting separate drafts into one general draft with certificates for each separate draft therein [one dollar] two dollars  
Certified copy of general draft of town or outlots for each tract of land therein described fifty cents  
Extract from a general draft for each tract of land therein described fifty cents  
Certified copy of draft of lots or tract of land annexed to certificate of Connecticut claimants or others for each tract one dollar  
Certified copy of warrant application or any other office right relating to but one tract of land not hereinbefore enumerated one dollar  
Certified copy of any record or paper or any part thereof not included in the foregoing for two hundred words or less one dollar and twenty-five cents for every hundred words or fraction thereof additional  
Blue print copy of warrantee township map each containing twenty-five tracts or less three dollars and for each additional twenty-five tracts or less three dollars  
Lithoprint copy on tracing cloth of warrantee township map ((in India ink) containing twenty-five tracts or less five dollars and for each additional twenty-five tracts or less five dollars  
And said bill having been read at length the third time, considered and agreed to.  
On the question,  
Shall the bill pass finally?  
Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:  
A verification of the roll was requested by Messrs. WATERHOUSE, CHARLES C. SMITH and HELM.  
The roll was verified and was as follows:

YEAS—107

Adam,	Frank,	McKeever,	Sarraf,
Amarando,	Frascella,	McLaughlin,	Scarcelli,
Anderson, M. S.,	Gaffney,	McWherter,	Schuster,
Anderson, S. A.,	Garlock,	Meholchick,	Sherman,
Barnatovich,	Gelfand,	Mihm,	Smith, Wm. B.,
Bazin,	Guss,	Mills,	Snider,
Boles,	Hamilton, R. K.,	Monroe,	Stank,
Bonner,	Hass,	Moran,	Stebbins,
Boory,	Heavey,	Muldowney,	Stephens,
Branca,	Holt,	Mullen,	Stone,
Brennan, A. P.,	Jenkins,	Munley,	Swartz,
Brennan, J. J.,	Jones, G. E.,	Musto,	Taylor,
Breth,	Kamyk,	Needham,	Thomas,
Bucchin,	Kolankiewicz,	Olsen,	Toll,
Capano,	Kornick,	O'Neil,	Varallo,
Cianfrani,	Kubacki,	Pacchioli,	Verona,
Cioffi,	Lawyer,	Pashley,	Wallace,
Cochran,	Leiby,	Paulhamus,	Williams,
Comer,	Leonard,	Petrosky,	Wargo,
Dougherty,	Leven,	Pettigrew,	Welsh,
Elberg,	Limper,	Polaski,	Wheeler,
Farabaugh,	Lopresti,	Polen,	Whitenight,
Filo,	Lovett,	Readinger,	Williams,
Fineman,	Lutty,	Reibman,	Yetter,
Flint,	McCann,	Renwick,	Yetter,
Floyd,	McCormack,	Rosen,	Andrews,
Flynn,	McGee,	Rudisill,	Speaker

NAYS—74

Agnew,	Gramlich,	Light,	Smith, C. O.,
Ashton,	Greenwood,	Lippincott,	Steckel,
Auker,	Guthrie,	Magee,	Stevenson,
Bell,	Haudenshield,	Mahan,	Stoner,
Bower,	Helm,	Markley,	Strausser,
Bullen,	Hewitt,	McInroy,	Stroup,
Connolly,	Hocker,	Mikula,	Thompson,
Cooper,	Horst,	Miller,	Tompkins,
Davis,	Houk,	Murphy,	Toomey,
Donahue,	Isaacs,	Murray, H. P.,	Vaughan,
Ehrgood,	Jump,	Murray, P. G.,	Wall,
Erb,	Kehler,	Naugle,	Waterhouse,
Eshleman,	Keller,	Ogilvie,	Weidner,
Ewing,	Kent,	Parry,	Wescott,
Foster,	Kline,	Pomeroy,	Wilt,
Frost,	Knecht,	Price,	Wood,
Gibb,	Kooker,	Pursley,	Worley,
Gibson,	Kromer,	Rigby,	Ziegler,
Goldstein,	Leisey,		

NOT VOTING—28

Banker,	Down,	Lafore,	Rovansek,
Blair,	George,	Maxwell,	Royer,
Breisch,	Hamilton, W. H.,	Metz,	Rubin,
Brenninger,	Henzel,	Moody,	Sieman,
Brown,	Johnson,	Moscrip,	Varner,
Curwood,	Jones, T. H. W.,	Murray, J. J.,	Willedredt,
Donaldson,	Kratz,	Reidenbach,	Young,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILLS PASSED OVER

There being no objection  
House Bill No. 1839, Printer's No. 1120  
House Bill No. 1849, Printer's No. 1173 and  
House Bill No. 1864, Printer's No. 1125  
were passed over at the request of the SPEAKER.

Agreeably to order,  
The House proceeded to the third reading and consideration of House Bill No. 1874 as follows:

An Act amending the act of July 15, 1897 (P. L. 287) entitled "An act to protect the lives and limbs of miners from the dangers resulting from incompetent miners working in the anthracite coal mines of this Commonwealth and to provide for the examination of persons seeking employment as miners in the anthracite region and to prevent the employment of incompetent persons as miners in anthracite coal mines and providing penalties for a violation of the same" prescribing powers and duties of certain miners examining boards  
The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 2 act of July 15, 1897 (P. L. 287) entitled "An act to protect the lives and limbs of miners from the dangers resulting from incompetent miners working in the anthracite coal mines of this Commonwealth and to provide for the examination of persons seeking employment as miners in the anthracite region and to prevent the employment of incompetent persons as miners in anthracite coal mines and providing penalties for a violation of the same" amended October 24, 1955 (Act No. 215) is amended to read

Section 2 That there shall be established in each of the counties of Luzerne Lackawanna Carbon Schuylkill and Northumberland a board to be known as the "Miners Examining Board" to consist of three miners who shall be appointed by the judges of the court of common pleas of the county from among the most skillful miners actually engaged in said business in their respective county who must have had five years practical experience in the same The said persons so appointed shall each serve for a term of two years from the date on which their appointment takes effect The Miners Examining Board in the



county of Luzerne shall examine and register applicants for the counties of Luzerne and Sullivan the Miners Examining Board in the county of Lackawanna shall examine and register applicants for the counties of Lackawanna Wayne and Susquehanna the Miners Examining Board in the county of Carbon shall examine and register applicants for the county of Carbon the Miners Examining Board in the county of Schuylkill shall examine and register applicants for the counties of Schuylkill and Columbia and the Miners Examining Board for the county of Northumberland shall examine and register applicants for the counties of Northumberland and Dauphin Each member of the Examining Board shall receive as compensation for his services twenty dollars (\$20) per day for each day actually engaged in this service and all legitimate and necessary expenses incurred in attending the meetings of the board under the provisions of this act The members of the boards shall submit monthly statements approved by the president of the board setting forth the number of days during which each member has actually been in attendance at the sessions of the board together with any expenses that may have been incurred to the Secretary of Mines who upon approval of the statements shall submit them to the State Treasurer for payment

Each of said boards shall organize by electing one of their members president and one member as secretary

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

## YEAS—190

Adam,	Gaffney,	Magee,	Rudisill,
Agnew,	Garlock,	Mahan,	Sarra,
Amarando,	Gelfand,	Markley,	Scarcelll,
Anderson, M. S.,	Gibb,	McCann,	Schuster,
Anderson, S. A.,	Gibson,	McCormack,	Sherman,
Ashton,	Goldstein,	McGee,	Sigman,
Auker,	Gramlich,	McInroy,	Smith, C. C.,
Barnatovich,	Greenwood,	McKeever,	Smith, Wm. B.,
Bazin,	Guss,	McLaughlin,	Snider,
Bell,	Guthrie,	McWherter,	Stank,
Blair,	Hamilton, R. K.,	Meholchick,	Stebbins,
Boles,	Hass,	Metz,	Steckel,
Bonner,	Haudenschild,	Mihm,	Stephens,
Boory,	Heavey,	Mikula,	Stevenson,
Bower,	Helm,	Miller,	Stone,
Branca,	Henzel,	Mills,	Stoner,
Breisch,	Hewitt,	Monroe,	Strausser,
Brennan, A. P.,	Hocker,	Moran,	Stroup,
Brennan, J. J.,	Holt,	Muldowney,	Swartz,
Brenninger,	Horst,	Mullen,	Taylor,
Breth,	Houk,	Munley,	Thomas,
Bucchin,	Isaacs,	Murphy,	Thompson,
Bullen,	Jenkins,	Murray, H. P.,	Toll,
Capano,	Jones, G. E.,	Murray, J. J.,	Tompkins,
Cianfrani,	Jones, T. H. W.,	Murray, P. G.,	Toomey,
Cioffi,	Jump,	Musto,	Varallo,
Cochran,	Kamyk,	Naugle,	Vaughan,
Comer,	Kehler,	Needham,	Verona,
Connelly,	Keller,	Ogilvie,	Wall,
Cooper,	Kent,	Olsen,	Wallace,
Davis,	Kline,	O'Neill,	Walsh,
Donaldson,	Knecht,	Pacchioli,	Wargo,
Dougherty,	Kolankiewicz,	Parry,	Waterhouse,
Ehrgood,	Kooker,	Pashley,	Weidner,
Ellberg,	Kornick,	Paulhamus,	Welsh,
Erb,	Kromer,	Petrosky,	Wescott,
Eshleman,	Kubacki,	Pettigrew,	Wheeler,
Ewing,	Lawyer,	Polaski,	Whitenight,
Farabaugh,	Leiby,	Polen,	Williams,
Filo,	Lelsey,	Pomeroy,	Wilt,
Fineman,	Leonard,	Price,	Wood,
Flint,	Leven,	Pursley,	Worley,
Floyd,	Light,	Reading,	Yetter,
Flynn,	Limper,	Reibman,	Yetzer,
Foster,	Lippincott,	Renwick,	Ziegler,

Frank  
Frascella,  
Frost,

Lopresti,  
Lovett,  
Lutty,

Rigby,  
Rosen,  
Rubin,

Andrews,  
Speaker

## NAYS—0

## NOT VOTING—19

Banker,  
Brown,  
Curwood,  
Donahue,  
Down,

George,  
Hamilton, W. H.,  
Johnson,  
Kratz,  
Lafore,

Maxwell,  
Moody,  
Moscrip,  
Reidenbach,  
Rovansek,

Royer,  
Varner,  
Willaredt,  
Young,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1875 as follows:

An Act amending the act of June 2, 1891 (P. L. 176) entitled "An act to provide for the health and safety of persons employed in and about the anthracite coal mines of Pennsylvania and for the protection and preservation of property connected therewith" changing duties of mine foreman and assistants with respect to mine examinations and safety

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Rule 12 of Article XII act of June 2, 1891 (P. L. 176) entitled "An act to provide for the health and safety of persons employed in and about the anthracite coal mines of Pennsylvania and for the protection and preservation of property connected therewith" amended January 14, 1952 (P. L. 1930) is amended to read

## Article XII

## General Rules

The following general rules shall be observed in every mine to which this act applies

\* \* \*

Rule 12 The mine foreman or his assistant shall visit and examine every working place in the mine [every working day] at least twice in the first five hours of each working shift while the men of such place are or should be at work and shall direct and make certain that each and every working place is properly secured by props timber roof bolts or such other practical devices as may serve to secure the safety of the workmen and that safety in all respects is assured by directing that all loose coal or rock shall be pulled down or secured and that no person shall be permitted to work in an unsafe place unless it be for the purpose of making it secure and a report of said examination shall be recorded in a book without delay kept at the colliery for that purpose and signed by the person making the same and countersigned within a period of one week by the mine foreman All such reports shall be made and signed at the end of each shift Providing however If the mine is idle forty-eight (48) hours or more the mine foreman or his assistant shall examine every working place the day before operations are resumed and all such entries shall be made and signed in ink in a manner similar to that heretofore described The use of roof bolts in lieu of props or timber as conventionally used shall not be permitted by the owner operator or superintendent of any mine unless permission in writing to do so is first obtained from the Secretary of Mines The Secretary of Mines shall grant such permission after he has received the approval of a commission of three mine inspectors one of whom shall be the inspector in whose district the mine for which permission is sought to use roof bolts is located

And said bill having been read at length the third time, considered and agreed to.



On the question,  
Shall the bill pass finally?  
Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—189

Adam,	Frost,	Lutty,	Rubin,
Agnew,	Gaffney,	Mages,	Rudisill,
Amarando,	Garlock,	Mahan,	Sarra,
Anderson, M. S.,	Gelfand,	Markley,	Scarcelli,
Anderson, S. A.,	Gibb,	McCann,	Schuster,
Ashton,	Gibson,	McCormack,	Sherman,
Auker,	Goldstein,	McGee,	Sigman,
Barnatovich,	Gramlich,	McInroy,	Smith, C. C.,
Bazin,	Greenwood,	McKeever,	Smith, Wm. B.,
Bell,	Guss,	McLaughlin,	Snider,
Blair,	Guthrie,	McWherter,	Stank,
Boles,	Hamilton, R. K.,	Meholchick,	Stebbins,
Bonner,	Hass,	Metz,	Steckel,
Boory,	Haudenshield,	Mihm,	Stephens,
Bower,	Heavey,	Mikula,	Stevenson,
Branca,	Helm,	Miller,	Stone,
Breisch,	Henzel,	Mills,	Stoner,
Brennan, A. P.,	Hocker,	Monroe,	Strausser,
Brennan, J. J.,	Holt,	Moran,	Stroup,
Brenninger,	Horst,	Muldowney,	Swartz,
Breth,	Houk,	Mullen,	Taylor,
Bucchin,	Isaacs,	Munley,	Thomas,
Bullen,	Jenkins,	Murphy,	Thompson,
Capano,	Jones, G. E.,	Murray, H. P.,	Toll,
Cianfrani,	Jones, T. H. W.,	Murray, J. J.,	Tompkins,
Cioffi,	Jump,	Murray, P. G.,	Toomey,
Cochran,	Kamyk,	Musto,	Varallo,
Comer,	Kehler,	Naugle,	Vaughan,
Connelly,	Keller,	Needham,	Verona,
Cooper,	Kent,	Ogilvie,	Wall,
Davis,	Kline,	Olsen,	Wallace,
Donaldson,	Knecht,	O'Neill,	Walsh,
Dougherty,	Kolankiewicz,	Pacchioli,	Wargo,
Ehrgood,	Kooker,	Parry,	Waterhouse,
Ellberg,	Kornick,	Pashley,	Weidner,
Erb,	Kromer,	Paulhamus,	Welsh,
Eshleman,	Kubacki,	Pettigrew,	Wescott,
Ewing,	Lawyer,	Polaski,	Wheeler,
Farabaugh,	Leiby,	Polen,	Whitenight,
Filo,	Lelsey,	Pomeroy,	Williams,
Fineman,	Leonard,	Price,	Wilt,
Flint,	Leven,	Pursley,	Wood,
Floyd,	Light,	Readinger,	Worley,
Flynn,	Limper,	Reibman,	Yetter,
Foster,	Lippincott,	Renwick,	Yetter,
Frank,	Lopresti,	Rigby,	Ziegler,
Frascella,	Lovett,	Rosen,	Andrews,
		Speaker	

NAYS—1

NOT VOTING—19

Hewitt,			
Banker,	George,	Maxwell,	Royer,
Brown,	Hamilton, W. H.,	Moody,	Varner,
Curwood,	Johnson,	Moscrip,	Willaredt,
Donahue,	Kratz,	Reidenbach,	Young,
Down,	Lafore,	Rovansek,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.  
Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,  
The House proceeded to the third reading and consideration of House Bill No. 1881, as follows:

An Act making an appropriation to the Department of Public Instruction for payment to school districts on account of approved reimbursable rental payable to the State Public School Building Authority municipality authorities and nonprofit corporations  
The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of eight mililon dollars (\$8,000,000) or as much thereof as is necessary is appropriated to the Department of Public Instruction for the two fiscal years ending May 31, 1957 for payment to school districts on account of approved reimbursable rentals payable to the State Public School Building Authority municipality authorities and nonprofit corporations as provided by law  
Section 2 The appropriation made hereby is in addition to any other appropriation made by the General Assembly of 1955 for payment to school districts on account of obligations to the State Public School Building Authority or on account of rentals payable to municipality authorities and nonprofit corporations

And said bill having been read at length the third time, considered and agreed to.  
On the question,  
Shall the bill pass finally?  
Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—190

Adam,	Gaffney,	Mages,	Rudisill,
Agnew,	Garlock,	Mahan,	Sarra,
Amarando,	Gelfand,	Markley,	Scarcelli,
Anderson, M. S.,	Gibb,	McCann,	Schuster,
Anderson, S. A.,	Gibson,	McCormack,	Sherman,
Ashton,	Goldstein,	McGee,	Sigman,
Auker,	Gramlich,	McInroy,	Smith, C. C.,
Barnatovich,	Greenwood,	McKeever,	Smith, Wm. B.,
Bazin,	Guss,	McLaughlin,	Snider,
Bell,	Guthrie,	McWherter,	Stank,
Blair,	Hamilton, R. K.,	Meholchick,	Stebbins,
Boles,	Hass,	Metz,	Steckel,
Bonner,	Haudenshield,	Mihm,	Stephens,
Boory,	Heavey,	Mikula,	Stevenson,
Bower,	Helm,	Miller,	Stone,
Branca,	Henzel,	Mills,	Stoner,
Breisch,	Hewitt,	Monroe,	Strausser,
Brennan, A. P.,	Hocker,	Moran,	Stroup,
Brennan, J. J.,	Holt,	Muldowney,	Swartz,
Brenninger,	Horst,	Mullen,	Taylor,
Breth,	Houk,	Munley,	Thomas,
Bucchin,	Isaacs,	Murphy,	Thompson,
Bullen,	Jenkins,	Murray, H. P.,	Toll,
Capano,	Jones, G. E.,	Murray, J. J.,	Tompkins,
Cianfrani,	Jones, T. H. W.,	Murray, P. G.,	Toomey,
Cioffi,	Jump,	Musto,	Varallo,
Cochran,	Kamyk,	Naugle,	Vaughan,
Comer,	Kehler,	Needham,	Verona,
Connelly,	Keller,	Ogilvie,	Wall,
Cooper,	Kent,	Olsen,	Wallace,
Davis,	Kline,	O'Neill,	Walsh,
Donaldson,	Knecht,	Pacchioli,	Wargo,
Dougherty,	Kolankiewicz,	Parry,	Waterhouse,
Ehrgood,	Kooker,	Pashley,	Weidner,
Ellberg,	Kornick,	Paulhamus,	Welsh,
Erb,	Kromer,	Pettigrew,	Wescott,
Eshleman,	Kubacki,	Polaski,	Wheeler,
Ewing,	Lawyer,	Polen,	Whitenight,
Farabaugh,	Leiby,	Pomeroy,	Williams,
Filo,	Lelsey,	Price,	Wilt,
Fineman,	Leonard,	Pursley,	Wood,
Flint,	Leven,	Readinger,	Worley,
Floyd,	Light,	Reibman,	Yetter,
Flynn,	Limper,	Renwick,	Yetter,
Foster,	Lippincott,	Rigby,	Ziegler,
Frank,	Lopresti,	Rosen,	Andrews,
Frascella,	Lovett,	Rubin,	Speaker
Frost,	Lutty,		

NAYS—0

NOT VOTING—19

Banker,	George,	Maxwell,	Royer,
Brown,	Hamilton, W. H.,	Moody,	Varner,
Curwood,	Johnson,	Moscrip,	Willaredt,
Donahue,	Kratz,	Reidenbach,	Young,
Down,	Lafore,	Rovansek,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.



Ordered, That the Clerk present the same to the Senate for concurrence.

### BILL PASSED OVER

There being no objection

Senate Bill No. 467, Printer's No. 412

was passed over at the request of the SPEAKER.

Agreeably to order,

The House proceeded to the third reading and consideration of Senate Bill No. 511, as follows:

An Act amending the act of April 12 1951 (P. L. 90), entitled "An act relating to alcoholic liquors and malt and brewed beverages amending revising consolidating and changing the laws relating thereto regulating and restricting the manufacture purchase sale possession consumption importation transportation furnishing holding in bond holding in storage traffic in and use of alcoholic liquors alcoholic and malt and brewed beverages and the persons engaged or employed therein defining the powers and duties of the Pennsylvania Liquor Control Board providing for the establishment and operation of State liquor stores for the payment of certain license fees to the respective municipalities and townships for the abatement of certain nuisances and in certain cases for search and seizure without warrant prescribing penalties and forfeitures providing for local option and repealing existing laws" regulating the exchange of and further limiting the transfer of licenses permitting transfer of distributor's and importing distributor's licenses anywhere within the same county

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Subsection (a) of section 468 act of April 12 1951 (P. L. 90) known as the "Liquor Code" amended August 22, 1953 (P. L. 1340) is amended to read

#### Section 468 Licenses Not Assignable Transfers

(a) Licenses issued under this article may not be assigned The board upon payment of the transfer filing fee and the execution of a new bond is hereby authorized to transfer any license issued by it under the provisions of this article from one person to another or from one place to another or both within the same municipality as the board may determine provided however that in the case of distributor and importing distributor licenses the board may transfer any such license from its place in a municipality to a place in any other municipality within the same county or from one place to another place within the same municipality or exchange a distributor license for an importing distributor license or an importing distributor license for a distributor license if the building for which the license is to be issued has in the case of an importing distributor license an area under one roof of two thousand five hundred square feet and in the case of a distributor license an area under one roof of one thousand square feet and provided that in the case of all transfers of distributor or importing distributor licenses whether from a place within the same municipality to another place within the same municipality or from a place in a municipality to a place in any other municipality within the same county and in the case of an exchange of a distributor license for an importing distributor license or an importing distributor license for a distributor license the premises to be affected by the transfer or exchange shall contain an office separate and apart from the remainder of the premises to be licensed for the purpose of keeping records required by the board adequate toilet facilities for employees of the licensee and an entrance on a public thoroughfare Provided however That in the event that the majority of the voting electors of a municipality at an election held under the provisions of any law so empowering them to do shall vote against the issuance of distributor or importing distributor licenses in such municipality the board is hereby authorized to transfer any such distributor or importing distributor license from its place in such mun-

nicipality to a place in any other municipality within the same county upon application prior to the expiration of any such license and upon payment of the transfer filing fee and the execution of a new bond but no transfer shall be made to a person who would not have been eligible to receive the license originally nor for the trans-action of business at a place for which the license could not lawfully have been issued originally nor except as herein provided to a place as to which a license has been revoked No license shall be transferred to any place or property upon which is located as a business the sale of liquid fuels and oil Except in cases of emergency such as death serious illness or circumstances beyond the control of the licensee as the board may determine such circumstances to justify its action transfers of licenses may be made only at times fixed by the board In the case of the death of a licensee the board may transfer the license to the surviving spouse or personal representative or to a person designated by him From any refusal to grant a transfer or upon the grant of any transfer the party aggrieved shall have the right of appeal to the proper court and therefrom to the Superior Court in the manner hereinbefore provided

\* \* \*  
Section 2 This act shall take effect immediately

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

#### YEAS—124

Adam,	Gelfand,	McLaughlin,	Scarcelli,
Amarando,	Gibson,	McWherter,	Schuster,
Anderson, M. S.,	Gramlich,	Meholchick,	Sherman,
Auker,	Guthrie,	Mihm,	Sigman,
Barnatovich,	Helm,	Mikula,	Smith, C. C.,
Bazin,	Hewitt,	Mills,	Smith, Wm. B.,
Boles,	Hocker,	Monroe,	Stank,
Bonner,	Holt,	Moran,	Steckel,
Boory,	Isaacs,	Mullen,	Stone,
Bower,	Jones, G. E.,	Munley,	Strausser,
Branca,	Kamyk,	Murray, H. P.,	Stroup,
Brennan, A. P.,	Keller,	Murray, J. J.,	Taylor,
Brennan, J. J.,	Kent,	Murray, P. G.,	Thomas,
Breth,	Kline,	Musto,	Thompson,
Buechin,	Kolankiewicz,	Needham,	Toll,
Capano,	Kooker,	Ogilvie,	Tompkins,
Cioffi,	Kornick,	Olsen,	Varallo,
Cochran,	Kubacki,	O'Neil,	Vaughan,
Cooper,	Lawyer,	Pacchioni,	Verona,
Dougherty,	Leiby,	Pashley,	Wallace,
Ehrgood,	Leonard,	Petrosky,	Walsh,
Elberg,	Leven,	Pettigrew,	Wargo,
Erb,	Limper,	Polaski,	Weldner,
Eshleman,	Lippincott,	Pomeroy,	Welsh,
Farabaugh,	Lopresti,	Pursley,	Whitenight,
Filo,	Lovett,	Readinger,	Williams,
Fineman,	Lutty,	Reibman,	Wilt,
Flint,	Magee,	Renwick,	Yetter,
Floyd,	Markley,	Rosen,	Yetzer,
Flynn,	McCormack,	Rubin,	Andrews,
Frank,	McGee,	Sarra,	Speaker
Gaffney,	McKeever,		

#### NAYS—58

Agnew,	Gibb,	Mahan,	Snider,
Ashton,	Goldstein,	McCann,	Stebbins,
Bell,	Guss,	McInroy,	Stephens,
Bretsch,	Hamilton, R. K.,	Metz,	Stevenson,
Bullen,	Hass,	Miller,	Stoner,
Cianfrani,	Haudenschild,	Muldowney,	Swartz,
Comer,	Henzel,	Murphy,	Toomey,
Connelly,	Houk,	Naugle,	Wall,
Davis,	Jones, T. H. W.,	Parry,	Waterhouse,
Donahue,	Jump,	Paulhamus,	Wescott,
Ewing,	Kehler,	Polen,	Wheeler,
Foster,	Knecht,	Price,	Wood,
Frascella,	Kromer,	Rigby,	Worley,
Frost,	Lelsey,	Rudisill,	Ziegler,
Garlock,	Light,		



## NOT VOTING—27

Anderson, S. A.,	<b>Down,</b>	Johnson,	Reidenbach,
Banker,	George,	Kratz,	Rovansek,
Blair,	Greenwood,	Lafore,	Royer,
Brenninger,	Hamilton, W. H.,	Maxwell,	Varner,
Brown,	Heavey,	Moody,	Willaredt,
Curwood,	Horst,	Moscrip,	Young,
Donaldson,	Jenkins,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate with information that the House has passed the same with amendments in which the concurrence of the Senate is requested.

Agreeably to order,

The House proceeded to the third reading and consideration of Senate Bill No. 520, as follows:

An Act amending the act of May 4 1927 (P L 519) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" further regulating the procedure to be followed in enacting necessary ordinances in the course of preparing a consolidation codification or revision of ordinances The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Subsection (b) of section 1008 act of May 4 1927 (P L 519) known as "The Borough Code" reenacted and amended July 10 1947 (P L 1621) is amended to read

Section 1008 Recording Advertising and Proof of Ordinances Codification of Ordinances \* \* \*

(b) Whenever any borough shall have caused to be prepared a consolidation codification or revision of the general body of borough ordinances or the ordinances on a particular subject the borough council may adopt such consolidation codification or revision as an ordinance of the borough in the same manner that is now prescribed by law for the adoption of borough ordinances except as hereinafter provided

Any such consolidation codification or revision of borough ordinances to be enacted as a single ordinance shall be introduced in the borough council at least thirty days before its final enactment and at least fifteen days before its final enactment notice of the introduction of any such consolidation codification or revision specifying its general nature and content shall be given by advertisement in a newspaper of general circulation in said borough

When any such consolidation codification or revision has been enacted as an ordinance it shall not be necessary to advertise the entire text thereof but it shall be sufficient in any such case to publish or advertise the table of contents thereof in the manner provided by law for the advertising of ordinances Such advertisement shall in addition to setting forth the table of contents specify that the ordinance is only a consolidation codification or revision of existing ordinances or ordinances on a particular subject and shall indicate a place within the borough where a copy thereof may be examined

The procedure set forth in this section for the consolidation codification or revision of borough ordinances as a single ordinance may also be followed in enacting a complete group or body of ordinances repealing or amending existing ordinances as may be necessary in the course of preparing a consolidation codification or revision of the borough ordinances except that in such case the advertisement shall list in lieu of a table of contents the titles only of each of the ordinances in such complete group or body of ordinances

Section 2 This act shall take effect immediately

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

## YEAS—190

Adam,	Gaffney,	Mages,	Rudisill,
Agnew,	Garlock,	Mahan,	Sarraff,
Amarando,	Gelfand,	Markley,	Scarcell,
Anderson, M. S.,	Gibb,	McCann,	Schuster,
Anderson, S. A.,	Gibson,	McCormack,	Sherman,
Ashton,	Goldstein,	McGee,	Sigman,
Auker,	Gramlich,	McInroy,	Smith, C. C.,
Barnatovich,	Greenwood,	McKeever,	Smith, Wm. B.,
Bazin,	Guss,	McLaughlin,	Snider,
Bell,	Guthrie,	McWherter,	Stank,
Blair,	Hamilton, R. K.,	Meholchick,	Stebbins,
Boles,	Hass,	Metz,	Steckel,
Bonner,	Haudensfield,	Mihm,	Stephens,
Boory,	Heavey,	Mikula,	Stevenson,
Bower,	Helm,	Miller,	Stone,
Branca,	Henzel,	Mills,	Stoner,
Breisch,	Hewitt,	Monroe,	Strausser,
Brennan, A. P.,	Hocker,	Moran,	Stroup,
Brennan, J. J.,	Holt,	Muldowney,	Swartz,
Brenninger,	Horst,	Mullen,	Taylor,
Breth,	Houk,	Munley,	Thomas,
Bucchin,	Isaacs,	Murphy,	Thompson,
Bullen,	Jenkins,	Murray, H. P.,	Toll,
Capano,	Jones, G. E.,	Murray, J. J.,	Tompkins,
Cianfrani,	Jones, T. H. W.,	Murray, P. G.,	Toomey,
Cioffi,	Jump,	Musto,	Varallo,
Cochran,	Kamyk,	Naugle,	Vaughan,
Comer,	Kehler,	Needham,	Verona,
Connelly,	Keller,	Ogilvie,	Wall,
Cooper,	Kent,	Olsen,	Wallace,
Davis,	Kline,	O'Neill,	Walsh,
Donaldson,	Knecht,	Pacchioli,	Wargo,
Dougherty,	Kolankiewicz,	Parry,	Waterhouse,
Ehrgood,	Kooker,	Pashley,	Weidner,
Ellberg,	Kornick,	Paulhamus,	Weish,
Erb,	Kromer,	Petrosky,	Wescott,
Eshleman,	Kubacki,	Pettigrew,	Wheeler,
Ewing,	Lawyer,	Polaski,	Whitenight,
Farabaugh,	Leiby,	Polen,	Williams,
Filo,	Lelsey,	Pomeroy,	Wilt,
Fineman,	Leonard,	Price,	Wood,
Flint,	Leven,	Pursley,	Worley,
Floyd,	Light,	Readinger,	Yetter,
Flynn,	Lamper,	Reibman,	Yetzer,
Foster,	Lippincott,	Renwick,	Ziegler,
Frank,	Lopresti,	Rigby,	Andrews,
Frascella,	Lovett,	Rosen,	Speaker
Frost,	Lutty,	Rubin,	

## NAYS—0

## NOT VOTING—19

Banker,	George,	Maxwell,	Royer,
Brown,	Hamilton, W. H.,	Moody,	Varner,
Curwood,	Johnson,	Moscrip,	Willaredt,
Donahue,	Kratz,	Reidenbach,	Young,
Down,	Lafore,	Rovansek,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate with information that the House of Representatives has passed the same without amendment.

## BILL PASSED OVER

There being no objection

Senate Bill No. 543, Printer's No. 231

was passed over at the request of the SPEAKER.

RECONSIDERATION OF VOTE ON  
HOUSE BILL 1823

Mr. PETROSKY. Mr. Speaker, I move that the vote by which House Bill No. 1823, Printer's No. 1103, entitled:



"An Act to further amend subsection (i) of section four of the act, approved the eighteenth day of April, one thousand nine hundred forty-nine (P. L. 604), entitled 'State Highway and Bridge Authority Act,' by increasing the power of the Authority to borrow money and issue evidence of indebtedness therefor in certain cases."

was defeated on final passage, Tuesday, December 6, 1955, be reconsidered.

Mr. CAPANO. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from Westmoreland, Mr. Petrosky vote on the final passage of this bill?

Mr. PETROSKY. Mr. Speaker, I voted with the prevailing side.

The SPEAKER. How did the gentleman from Washington, Mr. Capano vote on the final passage of this bill?

Mr. CAPANO. Mr. Speaker, I voted with the prevailing side.

On the question,

Will the House agree to the motion?

It was agreed to.

On the question recurring,

Shall the bill pass finally?

#### BILL POSTPONED

Mr. PETROSKY. Mr. Speaker, I move that this bill be placed on the final passage postponed calendar.

The motion was agreed to.

#### RECONSIDERATION OF VOTE ON HOUSE BILL 1824

Mr. PETROSKY. Mr. Speaker, I move that the vote by which House Bill No. 1824, Printer's No. 1031, entitled:

"An Act amending the act of May 1, 1929, (P. L. 905), entitled 'Vehicle Code,' increasing the registration fees for motor vehicles and certain commercial motor vehicles and truck tractors."

was defeated on final passage, Tuesday, December 6, 1955, be reconsidered.

Mr. CAPANO. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from Westmoreland, Mr. Petrosky vote on the final passage of this bill?

Mr. PETROSKY. Mr. Speaker, I voted with the prevailing side.

The SPEAKER. How did the gentleman from Washington Mr. Capano vote on the final passage of this bill?

Mr. CAPANO. Mr. Speaker, I voted with the prevailing side.

On the question,

Will the House agree to the motion?

It was agreed to.

On the question recurring,

Shall the bill pass finally?

#### BILL POSTPONED

Mr. PETROSKY. Mr. Speaker, I move that this bill be placed on the final passage postponed calendar.

The motion was agreed to.

#### RECONSIDERATION OF VOTE ON HOUSE BILL 1825

Mr. PETROSKY. Mr. Speaker, I move that the vote by which House Bill No. 1825, Printer's No. 1104, entitled:

"An Act to further amend subsection (i) of section four of the act, approved the eighteenth day of April, one thousand nine hundred forty-nine (P. L. 604), entitled 'State Highway and Bridge Authority Act,' by increasing the power of the Authority to borrow money and issue evidences of indebtedness therefor in certain cases."

was defeated on final passage, Tuesday, December 6, 1955, be reconsidered.

Mr. CAPANO. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from Westmoreland, Mr. Petrosky vote on the final passage of this bill?

Mr. PETROSKY. Mr. Speaker, I voted with the prevailing side.

The SPEAKER. How did the gentleman from Washington, Mr. CAPANO vote on the final passage of this bill?

Mr. CAPANO. Mr. Speaker, I voted with the prevailing side.

On the question,

Will the House agree to the motion?

It was agreed to.

On the question recurring,

Shall the bill pass finally?

#### BILL POSTPONED

Mr. PETROSKY. Mr. Speaker, I move that this bill be placed on the final passage postponed calendar.

The motion was agreed to.

#### RECONSIDERATION OF VOTE ON HOUSE BILL 1219

Mr. TOLL. Mr. Speaker, I move that the vote by which House Bill No. 1219, Printer's No. 383, entitled:

"An Act amending the act of August 5, 1932 (P. L. 45) entitled 'An act empowering cities of the first and second classes to levy, assess and collect, or to provide for the levying assessment and collection of certain additional taxes for general revenue purposes; authorizing the establishment of bureaus, and the appointment and compensation of officers and employees to assess and collect such taxes; and permitting penalties to be imposed and enforced', reserving, under certain conditions, the legality of taxes imposed by any city of the first class notwithstanding the imposition of similar taxes by the state".

was defeated on final passage, Tuesday, December 6, 1955, be reconsidered.

Mr. MULLEN. Mr. Speaker, I second the motion

The SPEAKER. How did the gentleman from Philadelphia Mr. Toll vote on the final passage of this bill?

Mr. TOLL. Mr. Speaker, I voted with the prevailing side.

The SPEAKER. How did the gentleman from Philadelphia, Mr. Mullen vote on the final passage of this bill?

Mr. MULLEN. Mr. Speaker, I voted with the prevailing side.

On the question,

Will the House agree to the motion?

It was agreed to.

On the question recurring,

Shall the bill pass finally?

#### BILL POSTPONED

Mr. TOLL. Mr. Speaker, I move that this bill be placed on the final passage postponed calendar.

The motion was agreed to.



### RECONSIDERATION OF VOTE ON HOUSE BILL 1562

Mr. TOLL. Mr. Speaker, I move that the vote by which House Bill No. 1562, Printer's No. 607, entitled:

"An Act amending the act of April 12, 1951, (P. L. 90), entitled 'Liquor Code,' redefining the term 'population'".

was defeated on final passage, December 5, 1955, be reconsidered.

Mr. AMARANDO. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from Philadelphia, Mr. Toll vote on the final passage of this bill?

Mr. TOLL. Mr. Speaker, I voted with the prevailing side.

The SPEAKER. How did the gentleman from Philadelphia, Mr. Amarando vote on the final passage on this bill?

Mr. AMARANDO. Mr. Speaker, I voted with the prevailing side.

On the question,

Will the House agree to the motion?

It was agreed to.

On the question recurring,

Shall the bill pass finally?

### BILL POSTPONED

Mr. TOLL. Mr. Speaker, I move that this bill be placed on final passage postponed calendar.

The motion was agreed to.

### RECONSIDERATION OF VOTE ON HOUSE BILL 1517

Mr. WALSH. Mr. Speaker, I move that the vote by which House Bill No. 1517, Printer's No. 1145, entitled:

"An Act amending the act of May 2, 1945 (P. L. 382) entitled, 'Municipality Authorities Act of 1945', further regulating the membership of the governing body of an Authority"

was defeated on final passage, December 5, 1955, be reconsidered.

Mr. FILO. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from Allegheny, Mr. Walsh vote on the final passage of this bill?

Mr. WALSH. Mr. Speaker, I voted with the prevailing side.

The SPEAKER. How did the gentleman from Allegheny, Mr. Filo vote on the final passage of this bill?

Mr. FILO. Mr. Speaker, I voted with the prevailing side.

On the question,

Will the House agree to the motion?

It was agreed to.

On the question recurring,

Shall the bill pass finally?

### BILL POSTPONED

Mr. WALSH. Mr. Speaker, I move that this bill be placed on the final passage postponed calendar.

The motion was agreed to.

### COMMUNICATION FROM GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

### REQUEST TO ADDRESS GENERAL ASSEMBLY

Commonwealth of Pennsylvania,

Governor's Office, Harrisburg, December 7, 1955.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

If it meets with the approval of the General Assembly, I should like to address the members in joint session Monday, December 19, 1955, at five o'clock p. m.

GEORGE M. LEADER

### GOVERNOR INVITED TO ADDRESS GENERAL ASSEMBLY

Mr. LEONARD. Mr. Speaker, I move that His Excellency the Governor of the Commonwealth, the Honorable George M. Leader, be invited to the Hall of the House of Representatives to address the General Assembly in Joint Session at a time to be fixed by concurrent resolution.

The motion was agreed to.

### SENATE MESSAGE

#### JOINT SESSION

The Clerk of the Senate being introduced presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, December 12, 1955.

Resolved (the House of Representatives concurring). That the Senate and House of Representatives meet in Joint Session, Monday, December 19, 1955, at five o'clock P. M. in the Hall of the House of Representatives for the purpose of hearing an address by His Excellency the Governor of the Commonwealth.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

On the question,

Will the House concur in the resolution of the Senate?

It was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

### SENATE MESSAGE

#### COMMITTEE TO ESCORT GOVERNOR

The Clerk of the Senate being introduced presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, December 12, 1955.

Resolved (the House of Representatives concurring). That a committee of three on the part of the Senate be appointed to act with a similar committee on the part of the House of Representatives (if the House shall appoint such committee), to escort His Excellency the Governor to the Hall of the House of Representatives to address the members of the General Assembly in Joint Session, pursuant to a resolution already adopted by the Senate and the House of Representatives.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

On the question,

Will the House concur in the resolution of the Senate?

It was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

### COMMITTEE APPOINTED

The SPEAKER. The Chair appoints as a committee on the part of the House to escort the Governor to the Hall



of the House, Messrs. READINGER, SARRAF and CHARLES C. SMITH.

### RESOLUTION

#### COMMITTEE TO ESCORT SENATE

Mr. BOIES offered a resolution which was read, considered and adopted as follows:

In the House of Representatives, December 12, 1955.

"Resolved, That the Speaker appoint a committee of two Members of the House to escort the officers and the Members of the Senate to the Hall of the House for the purpose of attending the Joint Session of the General Assembly, Monday, December 19, 1955, at 5:00 o'clock, P. M."

#### COMMITTEE APPOINTED

The SPEAKER. The Chair appoints as a committee to escort the Senate to the Hall of the House, for the purpose of attending the Joint Session on Monday, December 19, 1955 at 5:00 o'clock p. m., Messrs. BOIES and JOHNSON.

#### RECONSIDERATION OF VOTE ON HOUSE BILL 592

Mr. GARLOCK. Mr. Speaker, I move that the vote by which House Bill No. 592, Printer's No. 1156, entitled:

"An Act amending the act of April 28, 1937 (P. L. 417), entitled 'Milk Control Law' changing the provisions relating to licenses and license fees."

was defeated on final passage, Tuesday, December 6, 1955, be reconsidered.

Mr. PETROSKY. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from Fulton, Mr. Garlock vote on the final passage of this bill?

Mr. GARLOCK. Mr. Speaker, I voted with the prevailing side.

The SPEAKER. How did the gentleman from Westmoreland, Mr. Petrosky vote on the final passage of this bill?

Mr. PETROSKY. Mr. Speaker, I voted with the prevailing side.

On the question,

Will the House agree to the motion?

It was agreed to.

On the question recurring,

Shall the bill pass finally?

#### BILL POSTPONED

Mr. GARLOCK. Mr. Speaker, I move that this bill be placed on the final passage postponed calendar.

The motion was agreed to.

### RESOLUTION

Mr. KOLANKIEWICZ. Mr. Speaker, I call up on page 15 of today's calendar the unnumbered resolution.

The resolution was read, considered and adopted as follows:

In the House of Representatives, November 21, 1955.

On November 21, 1955, another important event in the history of the Holy Family College took place, to wit, the dedication of the college by His Excellency, the Most Reverend John F. O'Hara, C.S.C., D.D.

The History of Holy Family College has been made, in the main, by the constant and unrelenting work and prayers of the Sisters of the Holy Family of Nazareth.

After many years of hard work and planning, on September 2, 1952, permission was granted by the Archdiocese of Philadelphia to the Sisters of the Holy Family of Nazareth for establishing and building a new college. On January 31, 1953 an application for a charter was filed with the State Council of Education, and on September 4, 1953, the use of the name "Holy Family College" was approved by the State Council of Education.

A charter was granted to Holy Family College on February 11, 1954 and a month later ground was broken for the new building of the school. At about the same time, St. Mary's, residence hall for college students, was acquired.

Opening of the first full-time academic year occurred on September 28, 1954 with 22 girls and a faculty of 5 Sisters, one priest, one layman and two laywomen. On February 27, 1955, the laying of the cornerstone was held in a private ceremony and on May 31, 1955, the first issue of the college school paper, The TRI-LITE, was published.

Opening of the second academic year in the new building, with 44 students, took place on September 27, 1955, which was followed by the solemn religious dedication of the Holy Family College on the Feast of the Presentation of the Blessed Virgin Mary, November 21, 1955.

Holy Family College is conducted by the Sisters of the Holy Family of Nazareth at Torresdale, Philadelphia, Pennsylvania. The President of the College is Reverend Mother M. Neomis, and the Dean, Reverend Sister M. Florence. The great sacrifices, hard work and prayers of the Sisters of the Holy Family of Nazareth has borne fruit and will undoubtedly continue in the future; therefore be it

Resolved, That the House of Representatives commend the Sisters of the Holy Family of Nazareth for the many years of unselfish and outstanding work in the field of religion, Catholic education and Catholic action and for the building of the Holy Family College; and be it further

Resolved, That copies of this resolution be forwarded to His Excellency, the Most Reverend John F. O'Hara, Archbishop of Philadelphia, to Reverend Mother M. Neomis, President of the College and to the Dean, Reverend Sister M. Florence.

#### BILLS INTRODUCED AND REFERRED

By Mr. McLAUGHLIN.

HOUSE BILL No. 1924.

An Act to amend the act, approved the thirty-first day of August, one thousand nine hundred fifty-five (P. L. ) (Act No. 131), entitled "An act permitting and regulating wrestling and boxing contests and exhibitions; \* \* \*," by regulating the use of a fictitious or assumed name by any participant in any amateur boxing contest or exhibition.

Referred to the Committee on Law and Order.

By Mr. FRASCELLA.

HOUSE BILL No. 1925.

An Act amending the act of June 15, 1937 (P. L. 1743), entitled as amended "An act relating to magistrates and magistrates' courts in the city of Philadelphia; imposing certain duties upon, and prohibiting certain practices by, magistrates, and fixing their compensation; \* \* \*," establishing an Alcoholic Court of Philadelphia, and prescribing its powers and duties and jurisdiction and the magistrates assigned thereto; providing for a seal for the court and the costs taxable therein.

Referred to the Committee on Judiciary.

By Messrs. ASHTON and McCANN.

HOUSE BILL No. 1926.

An Act amending the act of March 10, 1949 (P. L. 30), entitled "An act relating to the public school system, including certain provisions applicable as well to private and parochial schools; \* \* \*," authorizing the reassessment of certain property in school districts of the third and fourth class in certain cases, and imposing liability for school taxes upon the owners thereof.



Referred to the Committee on Education.

By Messrs. WORLEY and TOLL.

#### HOUSE BILL No. 1927.

An Act relating to new trials in murder cases; restricting expression of opinions in charges to the jury and providing for new trials.

Referred to the Committee on Judiciary.

By Messrs. FARABAUGH and KENT.

#### HOUSE BILL No. 1928.

An Act amending the act of May 20, 1949 (P. L. 1594), entitled "An act for the protection of the public health and to prevent fraud and deception in the manufacture, sale, offering for sale, exposing for sale, and possessing with intent to sell, of adulterated or deleterious ice cream, french ice cream, french custard, frozen custard, frozen ice confections, frozen sherbet confection, sherbet, ice and fruit ice, including coated ice cream and the coating thereof; \* \* \*," extending its provisions to ice milk and ice milk confections; and conferring additional powers and duties on the Department of Agriculture, and changing labeling requirements.

Referred to the Committee on Agriculture and Dairy Industries.

### SENATE MESSAGE

#### RESOLUTION FOR CONCURRENCE

The Clerk of the Senate being introduced presented an extract from the Journal of the Senate, which was read as follows:

SENATE Serial No. 157.

In the Senate, November 14, 1955.

Whereas, At no time in history was it more important for the people of the great Commonwealth of Pennsylvania to know and appreciate the great heritage of freedom and liberty which is ours as a bequest from our forefathers; and

Whereas, No single State has contributed more to the development of the American tradition of religious freedom, civil liberties, and representative democracy recognizing the right of all people, regardless of race, creed, or social station, to achieve the fullest possible freedom and opportunity under God; and

Whereas, The State, county, and local historical and patriotic societies and associations of the Commonwealth have a distinguished record of achievement in developing understanding and appreciation of that great heritage; therefore be it

Resolved (the House of Representatives concurring). That the General Assembly of the Commonwealth places itself on record as commending these worthy historical and patriotic societies and associations for the great work they have accomplished; and be it further

Resolved, That the General Assembly of the Commonwealth urges these societies and associations to redouble their efforts to further develop knowledge and understanding of Pennsylvania's rich heritage by increasing their membership and continuing to broaden and expand their influence and worth through suitable publications, educational services to the schools of the Commonwealth and the general public; and be it further

Resolved, That the General Assembly hereby authorizes and requests the Pennsylvania Historical and Museum Commission to act as its agent in transmitting copies of this resolution to all such societies and associations as are a matter of record in the files of the Commission and in particular to those which are members of the Pennsylvania Federation of Historical Societies, together with suitable suggestions as to ways in which said societies and

associations may further expand and develop their contributions to Pennsylvania history.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

Referred to the Committee on Rules.

### COMMITTEE CHAIRMEN TO MEET

Mr. READINGER. Mr. Speaker, I would like to request all Committee Chairmen to meet with me in the New House Caucus Room tomorrow at noon. I have just purchased a new set of thumbscrews and I want to try them out. It will be an important meeting and I request that every Chairman who is able to walk or crawl get to that meeting.

Mr. CHARLES C. SMITH. Mr. Speaker, I would like to interrogate the Majority Leader for just one second.

The SPEAKER. Will the Majority Leader permit himself to be interrogated?

Mr. READINGER. I shall, Mr. Speaker.

The SPEAKER. The Members will be seated. This may be important and it may not.

Mr. CHARLES C. SMITH. Mr. Speaker, this is important. We do not waste the time of the House.

The SPEAKER. The gentleman will proceed.

Mr. CHARLES C. SMITH. I just would like the Majority Leader, and I think it should come from him Mr. Speaker, to remind the Members on his side and the Members on our side that he intends to call the reorganization plans tomorrow, and that the procedure will be that there will have to be 106 votes for or against. The bills don't just die naturally as ordinary bills do.

I think there may be some Members on his side who may want to vote against some of those bills and I know there are some on our side.

I understand that is the plan, is that right, Mr. Speaker?

Mr. READINGER. That is correct. I thank the Minority Leader for calling this to the attention of the House. I thought it was generally understood that tomorrow was the last day for action on the reorganization plans but some of the Members may have forgotten it.

We do intend to call them up for action tomorrow.

### COMMITTEE MEETINGS

COUNTIES, Mr. Wheeler, Chairman, Room 323, Tuesday, December 13, at 11:30 a. m.

JUDICIARY, Mr. Lopresti, Chairman, Room 145, Tuesday, December 13, at 10:00 a. m.

PROFESSIONAL LICENSURE, Mr. Boies, Chairman, Room 325, Tuesday, December 13, at 11:30 a. m.

STATE GOVERNMENT, Mr. Polaski, Chairman, Room 324, Tuesday, December 13, at 12:45 p. m.

The Legislative Service Club will meet for breakfast on Tuesday morning, December 13, at 8:30 a. m., in the private dining room of the Capitol Cafeteria.

The SPEAKER. Members will please note the time the House convenes tomorrow.

### ADJOURNMENT

Mr. GRAMLICH. Mr. Speaker, I move that this House do now adjourn until Tuesday, December 13, 1955, at 1:00 p. m.

The motion was agreed to, and (at 6:25 p. m.) the House adjourned.







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Session 1955.

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HARRISBURG, PA., TUESDAY, DECEMBER 13, 1955.

No. 118.

## SENATE

TUESDAY, December 13, 1955.

The Senate met at 2:00 o'clock, p. m., Eastern Standard Time.

The PRESIDENT (Lieutenant-Governor Roy E. Furman) in the Chair.

### PRAYER

The Chaplain, Rev. CARL M. FULTON, Assistant Pastor of Middletown Second Baptist Church, Middletown, offered the following prayer:

Almighty God, our Heavenly Father, we come to Thee today to seek the blessing of Thy Holy Spirit on this General Assembly, the governing body of the Commonwealth of Pennsylvania, to help them in their great work. Thou knowest, O Heavenly Father, the great duties that lie before them. Heavenly Father, grant them the good fellowship of Thy Spirit to guide them this day. Heavenly Father, we pray that their plans for today will be according to Thy holy plans.

Heavenly Father, we also thank Thee for our health and strength, and for the health and strength of our relatives and friends. We also pray Thy holy blessing upon our Governor Leader, head of our Commonwealth. We pray that Thou will continue to bless he and his family in good health. We also pray that Thy holy blessing be with our President Eisenhower. We pray that his health will continue to improve, that he will continue to lead our great Nation in peace and prosperity.

Heavenly Father, we ask these blessings in the Name of our Lord and Saviour, Jesus Christ, Amen.

### JOURNAL APPROVED

The PRESIDENT A quorum of the Senate being present, the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. MAHANY and Mr. PECHAN, further reading was dispensed with, and the Journal was approved.

### STUDENTS FROM WILSON JOINT HIGH SCHOOL, BERKS COUNTY, PRESENTED TO SENATE

Mr. RUTH. Mr. President and Members of the Senate, I am very happy to introduce to the Senate 120 members of the Senior Class of the Wilson Joint High School in Berks County, Spring Township, under the leadership

of Mr. Lloyd Miller, Mr. Carl Constein and Mr. John Wise.

The PRESIDENT. The Chair wishes, on behalf of all the Members of the Senate, to welcome this group of Seniors from Wilson Joint High School in Berks County. We hope you enjoy your visit with us this afternoon.

## HOUSE MESSAGES

### HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives being introduced presented for concurrence bills of the House, as follows:

House Bill No. 1073, entitled:

An Act providing for the establishment of forestry conservation camps by the Department of Welfare and the Department of Justice for the retraining of male delinquents

Which was committed to the Committee on Public Health and Welfare.

House Bill No. 1754, entitled:

An Act amending the act of June 2 1891 (P. L. 176) entitled "An act to provide for the health and safety of persons employed in and about the anthracite coal mines of Pennsylvania and for the protection and preservation of property connected therewith" changing applicability of act

Which was committed to the Committee on Mines and Mining.

House Bill No. 1819, entitled:

An Act enabling the department of procurement of cities of the first class to establish by resolution the conditions upon which it will award contracts for city printing

Which was committed to the Committee on Local Government.

House Bill No. 1820, entitled:

An Act enabling county commissioners of counties of the first class to establish by resolution the conditions upon which it will award contracts for county printing

Which was committed to the Committee on Local Government.

House Bill No. 1833, entitled:

An Act amending the act of April 15 1873 (P. L. 75) entitled "An act relating to the fees of the surveyor general" increasing fees to be charged by the Department of Internal Affairs



Which was committed to the Committee on State Government.

House Bill No. 1874, entitled:

An Act amending the act of July 15 1897 (P. L. 287) entitled "An act to protect the lives and limbs of miners from the dangers resulting from incompetent miners working in the anthracite coal mines of this Commonwealth prescribing powers and duties of certain miners examining boards

Which was committed to the Committee on Mines and Mining.

House Bill No. 1875, entitled:

An Act amending the "Anthracite Coal Mining Law" approved June 2 1891 (P. L. 176) changing duties of mine foremen and assistants with respect to mine examinations and safety

Which was committed to the Committee on Mines and Mining.

House Bill No. 1881, entitled:

An Act making an appropriation to the Department of Public Instruction for payment to school districts on account of approved reimbursable rental payable to the State Public School Building Authority municipality authorities and nonprofit corporations.

Which was committed to the Committee on Appropriations

#### HOUSE CONCURS IN SENATE BILL No. 520

He also returned to the Senate, Senate Bill No. 520, entitled:

An Act amending the act of May 4 1927 (P. L. 519) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" further regulating the procedure to be followed in enacting necessary ordinances in the course of preparing a consolidation codification or revision of ordinances

with the information that the House has passed the same without amendments.

#### SENATE BILL No. 511 RETURNED WITH AMENDMENT

He also returned to the Senate, Senate Bill No. 511, entitled:

An Act amending the "Liquor Code" approved April 12 1951 (P. L. 90) further limiting the transfer of licenses permitting transfer of distributor's and importing distributor's licenses anywhere within the same county

with the information that the House has passed the same with amendments in which the concurrence of the Senate is requested.

The PRESIDENT. The bill, as amended, will appear on tomorrow's Calendar.

#### SENATE BILL No. 773 RETURNED WITH AMENDMENTS

He also returned to the Senate, Senate Bill No. 773, entitled:

An Act amending the "Vehicle Code" approved May 1 1929 (P. L. 905) prohibiting the operations of motor vehicles with certain types of mufflers

with the information that the House has passed the same with amendments in which the concurrence of the Senate is requested.

The PRESIDENT. The bill, as amended, will appear on tomorrow's Calendar.

#### HOUSE CONCURS IN SENATE CONCURRENT RESOLUTION

He also informed the Senate that the House has concurred in resolution from the Senate as follows:

#### JOINT SESSION

In the Senate, December 12, 1955.

Resolved (the House of Representatives concurring), That the Senate and House of Representatives meet in Joint Session, Monday, December 19, 1955, at five o'clock, p. m., in the Hall of the House of Representatives for the purpose of hearing an address by His Excellency the Governor of the Commonwealth.

#### HOUSE CONCURS IN SENATE CONCURRENT RESOLUTION

He also informed the Senate that the House has concurred in resolution from the Senate as follows:

#### COMMITTEE TO ESCORT GOVERNOR

In the Senate, December 12, 1955.

Resolved (the House of Representatives concurring), That a committee of three on the part of the Senate be appointed to act with a similar committee on the part of the House of Representatives (if the House shall appoint such committee), to escort His Excellency the Governor to the Hall of the House of Representatives to address the members of the General Assembly in Joint Session, pursuant to a resolution already adopted by the Senate and the House of Representatives.

#### BILLS SIGNED

The President (Lieutenant-Governor Roy E. Furman) announced that the Chief Clerk having reported that the following bills had passed both houses of the General Assembly and the same being correct, the titles were publicly read as follows:

Senate Bill No. 105, entitled:

An Act amending the act of May 1, 1929 (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways; and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," directing the issuance of special registration plates to war amputees and paralytics and exempting such persons from the payment of certain fees in connection with motor vehicles.



## Senate Bill No. 179, entitled:

An Act amending the act of April 25, 1929 (P. L. 723), entitled "An act regulating the investment of funds by administrative departments, boards, commissions, and officers of the State Government," increasing the investment powers of State administrative departments, boards, commissions or officers.

## Senate Bill No. 541, entitled:

An Act amending the act of March 31, 1949 (P. L. 372), entitled "An act to promote the welfare of the people of the Commonwealth; creating the General State Authority as a body corporate and politic with power to construct, improve, equip, furnish, and operate projects, and to lease the same, and to fix fees, rentals, and charges for the use thereof; authorizing and regulating the issuance of bonds for said Authority, and providing for the payment of such bonds, and the rights of the holders thereof; and to enter into agreement with the Government of the United States or any Federal agency; and authorizing the Department of Property and Supplies to grant, assign, convey or lease to the Authority lands of the Commonwealth and interests therein, and to acquire lands therefor; granting the right of eminent domain; empowering the General State Authority to sell and convey projects and property to the Commonwealth; and providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act," authorizing the sale, transfer and conveyance of property or interest therein.

## House Bill No. 1319, entitled:

An Act amending the act of May 1, 1933 (P. L. 103), entitled "The Second Class Township Law," clarifying the effect of certain provisions of the act with respect to powers granted by other laws.

## House Bill No. 1378, entitled:

An Act amending the act of May 20, 1915 (P. L. 566), entitled "An act requiring cities of the first class to establish a pension fund for employes of said cities, and all county or other public employes, if any, paid by appropriation of the city councils thereof, and out of the treasury of said cities; and regulating the administration and the payment of such pensions," increasing period of school service for which credit may be given.

## House Bill No. 1392, entitled:

An Act amending the act of May 10, 1939 (P. L. 111), entitled "Commerce Law," granting to and imposing certain powers and duties on the Department of Commerce relating to planning programs, assistance and other work heretofore administered by the State Planning Board and transferring records and equipment relative thereto.

## House Bill No. 1790, entitled:

An Act giving the consent of the Commonwealth of Pennsylvania to the acquisition by the United States of America of approximately one thousand two hundred sixty-six acres of land in the Township of Coolbaugh, County of Monroe, Pennsylvania known as Tobyhanna Signal Depot, and ceding jurisdiction to the United States.

Whereupon,

The President (Lieutenant-Governor Roy E. Furman) in the presence of the Senate signed the same.

#### REPORT FROM COMMITTEE ON EXECUTIVE NOMINATIONS

Mr. WATSON, from the Committee on Executive Nominations, reported with a favorable recommendation the following nominations, made by His Excellency, the Governor:

## MEMBERS OF COUNTY BOARDS OF ASSISTANCE

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, September 12, 1955.  
To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as members of County Boards of Assistance:

## JEFFERSON COUNTY

Mrs. Katherine P. Shaw (Dem.), Big Run, to serve until December 31, 1955, and until her successor is duly appointed and qualified, vice Joe C. Williams, deceased.

## McKEAN COUNTY

Miss Elizabeth O'Connor (Dem.), 317 Park Avenue, Kane, to serve until December 31, 1956, and until her successor is duly appointed and qualified, vice E. H. Watts, Kane, resigned.

GEORGE M. LEADER.

## JUSTICE OF THE PEACE

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, November 22, 1955.  
To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Edward J. Kessler, R. D. 1, Mohnton, Berks County, for appointment as Justice of the Peace in and for the Township of Robeson, Berks County, to serve until the first Monday of January 1956, vice William M. Jefferson, deceased.

GEORGE M. LEADER.

## ALDERMAN

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, October 14, 1955.  
To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Miss Florence Head, 114 Union Street, Johnstown, Cambria County, for appointment as Alderman in and for the Second Ward of the City of Johnstown, Cambria County, until the first Monday of January 1956, vice George R. Patterson, resigned.

GEORGE M. LEADER.

MEMBERS OF THE McKEAN COUNTY  
BOARD OF ASSISTANCE

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, August 30, 1955.  
To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as members of the McKean County Board of Assistance:

## McKEAN COUNTY

Mrs. Margaret M. Dunn (Dem.), 97 West Washington Street, Bradford, to serve until December 31, 1957. (Reappointment).

W. W. Milks (Dem.), 23 Lincoln Avenue, Bradford, to serve until December 31, 1955, and until his successor is duly appointed and qualified, vice J. A. Fitzgibbon, Esq., Bradford, resigned.

Ernest Mangold (Dem.), 416 Broad Street, Port Allegheny, to serve until December 31, 1957, and until his successor is duly appointed and qualified, vice Dr. M. L. Tyrrel, Bradford, whose term expired.

GEORGE M. LEADER.



# MEMBERS OF THE LACKAWANNA COUNTY BOARD OF ASSISTANCE

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, November 21, 1955.  
To the Honorable, the Senate of the Commonwealth of  
Pennsylvania:

In conformity with law, I have the honor hereby to  
nominate for the advice and consent of the Senate the  
following persons for appointment as members of the  
Lackawanna County Board of Assistance:

Joseph Meixell (Dem.), 322 Madison Avenue, Scranton,  
to serve until December 31, 1957, and until his successor  
is duly appointed and qualified, vice Leo Harding,  
Scranton, resigned.

Alvin H. Greenwald (Dem.), 523 Clay Avenue, Scranton,  
to serve until December 31, 1956, and until his successor  
is duly appointed and qualified, vice Ernest Henkelman,  
Scranton, resigned.

Peter Putirskas (Dem.), 1828 North Main Avenue,  
Scranton, to serve until December 31, 1956, and until his  
successor is duly appointed and qualified, vice William  
H. Farber, Scranton.

Frank Mroz (Dem.), 1402 South Webster Avenue,  
Scranton, to serve until December 31, 1957, and until  
his successor is duly appointed and qualified, vice Ray-  
mond W. Tannler, Scranton.

Michael M. Menichiello (Dem.), 611 Sanderson Street,  
Throop, to serve until December 31, 1955, and until his  
successor is duly appointed and qualified, vice Willard B.  
Allen, Scranton, resigned.

David W. Lewis (Rep.), 120 Powell Street, Old Forge,  
to serve until December 31, 1955, and until his successor  
is duly appointed and qualified, vice Rev. William D.  
Golightly, Scranton.

Mrs. Regina W. Rehner (Dem.), 907 Lackawanna  
Avenue, Mayfield, to serve until December 31, 1955, and  
until her successor is duly appointed and qualified, vice  
Mrs. Ann Santarsiero, Dunmore.

GEORGE M. LEADER.

# MEMBER OF THE ELK COUNTY BOARD OF ASSISTANCE

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, December 5, 1955.  
To the Honorable, the Senate of the Commonwealth of  
Pennsylvania:

In conformity with law, I have the honor hereby to  
nominate for the advice and consent of the Senate  
John J. Murray (Dem.), Clarion Road, Johnsonburg, Elk  
County, for appointment as a member of the Elk County  
Board of Assistance, to serve until December 31, 1957,  
and until his successor is duly appointed and qualified,  
vice Lyle E. Anderson, Johnsonburg, whose term expired.

GEORGE M. LEADER.

# MEMBER OF THE PHILADELPHIA COUNTY BOARD OF ASSISTANCE

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, December 5, 1955.  
To the Honorable, the Senate of the Commonwealth of  
Pennsylvania:

In conformity with law, I have the honor hereby to  
nominate for the advice and consent of the Senate  
Miss C. Marion Kohn (Dem.), Apartment 804, 1520 Spruce  
Street, Philadelphia 2, Philadelphia County, for appoint-  
ment as a member of the Philadelphia County Board of  
Assistance, to serve until December 31, 1955, and until  
her successor is duly appointed and qualified, vice E.  
Lynd Frick, Philadelphia, resigned.

GEORGE M. LEADER.

# MEMBER OF THE STATE TAX EQUALIZATION BOARD

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, December 7, 1955.  
To the Honorable, the Senate of the Commonwealth of  
Pennsylvania:

In conformity with law, I have the honor hereby to  
nominate for the advice and consent of the Senate  
Frank K. Cochran, 444 Sidney Street, Greensburg, West-  
moreland County, for appointment as a member of the  
State Tax Equalization Board, until November 14, 1959,  
and until his successor shall be duly appointed and shall  
have qualified, vice John N. O'Neil, Harrisburg, whose  
term expired.

GEORGE M. LEADER.

# MEMBER OF THE BOARD OF TRUSTEES OF CLARKS SUMMIT STATE HOSPITAL

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, September 27, 1955.  
To the Honorable, the Senate of the Commonwealth of  
Pennsylvania:

In conformity with law, I have the honor hereby to  
nominate for the advice and consent of the Senate  
John Chichilla, 715 East Scott Street, Olyphant, Lacka-  
wanna County, for appointment as a member of the Board  
of Trustees of Clarks Summit State Hospital, for the term  
of four years and until his successor is appointed and  
qualified, vice Samuel K. Mittleman, Scranton, resigned.

GEORGE M. LEADER.

# MEMBERS OF THE BOARD OF TRUSTEES OF CLARKS SUMMIT STATE HOSPITAL

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, September 12, 1955.  
To the Honorable, the Senate of the Commonwealth of  
Pennsylvania:

In conformity with law, I have the honor hereby to  
nominate for the advice and consent of the Senate  
the following persons for appointment as member of the  
Board of Trustees of Clarks Summit State Hospital, for  
the term of four years and until their successors are ap-  
pointed and qualified:

Thomas F. Kane, 2627 North Main Avenue, Scranton,  
Lackawanna County, vice Chris Colovos, Scranton, re-  
moved from office.

Salvadore D. Cognetti, 821 Columbia Street, Scranton,  
Lackawanna County, vice John T. Evans, Jr., Scranton,  
resigned.

John E. Marion, 849 Hill Street, Archbald, Lackawanna  
County, vice Charles A. Pfaff, Taylor, removed from  
office.

Frank L. Fleming, Moscow, Lackawanna County, vice  
George G. Gulbin, Scranton, removed from office.

Leo F. Sklar, 1325 South Webster Avenue, Scranton,  
Lackawanna County, vice James Jordan, Scranton, re-  
moved from office.

Ralph R. Haarmeyer, 1319 Pine Street, Scranton, Lacka-  
wanna County, vice Welrose S. Colvin, Scranton, removed  
from office.

Wellington Jackson, Dickson City, Lackawanna County,  
vice Walter F. Bloes, Peckville, removed from office.

Gerald T. McDermott, 543 Arthur Avenue, Scranton,  
Lackawanna County, vice James P. McAuliffe, Scranton,  
removed from office.

GEORGE M. LEADER.

# WORKMEN'S COMPENSATION REFEREE

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, October 14, 1955.  
To the Honorable, the Senate of the Commonwealth of  
Pennsylvania:

In conformity with law, I have the honor hereby to  
nominate for the advice and consent of the Senate  
John R. Lenahan, 1220 Gibson Street, Scranton, Lacka-  
wanna County, for appointment as a Workmen's Com-



pensation Referee, to serve until the third Tuesday of January 1959, and until his successor shall have been appointed and qualified, vice David W. Phillips, Scranton, deceased.

GEORGE M. LEADER.

JUSTICE OF THE PEACE

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, August 30, 1955.  
To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Leo Suprys, Box 171, Bangor, Northampton County, for appointment as Justice of the Peace in and for the Township of Plainfield, Northampton County, to serve until the first Monday of January 1956, to fill a vacancy.

GEORGE M. LEADER.

ALDERMAN

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, August 30, 1955.  
To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate James F. Bucchin, 246 East North Street, Bethlehem, Northampton County, for appointment as Alderman in and for the Seventh Ward of the City of Bethlehem, Northampton County to serve until the first Monday of January 1956, vice David K. Hughes, deceased.

GEORGE M. LEADER.

JUSTICE OF THE PEACE

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, May 24, 1955.  
To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate James F. Hughey, 706 Green Street, Smethport, McKean County, for appointment as Justice of the Peace in and for the Borough of Smethport, McKean County, until the first Monday of January 1956, to fill a vacancy.

GEORGE M. LEADER.

MEMBERS OF THE STATE PLANNING BOARD

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, October 11, 1955.  
To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as members of the State Planning Board:

Theodore L. Hazlett, Jr., Esq., Counsel, Urban ReDevelopment Company, 200 Ross Street, Pittsburgh 19, Allegheny County, for the term of one year, and until his successor is appointed and has qualified.

Henning W. Prentis, Jr., Chairman of the Board, Armstrong Cork Company, Lancaster, Lancaster County, for the term of one year, and until his successor is appointed and has qualified.

Dr. Alfred H. Williams, President, Federal Reserve Bank, Philadelphia, Philadelphia County, for the term of one year, and until his successor is appointed and has qualified.

Edward Hopkinson, Jr., Chairman, Philadelphia City Planning Commission, 1500 Walnut Street, Philadelphia, Philadelphia County, for the term of one year, and until his successor is appointed and has qualified.

Hon. John P. Robin, President, Regional Industrial Development Corporation of Pittsburgh, Pittsburgh, Alle-

gheny County, for the term of two years, and until his successor is appointed and has qualified.

Dr. Martin D. Whitaker, President, Lehigh University, Bethlehem, Northampton County, for the term of two years, and until his successor is appointed and has qualified.

Hon. Curtis Bok, President Judge, Court of Common Pleas No. 6, Philadelphia, Philadelphia County, for the term of two years, and until his successor is appointed and has qualified.

Hon. Joseph S. Clark, Jr., Mayor, City of Philadelphia, Philadelphia County, for the term of two years, and until his successor is appointed and has qualified.

Hon. George B. Stevenson, Lock Haven, Clinton County, for the term of three years, and until his successor is appointed and has qualified.

Harry Boyer, President, Pennsylvania CIO Council, Harrisburg, Dauphin County, for the term of three years, and until his successor is appointed and has qualified.

Joseph A. McDonough, President, Pennsylvania Federation of Labor, Harrisburg, Dauphin County, for the term of three years, and until his successor is appointed and has qualified.

Hon. Harry E. Seyler, York, York County, for the term of three years, and until his successor is appointed and has qualified.

Dr. Thomas Parran, Dean, The Graduate School of Public Health, University of Pittsburgh, Pittsburgh, Allegheny County, for the term of four years, and until his successor is appointed and has qualified.

Adolph Schmidt, President, A. W. Mellon Educational and Charitable Trust, Pittsburgh, Allegheny County, for the term of four years, and until his successor is appointed and has qualified.

Dr. J. C. Warner, President, Carnegie Institute of Technology, Pittsburgh 13, Allegheny County, for the term of four years, and until his successor is appointed and has qualified.

GEORGE M. LEADER.

MEMBER OF THE PENNSYLVANIA AERONAUTICS COMMISSION

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, November 14, 1955.  
To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as members of the Pennsylvania Aeronautics Commission:

Col. Phillip F. Neuweiler, Commander, Pennsylvania Wing, Civil Air Patrol, Allentown, Lehigh County, to serve until June 2, 1959, and until his successor shall be duly appointed and shall have qualified, vice Dr. Ralph C. Hutchison, Easton, whose term expired.

GEORGE M. LEADER.

MEMBERS OF THE LABOR-MANAGEMENT ADVISORY COMMITTEE

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, August 1, 1955.  
To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as members of the Labor-Management Advisory Committee, for the term of two years and until their successors are appointed and qualified:

Van Horn Ely (Management), Philadelphia Suburban Water Company, 762 Lancaster Avenue, Bryn Mawr, Montgomery County. (Reappointment)

Norman Bradley (Management), Peoples Natural Gas Company, 140 Stanwix Street, Pittsburgh 22, Allegheny County, vice L. M. Ayers, Pittsburgh, whose term expired.

Dan J. Egan (Management), Employee Relations Director, Manufacturers Light and Heat Company, 800 Union



Trust Building, Pittsburgh, Allegheny County. (Reappointment)

E. J. Brill (Management), Pennsylvania Power and Light Company, Allentown, Lehigh County. (Reappointment)

Harry Boyer (Labor), President Pennsylvania Industrial Union Council, 508 Dauphin Building, Harrisburg, Dauphin County (Reappointment)

Joseph A. McDonough (Labor), President, Pennsylvania Federation of Labor, Front and Pine Streets, Harrisburg, Dauphin County, vice James L. McDevitt, Philadelphia, whose term expired.

Lloyd Troop (Labor), Chairman, General Committee, Employees Independent Association, Pennsylvania Power and Light Company, Lancaster, Lancaster County, vice John W. Thomas, Catasauqua, whose term expired.

Joseph Gallagher (Labor), United Mine Workers of America, Freeland, Luzerne County. (Reappointment)

GEORGE M. LEADER.

#### WORKMEN'S COMPENSATION REFEREE

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, September 26, 1955.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate James E. Ross, 480 Fair Avenue, Beaver, Beaver County, for appointment as a Workmen's Compensation Referee, to serve until the third Tuesday of January 1959, and until his successor shall have been appointed and qualified, vice William Coghlan, Esq., Beaver, removed from office.

GEORGE M. LEADER.

#### MEMBERS OF THE CARBON COUNTY BOARD OF ASSISTANCE

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, June 27, 1955.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as members of the Carbon County Board of Assistance:

#### CARBON COUNTY

Rev. William T. Longsdorf (Rep.), 434 Franklin Avenue, Palmerton, to serve until December 31, 1955, and until his successor is duly appointed and qualified. (Reappointment)

John V. Dougherty (Dem.), 320 West White Street, Summit Hill, to serve until December 31, 1957, and until his successor is duly appointed and qualified, vice Charles W. Llewellyn, Summit Hill, whose term expired.

James Billet (Dem.), Tresckow, to serve until December 31, 1955, and until his successor is duly appointed and qualified, vice Mrs. Anne A. Jones, Lehigh, whose term expired.

Gilbert W. Hamm (Dem.), 403 Second Street, Weatherly, to serve until December 31, 1956, and until his successor is duly appointed and qualified, vice Emerson C. West, Weatherly, whose term expired.

Joseph E. Sniscak (Dem.), 81 East Catawissa Street, Nesquehoning, to serve until December 31, 1955, and until his successor is duly appointed and qualified, vice Dr. Marvin R. Evans, Lansford.

Mrs. Lenore Moyer (Dem.), Jim Thorpe, to serve until December 31, 1956, and until her successor is duly appointed and qualified, vice Charles D. Neast, Jim Thorpe, whose term expired.

GEORGE M. LEADER.

#### MEMBER OF THE ADVISORY HOSPITAL COUNCIL

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, November 21, 1955.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Hon. Berwyn F. Mattison, Camp Hill, Cumberland County, for reappointment as a member of the Advisory Hospital Council, to serve until November 18, 1959, and until his successor shall have been appointed and qualified.

GEORGE M. LEADER.

#### SHERIFF

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, April 18, 1955.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate John W. Hineman, Jr., Brighton Township, Beaver County, for appointment as Sheriff in and for the County of Beaver, until the first Monday of January 1956, vice Ray P. McKenny, deceased.

GEORGE M. LEADER.

#### ALDERMAN

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, August 29, 1955.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Miss Margaret Greenstein, 916 East Fifth Street, Bethlehem, Northampton County, for appointment as Alderman in and for the Fifth Ward of the City of Bethlehem, Northampton County, until the first Monday of January 1956, vice Charles Greenstein, deceased.

GEORGE M. LEADER.

#### MEMBER OF THE STATE BOARD OF PHARMACY

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, October 6, 1955.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following person for appointment as a member of the State Board of Pharmacy, for the term of six years, and until his successor shall have been appointed and qualified:

Jacob H. Katz, 1832 East Tulpehocken Street, Philadelphia, Philadelphia County. (Reappointment)

GEORGE M. LEADER.

#### MEMBER OF THE STATE BOARD OF PHARMACY

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, October 6, 1955.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following person for appointment as member of the State Board of Pharmacy, for the term of six years, and until their successors shall have been appointed and qualified:

Harold Blid, 1801 Packer Street, McKeesport, Allegheny County, vice Edward C. Ifft, Pittsburgh, resigned.

GEORGE M. LEADER.

Mr. WATSON, from the Committee on Executive Nominations, also reported with an unfavorable recommendation the following nomination, made by His Excellency, the Governor:

#### MEMBER OF THE PENNSYLVANIA AERONAUTICS COMMISSION



Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, November 14, 1955.  
To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following person for appointment as a member of the Pennsylvania Aeronautics Commission:

Louis R. Inwood, Director of Aviation, City of Philadelphia, International Airport, Philadelphia, Philadelphia County, to serve until June 2, 1957, and until his successor shall be duly appointed and shall have qualified, vice John Henry Leh, Allentown, whose term expired.

GEORGE M. LEADER.

### REPORTS FROM COMMITTEES

Mr. FLEMING, from the Committee on Local Government reported as amended, House Bill No. 641, entitled:

An Act amending the act of May 1 1933 (P. L. 103) entitled "The Second Class Township Code," authorizing the appointment of sanitary boards and sanitary officers prescribing their powers and duties providing for the enforcement of the administration of health laws by such boards and officers providing for a president and secretary of such boards imposing duties on the Secretary of Health and providing for payments of expenses by townships.

He also, from the Committee on Local Government, reported as committed, House Bill No. 655, entitled:

An Act amending the act of August 24, 1951 (P. L. 1304) entitled "Local Health Administration Law," extending the provisions thereof to counties of the first class and to municipalities located in counties of the first class.

He also, from the Committee on Local Government, reported as committed, Senate Bill No. 900, entitled:

An Act amending the act of July 7, 1947 (P. L. 1368), entitled "Real Estate Tax Sale Law," clarifying the provisions of the act relating to private sales of certain properties by the Tax Claim Bureau.

He also, from the Committee on Local Government, reported as committed, Senate Bill No. 901, entitled:

An Act amending the act of August 9, 1955 (Act No. 130), entitled "The County Code," fixing the time for the annual report by the county auditors in the court of common pleas, and changing the provisions relating to the appointment of depositories of county funds.

He also, from the Committee on Local Government, reported as committed, Senate Bill No. 906, entitled:

An Act amending the act of June 20, 1947 (P. L. 745) entitled "An act to provide revenue for school districts of the first class by imposing a temporary mercantile license tax on persons engaging in certain occupations and businesses therein; . . .," as amended, by changing the penalties on taxes not paid when due.

### BILL INTRODUCED AND REFERRED

Messrs. SCHMIDT and FLEMING read in place and presented to the Chair Senate Bill No. 918, entitled:

An Act amending the act of June 21, 1939 (P. L. 626), entitled "The Second Class County Assessment Law," requiring the board to certify the total value of real property to clerks or secretaries of political subdivisions, and prescribing the time for appeal.

Which was committed to the Committee on Local Government.

### PERMISSION TO ADDRESS SENATE

Mr. HAYS asked and obtained unanimous consent to address the Senate.

Mr. HAYS. Mr. President and Members of the Senate, this measure is being introduced in the interest of citizens of Aaronburg. This village of 321 persons is in my District, but I am sure all of you know that they have become constituents of the entire Commonwealth, the Nation and, in fact, of the world.

As recently as December 11th, Mr. President, our Governor the Honorable George M. Leader, speaking in the historic Salem Luthern Church, said that although Aaronburg has not become the political capital of the State, as its founder, Aaron Levy, had hoped, it had become the brotherhood capital of the world. Its achievement has been in the realm of ideas and ideals, although its wide streets or, more accurately, its wide street, patterned on the mold of Pennsylvania Avenue in Washington, could be an example for many larger communities in this day of crowded streets and scarcity of parking areas.

In March 1809, when Abraham Lincoln was less than two months of age, citizens from this same village of Aaronburg petitioned the General Assembly of this Commonwealth as follows, and I quote:

"Whereas a number of inhabitants of the town of Aaronburg in the county of Centre, have, by their petition represented to the Legislature, that the use of a certain stream of water has been granted by Aaron Levy to the said town, if they would convey to the same, which they have done accordingly by wooden pipes, at great expense, and that they experience much difficulty in equalizing the contributions for maintaining and keeping the same in repair, as well as distributing the advantage of the water to the different parts of the said town to remedy which difficulty, they have solicited the interference of the Legislature, therefore"

That is the end of the quotation, Mr. President. You will notice they ask the Legislature to interfere rather significantly.

And so, our predecessors, the Members of the 1809 General Assembly, interfered as requested and provided for the incorporation of the water pipes of Aaronburg. This act, in 1809, too much in detail to give you at this time, but detailed enough to say that the meeting was to be held in the home of Samuel Miles on the first Saturday of June, did include a fixed water pipe rate. Now these Aaronburg citizens of 1809 had unusual understanding and vision, and those citizens of Aaronburg who have followed them have conducted their business affairs with economy and efficiency for the rate established in 1809, when Lincoln was a baby, has sufficed for over 146 years.

Mr. President, Aaronburg's fame and renown in this important matter of brotherhood and human understanding has gone out to the four ends of the earth and, in the meantime, the citizens of that community have continued to live normal lives, feeling no particular sense of importance because they were living together as they have interpreted the heritage passed down to them. This simply means living normal, friendly lives without much fanfare. Communities, however like individuals, have physical needs and aspects as well as those of the spirit.



So, the time has come when the water pipes can no longer be maintained on the rates established in 1809. When 30,000 persons worship in a community of 321, as happened in Aaronsburg a few years ago, it just could be a strain on the water pipes.

Therefore, Mr. President, this proposed legislation, if approved by the General Assembly and the Governor, I am told by the Legislative Reference Bureau, will provide relief for the community of Aaronsburg. It will not provide relief in the sense that this is an appropriation bill, but it gives them a right to help themselves. This could be called inflationary, but when a community holds the price line for 146 years, that is a rather good record.

Mr. President, I am not sure of the committee to which this bill will be assigned. I suppose that it sounds like a Forest and Waters, Game and Fish project. Seriously, this bill is one on which I hope the appropriate committee will take prompt and favorable action. I ask my colleagues in this body to "interfere" in this matter in a constructive manner.

### BILL INTRODUCED AND REFERRED

Mr. HAYS read in his place and presented to the Chair Senate Bill No. 919, entitled:

An Act amending the act of May 1, 1933 (P. L. 103) entitled "The Second Class Township Code," authorizing township supervisors to acquire certain water pipes maintained by villages or towns.

Which was committed to the Committee on Local Government.

### PERMISSION TO ADDRESS SENATE

Mr. STIEFEL asked and obtained unanimous consent to address the Senate.

Mr. STIEFEL. Mr. President and Members of the Senate, one of the most puzzling questions of the day is raised in Philadelphia. We have, in Philadelphia, close to a million registered voters. Yet, at the height of the election in a Presidential year, there are only about 300,000 people who vote. In a local election, the high water mark is about 650,000 people. The question is, what becomes of those 350,000 people who do not come to the polls?

This bill, which I am about to introduce, Mr. President, provides for the closing of schools on Primary Election Day and General Election Day. I am of the opinion that the presence of the children at home will remind the parents to come and vote.

### BILL INTRODUCED AND REFERRED

Mr. STIEFEL read in his place and presented to the Chair Senate Bill No. 920, entitled:

An Act amending the act of March 10, 1949 (P. L. 30), entitled "The Public School Code of 1949," requiring the closing of schools on primary and general election days.

Which was committed to the Committee on Education.

### RECESS

Mr. LANE. Mr. President, I move that the Senate do now take a recess for five minutes, for the purpose of holding a Democratic Caucus.

Mr. RUTH. Mr. President, I second the motion.

The motion was agreed to.

### AFTER RECESS

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

### CONSIDERATION OF EXECUTIVE NOMINATIONS

Mr. WATSON. Mr. President, I ask unanymously consent for immediate consideration of the nominations reported from the Committee on Executive Nominations at today's Session, with the exception of the nominations of Jacob H. Katz and Harold Blid, as Members of the State Board of Pharmacy, which were reported with a favorable recommendation, and also the nomination of Louis R. Inwood, as a Member of the Pennsylvania Aeronautics Commission, which was reported with an unfavorable recommendation, and which are presently on the table.

The PRESIDENT. Is there objection? The Chair hears none.

### EXECUTIVE SESSION

A motion was made by Mr. WATSON and Mr. WATKINS,

That the Senate do now resolve itself into Executive Session, for the purpose of acting upon the nominations reported at today's Session.

Which was agreed to.

The nominations were read as follows:

### MEMBERS OF COUNTY BOARDS OF ASSISTANCE

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, September 12, 1955.  
To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as members of County Boards of Assistance:

#### JEFFERSON COUNTY

Mrs. Katherine P. Shaw (Dem.), Big Run, to serve until December 31, 1955, and until her successor is duly appointed and qualified, vice Joe C. Williams, deceased.

#### McKEAN COUNTY

Miss Elizabeth O'Connor (Dem.), 317 Park Avenue, Kane, to serve until December 31, 1956, and until her successor is duly appointed and qualified, vice E. H. Watts, Kane, resigned

GEORGE M. LEADER.

### JUSTICE OF THE PEACE

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, November 22, 1955.  
To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Edward J. Kessler, R. D. 1, Mohnton, Berks County, for appointment as Justice of the Peace in and for the Township of Robeson, Berks County, to serve until the first Monday of January, 1956, vice William M. Jefferson, deceased.

GEORGE M. LEADER.

### ALDERMAN

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, October 14, 1955.



To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Miss Florence Head, 114 Union Street, Johnstown, Cambria County, for appointment as Alderman in and for the Second Ward of the City of Johnstown, Cambria County, until the first Monday of January 1956, vice George R. Patterson, resigned.

GEORGE M. LEADER.

#### MEMBERS OF THE McKEAN COUNTY BOARD OF ASSISTANCE

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, August 30, 1955.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as members of the McKean County Board of Assistance:

#### McKEAN COUNTY

Mrs. Margaret M. Dunn (Dem.), 97 West Washington Street, Bradford, to serve until December 31, 1957. (Re-appointment).

W. W. Milks (Dem.), 23 Lincoln Avenue, Bradford, to serve until December 31, 1955, and until his successor is duly appointed and qualified, vice J. A. Fitzgibbon, Esq., Bradford, resigned.

Ernest Mangold (Dem.), 416 Broad Street, Port Allegany, to serve until December 31, 1957, and until his successor is duly appointed and qualified, vice Dr. M. L. Tyrrel, Bradford, whose term expired.

GEORGE M. LEADER.

#### MEMBERS OF THE LACKAWANNA COUNTY BOARD OF ASSISTANCE

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, November 21, 1955.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as members of the Lackawanna County Board of Assistance:

Joseph Meixell (Dem.), 322 Madison Avenue, Scranton, to serve until December 31, 1957, and until his successor is duly appointed and qualified, vice Leo Harding, Scranton, resigned.

Alvin H. Greenwald (Dem.), 523 Clay Avenue, Scranton, to serve until December 31, 1956, and until his successor is duly appointed and qualified, vice Ernest Henkelman, Scranton, resigned.

Peter Putirskas (Dem.), 1828 North Main Avenue, Scranton, to serve until December 31, 1956, and until his successor is duly appointed and qualified (vice William H. Farber, Scranton).

Frank Mroz (Dem.), 1402 South Webster Avenue, Scranton, to serve until December 31, 1957, and until his successor is duly appointed and qualified, vice Raymond W. Tannler, Scranton.

Michael M. Menichiello (Dem.), 611 Sanderson Street, Throop, to serve until December 31, 1955, and until his successor is duly appointed and qualified, vice Willard B. Allen, Scranton, resigned.

David W. Lewis (Rep.), 120 Powell Street, Old Forge, to serve until December 31, 1955, and until his successor is duly appointed and qualified, vice Rev. William D. Golightly, Scranton.

Mrs. Regina W. Rehner (Dem.), 907 Lackawanna Avenue, Mayfield, to serve until December 31, 1955, and

until her successor is duly appointed and qualified, vice Mrs. Ann Santarsiero, Dunmore.

GEORGE M. LEADER.

#### MEMBER OF THE ELK COUNTY BOARD OF ASSISTANCE

Commonwealth of Pennsylvania,

Governor's Office, Harrisburg, December 5, 1955.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate John J. Murray (Dem.), Clarion Road, Johnsonburg, Elk County, for appointment as a member of the Elk County Board of Assistance, to serve until December 31, 1957, and until his successor is duly appointed and qualified, vice Lyle E. Anderson, Johnsonburg, whose term expired.

GEORGE M. LEADER.

#### MEMBER OF THE PHILADELPHIA COUNTY BOARD OF ASSISTANCE

Commonwealth of Pennsylvania,

Governor's Office, Harrisburg, December 5, 1955.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Miss C. Marion Kohn (Dem.), Apartment 804, 1520 Spruce Street, Philadelphia 2, Philadelphia County, for appointment as a member of the Philadelphia County Board of Assistance, to serve until December 31, 1955, and until her successor is duly appointed and qualified, vice E. Lynd Frick, Philadelphia, resigned.

GEORGE M. LEADER.

#### MEMBER OF THE STATE TAX EQUALIZATION BOARD

Commonwealth of Pennsylvania,

Governor's Office, Harrisburg, December 7, 1955.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Frank K. Cochran, 444 Sidney Street, Greensburg, Westmoreland County, for appointment as a member of the State Tax Equalization Board, until November 14, 1959, and until his successor shall be duly appointed and shall have qualified, vice John N. O'Neil, Harrisburg, whose term expired.

GEORGE M. LEADER.

#### MEMBER OF THE BOARD OF TRUSTEES OF CLARKS SUMMIT STATE HOSPITAL

Commonwealth of Pennsylvania,

Governor's Office, Harrisburg, September 27, 1955.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate John Chichilla, 715 East Scott Street, Olyphant, Lackawanna County, for appointment as a member of the Board of Trustees of Clarks Summit State Hospital, for the term



of four years and until his successor is appointed and qualified, vice Samuel K. Mittleman, Scranton, resigned.

GEORGE M. LEADER

#### MEMBERS OF THE BOARD OF TRUSTEES OF CLARKS SUMMIT STATE HOSPITAL

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, September 12, 1955.  
To the Honorable, the Senate of the Commonwealth of  
Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as members of the Board of Trustees of Clarks Summit State Hospital, for the term of four years and until their successors are appointed and qualified:

Thomas F. Kane, 2627 North Main Avenue, Scranton, Lackawanna County, vice Chris Colovos, Scranton, removed from office.

Salvadore D. Cognetti, 821 Columbia Street, Scranton, Lackawanna County( vice John T. Evans, Jr., Scranton, resigned.

John E. Marion, 849 Hill Street, Archbald, Lackawanna County, vice Charles A. Pfaff, Taylor, removed from office.

Frank L. Fleming, Moscow, Lackawanna County, vice George G. Gulbin, Scranton, removed from office.

Leo F. Sklar, 1325 South Webster Avenue, Scranton, Lackawanna County, vice James Jordan, Scranton, removed from office.

Ralph R. Haarmeyer, 1319 Pine Street, Scranton, Lackawanna County, vice Welrose S. Colvin, Scranton, removed from office.

Wellington Jackson, Dickson City, Lackawanna County, vice Walter F. Bloes, Peckville, removed from office.

Gerald T. McDermott, 543 Arthur Avenue, Scranton, Lackawanna County, vice James P. McAuliffe, Scranton, removed from office.

GEORGE M. LEADER

#### WORKMEN'S COMPENSATION REFEREE

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, October 14, 1955.  
To the Honorable, the Senate of the Commonwealth of  
Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate John R. Lenahan, 1220 Gibson Street, Scranton, Lackawanna County, for appointment as a Workmen's Compensation Referee, to serve until the third Tuesday of January 1959, and until his successor shall have been appointed and qualified, vice David W. Phillips, Scranton, deceased.

GEORGE M. LEADER

#### JUSTICE OF THE PEACE

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, August 30, 1955.  
To the Honorable, the Senate of the Commonwealth of  
Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Leo Suprys, Box 171, Bangor, Northampton County, for appointment as Justice of the Peace in and for the Township of Plainfield, Northampton County, to serve until the first Monday of January 1956, to fill a vacancy.

GEORGE M. LEADER

#### ALDERMAN

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, August 30, 1955.  
To the Honorable, the Senate of the Commonwealth of  
Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate James F. Bucchin, 246 East North Street, Bethlehem, Northampton County, for appointment as Alderman in and for the Seventh Ward of the City of Bethlehem, Northampton County to serve until the first Monday of January 1956, vice David K. Hughes, deceased.

GEORGE M. LEADER

#### JUSTICE OF THE PEACE

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, May 24, 1955.  
To the Honorable, the Senate of the Commonwealth of  
Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate James F. Hughey, 706 Green Street, Smethport, McKean County, for appointment as Justice of the Peace in and for the Borough of Smethport, McKean County, until the first Monday of January 1956, to fill a vacancy.

GEORGE M. LEADER

#### MEMBERS OF THE STATE PLANNING BOARD

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, October 11, 1955.  
To the Honorable, the Senate of the Commonwealth of  
Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as members of the State Planning Board:

Theodore L. Hazlett, Jr., Esq., Counsel, Urban Development Company, 200 Ross Street, Pittsburgh 19, Allegheny County, for the term of one year, and until his successor is appointed and has qualified.

Henning W. Prentis, Jr., Chairman of the Board, Armstrong Cork Company, Lancaster, Lancaster County, for the term of one year, and until his successor is appointed and has qualified.

Dr. Alfred H. Williams, President, Federal Reserve Bank, Philadelphia, Philadelphia County, for the term of one year, and until his successor is appointed and has qualified.

Edward Hopkinson, Jr., Chairman, Philadelphia City Planning Commission, 1500 Walnut Street, Philadelphia, Philadelphia County, for the term of one year, and until his successor is appointed and has qualified.

Hon. John P. Robin, President, Regional Industrial Development Corporation of Pittsburgh, Pittsburgh, Allegheny County, for the term of two years, and until his successor is appointed and has qualified.

Dr. Martin D. Whitaker, President, Lehigh University, Bethlehem, Northampton County, for the term of two years, and until his successor is appointed and has qualified.

Hon. Curtis Bok, President Judge, Court of Common Pleas No. 6, Philadelphia, Philadelphia County, for the term of two years, and until his successor is appointed and has qualified.

Hon. Joseph S. Clark, Jr., Mayor, City of Philadelphia, Philadelphia County, for the term of two years, and until his successor is appointed and has qualified.



Hon. George B. Stevenson, Lock Haven, Clinton County, for the term of three years, and until his successor is appointed and has qualified.

Harry Boyer, President, Pennsylvania CIO Council, Harrisburg, Dauphin County, for the term of three years, and until his successor is appointed and has qualified.

Joseph A. McDonough, President, Pennsylvania Federation of Labor, Harrisburg, Dauphin County, for the term of three years, and until his successor is appointed and has qualified.

Hon. Harry E. Seyler, York, York County, for the term of three years, and until his successor is appointed and has qualified.

Dr. Thomas Parran, Dean, The Graduate School of Public Health, University of Pittsburgh, Pittsburgh, Allegheny County, for the term of four years, and until his successor is appointed and has qualified.

Adolph Schmidt, President, A. W. Mellon Educational and Charitable Trust, Pittsburgh, Allegheny County, for the term of four years, and until his successor is appointed and has qualified.

Dr. J. C. Warner, President, Carnegie Institute of Technology, Pittsburgh 13, Allegheny County, for the term of four years, and until his successor is appointed and has qualified.

GEORGE M. LEADER

#### MEMBER OF THE PENNSYLVANIA AERONAUTICS COMMISSION

Commonwealth of Pennsylvania,

Governor's Office, Harrisburg, November 14, 1955.  
To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as members of the Pennsylvania Aeronautics Commission:

Col. Phillip F. Neuweiler, Commander, Pennsylvania Wing, Civil Air Patrol, Allentown, Lehigh County, to serve until June 2, 1959, and until his successor shall be duly appointed and shall have qualified, vice Dr. Ralph C. Hutchison, Easton, whose term expired.

GEORGE M. LEADER

#### MEMBERS OF THE LABOR-MANAGEMENT ADVISORY COMMITTEE

Commonwealth of Pennsylvania,

Governor's Office, Harrisburg, August 1, 1955.  
To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as members of the Labor-Management Advisory Committee, for the term of two years and until their successors are appointed and qualified:

Van Horn Ely (Management), Philadelphia Suburban Water Company, 762 Lancaster Avenue, Bryn Mawr, Montgomery County. (Reappointment)

Norman Bradley (Management), Peoples Natural Gas Company, 140 Stanwix Street, Pittsburgh 22, Allegheny County, vice L. M. Ayers, Pittsburgh, whose term expired.

Dan J. Egan (Management), Employee Relations Director, Manufacturers Light and Heat Company, 800 Union Trust Building, Pittsburgh, Allegheny County. (Reappointment)

E. J. Brill (Management), Pennsylvania Power and Light Company, Allentown, Lehigh County. (Reappointment)

Harry Boyer (Labor), President Pennsylvania Industrial Union Council, 508 Dauphin Building, Harrisburg, Dauphin County. (Reappointment)

Joseph A. McDonough (Labor), President, Pennsylvania Federation of Labor, Front and Pine Streets, Harrisburg, Dauphin County, vice James L. McDevitt, Philadelphia, whose term expired.

Lloyd Troop (Labor), Chairman, General Committee, Employees Independent Association, Pennsylvania Power and Light Company, Lancaster, Lancaster County, vice John W. Thomas, Catasauqua, whose term expired.

Joseph Gallagher (Labor), United Mine Workers of America, Freeland, Luzerne County. (Reappointment)

GEORGE M. LEADER

#### WORKMEN'S COMPENSATION REFEREE

Commonwealth of Pennsylvania,

Governor's Office, Harrisburg, September 26, 1955.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate James E. Ross, 480 Fair Avenue, Beaver, Beaver County, for appointment as a Workmen's Compensation Referee, to serve until the third Tuesday of January 1959, and until his successor shall have been appointed and qualified, vice William Coghlan, Esq., Beaver, removed from office.

GEORGE M. LEADER

#### MEMBERS OF THE CARBON COUNTY BOARD OF ASSISTANCE

Commonwealth of Pennsylvania,

Governor's Office, Harrisburg, June 27, 1955.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as members of the Carbon County Board of Assistance:

#### CARBON COUNTY

Rev. William T. Longsdorf (Rep.), 434 Franklin Avenue, Palmerton, to serve until December 31, 1955, and until his successor is duly appointed and qualified. (Reappointment.)

John V. Dougherty (Dem.), 320 West White Street, Summit Hill, to serve until December 31, 1957, and until his successor is duly appointed and qualified, vice Charles W. Llewellyn, Summit Hill, whose term expired.

James Billet (Dem.), Tresckow, to serve until Dec. 31, 1955, and until his successor is duly appointed and qualified, vice Mrs. Anne A. Jones, Lehigh, whose term expired.

Gilbert W. Hamm (Dem.), 403 Second Street, Weatherly, to serve until December 31, 1956, and until his successor is duly appointed and qualified, vice Emerson C. West, Weatherly, whose term expired.

Joseph E. Sniscak (Dem.), 81 East Catawissa Street, Nesquehoning, to serve until December 31, 1955, and until his successor is duly appointed and qualified, vice Dr. Marvin R. Evans, Lansford.

Mrs. Lenore Moyer (Dem.), Jim Thorpe, to serve until December 31, 1956, and until her successor is duly appointed and qualified, vice Charles D. Neast, Jim Thorpe, whose term expired.

GEORGE M. LEADER

#### MEMBER OF THE ADVISORY HOSPITAL COUNCIL

Commonwealth of Pennsylvania,

Governor's Office, Harrisburg, November 21, 1955:

To the Honorable, the Senate of the Commonwealth of Pennsylvania:



In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Hon. Berwyn F. Mattison, Camp Hill, Cumberland County, for reappointment as a member of the Advisory Hospital Council, to serve until November 18, 1959, and until his successor shall have been appointed and qualified.

GEORGE M. LEADER.

#### SHERIFF

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, April 18, 1955.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate John W. Hineman, Jr., Brighton Township, Beaver County, for appointment as Sheriff in and for the County of Beaver, until the first Monday of January 1956, vice Ray P. McKenny, deceased.

GEORGE M. LEADER.

#### ALDERMAN

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, August 29, 1955.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Miss Margaret Greenstein, 916 East Fifth Street, Bethlehem, Northampton County, for appointment as Alderman in and for the Fifth Ward of the City of Bethlehem, Northampton County, until the first Monday of January 1956, vice Charles Greenstein, deceased.

GEORGE M. LEADER.

A motion was made by Mr. WATSON and Mr. WATKINS, That the Senate do advise and consent to said nominations.

On the question,

Will the Senate agree to the motion?

Mr. YOSKO. Mr. President, among the confirmation which are to be acted upon are two Aldermen and one Justice of the Peace from Northampton County. If you take a look at the commissions, you will find that they expire the first Monday in January 1956. Two of these recommendations were sent over to the Senate on August 30th and one was sent over to the Senate on August 29th. For no good reason, at least none was given to me, they were delayed until this time.

Although I am not going to object to them, Mr. President, by the time the commissions are sent to them, with the holidays coming on, their appointments will have expired, I believe, before they get them. Or, when they get them, they could perhaps only use them for a day or two.

I am just calling this to the attention of the Senate to indicate just what delay does in holding up confirmations of this kind.

And the question recurring,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Bane,	Haluska,	McMenamin,	Stevenson,
Barr,	Harney,	McPherson, Jr.,	Stiefel,
Berger,	Hays,	Miller,	Taylor,
Blass,	Holland,	Mullin,	Van Sant,
Camel,	Kessler,	Pechan,	Wade,
Chapman,	Koprivier, Jr.,	Peeler,	Wagner,

Dent,  
Derk,  
Diehm,  
DiSilvestro,  
Donolow,  
Flack,  
Fleming,

Lane,  
Madigan,  
Mahany,  
Mallery,  
McCreesh,  
McGinnis,

Propert,  
Ruth,  
Schmidt,  
Scott,  
Seyler,  
Silvert,

Watkins,  
Watson,  
Weiner,  
Whalley,  
Wolfe,  
Yosko,

NAYS—0

Two-thirds of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

#### EXECUTIVE SESSION RISES

Mr. WATSON. Mr. President, I move that the Executive Session do now rise.

Mr. WATKINS. Mr. President, I second the motion.

The motion was agreed to.

#### NOMINATIONS BY THE GOVERNOR REFERRED TO COMMITTEE

The Secretary to the Governor being introduced, presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Executive Nominations:

#### SECRETARY OF THE COMMONWEALTH

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, December 13, 1955.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Henry E. Harner, 135 Briarcliff Road, Bellevue Park, Harrisburg, Dauphin County, for appointment as Secretary of the Commonwealth, to serve until superseded, vice James A. Finnegan, Philadelphia, resigned, to compute from December 15, 1955.

GEORGE M. LEADER.

#### JUSTICE OF PEACE

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, December 13, 1955.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Frank Babin, 362 Munson Avenue, McKees Rocks, Allegheny County, for appointment as Justice of the Peace in and for the Borough of McKees Rocks, Allegheny County, to serve until the first Monday of January 1956, vice Frank Demjan, deceased.

#### COMMUNICATION FROM THE GOVERNOR

He also presented communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows:

APPROVED AND SIGNED SENATE BILL No. 528,  
PRINTER'S No. 259

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, December 13, 1955.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed Senate Bill No. 528, Printer's No. 259, entitled "An Act authorizing and empowering the Delaware River Port Authority to finance construct erect acquire operate maintain and own a new toll bridge for vehicular traffic across the Delaware River between Phila-



delphia County Pennsylvania and Burlington County or Camden County New Jersey at a location to be selected by the said Delaware River Port Authority between a point or points within a three mile radius of the intersection of State Road and Levick Street in the City of Philadelphia Pennsylvania and a point or points within a three mile radius of the intersection of New Jersey State Route No. 73 Market Street and Temple Boulevard in the borough of Palmyra County of Burlington New Jersey together with such approaches thereto and such highway connections as may be necessary or desirable and granting and defining and continuing certain powers of eminent domain and other functions powers duties and privileges all of said actions to be taken pursuant to and in accordance with this act and the Compact or Agreement and amendments or supplements thereto between New Jersey and Pennsylvania dated July 1, 1931 August 23, 1951 and August 30, 1951 and the consent by the Congress of the United States thereto."

GEORGE M. LEADER.

#### HOUSE BILL No. 1104 TAKEN FROM TABLE

Mr. MAHANY. Mr. President, I call from the table House Bill No. 1104, Printer's No. 1043, entitled:

An Act amending the act of April 21, 1949 (P. L. 665), entitled "First Class City Home Rule Act," providing for the revision of home rule charters; providing for the establishment of a charter revision commission for the purpose of making revisions; and imposing duties upon city councils, city officers, boards of election, courts and the Secretary of the Commonwealth.

#### SENATE INSISTS UPON ITS AMENDMENTS NON-CONCURRED IN BY THE HOUSE TO HOUSE BILL No. 1104

Mr. MAHANY. Mr. President, I move that the Senate insists upon its amendments non-concurred in by the House to the foregoing bill.

Mr. PECHAN. Mr. President, I second the motion.

The motion was agreed to.

Ordered, That the Clerk inform the House of Representatives accordingly.

#### CALENDAR

#### BILL ON CONCURRENCE IN HOUSE AMENDMENTS

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 192, as follows:

An Act providing for and regulating the licensing and practice of practical nursing imposing duties on the State Board of Nurse Examiners and imposing penalties

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 This act shall be known and may be cited as the "Practical Nurse Law"

Section 2 When used in this act the following words and phrases shall have the following meaning unless the context clearly indicates otherwise

(1) The "practice of practical nursing" means the performance of such duties as are required in the physical care of a patient and in carrying out of medical orders as prescribed by a physician licensed to practice in Pennsylvania requiring an understanding of nursing but not requiring professional nursing service

(2) "Board" means the State Board of Nurse Examiners

Section 3 This act confers no authority to practice any profession other than practical nursing

This does not prohibit care of the sick so long as the persons rendering the service do not represent or hold themselves out to be licensed practical nurses or use in

connection with their names any designation tending to imply that they are licensed to practice under the provisions of this act provided however that this provision shall not prohibit any person from using the designation "practical nurse"

Section 4 The board shall once every year and at such other times and under such conditions as shall be provided by its regulations examine all applicants eligible for examination to determine whether they are qualified to be licensed and shall authorize the issue to each person passing said examination to the satisfaction of the board of proper certificate setting forth that such person has been licensed to practice as a licensed practical nurse

Section 5 No application for licensure as a licensed practical nurse shall be considered unless accompanied by a fee of five dollars (\$5.00) Every applicant for examination as a licensed practical nurse shall furnish evidence satisfactory to the board that he or she is eighteen years of age or over is a citizen of the United States or has legally declared intention to become such is of good moral character has completed at least eight years of education in public parochial or private school or its equivalent as evaluated by the Department of Public Instruction and

(1) Has satisfactorily completed a course in practical nursing prescribed and approved by the board in a school hospital or other institution of not less than fifteen hundred hours and within a period of not less than nine months or

(2) Has successfully completed at least one year of study in an approved school of professional nursing

Section 6 The board may license without examination

(1) A graduate of an approved school for the training of practical nurses in any other state territory province or country who has completed a course of study in practical nursing considered by the board to be equivalent to that required in this Commonwealth and who was licensed in such state territory province or country by examination and has met the foregoing requirements as to age character citizenship and preliminary education

(2) An applicant who has met the requirements herein as to age character and citizenship and who has been actively engaged in nursing as a practical nurse as herein defined for a period of three years upon submission of proof of such practice satisfactory to the board

Applications for such licensure shall be filed with the board by such person on or before June 1 1959

Section 7 Every person licensed to practice as a licensed attendant and to use the letters "LA" at the time this act becomes effective shall be considered as licensed to practice under this act and may continue to practice as such upon the annual renewal of his or her license as required herein and subject to the provision hereof Any person licensed as a licensed attendant may exchange such license for a license as a practical nurse and may thereafter use the letters "LPN" instead of the letters "LA" Nothing in this act shall affect the right of a bona fide student in an approved school or institution preparing on the effective date of this act for examination as a licensed attendant to take said examination but the license issued therefor shall be as a licensed practical nurse The board shall make such provisions therefor as necessary and may authorize the issuance of license to make this provision effective

Section 8 The board with the approval of the Superintendent of Public Instruction shall appoint a committee of two practical nurses and one practical nurse educator and in consultation with this committee subject to the provisions of the Administrative Agency Law approved June 4, 1945 (P. L. 1388) and its amendments shall have the power and duty to establish reasonable rules and regulations for the administration of this act Copies of such rules and regulations shall be available to persons who may be interested therein The board shall have no power in any way to fix salaries or control the compensation paid any licensed practical nurse or licensed attendant

Section 9 The board shall annually prepare and make available for public distribution lists of all schools and



institutions or combinations thereof for the training of practical nurses approved by the board the graduates of which shall be eligible for examination for licensure as licensed practical nurses the removal of any such school or institution from the approved list shall not make any bona fide student therein at the time of said removal ineligible for examination

Section 10 An insignia bearing the initials "LPN" may be worn by persons licensed under the provisions of this act

Section 11 The board shall maintain a record of all licenses issued under the provisions of this act and renewals thereof as hereinafter provided

Section 12 Each original license issued and recorded under the provisions of this act shall authorize the holder to practice nursing as a licensed practical nurse from the date of the issuance of said license until the last day of June next succeeding unless said license shall be revoked or suspended for cause as hereinafter provided

Section 13 Every licensed practical nurse receiving a license under the provisions of this act shall annually during the month of June apply for renewal of such license whereupon the board shall upon the payment of the fee of one dollar (\$1.00) issue a renewal of said license for the term of one year and such renewal shall be duly recorded as hereinbefore provided

Section 14 Except as otherwise herein provided it shall be unlawful for any person association partnership corporation or institution after the effective date of this act to

(1) Furnish sell or obtain by fraud or misrepresentation a record of any qualification required for a license or aid or abet therein

(2) Use in connection with his or her name the words licensed attendant licensed practical nurse or the letters "LA" or "LPN" or any designation tending to imply that he or she is a licensed attendant or licensed practical nurse unless he or she is duly licensed to so practice under the provisions of this act

(3) Practice practical nursing during the time his or her license issued under the provisions of this act is suspended or revoked

(4) Otherwise violate any of the provisions of this act

Section 15 Any person or an officer or employe of any association corporation institution or partnership violating any of the provisions of this act shall upon summary conviction therefor be sentenced to pay a fine of not less than fifty dollars (\$50) for the first offense and for a second and subsequent offense not less than one hundred dollars (\$100.00) nor more than two hundred dollars (\$200.00) and in default of the payment of such fine and costs to undergo imprisonment for a period not to exceed thirty (30) days

Section 16 The board may suspend or revoke any license in any case where the board shall find that the licensee

(1) Is guilty of gross immorality

(2) Is unfit or incompetent by reason of negligence habits or other causes

(3) Has wilfully or repeatedly violated any of the provisions of this act or of the regulations of the board

(4) Has committed fraud or deceit in the practice of practical nursing or in securing his or her admission to such practice

(5) Has been convicted or has pleaded guilty or entered a plea of nolo contendere or has been found guilty by a judge or jury of a crime or has been dishonorably discharged or has been discharged under circumstances amounting to dishonorable discharge from the military forces of the United States or of any other country

(6) Is an habitual drunkard or is addicted to the use of morphine cocaine or other drugs having a similar effect or if he or she has become mentally incompetent

(7) Is continuing to practice nursing when such licensee knows he or she has an infectious communicable or contagious disease

(8) Has been guilty of unprofessional conduct or such

conduct as to require a suspension or revocation in the public interest

(9) That said licensee having obtained a license or certificate of record upon declaration of intention to become a citizen of the United States has not become a citizen of the United States within seven years from the date of such declaration of intention

Section 17 All suspensions and revocations shall be made only in accordance with the regulations of the board and only by majority vote of the members of the board and shall be subject to the right of notice hearing and adjudication and the right of appeal therefrom in accordance with the provisions of the Administrative Agency Law approved June 4, 1945 (P. L. 1388) or any amendment or reenactment thereof relating to adjudication procedure The board by majority action and in accordance with its regulations may reissue any license which has been suspended or revoked

Section 18 The act of May 13, 1927 (P. L. 988) entitled "An act providing for and regulating the state registration of nurses and licensed attendants the annual recording of registration certificates and regulating the profession of nursing and repealing certain existing laws" is repealed in so far as it applies to licensed attendants

Section 19 This act shall take effect immediately but Sections 14 and 18 shall not become operative until November 1, 1956

which were returned from the House of Representatives with amendments.

Said amendments having been twice read, and printed as required by the Constitution,

And the question,

Will the Senate concur in the same?

SENATE CONCURS IN AMENDMENTS MADE BY THE HOUSE TO SENATE BILL No. 192

Mr. PECHAN. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 192.

Mr. LANE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

#### YEAS—49

Bane,	Haluska,	McMenamin,	Stevenson,
Barr,	Harney,	McPherson, Jr.	Stiefel,
Berger,	Hays,	Miller,	Taylor,
Blass,	Holland,	Mullin,	Van Sant,
Camel,	Kessler,	Pechan,	Wade,
Chapman,	Koprivier, Jr.	Peelor,	Wagner,
Dent,	Lane,	Propert,	Watkins,
Derk,	Madigan,	Ruth,	Watson,
Diehm,	Mahany,	Schmidt,	Weiner,
DiSilvestro,	Mallery,	Scott,	Whalley,
Donolow,	McCreesh,	Seyler,	Wolfe,
Flack,	McGinnis,	Silvert,	Yosko,
Fleming,			

#### NAYS—0

A majority of all the Senators having voted, "aye," the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

#### BILL ON CONCURRENCE IN HOUSE AMENDMENTS

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 365, as follows:

An Act regulating the sale and possession of certain dangerous drugs in the interest of public health and imposing penalties



The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 This act shall be known and may be cited as "The Dangerous Drug Act of 1955"

Section 2 As used in this act

(1) "Dangerous drug" means a drug intended for use by man which

(a) Contains any quantity of barbituric acid bromal carbromal chloral alpha-eucaine beta-eucaine paraldehyde peyote or sulfonmethane or any chemical derivative thereof of which derivative has been by the secretary of health after investigation and after consultation with and on the advice of the advisory health board of the department of health and the respective secretaries of state associations representing (i) physicians (ii) pharmacists (iii) dentists (iv) veterinarians and a representative of state licensed manufacturers of dangerous drugs as herein defined and other parties in interest who have notified in writing the secretary of health found to be and by regulations designated as a dangerous drug or

(b) because of its toxicity or other potentiality for harmful effect or the method of its use or the collateral measures necessary to its use is not safe for use except under the supervision of a practitioner licensed by law to administer or prescribe such drug or

(c) is limited by the Federal Food Drug and Cosmetic Act to use under the professional supervision of a practitioner licensed by law to administer or prescribe such drug but shall not include any drug the sale or dispensing of which is regulated by the act of July 11, 1917 (P. L. 758) entitled "An act for the protection of the public health by regulating the possession controlling dealing in giving away delivery dispensing administering prescribing and use of certain drugs and keeping records thereof by regulating the use of drugs in the treatment of the drug habit by providing for the revocation and suspension of licenses of physicians dentists veterinarians pharmacists druggists and registered nurses for certain causes and by providing for the enforcement of this act and penalties" as amended

(2) "Prescription" means a written order and in cases of emergency a telephonic order for a dangerous drug issued by a physician dentist or veterinarian duly licensed to practice in this State in good faith in the course of his professional practice to a registered pharmacist for a dangerous drug for a particular patient which specifies the date of its issue the name and address of such physician dentist or veterinarian the name and address of the patient the name and quantity of the drug prescribed the directions for use of such drug and the signature of such physician dentist or veterinarian

Section 3 The secretary of health after investigation and after consultation with and on advice of the advisory health board of the department of health and the respective secretaries of state associations representing (i) physicians (ii) pharmacists (iii) dentists (iv) veterinarians and a representative of state licensed manufacturers of dangerous drugs as herein defined and other parties in interest who have notified in writing the secretary of health may by regulation remove drugs subject to section 2 (1) (a) from the prescription-dispensing requirements when such requirements are not necessary for the protection of the public health provided that such regulations shall conform unless cogent reasons require otherwise in the interest of public health as far as possible with regulations promulgated under the provisions of the federal food drug and cosmetic act

Section 4 any physician dentist or veterinarian giving a prescription for a dangerous drug by telephonic order shall confirm the telephonic prescription for the dangerous drug within seventy-two hours by giving to the pharmacist a written prescription therefor and the said pharmacist shall immediately reduce to writing said telephonic prescription

Section 5 No dangerous drug shall be sold at retail or dispensed to any person except under the prescription of a duly licensed physician dentist or veterinarian compounded or dispensed by a registered pharmacist or under the immediate personal supervision of a registered pharmacist nor shall any such dangerous drug be refilled

on such written order or telephone order as provided for in this act unless such refilling is authorized by the prescriber either in the original written order or by the written confirmation of the original telephonic order No pharmacist shall dispense any dangerous drug without affixing to the container in which the drug is sold or dispensed a label bearing the name and address of the pharmacist the name and address of the patient the date compounded and the consecutive number of the prescription under which it is recorded in his prescription files together with the name of the physician dentist or veterinarian prescribing it The provisions of this section shall not apply to a duly licensed physician dentist or veterinarian who keeps a record of the amount of such drugs purchased and a dispensing record showing the date name and quantity of the drug dispensed and the name and address of the patient No physician dentist or veterinarian shall dispense any such drug without affixing to the container in which the drug is sold or dispensed a label bearing the name and address of the dispenser the date dispensed the name and address of the patient and the directions for the use of the drug by the patient

Section 6 No pharmacist jobber dealer in drugs or any other person shall sell or have in his possession any dangerous drug defined herein unless the container bears a label securely attached thereto stating conspicuously the specific name of the drug referred to in clause (1) of section 2 and the proportion of amount thereof Such label shall not be necessary when the drug is dispensed by a pharmacist upon a prescription or dispensed by a physician dentist or veterinarian and the container is labeled in the manner described in section 5 hereof

Section 7 The provisions of this act shall be enforced by the Department of Health of the Commonwealth of Pennsylvania and for the purpose the Secretary of Health is authorized to make such rules and regulations as may be deemed necessary for the proper enforcement of this act and to employ such assistants and employees as in the Secretary of Health's opinion may be necessary and to fix their compensation

Section 8 Any person who violates any of the provisions of this act shall be guilty of a misdemeanor and shall on conviction thereof be subject to imprisonment for not more than one year or a fine of not more than one thousand dollars (\$1000) or both but if the violation is committed after a conviction of such person under this act has become final such person shall be subject to imprisonment for not more than three years or a fine of not more than ten thousand dollars (\$10,000) or both

Section 9 The following acts and all amendments hereof are repealed

(1) The act of July 18, 1935 (P. L. 1303) entitled "An act to regulate the sale of certain hypnotic analgesic and body-weight reduction drugs in the interest of public health"

(2) The act of May 12, 1939 (P. L. 133) entitled "An act to regulate the sale and possession of sulfanilamide and its derivatives in the interest of public health"

(3) The act of April 26, 1945 (P. L. 318) entitled "An act to regulate the sale and possession of penicillium (penicillin) and its derivatives preparations and compounds in the interest of public health"

Section 10 The provisions of this act shall not affect any act done liability incurred or right accrued or vested or affect any suit or prosecution pending or to be instituted to enforce any right or penalty or punish any offense under the authority of any act of Assembly or part thereof repealed by this act

Section 11 This act shall take effect in thirty days

which was returned from the House of Representatives with amendments.

Said amendments having been twice read, and printed as required by the Constitution,

On the question,

Will the Senate concur in the same?



# SENATE CONCURS IN AMENDMENTS MADE BY THE HOUSE TO SENATE BILL No. 365

Mr. PECHAN. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 365.

Mr. LANE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

## YEAS—49

Bane,	Haluska,	McMenamin,	Stevenson,
Barr,	Harney,	McPherson, Jr.,	Stiefel,
Berger,	Hays,	Miller,	Taylor,
Blass,	Holland,	Mullin,	Van Sant,
Camel,	Kessler,	Pechan,	Wade,
Chapman,	Koprivier, Jr.,	Peelor,	Wagner,
Dent,	Lane,	Propert,	Watkins,
Derk,	Madigan,	Ruth,	Watson,
Diehm,	Mahany,	Schmidt,	Weiner,
DiSilvestro,	Mallery,	Scott,	Whalley,
Donolow,	McCreesh,	Seyler,	Wolfe,
Flack,	McGinnis,	Silvert,	Yosko,
Fleming			

## NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

## FINAL PASSAGE CALENDAR

### BILL OVER IN ORDER

Mr. PECHAN. Mr. President, I ask unanimous consent that Senate Bill No. 572, Printer's No. 368, on final passage, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

### BILL ON FINAL PASSAGE

Agreeably to order,

The Senate resumed the Consideration of Senate Bill No. 693, entitled:

An Act amending the act of August 10, 1951 (P. L. 1163) entitled as amended "Orphans' Court Act of 1951" conferring exclusive jurisdiction on orphans' courts over the administration and distribution of incompetents' estates and on the orphans' court of Philadelphia County over inter vivos trusts and revising the procedure on and effect of jury trials and the availability of jurors

On the question,

Shall the bill pass finally?

## RECONSIDERATION OF SENATE BILL No. 693

Mr. McPHERSON, JR. Mr. President, I move that the Senate do now reconsider the vote by which Senate Bill No. 693, passed finally.

The PRESIDENT. How did the Senator vote?

Mr. McPHERSON, JR. Mr. President, I voted with the prevailing side.

Mr. WEINER. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. WEINER. Mr. President, I voted with the prevailing side.

The motion was agreed to.

And the question recurring,

Shall the bill pass finally?

Mr. McPHERSON, JR. Mr. President, I move to reconsider the vote by which the bill passed third reading. The PRESIDENT. How did the Senator vote?

Mr. McPHERSON, JR. Mr. President, I voted with the prevailing side.

Mr. WEINER. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. WEINER. Mr. President, I voted with the prevailing side.

The motion was agreed to.

And the question recurring,

Will the Senate agree to the bill on third reading?

Mr. McPHERSON, JR. Mr. President, on behalf of Senator Weiner and myself, I ask unanimous consent to offer amendments at this time.

The PRESIDENT. Is there objection? The Chair hears none.

The Clerk read the amendments as follows:

Amend Title, page 2, second line from top of page, by inserting after "courts"; "(except the orphans' court of Philadelphia County)"; Amend Sec. 1 (Title) page 2, line 9 by inserting after "and" where it appears the second time: "(except in Philadelphia County)"; Amend Sec. 3 (Sec. 301) page 4, line 19 by inserting after "court": "The jurisdiction of the orphans' court of Philadelphia County over the administration and distribution of the real and personal property of the estates of incompetents shall be concurrent with the several courts of common pleas as heretofore."

On the question,

Will the Senate agree to the amendments?

They were agreed to.

On the question,

Will the Senate agree to the bill on third reading, as amended?

### BILL OVER IN ORDER

Mr. McPHERSON, JR. Mr. President, I ask unanimous consent that Senate Bill No. 693, Printer's No. 357, on third reading, go over in its order, as amended.

The PRESIDENT. Is there objection? The Chair hears none.

## THIRD READING CALENDAR

### BILL ON THIRD READING AMENDED

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 8, entitled:

An Act authorizing and directing the State Highway and Bridge Authority with the approval of the Governor to erect and maintain a toll bridge over the Ohio River in Beaver County between a point in the general area of Monaca-Shippington to the general area of Beaver-Midland on the opposite side of the Ohio River and to provide the necessary approaches and connections with State highways empowering counties to pay certain damages.

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill on third reading?

Mr. LANE. Mr. President, on behalf of Senator Mahany



and myself, I ask unanimous consent to offer amendments at this time.

The PRESIDENT. Is there objection? The Chair hears none.

The Clerk read the amendments as follows:

Amend Title, page 1, line 1 of Title, by striking out "State Highway and Bridge Authority" and inserting: "Department of Highways"; Amend Sec. 1, page 2, line 1, by striking out "State Highway and Bridge Authority" and inserting: "Department of Highways"; Amend Sec. 1, page 2, lines 7 and 8, by striking out "State Highway and Bridge Authority" and inserting: "Department of Highways"; Amend Sec. 2, page 3, line 5, by striking out "State Highway and Bridge Authority" and inserting: "Department of Highways".

On the question,

Will the Senate agree to the amendments?

They were agreed to.

On the question,

Will the Senate agree to the bill on third reading, as amended?

### BILLS OVER IN ORDER

Mr. LANE. Mr. President, I ask unanimous consent that House Bill No. 8, Printer's No. 1164, on third reading, go over in its order, as amended.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. PECHAN. Mr. President, I ask unanimous consent that the following bills, on third reading, go over in their order:

Senate Bill No. 188, Printer's No. 370; and

Senate Bill No. 316, Printer's No. 372.

The PRESIDENT. Is there objection? The Chair hears none.

### BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 772, as follows:

An Act to amend the act approved the third day of June one thousand nine hundred forty-three (P. L. 818) entitled "An act for the extension of Capitol Park in the City of Harrisburg and for the acquisition of real estate in connection therewith and for the demolition of the buildings and structures thereon providing for and imposing powers and duties upon a Capitol Park Extension Commission conferring powers and duties upon the Department of Property and Supplies and making an appropriation" by empowering and directing the Department of Property and Supplies to acquire by purchase or condemnation all lands buildings and property which will permit the construction by said Department of an extension of East Street (Commonwealth Avenue) northwardly from Forster Street to connect with Sixth Street and making an appropriation

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The act approved the third day of June one thousand nine hundred forty-three (P. L. 818) entitled "An act for the extension of Capitol Park in the City of Harrisburg and for the acquisition of real estate in connection therewith and for the demolition of the buildings and structures thereon providing for and imposing powers and duties upon a Capitol Park Extension Commission conferring powers and duties upon the Department of Property and Supplies and making an appropriation" is

amended by adding after section four a new section to read as follows

Section 4.1 In addition to the acquisition of the property or properties to be acquired within the boundaries for the extension of Capitol Park as set forth in section four the Department of Property and Supplies is hereby empowered and directed to acquire all lands buildings or property located within an area which will permit the extension and continuation of East Street (Commonwealth Avenue) northwardly from the northern line of Forster Street to connect with Sixth Street at or near its intersection with Boas Street The cost of the acquisition of such property or properties as well as the cost of construction of such extension of East Street or Commonwealth Avenue by the Department of Property and Supplies shall be paid from moneys appropriated and available for the extension of Capitol Park and after the construction thereof said East Street or Commonwealth Avenue as extended shall be maintained by the Department of Highways in accordance with present or future laws applicable to the maintenance of State highways in cities of the third class Provided however That the taking of properties for such extension shall not be deemed to have taken place and viewers shall not be appointed for the determination of damages unless and until the Secretary of Property and Supplies shall have filed in the Court of Common Pleas of Dauphin County a declaration of taking for the particular property or properties involved The procedure for the determination of damages shall be otherwise in accordance with the provisions of section four of this act

Section 2 The sum of three hundred thousand dollars (\$300,000) or so much as may be necessary is hereby appropriated to the Department of Property and Supplies for the purpose of carrying out the provisions of this act

And said bill having been read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

#### YEAS—49

Bane,	Haluska,	McMenamin,	Stevenson,
Barr,	Harney,	McPherson, Jr.,	Stiefel,
Berger,	Hays,	Miller,	Taylor,
Blass,	Holland,	Mullin,	Van Sant,
Camiel,	Kessler,	Pechan,	Wade,
Chapman,	Koprivier, Jr.,	Peelor,	Wagner,
Dent,	Lane,	Probert,	Watkins,
Derk,	Madigan,	Ruth,	Watson,
Diehm,	Mahany,	Schmidt,	Weiner,
DiSilvestro,	Mallery,	Scott,	Winnery,
Donolow,	McCreesh,	Seyler,	Wolfe,
Flack,	McGinnis,	Silver,	Yosko,
Fleming,			

#### NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present the said bill to the House of Representatives for concurrence.

### BILL POSTPONED

Mr. PECHAN. Mr. President, I move that House Bill No. 794, on third reading, entitled:

An Act amending the act of January 21, 1947 (P. L. 3) entitled "An act relating to officers and employees of the General Assembly . . ." changing the title of and compensation of certain Senate and House employees providing for the appointment of additional employees therein and making appropriations

be placed on the Third Reading Postponed Calendar.

Mr. LANE. Mr. President, I second the motion.

The motion was agreed to.



## BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 819, entitled:

An Act subjecting housing projects to taxation for school purposes

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

Mr. SEYLER. Mr. President, it seems to me that this bill has a laudable purpose; namely, to give local school districts additional taxing power. However, there is an old saying that one should not kill the goose that lays the golden egg. I am convinced that one unfortunate by-product of this bill would be seriously interfere with the Federal program of housing, the support of Federal funds which is offered to State and municipal housing authorities.

I believe the purpose of this bill is good and if it could be amended, I would certainly support it. However, as it stands, I am afraid it would be impossible to have this authority given to local communities in the way this bill is worded and, at the same time, not cut off Federal funds which are so badly needed in carrying on the housing program. I would urge that the sponsors of the bill investigate the possibilities of amending it so it would conform and so that those Federal funds would not be cut off. In such form, Mr. President, I am sure all of us could support the main purpose of the bill.

Mr. President, I would urge them to hold it. If not, I believe we should vote against this bill because we will be striking a blow at the housing program and Federal support for that program which is so badly needed.

Mr. LANE. Mr. President, over the week end I took the opportunity to look into this legislation and this is what I found.

I talked with the solicitor for our housing authority in Washington County. Before a housing project is located in the municipality, contracts are signed by the municipality, by the school district and by the county. What generally happens—and I know in Washington County it is a fact—they allocate ten per cent of the rental for tax purposes. Ordinarily, five per cent goes to the school district, two and a half per cent will go to the local municipality and two and a half per cent will go to the county. The location of a housing authority within a particular municipality is predicated upon the signing of these contracts. This solicitor in question advised me that he felt that if the legislation were passed in this particular form, there was a possibility that we would have quite a lot of trouble with the Federal Housing Authority.

Therefore, Mr. President, in its present form, I will be forced to vote "no" on the bill.

Mr. WAGNER. Mr. President, frankly I would not know the legal answer to this problem. I do know there is an increasing resentment on the part of many school districts over the fact that they are not receiving, for some reason or other, school taxes from the people who occupy these houses. Senator Flack tells me that he has

two school districts in Luzerne County that have not received a nickel of money for school purposes.

I asked the Legislative Reference Bureau to see how the housing legislation, or whatever we have, might be amended to correct this condition. Their advice was that the best way to do it was to say that housing should come under taxation for school purposes.

I have no objection to seeking amendments if somebody knows how this bill might be amended to protect some of these districts. I do not want to see Federal Housing stopped where it is desirable, but if there is any place where these taxes could be collected then I say, Senator, collect them we should.

Mr. President, perhaps the good and sensible thing to do would be to let the bill go over in order or put it on the postponed calendar until we find out if there is a possibility of spelling this out in a fashion which will make it effective and help to get some school moneys for school operations. I mean, if we are going to vote for it today, I certainly am going to vote "aye" and I am going to try to corral enough votes to pass it, since there is no certainty about its illegality.

## BILL POSTPONED

Mr. WAGNER. Mr. President, if the gentlemen on the other side will help me ascertain what might be done, then under those conditions I move that Senate Bill No. 819 be placed on the Final Passage Postponed Calendar until we can check it more thoroughly.

Mr. LANE. Mr. President, I wish to second the motion just made by Senator Wagner, and I might also add that I believe the procedure would be for us to contact the Federal Housing Administrator and clarify the subject matter in these contracts. There might be other housing authorities which operate. However, under The Federal Housing Act there is definitely a contract, and the contract is signed even before the housing project is constructed with an allocation of ten per cent of the rentals designated for taxes.

I would suggest, and I will be glad to help the Senator if I can, that the Federal Housing Administrator be contacted and his advice sought. In this way, we can probably work something out.

Mr. President, I am glad the bill is being placed on the Final Passage Postponed Calendar because it is a very laudable purpose but I am afraid we are in trouble in its present form.

On the question,

Will the Senate agree to the motion?

The motion was agreed to.

## BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 841, as follows:

An Act to promote the welfare of the people of this Commonwealth creating Port Authorities to function in counties of the second class as bodies corporate and politic with power to plan acquire construct maintain and operate facilities and projects for the improvement and development of the port district and to borrow money and issue bonds therefor providing for the payment of such bonds and prescribing the rights of the



holders thereof authorizing the authorities to enter into contracts with and to accept grants from the Federal government or any agency thereof and conferring exclusive jurisdiction on certain courts over rates and services and authorizing the authorities to collect tolls fares fees rentals and charges for the use of facilities defining the authorities powers and duties and defining the port districts

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 It is hereby determined and declared as a matter of legislative finding

(1) That a greater utilization of the rivers in the Commonwealth is necessary for the increased commerce and prosperity of the people of the Commonwealth

(2) The increased commerce and prosperity of the people of the Commonwealth require in counties of the second class more effective coordination of the combined facilities of water rail air and highway

(3) That the expanding industrial activities of the Commonwealth require the planning designing construction erection and operation of port facilities in counties of the second class

(4) That port property values in counties of the second class are threatened with irreparable loss for the lack of port facilities available to industry

(5) The crisis in industrial transportation which threatens the welfare of the Commonwealth can be reduced by providing adequate port facilities

(6) That the establishment of a port authority will promote the public safety convenience and welfare

(7) That it is intended that the authority cooperate with all existing transportation facilities that private enterprise and government may mutually provide adequate port facilities for the convenience of the public

Therefore it is hereby declared to be the policy of the Commonwealth of Pennsylvania to promote the safety and welfare of the inhabitants thereof by the creation of a body corporate and politic for each second class county to be known as The Port of (insert name of City which is county seat) Authority which shall exist and operate for the purposes contained in this act Such purposes are hereby declared to be public uses for which public money may be spent and private property may be acquired

Section 2 As used in this act

(1) The term "authority" shall mean any body politic and corporate created by this act

(2) The term "port district" shall mean all the territory within a second class county

(3) The term "member" shall mean a member of the governing body of an authority

(4) The term "board" shall mean the governing body of an authority

(5) The term "bonds" shall mean and include the notes bonds refunding bonds and other evidences of indebtedness or obligations which the authority is authorized to issue pursuant to section 5 of this act

(6) The term "construction" shall mean and include acquisition and construction and the term "to construct" shall mean and include to acquire and to construct all in such manner as may be deemed desirable

(7) The term "municipality" shall mean any county city town borough or township of the Commonwealth of Pennsylvania or any authority organized under any law of the Commonwealth of Pennsylvania

(8) The term "Federal agency" shall mean and include the United States of America the president of the United States and any department or corporation agency or instrumentality heretofore or hereafter created designated or established by the United States of America

(9) The term "improvement" shall mean and include extension enlargement and improvement and the term "to improve" shall mean and include to extend to enlarge and to improve all in such manner as shall be deemed desirable

(10) The term "person" shall mean and include natural persons

(11) The term "terminal" shall include any marine motor truck railroad and air terminal also any coal grain

bulk liquids and lumber terminal and any union freight and other terminals used or to be used in connection with the transportation or transfer of freight and equipment materials and supplies

(12) The term "port facility or facility" shall include all real and personal property used in the operation of a terminal including but without being limited to wharves piers slips ferries docks drydocks ship repair yards bulkheads dock walls basins carfloats float-bridges dredging equipment radio receiving and sending stations grain or other storage elevators warehouses cold storage tracks yards sheds switches connections overhead appliances bunker coal oil and fresh water stations railroads motor trucks floating elevators airports barges scows or harbor craft of any kind markets and every kind of terminal storage or supply facility now in use or hereafter designed for use to facilitate transportation and for the handling storage loading or unloading of freight at terminals and equipment materials and supplies therefor

Words importing the singular number include the plural number and vice versa

Section 3 (a) There are hereby created bodies corporate and politic in counties of the second class to be known as Port of (Name of county seat) Authority which shall constitute public bodies corporate and politic exercising the public powers of the Commonwealth as an agency thereof Each authority shall be for the purpose of planning acquiring holding constructing improving maintaining and operating owning leasing either as lessor or lessee port facilities within the port district

(b) Each authority is hereby granted and shall have and may exercise all powers necessary or convenient for the carrying out of the aforesaid purposes including but without limiting the generality of the foregoing the following rights or powers

(1) To have perpetual existence

(2) To sue and be sued implead and be impleaded complain and defend in all courts to petition the Interstate Commerce Commission (or like body) or join in any proceeding before any such bodies or courts in any matter affecting the operation of any project of the authority

(3) To adopt and use and alter at will a corporate seal

(4) To establish a principal office and such other office or offices as may be necessary for the carrying on of its duties

(5) To acquire purchase hold lease as lessee and use any franchise property real personal or mixed tangible or intangible or any interest therein necessary or desirable for carrying out the purposes of the authority and to sell lease as lessor transfer and dispose of any property or interest therein at any time required by it

(6) To acquire by purchase lease or otherwise and to construct improve maintain repair and operate facilities

(7) To make by-laws for the management and regulation of its affairs

(8) To appoint officers agents employees and servants to prescribe their duties and fix their compensation

(9) To fix alter change and collect rates rentals and other charges for its facilities at reasonable rates to be determined exclusively by it subject to appeal as hereinafter provided for the purpose of providing for the payment of the expenses of the authority the construction improvement repair maintenance and operation of its facilities and properties the payment of the principal and interest on its obligations and to comply fully with the terms and provisions of any agreements made with the purchases or holders of any such obligation The authority shall determine by itself exclusively the facilities to be operated by it and the services to be available to the public Any person questioning the reasonableness of any rate fixed by an authority may bring suit against the authority in the court of common pleas of the county wherein the facilities are located The court of common pleas shall have exclusive jurisdiction to determine the reasonableness of rates and other charges fixed altered charged or collected by an authority Appeals may be taken to the Superior Court within thirty days after the court of common pleas has rendered a final decision

(10) To borrow money make and issue negotiable notes



bonds refunding bonds and other evidences of indebtedness or obligations of the authority and to secure the payment of such bonds or any part thereof by pledge or deed of trust of all or any of its revenues rentals and receipts and to make such agreements with the purchasers or holders of such bonds or with others in connection with any such bonds whether issued or to be issued as the authority shall deem advisable and in general to provide for the security for said bonds and the rights of the holders thereof

(11) To make contracts of every name and nature and to execute all instruments necessary or convenient for the carrying on of its business

(12) Without limitation of the foregoing to borrow money and accept grants from and to enter into contracts leases or other transactions with any Federal agency Commonwealth of Pennsylvania municipality or corporation

(13) To pledge hypothecate or otherwise encumber all or any of the revenues or receipts of the authority as security for all or any of the obligations of the authority

(14) To do all acts and things necessary for the promotion of its business and the general welfare of the authority to carry out the powers granted to it by this act or any other acts

(15) To enter into contracts with the Commonwealth of Pennsylvania municipalities or corporations on such terms as the authority shall deem proper for the use of any facility of the authority and fixing the amount to be paid therefor

(16) To enter into contracts of group insurance for the benefit of its employees and to set up a retirement or pension fund for such employees

(17) An authority shall have no power at any time or in any manner to pledge the credit or taxing power of the Commonwealth of Pennsylvania or any political subdivision nor shall any of its obligations be deemed to be obligations of the Commonwealth of Pennsylvania or of any of its political subdivisions nor shall the Commonwealth of Pennsylvania or any political subdivision thereof be liable for the payment of principal or interest on such obligations

Section 4 The bonds of the authority hereinabove referred to and authorized to be issued shall be authorized by resolution of the board and shall be of such series bear such date or dates mature at such time or times bear interest at such rate or rates not exceeding six percent per annum payable semi-annually be in such denominations be in such form either coupons or fully registered without coupons carry such registration exchangeability and interchangeable privileges be payable in such medium of payment and at such place or places be subject to such terms of redemption at such prices not exceeding one hundred five percent of the principal amount thereof and be entitled to such priorities in the revenues rentals or receipts of the authority as such resolution or resolutions may provide The bonds shall be signed by such officers as the authority shall determine and coupon bonds shall have attached thereto interest coupons bearing the facsimile signature of the treasurer of the authority all as may be prescribed in such resolution or resolutions The bonds may be issued and delivered notwithstanding that one or more of the officers signing the bonds or the treasurer whose facsimile signature shall be upon the coupon or any officer thereof shall have ceased to be such officer at the time when the bonds shall actually be delivered

The bonds may be sold at public or private sale for such price or prices as the authority shall determine but the interest cost to maturity of any money received for any issue of said bonds shall not exceed six percent per annum Pending the preparation of the definitive bonds interim receipts or temporary bonds may be issued to the purchaser or purchasers of the bonds and may contain such terms and conditions as the authority may determine

Any resolution or resolutions authorizing any bonds may contain provisions which shall be part of the contract with the holders thereof as to (1) pledging the full faith and credit of the authority for such obligations or

restricting the same to all or any of the revenues rentals or receipts of the authority from all or any facilities (2) the construction improvement operation extension enlargement maintenance and repair of the facilities and the duties of the authority with reference thereto (3) the terms and provisions of the bonds (4) limitations on the purposes to which the proceeds of the bonds then or thereafter to be issued or of any loan or grant of the United States may be applied (5) the rate of tolls rentals and other charges for use of the facilities of or for the services rendered by the authority including limitations upon the power of the authority to modify any lease or other agreement pursuant to which tolls rentals or other charges are payable (6) the setting aside of reserves or sinking funds and the regulations and disposition thereof (7) limitations of the issuance of additional bonds (8) the terms and provisions of any deed of trust or indenture securing the bonds or under which the same may be issued and (9) any other or additional agreements with holders of the bonds

The authority may enter into any deeds of trust indentures or other agreements with any bank or trust company or any person or persons in the United States having power to enter into the same including any Federal agency as security for such bonds and may assign and pledge any or all of the revenues rentals or receipts of the authority thereunder The deed of trust indenture or other agreement may contain such provisions as may be customary in such instruments or as the authority may authorize including but without limitation provision as to (1) the construction improvement operation maintenance and repair of facilities and the duties of the authority with reference thereto (2) the application of funds and the safeguarding of funds on hand or on deposit (3) the rights and remedies of said trustees and the holders of the bonds (which may include restrictions upon the individual right of action upon such bondholders) and (4) the terms and provisions of the bonds or the resolutions authorizing the issuance of the same.

The bonds shall have all the qualities of negotiable instruments under the law of merchants and the negotiable instruments law of the Commonwealth of Pennsylvania

Section 5 The rights and remedies hereinafter conferred upon or granted to the bondholders shall be in addition to and not in limitation of any rights and remedies lawfully granted to such bondholders by the resolution or resolutions providing for the issuance of bonds or by any deed of trust indenture or other agreement under which the same may be issued In the event that the authority shall default in the payment of principal or interest on any of the bonds after such principal or interest shall become due whether at maturity or upon call for redemption and such default shall continue for a period of thirty days or in event the authority shall fail or refuse to comply with the provisions of this act or shall default in any agreement made with the holders of the bonds the holders of twenty-five percentum in the aggregate of the principal amount of the bonds then outstanding by instrument or instruments filed in the office of the recorder of deeds of the county and proved or acknowledged in the same manner as a deed to be recorded may (except as such may be limited under the provisions of any deed of trust indenture or other agreement as aforesaid) appoint a trustee to represent the bondholders for the purposes herein provided

The trustee and any trustee under any deed of trust indenture or other agreement may and upon written request of the holders of twenty-five percentum (or such other percentages as may be specified in any deed of trust indenture or other agreement aforesaid) in principal amount of the bonds then outstanding shall in his or its own name (1) by mandamus or other suit action or proceeding at law or in equity enforce all rights of the bondholders including the right to require the authority to collect rates rentals or other charges adequate to carry out any agreement as to or pledge of the revenues or receipts of the authority and to require the authority to carry out any other agreements with or for the benefits



of the bondholders and to perform its and their duties under this act (2) bring suit upon the bonds (3) by action or suit in equity require the authority to account as if it were the trustee of an express trust for the bondholders (4) by action or suit in equity enjoin any acts or things which may be unlawful or in violation of the rights of the bondholders and (5) by notice in writing to the authority declare all bonds due and payable and if all defaults shall be made good then with the consent of the holders of twenty-five per centum (or such other percentage as may be specified in any deed of trust indenture or other agreement aforesaid) of the principal amount of the bonds then outstanding to annul such declaration and its consequences

The court of common pleas of the county wherein the authority is located shall have jurisdiction of any suit action or proceedings by the trustees on behalf of the bondholders Any trustee when appointed as aforesaid or acting under a deed of trust indenture or other agreement and whether or not all bonds have been declared due and payable shall be entitled as of right to the appointment of a receiver who may (to the same extent that the authority itself could so do) enter and take possession of the facilities of the authority or any part or parts thereof the revenues rentals or receipts from which are or may be applicable to the payment of the bonds so in default and operate and maintain the same and collect and receive all rentals and other revenues thereafter arising therefrom in the same manner as the authority or board might do and shall deposit all such moneys in a separate account and apply the same in such manner as the court shall direct In any suit action or proceeding by the trustee the fees counsel fees and expenses of the trustee and of the receiver if any and all costs and disbursements allowed by the court shall be a first charge on any revenues rentals and receipts derived from the facilities of the authority the revenues or receipts from which are or may be applicable to the payment of the bonds so in default Said trustee shall in addition to the foregoing have and possess all of the powers necessary or appropriate for the exercise of any functions specifically set forth herein or incident to the general representation of the bondholders in the enforcement and protection of their rights

Nothing in this act shall authorize any receiver appointed pursuant to this act for the purpose of operating and maintaining any facilities of the authority to sell assign mortgage or otherwise dispose of any of the assets of whatsoever kind and character belonging to the authority It is the intention of this act to limit the powers of such receiver to the operation and maintenance of the facilities of the authority as the court may direct and no holder of the bonds of the authority nor any trustee shall ever have the right in any suit action or proceedings in law or in equity to compel a receiver nor shall any receiver ever be authorized or any court be empowered to direct a receiver to sell assign mortgage or otherwise dispose of any assets of whatever kind or character belonging to the authority

Section 6 The powers of the authority shall be exercised by a board composed of eight members all of whom shall be residents of the Commonwealth of Pennsylvania The Auditor General and the State Treasurer of the Commonwealth of Pennsylvania shall be members of the board ex officio with the power in each of appointing a representative as his proxy for any meeting which he does not attend personally The Governor of the Commonwealth of Pennsylvania shall appoint the remaining six members one of whom shall serve for one year one for two years one for three years one for four years one for five years and one for six years from the January first next succeeding the approval of this act Thereafter the Governor of the Commonwealth of Pennsylvania shall prior to December first of each year commencing with December 1956 appoint as a member of the board a resident of the Commonwealth of Pennsylvania for a term of six years to succeed the member whose term expires on the January first next succeeding Members shall hold office until their successors have been appointed and may succeed themselves A member shall receive no

compensation for his services but shall be entitled to the necessary expenses including traveling expenses incurred in the performance of his duties Within ninety days after this act takes effect the board shall meet and organize by electing from their number a chairman a vice chairman and such other officers as the board may determine The board may employ a secretary an executive director its own counsel and legal staff and such technical experts and other agents and employees permanent or temporary as it may require and may determine the qualifications and fix the compensation of such persons Four members of the board shall constitute a quorum for its meetings Members of the board shall not be liable personally on the bonds or other obligations of the authority and the rights of creditors shall be solely against such authority The board may delegate to one or more of its agents or employees such of its powers as it shall deem necessary to carry out the purposes of this act subject always to the supervision and control of the board The board shall have full authority to manage and operate the business of the authority and to prescribe amend and repeal by-laws rules and regulations governing the manner in which the business of the authority may be conducted and the powers granted to it may be exercised and embodied

If a vacancy occurs by reason of the death resignation or removal of a member the Governor shall appoint a successor to fill his unexpired term

Section 7 The authority shall have the power to acquire by purchase either the fee or such right title interest or easement in such lands as the authority may deem necessary whether for immediate or future use for any of the purposes mentioned in this act and the authority may find and determine that such property whether a fee simple absolute or lessee interest is required for public use and upon such determination the said property shall be deemed to be required for a public use until otherwise determined by the authority and the said determination shall not be affected by the fact that such property has heretofore been taken for or is then devoted to a public use but the public use in the hands or under the control of the authority shall be deemed superior to the public use in the hands or under the control of any other person association or corporation

Section 8 All moneys of the authority from whatever source derived shall be paid to the treasurer of the authority The moneys shall be deposited in the first instance by The Treasurer in one or more banks or trust companies in one or more special accounts and each of such special accounts to the extent the same is not insured shall be continuously secured by a pledge of direct obligations of the United States of America or of the Commonwealth of Pennsylvania having an aggregate market value exclusive of accrued interest at all times at least equal to the balance on deposit in such account The securities shall either be deposited with the treasurer or held by a trustee or agent satisfactory to the authority All banks and trust companies are authorized to give such security for such deposits The moneys in said accounts shall be paid out on the warrant or other order of the chairman of the authority or of such other person or persons as the authority may authorize to execute such warrants or orders The authority shall have at least an annual examination of its books accounts and records by a certified public accountant A copy of the audit shall be delivered to the Governor of the Commonwealth of Pennsylvania A concise financial statement shall be published annually at least once in a newspaper of general circulation in the city where the principal office of the authority is located

Section 9 All construction reconstruction repairs or work of any nature made by the authority where the entire cost value or amount of such construction reconstruction repairs or work including labor and materials shall exceed one thousand dollars (\$1000) except reconstruction repairs or work done by employees of the authority or by labor supplied under agreement with any Federal or State agency with supplies or materials purchased as hereinafter provided shall be done only under



contract or contracts with the lowest responsible bidder upon proper terms after due public notice has been given asking for competitive bids as hereinafter provided No contract shall be entered into for construction improvement or repair of any facility or portion thereof unless the contractor shall give an undertaking with sufficient surety or sureties approved by the authority and in an amount fixed by the authority for the faithful performance of the contract All such contracts shall provide among other things that the person or corporation entering into such contract with the authority will pay for all materials furnished and services rendered for the performance of the contract and that any person or corporation furnishing such materials or performing such services may maintain an action to recover for the same against the obligor in the undertaking as though such person or corporation was named therein provided the action is brought within one year after the time the cause of action accrued Nothing in this section shall be construed to limit the power of the authority to construct repair or improve any facility or portion thereof or any addition betterment or extension thereto directed by the officers agents and employees of the authority or otherwise than by contract

All supplies and materials costing one thousand dollars (\$1000) or more shall be purchased only after due advertisement as hereinafter provided The authority shall accept the lowest bid or bids kind quality and material being equal but the authority shall have the right to reject any or all bids or select a single item from any bid The provisions as to bidding shall not apply to the purchase of patented and manufactured products offered for sale in a non-competitive market or solely by a manufacturer's authorized dealer nor to the purchase of articles where there is only a single supplier or manufacturer of such article

The term "advertisement" or "due public notice" wherever used in this section shall mean a notice published at least ten days before the award of any contract in a newspaper of general circulation published in the municipality where the authority has its principal office and if no newspaper is published therein then by publication in a newspaper in the county where the authority has its principal office

No member of the authority or officer or employee thereof shall either directly or indirectly be a party to or be in any manner interested in any contract or agreement with the authority for any matter cause or things whatsoever by reason whereof any liability or indebtedness shall in any way be created against the authority If any contract or agreement shall be made in violation of the provisions of this section the same shall be null and void and no action shall be maintained thereon against such authority

Subject to the aforesaid any authority may (but without intending by this provision to limit any powers of this authority) enter into and carry out such contracts or establish and comply with such rules and regulations concerning labor and materials and other related matters in connection with any facility or portion thereof as the authority may deem desirable or as may be requested by any Federal agency that may assist in the financing of the facility or any part thereof The provisions of this section shall not apply to any case in which the authority has taken over by transfer or assignment of any contract authorized to be assigned to it under the provisions of section 14 of this act nor to any contract in connection with the construction of any project which the authority may have had transferred to it by any person or private corporation

Section 10 The use of the facilities of the authority and the operation of its business shall be subject to the rules and regulations adopted from time to time by the authority but the authority shall not be authorized to do anything which will impair the security of the holders of the obligations of the authority or violate any agreements with them or for their benefit

Section 11 The Commonwealth does hereby pledge to

and agree with any person firm or corporation or Federal agency subscribing to or acquiring the bonds to be issued by the authority for the construction extension improvement or enlargement of any facility or part thereof that the Commonwealth will not limit or alter the rights hereby vested in the authority until all bonds at any time issued together with the interest thereon are fully met and discharged The Commonwealth of Pennsylvania does further pledge to and agree with the United States and any other Federal agency that in the event any Federal agency shall construct or contribute any funds for the construction extension improvement or enlargement of any facility or portion thereof the Commonwealth will not alter or limit the rights and powers of the authority in any manner which would be inconsistent with the continued maintenance and operation of the facility or the improvement thereof or which would be inconsistent with the due performance of any agreements between the authority and any such Federal agency and the authority shall continue to have and may exercise all powers herein granted so long as the same may be necessary or desirable for the carrying out of the purposes of this act and the purposes of the United States in the construction or improvement or enlargement of the facility or such portion thereof

Section 12 The effectuation of the authorized purposes of any authority created under this act shall and will be in all respects for the benefit of the people of the Commonwealth for the increase of their commerce and prosperity and for the improvement of their health and living conditions and since the authority will be performing essential government functions in effectuating such purposes the authority shall not be required to pay any taxes or assessments upon any property acquired or used by it for such purposes In lieu of taxes or special assessments the authority may agree to make payments to any municipality The bonds issued by the authority their transfer and the income therefrom including any profits made on the sale therefrom shall at all times be free from taxation other than inheritance and estate taxation within the Commonwealth of Pennsylvania

Section 13 Any municipality or owner is hereby authorized to sell lease lend grant or convey to the authority any facility or any part or parts thereof or any interest in real or personal property which may be used by the authority in the construction improvement maintenance or operation of any facility Any municipality is also authorized to transfer sell assign and set over to the authority any contracts which may have been awarded by such municipality for the construction of facilities not begun or if begun not completed

Section 14 The provisions of this act shall be severable and if any of the provisions thereof shall be held to be unconstitutional such decision shall not affect the validity of any of the remaining provisions of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provision not been included therein

And said bill having been read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Bane,	Fleming,	McGinnis,	Silvert,
Barr,	Haluska,	McMenamin,	Stevenson,
Berger,	Harney,	McPherson, Jr.,	Stiefel,
Blass,	Hays,	Miller,	Taylor,
Camiel,	Holland,	Mullin,	Van Sant,
Chapman,	Kessler,	Pechan,	Wade,
Dent,	Koprivier, Jr.,	Peelor,	Wagner,
Derk,	Lane,	Probert,	Watkins,
Diehm,	Madigan,	Ruth,	Watson,
DiSilvestro,	Mahany,	Schmidt,	Weiner,
Donolow,	Mallery,	Scott,	Whalley,
Flack,	McCreesh,	Seyler,	Wolfe,
			Yosko,



## NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present the said bill to the House of Representatives for concurrence.

## BILL OVER IN ORDER

Mr. LANE. Mr. President, inasmuch as I am having amendments prepared to this bill, I ask unanimous consent that Senate Bill No. 842, Printer's No. 381, on third reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

## BILL RECOMMENDED

Mr. PECHAN. Mr. President, I move that Senate Bill No. 882, on third reading, entitled:

An Act amending the act of June 23, 1931 (P. L. 932) entitled "The Third Class City Code" permitting elected officers of a city to serve as members of the legislature

be recommitted to the Committee on Local Government.

Mr. MAHANY. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. LANE. Mr. President, I realize that a motion to recommit is not debatable. However, I would request the membership on our side to vote "no" on this motion to recommit. We had considerable trouble, and I know I went to considerable trouble, in polling the members of the Local Government Committee with regard to these two pieces of legislation and they acquiesced and agreed that they should be reported to the floor. If there is anything wrong with the legislation we should amend it, but I do not believe it should be recommitted.

I, therefore, ask for a roll call on Senator Pechan's motion to recommit this bill.

Mr. RUTH. I ask for a roll call, Mr. President.

The yeas and nays were required by Mr. LANE and Mr. RUTH, and were as follows, viz:

## YEAS—26

Berger,	Harney,	Pechan,	Van Sant,
Blass,	Kessler,	Peelr,	Wagner,
Chapman,	Koprivier, Jr.,	Propert,	Watkins,
Derk,	Madigan,	Scott,	Watson,
Diehm,	Mahany,	Stevenson,	Whalley,
Flack,	Mallery,	Taylor,	Wolfe,
Fleming,	McPherson, Jr.,		

## NAYS—19

Barr,	Hays,	Miller,	Silvert,
Camel,	Holland,	Mullin,	Stiefel,
DiSilvestro,	Lane,	Ruth,	Weiner,
Donolow,	McCreesh,	Schmidt,	Yosko,
Haluska,	McGinnis,	Seyler,	

So the question was determined in the affirmative.

## INTERROGATION

Mr. LANE. Mr. President, I desire to interrogate the gentleman from Allegheny, Senator Koprivier.

The PRESIDENT. Will the gentleman from Allegheny, Mr. Koprivier, permit himself to be interrogated?

Mr. KOPRIVER, JR. I will, Mr. President.

Mr. LANE. Mr. President, I would like to know how

the Senator from Allegheny, Senator Koprivier, voted on Senate Bill No. 882, Printer's No. 419?

Mr. KOPRIVER, JR. I voted "aye."

## THIRD READING CALENDAR

## BILL RECOMMENDED

Mr. PECHAN. Mr. President, I move that Senate Bill No. 883, on third reading, entitled:

An Act amending the act of May 15, 1874 (P. L. 186) entitled "An act declaring what offices are incompatible" permitting members of the legislature elected to the office of councilman in an incorporated city to serve out their terms

be recommitted to the Committee on Local Government.

Mr. TAYLOR. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

(A voice vote having been taken, the question was determined in the affirmative.)

BILL ON THIRD READING AND FINAL PASSAGE,  
AMENDMENTS OFFERED

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 899, as follows:

An Act making an appropriation to the Department of Public Instruction for the payment of certain overdue reimbursements to school districts and authorizing temporary loans for the immediate payment thereof

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of one hundred ten million two hundred seven thousand seven hundred twenty-seven dollars (\$110,207,727) is appropriated to the Department of Public Instruction for the payment of the following overdue reimbursements to school districts in accordance with existing law For reimbursements payable during the month of October 1955 the sum of forty-three million two hundred ninety-two thousand nine hundred sixty-seven dollars (\$43,292,967) for reimbursements payable during the month of November 1955 the sum of fifty-two million seven hundred forty-two thousand eight hundred ninety-five dollars (\$52,742,895) for reimbursements on account of transportation the sum of fourteen million one hundred seventy-one thousand eight hundred sixty-five dollars (\$14,171,865)

Section 2 In the event that there is not sufficient money in the State Treasury to pay the foregoing appropriation in full immediately the Governor the Auditor General and the State Treasurer on behalf of the Commonwealth shall borrow on the credit of the current revenues of the current biennium a sum of money not exceeding the amount of the foregoing appropriation and shall issue and sell tax anticipation notes therefor in the manner and subject to the conditions provided in section 2 and 4 of the act of September 29 1951 (P. L. 1646) The proceeds derived from the negotiation of loans under the provisions of this act shall be paid into the General Fund of the State Treasury and shall be used only to pay the appropriation made by this act Any money borrowed hereunder shall be in addition to the amounts heretofore authorized to be borrowed by the Commonwealth as temporary emergency loans to defray current and other expenses of the State government under the provisions of the act of September 29 1951 (P. L. 1646) and its amendments and shall not be construed to diminish such pre-existing borrowing power

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill on third reading?



Mr. HALUSKA. Mr. President, on behalf of Senator Lane and myself, I ask unanimous consent to offer amendments at this time.

The PRESIDENT. Is there objection? The Chair hears none.

The Clerk read the amendments as follows:

Amend Title, page 1, line 3 of title, by inserting after "authorizing": "upon certain contingencies"; amend Sec. 2, page 2, line 10, by inserting after "2": "(a)"; amend Sec. 2, page 3, by inserting after line 7 the following: "(b) The provisions of this section shall take effect only if the major tax program of the General Assembly is enacted into law on or before the thirtieth day following the final enactment of this appropriation act."

On the question,

Will the Senate agree to the amendments?

#### MOTION TO ADOPT AMENDMENTS

Mr. HALUSKA. Mr. President, I move that the amendments just read be adopted.

Mr. LANE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. WAGNER. Mr. President, I would ask the Members of the Senate to vote down the proposed amendments. This bill, as everybody probably knows, spells out a procedure by which the State school moneys which were due in October and November and may be due in December can be paid to the local districts.

Already some districts have borrowed money to the extent of their credit to pay teachers' salaries. Many school districts have served notice that after the current pay, there will be no further payments unless money is forthcoming from the State.

Mr. President, the contingency and the emergency we already have. If we are going to put a provision into the bill providing that the bill shall not be effective on or before the 30th day after the final enactment of a major tax program, we do not know when it may happen. It is our hope, and I think all of us have the hope, that the money can be provided to keep the schools going and meet the teachers' payrolls just as soon as possible. For that reason, the further borrowing capacity is provided for and the machinery made available at least to do the thing rapidly.

If a major tax program should pass in a matter of hours or days and make the borrowing facilities easier and less costly, I will be certainly as happy as somebody else that this money can be saved. However, the virtue is gone in the legislation unless the action is immediate rather than at some future time, depending on future legislation. Therefore, I would request the members to vote down the amendments.

Mr. HALUSKA. Mr. President, the amendments which I just offered, I offered in the Committee on Appropriations. The same position prevails. This is adding insult to injury. We all realize the conditions of our schools, hospitals, et cetera.

If this bill had been introduced in good faith, the sponsors of it would have introduced another bill to pay for the interest through new taxation. It will cost the Commonwealth about \$1,000,000 for interest alone, to put this bill through, and there is no provision whatsoever

to enact any bill or legislation which will pay for the interest in this bill.

I say that if we came out and pledged ourselves to enact some type of a program, within thirty days we could adjourn sine die. However, let the schools close, let the hospitals close and let the public decide who is to blame for this chaotic condition. After twelve months in Session, we find that this group does not even have the courage, at this late date, to pledge themselves to enact some type of a program within the next thirty days.

Mr. President, this is the most disgraceful situation I have even seen in my twenty-two years on Capitol Hill; twelve months in Session and nothing has been done. I say that if the sponsors will introduce a bill to pay for the interest on \$1,000,000, I will go along with it and so will my colleagues. If they fail to do that, I say they are acting in poor faith, they are insincere and the bill should be defeated.

Mr. WAGNER. Mr. President, I shall refrain from debating the tax issue at this time in trying to determine whether Senator Haluska is most at fault for not taking the kind of a tax that suits me or I am more at fault for not taking the kind that suits him. That will be debated at greater length, and it will be determined at some time or other.

However, Mr. President, I cannot agree with Senator Haluska's reasoning that because we have not had harmony on the tax proposal, we should let the hospitals close and let the schools close and then have it determined by the public at some future time whose fault it was. That solves no problem, and I still oppose the amendments.

Mr. HALUSKA. Mr. President, I desire to interrogate the gentleman from Schuylkill, Senator Wagner.

The PRESIDENT. Will the gentleman from Schuylkill, Mr. Wagner, permit himself to be interrogated?

Mr. WAGNER. I will, Mr. President.

Mr. HALUSKA. Senator Wagner, we all realize that you have always tried to sponsor and favor legislation pertaining to the school districts and the schoolteachers. Because of your fear that there will be payless pay days, I assume that is the reason you introduced this bill. Are you willing to go through with the other part of the program and introduce legislation providing the taxation for the interest on this bill? You realize that it will cost interest. If the amendment which I proposed is adopted, we could borrow the money for half the interest rate and save at least \$500,000. By some collateral, we can pick up this money at least for half the rate. Are you willing to even co-sponsor with me a bill earmarking some item to pay for the interest on this bill?

Mr. WAGNER. May I answer your question in more than one word?

Mr. HALUSKA. Certainly you can.

Mr. WAGNER. The matter of interest rates is one of legitimate concern. I think the last money which was borrowed on tax anticipation notes cost something like 1.55 per cent. Certainly we do not want to pay two per cent or two and a half per cent if it can be avoided. I would suggest to the gentleman from Cambria that if we do not do this, the local districts will have to borrow money where they have credit and pay four per



cent or more for it. Some already are paying five per cent. Therefore, it is a question of whether it should cost the taxpayers of the State one and a half or two per cent interest money on tax anticipation notes or cost the taxpayers, locally, four or five per cent interest on money borrowed for their payrolls.

Mr. President, I assumed that when we authorized the Administration to borrow money on tax anticipation notes, that that would include authority to pay the interest and the cost of the borrowing. However, if it does not, I shall readily join you in an appropriation bill to pay the interest on the borrowed money.

Mr. HALUSKA. Mr. President, the answer was very evasive, I would say. We have laughed and talked for a month and I guess we can laugh for one more hour.

I asked the gentleman from Schuylkill whether or not he would co-sponsor a bill with me. Since the bill is up for consideration at this moment, will he assure me that today or tomorrow he will join with me in sponsoring some bill to create a tax to pay for the interest or will he ask one of his colleagues in the House, where tax bills originate? I will ask one of my colleagues in the House to join his colleague, with our influence, if we have any, to sponsor such a bill.

Mr. WAGNER. Senator Haluska, you asked a question and I answered it according to my understanding. You said that we made no appropriation to pay the interest on this loan, and you asked whether I would join in sponsoring legislation to appropriate money to pay the interest. To the question, my answer was "yes." If you want me to start an additional assignment to my present duties by running around getting people to vote for a tax—I run into people and they are crawling up my sleeves and down my coat collar every hour for various kinds of taxes. I do not propose to start another tax project at this time. However, I will join Senator Haluska in an appropriation act.

Mr. HALUSKA. Senator Wagner, you do realize that we must pass sufficient money to pay the interest. How are we going to pay the interest? From what source of revenue? How are we going to pay the interest without creating new taxation?

Mr. WAGNER. The machinery is provided with tax anticipation notes to get the money. If it does not include the interest, we can have an appropriation bill to pay the interest. Everybody here voted for an appropriation of \$31,000,000 to increase teachers' salaries. We should be able to vote for money to pay them what we already owe them.

Mr. HALUSKA. Mr. President, I would like to ask the gentleman from Schuylkill where the appropriation will come from. The cupboard is bare. It is easy to pass appropriation bills, but where is the money coming from?

Mr. WAGNER. Presumably, the tax problem will be resolved. There is not going to be a stalemate forever. A tax program will be forthcoming.

Mr. HALUSKA. Mr. President, if the gentleman from Schuylkill feels that way, he should not object to the amendments. I am allowing thirty days time and certainly within thirty days time we should be able to pledge ourselves to pass a tax program, thereby cutting the interest rate in half. If we are interested in the Commonwealth's finances—I am in the banking business

and I know what collateral means. If you walk into my bank and have no collateral, you are out. The professionals may give you some, but charge you the full rate. However, if you walk in with bona fide collateral, we will talk turkey to you. Here we have nothing to offer whatsoever. With this amendment, we do offer collateral. We pledge ourselves that we shall enact a tax bill within thirty days and thereby save at least \$500,000.

Therefore, Mr. President, I think it is most important that we pass this amendment. We have thirty days time to settle our tax differences and pass a tax measure.

Mr. President, in view of the fact that the gentleman from Schuylkill feels that they should pass this bill without any collateral in the form of taxation, I am asking my colleagues to vote "no" on this measure.

Mr. LANE. Mr. President and Members of the Senate, this legislation has been before us for several days. I feel that now is the time when we should be brutally frank in our expressions in regard to this particular bill.

First, Mr. President, I firmly believe that this legislation was conceived hurriedly by the Republican Majority, due to the fact that they were experiencing considerable pressure back home by our default in payment to our school districts for October and November.

Mr. President, what we are actually doing here today is taking this Republican Majority, which has refused to consider a tax program, off the hook. In other words, we are going to borrow \$110,000,000. We do not know when we are going to pay it back. They will not accept an amendment which provides a thirty day period in which to pass a tax program. I have heard it said throughout the halls of this Senate—as a matter of fact, down in the Penn-Harris Hotel—that the Republican Majority here in the Senate is determined that the Democrats will be here next April. This legislation, passed in its particular form, will take the Republicans off of the hook and place us in a position of dillydallying from now until next April. I think what they want to do is discredit the entire Democratic Administration. They are trying to tell the people of Pennsylvania that we are not qualified to operate government. They are doing that by a well planned filibuster. We have been filibustering here now for almost twelve months. The Republican Majority has taken the position that they do not approve of our tax programs. What they want us to do, Mr. President, is to make guinea pigs out of the Democratic Members of the House of Representatives.

We now have before us a second tax program. I hear one time that we are going to get three or four Republican votes. Then, I see in the newspaper tonight where the tax program is supposed to be down the drain. Sometimes I wonder if the Republicans really appreciate and realize the responsibilities of their office. Do they feel that they should play politics to the extreme whereby the people of Pennsylvania are being deprived of the services to which they are entitled and which they justly deserve?

Mr. President, I know they are playing for the school-teachers' votes. They are going to go back and say, "We Republicans want to make sure that you get paid." They fully realize that in some school districts they cannot borrow a dime. They do not have the credit to borrow. Yet, Mr. President, they have not convinced us that they



are sincere. If they were sincere, they would have accepted this amendment and taken their chances. If they were sincere in working with the Democrats over here to pass a tax program, they would have gladly accepted this amendment and said, "Boys, we are going to do what we can to resolve this between now and when the thirty days are up." No, Mr. President, they arbitrarily reject this amendment, which proves to me beyond a reasonable doubt that they are not sincere in their endeavors. I do not expect to get the votes over there for a tax program this month or next month.

That is the situation as I see it, Mr. President, I am sorry that I must make these statements, but I want to tell you what I think. I have observed, during the past few months, just what is going on. First they say, "Well, we will go for this." As a matter of fact, I read headlines in the newspaper where Senator Pechan was going to vote for this tax bill. I do not like to bring that subject up now. We are not debating the tax program. However, those headlines were there. Senator Mahany was going to vote for it. Then I understand that Senator Taylor said, "They are going to vote the way the Republican Caucus instructs them to vote." Here they are in the same position today. We have no tax program and we are borrowing another \$110,000,000. We borrowed \$60,000,000 and we paid 1.55 per cent interest. We are probably going to pay two per cent or more. As Senator Haluska asked, "Where are we going to get the money?"

Mr. President, I talked to the Speaker of the House today, and probably quite a few of the Democratic Members heard his conversation when he said that we owe about \$5,000,000 now. Now we are going to borrow this money, and owe some more interest. I heard it said that there was one county in central Pennsylvania that borrowed money at the rate of three-quarter of one per cent. In our county of Washington, we borrowed it at one per cent. Now, if that \$60,000,000 cost 1.55 per cent and we have exceeded our ten per cent, I do not know what this will cost.

Mr. President, I would say, too, to the Majority Party, today and tonight, that you should accept the amendment and say, "All right, let us get together. We have thirty days to do the job." If you do not accept the amendment, the people of Pennsylvania will know that you are not sincere.

Mr. PECHAN. Mr. President and Members of the Senate, we agreed yesterday that we would not make statements or debate measures that were not before us. However, since Senator Lane has taken the latitude that he did, I expect the same courtesy and I am not going to make a long speech.

I do want to assure Senator Lane again—I have said it many, many times at this lectern—that I will vote for a tax measure when I feel it is fair and constitutional. I did say a couple of weeks ago that I thought, perhaps, I could vote for an excise tax bill because I thought it was next door to my philosophy of taxation. When I saw the bill, even before I came here from the hospital bed, I said that I could not vote for it in its present form. That is beside the point, however.

We are now talking about a debt that we owe to school districts throughout the Commonwealth. I have districts in my counties of Butler and Armstrong that

are not able to pay their teachers their Christmas salary checks. It is not the fault of the school districts in Armstrong and Butler Counties that the Republican and Democratic Members of the Senate cannot resolve their tax problem. We owe that money. We have owed that money. They opened their schools with the feeling that that much money was going to come to them in October, November and December, just as your wife or my wife runs her home when she knows that she is getting a certain amount of money the first of the month to run her home.

Senator Hays and Senator Seyler amended a bill. We tried to take care of this problem back in October when we were told by the Budget Secretary that moneys were available to pay the subsidy which was due at that time. No, you fellows saw fit to play politics with Senate Bill No. 785, and you gave the teachers a \$31,000,000 raise. It is in House Bill No. 583 and House Bill No. 584. It was not before us. However, you thought you would woo the schoolteachers by giving them a \$150 to \$300 raise. That was not the problem. Just because of that, the school districts still have not been paid. Resolving of the tax problem has nothing to do with the payment of the subsidies that we owe to the school districts at this time.

Mr. President, I am going to ask my colleagues to vote "no" on the amendments.

Mr. SEYLER. Mr. President, I do not rise to debate the amendments, but to answer an allegation made by the gentleman who last spoke. I would like to tell him that it is quite true that I voted for that appropriation, as he did also. I would also like to remind him that I have already voted for a tax bill to furnish the money, and I stand ready to vote for another. I would like to know where he stands in that proposition.

Mr. LANE. Mr. President, I listened with considerable interest to the statements of Doctor Pechan. I appreciate the fact that we owe the money. As a matter of fact, I knew that months ago and I am wondering if he did. I am wondering if the Republican Majority realized that. Of course, we owed the money. It is sort of silly to say that we do not owe the money, but I realized it months ago and I voted for a tax program. Senator Pechan says that he is going to vote for a tax program, but he has never told us what sort of a tax. As a matter of fact, quite a number of months ago he said that the tax that he will vote for is his secret, as I recall.

It seems to me, Senator Pechan, that if you fellows really mean business, you will vote for this amendment. That is all I have to say.

Mr. DENT. Mr. President, in talking on the amendments, we have reached a second stage in the well planned campaign to keep us here until next summer, which is perfectly all right with me and if the Lord spares me I will be with you.

The amendments just offered by Senator Haluska take into consideration the fact that it takes thirty days to prepare and negotiate and to consummate the loan which is to be permitted if this bill passes. I do not believe that any citizen of Pennsylvania can be led to believe that this General Assembly, after eleven months of deliberation, would need more than thirty days to finish up its fiscal business.



Mr. President, the amendment is sound both financially and politically. You are spending the peoples' money. First, you should see to it, as good businessmen and good administrators, that the lowest possible interest rate be attained in any loan that you make in the name of the people. Secondly, you ought not to spend the peoples' money without telling them who is going to pay the bill and how they are going to pay it. Early in this Session the Republicans voted, I would say gleefully, to limit the borrowing power of this Administration by changing the formula and now for expediency purposes they plan to change it back again.

I advised the Republican Senators that, speaking for the Democratic group, we are fully aware of the situation in the schools. We are fully aware of the problems which are presented to the State Administration at this time by the tactics of the Republican Senate and knowing the seriousness of the matter, I requested that this bill go over in order, in order that we could discuss the matter after we have shown to the people and to the interested bankers just where we are going to get the money so that they, in turn, would not be able to gouge the people of this Commonwealth. An unsecured or poorly secured loan, with the collateral which has to depend upon the ability of the Democratic and Republican Senate to get together on a tax program, is in my mind the poorest type of a loan that you could go out and get and with next to nothing as collateral.

Let us look at the financial picture as we find it to be on January 1st, come the year of our Lord 1956. We will require \$195,900,000 for all State expenditures, of which \$41,600,000 is for the operating expenses of this government, leaving a balance of \$154,300,000 which will be required for school purposes. In this amount of money will be the sum of \$1,000,000 to repay the loan that you made in June, a loan of \$60,000,000 which has to be repaid by May 31st of 1956.

I ask any man in this room who has had any experience as a banker or any experience in the loan market, any experience on a local council or school board or County Commissioners Board or any other public or private agency that has had to borrow money over the years, what kind of interest would you expect when you have not prepared the money or the taxes to repay a loan which you made in June and you are trying to borrow the money to pay the interest on that loan that you made in June. You are paying now 1.55 per cent, which is exactly 1.5 higher than the last loans made under the Fine Administration. You have jeopardized the security of this Commonwealth.

Mr. President, on January the 1st you will be \$86,000,000 minus. Yes, there will be some money there because we have \$30,000,000 which we can still borrow under the June borrowing power granted to the Administration. I would say that those school districts which find themselves in the sad predicament of being unable to pay for the essential services will have to be given preferential treatment in the matter of appropriations out of the existing funds.

Some say that this is a bad political move on our part. The schoolteacher representatives are all here, and they are going to write home and say that the Democrats voted against giving you your money and your Christmas pay

in your Christmas stocking. Maybe that is true, Mr. President, but it is not the wish of this group to do that. Payless pay days are painful things. Some of us who have come up in the ranks have had to go through some payless pay days, and we know how painful it is for a family that depends and exists upon a payroll and a pay check for their mere existence in life to have to face a payless pay day. Allow me to say, to these same schoolteachers who are represented here today, that if you fall for this kind of political trickery, you are only setting the date for the inevitable day when not only the mandated increases which have been set down through the years will be denied you, but any hope of additional increments which are so essential and necessary to raise the standards of our education in this Commonwealth will be absolutely unheard of and absolutely unobtainable. You cannot postpone a bad day by creating a bad debt.

I do not ever pose as a professional soothsayer. I do not attempt to tell the school teachers that everything they want is what I am for. I only say that in twenty years I have tried to maintain the kind of a record which has tried to keep building up the standards of our educational system in this Commonwealth, not only for the undergraduate schools and our grade schools and high schools, but also in our schools of higher learning, universities and colleges. I believe that this is the most short-sighted, the most diabolical scheme that has yet been perpetrated upon the people. You are saying to the people of Pennsylvania, "We are going to borrow money in your name, but we do not have the courage first to vote for taxes."

Mr. President, we are not trying to wedge the Republicans into a tax position, because I am now convinced that Senator Pechan's desire for tax legislation is related to the story they tell of Peter Finley Dunn, who was accused of being against unions and he proudly got up and stated that he was one of the best friends that unions ever had and that no one could ever say that he was against unions. The only thing was that he liked unions the way he liked them. He liked them without contracts, he liked them without bylaws, he liked them without meeting halls, he liked them without dues and he liked them best without members. That is what I am afraid is ending up here in the matter of this tax bill.

Yes, they will vote for a tax bill but it has to be what they like, but we cannot find out what they like. I keep hearing the old refrain that it has to be this, this and this. However, on the other side of the house, which originates the tax bills, their counterparts in the House say that it cannot be that, that that and that; that it will not be what the Republican Senators say it will be; they will not vote for it and they will not vote for any more tax legislation until this Senate has resolved the problem which is before them today. They will not commit themselves to vote one way or the other, according to your spokesman over there in the House, until the Senate finally acts upon the tax bill before it. We are squeezed between the age-old question of which comes first, the hen or the egg. The Republican leaders here said they could not talk or even discuss tax legislation with the Governor until the House sent tax legislation over here to be discussed. They get the bill over here, and now



their counterparts in the House say that they cannot discuss any new measures of taxation until the Senate finally resolves the problem before them.

I understand, Mr. President, that there are some false impressions going around about some of the things which may or may not have happened in the Democratic Party today. I do not know who informed the man who informed me. I only have this to say. We are conscious of the fact that this State needs money and we have been that way. We do not want you men to take anything that you do not think is proper. We only say to you now what we said in June and July and August, September, October, November and again in December and probably will say again in January, February, March and April. I understand that one of the spokesmen, who has the authority on the other side, has already said that April will be the date of sine die.

Mr. President, I have said, and I want to repeat it so there is no misunderstanding in the minds of any persons in this great Commonwealth, that we Democrats feel that we have a responsibility. Maybe we are not trained well enough in the means and methods of taxation so that we can come up with a tax bill which will not hurt anybody. Maybe there is some secret formula whereby you can get \$464,000,000 in new taxes without taxing anybody.

I understand that the reason the tax bill now is on wavy waters is because we refused to accept two very important amendments which were handled by certain individuals who, although they do not vote on the Senate floor, sometimes think they should. I understand that has been the factor which has upset the apple cart. That is perfectly all right, but I want to say to these same gentlemen, do they believe for one minute that we can pass \$450,000,000 worth of taxes to back up this kind of legislation which you are passing over there; do you think that we can pass any kind of legislation which can exempt, and mind you this, all utilities, all manufacturers, all unincorporated bodies, all incorporated bodies, all agricultural interests whatsoever, and they want to exempt, if you please, all services and all professionals? I finally woke up as I got to the last one, and I think they just want to pass a tax which taxes people and nobody else.

Mr. President, they put a sales tax in in the House to meet this bill. It was heralded as a great sales tax. The chairman of the committee told me that eighteen amendments have been handed to him for the Waterhouse bill, exempting everybody in Pennsylvania except the people. The people have no one here for a lobby except a few Democratic Senators and House Members, and their lobby voice is not loud nor influential. No, we will not support any blind loans. We will support a loan to pay for the schoolteachers when we have the money to back it up.

You say we owe them money, Senator Pechan; yes, we do. Who passed the legislation which mandated that we owe this money? Who are the sponsors of this legislation? Yes, I voted for it but I will vote right now, and here again, against any attempt to pass onto the future legislators, whomever they may be, any debts which are not met by taxation. You have no guarantee that you will vote for any bill. You will not stand up

and vote for any piece of legislation except that kind of legislation which pleases you.

Mr. Pechan, as a worthy Member of this Senate, it is impossible to please you.

Mr. WAGNER. Mr. President, just to refresh everybody's memory, this was all started by Senate Bill No. 899, to which amendments were offered. That is all I want to talk about at this moment.

I respect the political philosophy of the Minority Leader and he certainly has the complete right, without his sincerity being questioned, to take a different position from what I take on this proposal. It is a little irksome at times to be told that every bill that is a Republican bill is a hoax, is a trick, is a fake, if a fraud and it is intended to deceive.

Mr. President, there are two sponsors to this bill, Senator Stevenson and Senator Wagner. Maybe you had better keep an eye on one of them. However, I think Senator Stevenson's record and his position in this Senate is sufficient to assure people that he would not lend himself or join with Senator Wagner nor any other Senator to pull a trick and go to all this trouble to do it. The Democrats may vote as they please on the amendments, and they may vote as they please on the bill itself. I shall not condemn them nor shall I say they have no right to take their position. Senator Stevenson and I, and the entire Republican side of the Senate, have a feeling that this will be a wonderful assurance to school directors, to schoolteachers. We think it will be a relief to the Governor of Pennsylvania, about whom people are going to feel better, if these school moneys are provided and we think it is going to reflect favorably upon the Legislature. I hope we may now have a roll call and, again, I rise to oppose the amendments.

Mr. BARR. Mr. President, I think that the gentleman from Schuylkill does not realize what the whole debate is about.

The entire debate, Mr. President, is about the insincerity of the Republican side in trying to pass this bill with the high rate of interest that will be tagged onto it. There is no question of whether we even pass the tax bill in this Senate tomorrow. However, there will be tax anticipation loans floating. There is one question, which is not even a question but a reality, that if we pass this bill without this amendment, the gentlemen on this side are throwing down the drain possibly \$2,000,000 of the taxpayers' money.

These men were elected and took an oath of office. In that oath of office, they said that they will abide and protect and serve by the Constitution of this Commonwealth. The Constitution of this State says that the General Assembly shall provide taxes to insure the general welfare and shall provide taxes to keep the schools open. These gentlemen are not fulfilling their oath of office.

I am expendable; they are expendable. No one owns their seat in which they sit here today. They should be men, not mice. They should not be men who are handled by lobbyists, men who buy them dinners and other things which lobbyists do. I have no quarrel with lobbyists as long as they lobby in the usual and rightful way. However, I do have a complaint when certain lobbyists, who infest the halls of this Senate, say that this bill will never



pass and who make bets with newspapermen who sit in this gallery. They knew more than the Members of this Senate before they went into the Republican Caucus today. Today probably has been to me, in my sixteen years that I have been here, the most disgraceful day I have ever seen on Capitol Hill. I am expendable and if voting for this amendment and against this bill will retire me to my home in Shadyside, in Pittsburgh, that I want to do.

Mr. President, I, for one, took an oath of office and I intend to keep it. As long as I am here, I will never see the people's money thrown down a rat hole by men who do not have the courage to stand up here and vote for a tax bill to keep this Commonwealth running and pay the debts which were incurred, Mr. President, not by this Administration but by Administrations which were under Republican control during the past sixteen years.

Mr. DENT. Mr. President, I try very hard to make my points as clear as I can on the ideology of political thinking and the philosophy of the principles of the various party issues. Very frankly, I do not like the twist that is too many times given to the remarks that are made by myself and other speakers to the effect that they cast some personal aspersion against some Member of this Senate. Very frankly, I want to say to this entire body that I had no intention of maligning, in any way, Senator Wagner or Senator Stevenson. I think Senator Wagner probably had better arguments for voting for this amendment than to try to cast upon the remarks I made any insinuation that I would ever, at any time, upon this floor say anything that would in any way tend to destroy the character of a man in this Senate. All of us do the things we do because we are motivated, in most instances, by the honest impulses that comes to us. We cannot all think alike.

I certainly have enjoyed many years of service in this Senate with Senator Stevenson. I do not think that Senator Stevenson had in mind the full import of this bill when he introduced it, nor did Senator Wagner. I think they introduced it because of the fact that they thought that the schoolteachers would receive some kind of a consolation from the fact that we were going to allow the State to borrow money to meet a bill that is owed to them. I do not think that Senator Stevenson believes now that he is part of a plot to keep us here until April. I do not think that Senator Wagner believes that. I do not believe that anybody on the other side will admit to that. However, when you put this day thirty days hence or, rather, when you pass this legislation giving them approximately \$110,000,000 more of borrowed money, you can bet all the tea in China that you will not get too much cooperation on meeting the issue of \$464,000,000.

I do not particularly look at the sponsorship of any bill. I look at what the bill does; I try to analyze its effects upon the people, upon the economy of the Commonwealth and that is where I base my opposition.

Mr. President, I do not want any more recurrences of this type of twisting a speech on the floor into a personal attack. This is not the first time. Once in awhile I have time and read back, and I note that certain individuals always hide behind that. They get up in rebuttal and always try to read into the remarks made on this side

of the Senate some personal attack upon a Member of the Senate. We are not mice. We are supposed to be men.

I said that Senator Pechan liked tax bills like Peter Finley Dunn liked unions and I mean it. I know that he will not vote for any bill because he keeps telling me every day that—in fact, I do not want to expose anything, but I was under the impression that Senator Pechan was going to vote for the bill.

And the question recurring,  
Will the Senate agree to the motion?

Mr. HALUSKA. I ask for a roll call, Mr. President.  
Mr. LANE. I ask for a roll call, Mr. President.  
The yeas and nays were required by Mr. HALUSKA and Mr. LANE, and were as follows, viz:

YEAS—21

Barr,	Haluska,	McGinnis,	Seyler,
Camiel,	Hays,	Miller,	Silvert,
Dent,	Holland,	Mullin,	Stiefel,
Derk,	Lane,	Ruth,	Weiner,
DiSilvestro,	McCreesh,	Schmidt,	Yosko,
Donolow,			

NAYS—26

Berger,	Kessler,	Peelor,	Wade,
Blass,	Koprivier, Jr.	Propert,	Wagner,
Chapman,	Madigan,	Scott,	Watkins,
Diehm,	Mahany,	Stevenson,	Watson,
Flack,	Mallery,	Taylor,	Whalley,
Fleming,	McPherson, Jr.	Van Sant,	Wolfe,
Harney,	Pechan,		

So the question was determined in the negative.  
And the question recurring,  
Will the Senate agree to the bill on third reading?

POINT OF INFORMATION

Mr. HALUSKA. Mr. President, I rise to a point of information.

The PRESIDENT. The gentleman from Cambria, Mr. Haluska, will state his point of information.

Mr. HALUSKA. Mr. President, has Senate Bill No. 899 now passed third reading?

The PRESIDENT. It has not.

REQUEST THAT BILL GO OVER IN ORDER

Mr. HALUSKA. Mr. President, I ask unanimous consent that Senate Bill No. 899, Printer's No. 418, on third reading, go over in its order.

The PRESIDENT. Is there objection?

Mr. MAHANY. Mr. President, I object to the bill going over in its order.

And the question recurring,  
Will the Senate agree to the bill on third reading?

It was agreed to.  
And said bill having been read at length the third time and agreed to,

On the question,  
Shall the bill pass finally?

Mr. YOSKO. Mr. President, in keeping with a statement that I made on the floor of this Senate when a similar bill was passed on June 29th, I must vote against this bill.

Mr. President, I said at that time that I would not vote for any more bills calling for loans through the tax anticipation note method. On that same day, a number of gentlemen from the other side approached me and, based



on the facts that I gave at the time, said that they, too, would not vote for any more bills to borrow money by the tax anticipation note method.

This bill would not be necessary if the gentlemen on the other side were good sports. This bill is introduced and, apparently by their thinking, becomes necessary because they are not good sports. They got a licking last year and just cannot get it through their heads that the people of this State wanted a change here in Harrisburg. Therefore, they have adopted a policy of both rule and ruin. Any legislation that would eliminate a situation that we are in, is always sidetracked or defeated. They have ruined in that our schools are about ready to close. The State is in default in the payment of its subsidies to the hospitals and other institutions. As a matter of fact, Mr. President, the Commonwealth of Pennsylvania today is in bankruptcy because its liabilities far exceed its assets.

Mr. President, the last time I checked with the—

#### POINT OF ORDER

Mr. SEYLER. Mr. President, I rise to a point of order.

The PRESIDENT. The gentleman from York, Mr. Seyler, will state his point of order.

Mr. SEYLER. Mr. President, I am unable to follow the speaker's discussion. I would request that order be restored so that I can understand the speaker's discussion.

The PRESIDENT. The point of order is well taken. The Chair asks the Members, and the visitors, to maintain order during the discussion of this bill.

Mr. YOSKO. Mr. President, the last time I checked with the Treasury Department, we had a \$61,000,000 balance in the Treasury. Seventeen million of it was in cash. In other words, we only had \$17,000,000 in cash; the balance was in investments. We had about \$135,000,000 in past due liabilities. When this bill was originally passed, on June 29th, to borrow money, it was limited to ten per cent of the anticipated taxes of bills that were passed. As I understand from the Treasury Department, taxes passed thus far would bring in \$660,000,000. We have already borrowed \$60,000,000 and that leaves us with a borrowing capacity of only \$6,000,000. Hence the need for this bill.

When the last bill was passed on these tax anticipation notes, the gentlemen on the other side knew that in October there would be due to the fourth class school districts of this State the sum of \$43,292,967. The gentlemen on the other side knew that payments to first, second and third class school districts would be due in November, totaling \$52,742,895. They knew, Mr. President, that the amount due for transportation of pupils, payable in September, would be \$14,171,865. They knew back in June that tuition payments to the school districts would amount to \$13,000,000. They also knew, Mr. President, that payments for vocational education would amount to \$1,930,143. They knew, Mr. President, that rentals to the State School Building Authority would be \$3,314,446. They knew, Mr. President, that the payments to municipality authorities would be \$4,747,750.

In reading this bill, I note that it only takes care of the delinquent payments to the school districts. How about the State-aided hospitals? When are they going to be paid? As I understand from the Treasury Department and the Department of Welfare, there is past due and the

Commonwealth is in default totaling \$7,500,000. When are they going to be paid? They certainly cannot be paid from this \$110,000,000 proposed loan. The Department of Health owes the school districts another \$3,000,000. How is that going to be paid? It cannot be paid from this bill because this bill specifies exactly what the money is to be used for. That \$3,000,000, Mr. President, is owed for the school health program, for the examinations that are given to schoolteachers. It is in default and has been in default.

How about the \$15,000,000, Mr. President, which is due the State Teachers and State Employees Retirement Funds? How about the salaries of the State employees and other obligations?

The gentlemen on the other side knew all this away back in June and, yet, when a tax program was presented here, it was rejected. Now there is another tax program here and they are dillydallying with it to the extent where we are not sure of where we are going, and we are not sure of the fact that any money from taxes is going to come into the State Treasury. Instead, Mr. President, they are running to the Wall Street bankers, as they have done over a period of years, and at high rates of interest they are borrowing the money to finance the obligations of the Commonwealth. Thus far, since 1936, we have paid the Wall Street bankers interest on tax anticipation notes totaling \$7,537,000. As I understand it from the Treasury Department, the interest on this loan, because of the poor financial condition of the Commonwealth, may be double the interest that was charged for the \$60,000,000 loan made in June.

Mr. President, this is not going to solve our problem. We will have to go back to the Wall Street bankers again unless a tax program is passed and is passed soon. According to a statement that I have here, as pointed out by Senator Dent, on January 1st our anticipated expenditures will be \$195,900,000. Only \$41,600,000 will come into the State Treasury in taxes enacted thus far. We will have to pay back the first million on the \$60,000,000 loan and, therefore, we will be short on January 1st, even though we borrow this money, \$86,500,000.

Then on February 1st, Mr. President, we anticipate to spend \$60,600,000 and we will take in \$39,600,000; another million dollar payment on the \$60,000,000. We will be \$108,500,000 short. Then on the first of March, the anticipated expenditures will be \$82,800,000. We will take in \$96,500,000. We have to pay \$8,000,000 during that month on the \$60,000,000 loan. We will be minus \$102,800,000. On April 1st, Mr. President, the anticipated expenditures will total \$84,700,000 and the anticipated revenues will be \$86,900,000. We will be minus \$135,000,000. On May 31st, the end of the first fiscal year of the current biennium, we anticipate taking in \$54,900,000 and spend \$58,300,000, and we will have to pay \$25,000,000 on the \$60,000,000 loan. We will be minus another \$154,000,000. What is this going to solve? It is going to solve nothing. There is only one way that we can solve the problems of the Commonwealth, and that is by the passage of tax legislation which will insure a steady flow of money into the State Treasury.

I said when the other tax anticipation note bill was passed that we should study the due dates of taxes which are enacted. I complained during the last Session about tax anticipation notes and suggested that we study the



due dates of the various taxes. I introduced a resolution to that effect on August the 5th, and the resolution is still in committee.

I understand from official of the Treasury Department, and they so testified here at the public hearings on the budget, that if the due date on the corporate taxes were changed so that payments would be made at least on a quarterly basis, we would have a steady flow of money coming into the State Treasury and, as a result, we would eliminate the necessity of running to the Wall Street bankers.

Mr. President, I agree with Senator Barr that since this sort of financing can be eliminated, I refuse to vote for this bill or any other bills which will require this great Commonwealth to run to Wall Street to borrow money to finance our obligations.

Mr. SEYLER. Mr. President, it is very interesting to study the early history of the medical profession in the days when science was not as far along as it is today. If you would study it, you would find that the chief method of treating almost any disease in those early days was by bleeding. Scientific evidence has disclosed that more people died probably from the treatment they received, by bleeding, than recovered and we have now substituted much more sane cures.

The reason I mention this fact is because I am convinced that the good doctors, upon whom I do not wish to reflect, have chosen this outmoded technique to cure the present ailments of the Commonwealth. This bill is a bleeding bill. It is a bill which would follow the same principles that those medieval doctors, pre-scientific, had in mind when they inflicted bleeding upon the patient.

Mr. President, what will bleeding do? It will draw off the pressure, first of all, and that is one thing that these doctors thought was a good thing. When you bled the patient, you drew off the pressure, the bad blood which was forming a pressure upon the injured person. Actually, of course, the effect of bleeding upon those patients was to leave them weaker than they were before that remedy was imposed. That is exactly what this bill will do, too, because this bill will require the raising of additional money to take care of the interest on this borrowing which is proposed.

I say, let us discuss this matter not according to the medieval practices of the old doctors, but let us discuss it sanely and scientifically. We do have an ailment and there is no question about it. The Commonwealth lacks money; it lacks money to carry on its schools; it lacks money to furnish money to its hospitals, to its institutions and this is a serious ailment. This ailment becomes more critical as the time approaches when these loans must be paid. We do face the problem of closing schools, but let us not meet it by a remedy which will weaken the patient and which, if continued until next April or perhaps the April after that, may kill the patient. Let us, instead, use the remedy which is indicated by good scientific practice. Of course, that remedy is very clear and that is to get down to the business of passing the necessary taxes to take care of the Commonwealth's needs.

Mr. President, I think a bit of sophistry is being practiced here on the people of Pennsylvania, particularly those who are interested in the welfare of the schools. I think it is a well known axiom, and one in which every

Member of this Senate would agree, that you cannot get something for nothing.

Mr. President, the appearance is being made here that by passing this piece of legislation, the problem will somehow be solved and we can all go back to the friendly type of bickering and reading of newspapers while other Members are speaking which are so typical sometimes of the practices of this house. This will not happen, however. This bill, as Senator Yosko said, will solve not one thing. As a matter of fact, as I have indicated, it will only get us deeper into debt and will require the raising ultimately of more money.

I submit that this bill is just pure bad business. It is the kind of business for which any responsible corporation employee who would recommend it would be fired. It is the kind of business that in our local government any County Commissioner, or any member of city council, who recommended this kind of financing would be rebuked by the people at the next election. We have some Senators here who are members of county commissions. We have two of them, and both of them I think are fine commissioners, and I would like to ask them, would they in their counties like to recommend this type of a financing plan? I am sure they would not, because I know something about the financial situation, I know something about the borrowing rate in these counties that I am talking about, and I know that they have a good reputation and are soundly financed and they would reject this plan. Why should we, on a State level, take up a type of financing which would be rejected down on the local level and which men who may vote for this bill would certainly hesitate and fear to impose on the people of a local district?

Senator Yosko presented us some hard facts and I wanted to listen to them and I hope everybody did. They are the kind of things which are unpleasant to face up to, because they represent the use of arithmetic which is not quite as easy to twist around as is a speech on the floor of this Senate. I listened to his remarks and I attended them pretty carefully, and I came to one conclusion. As I see it, and I will allow the Senator to check on my estimates here, but I have estimated and as I understand it, this bill would cost us, in interest, about a million and one-half dollars. I think it is pretty safe to say that the delays which have been caused by our failure to enact a tax program would cost us another million, in borrowing what we already have, in order to keep going. That amounts, if my arithmetic is correct, to about \$2,500,000, none of which would have been necessary had we been able to pass a tax program according to schedule.

Mr. President, some comment has been given to the fact that the purpose of this bill was to appeal to the teachers. I am not going to say that. I do not suspect either one of these Senators of making such a crass type of appeal, and I do not think that is true. However, for those who are interested I would say this, that I know something about the policy of the schoolteachers' organization, the P.S.E.A., and I think I am correct in saying that they are on record as being in favor of, and willing to support, any broad base tax which will solve the needs of the Commonwealth as far as the adequate financing of schools is concerned.

Mr. President, we have already presented to this Senate



two such board base taxes. The gentleman from Armstrong who spoke recently and made a personal reference to me, which I hope he will excuse my referring to him, has as I understand in the newspapers had quite a torturous time with this latest tax program. In the beginning, I believe he was quoted as saying he was for it. Then without any changes in the bill, I believe he said that he was against it. Then later I heard that he was for it, or at least he was going to vote for it. Again I heard, or read in the newspaper, that he said, "No," he is against it. I would like to tell him this, that I doubt very much that the people who want good schools in this Commonwealth, and whom he is so concerned about, are going to care very much for the rationalistic process he went through on these bills. What they are interested in is getting a tax program, a broad base type of tax program, which will finance the needs of the Commonwealth.

I do not think there is any purpose in trying to fool the schoolteachers or any other persons who are interested in good education in this Commonwealth. They would like to see all of us, gentlemen, pass a tax program which would make good schools possible. There is no use trying to put in any sort of subterfuges to try to fool them because I think they are intelligent enough to follow it.

Here is my point which I started to make earlier with that little digression. If it is true that fooling around with the type of processes that the gentleman from Armstrong apparently went through over two tax bills will cost this Commonwealth, if this bill passes, \$2,500,000, and if it is due to the intellectual processes, the rationalizations of twenty-six Senators, gentlemen, if you figure this out per Senator it comes to a per capita cost to the Commonwealth of \$100,000.

Mr. President and gentlemen of the Senate, I love all of you. I think you are a credit to this Senate, to your community, but, gentlemen, at \$100,000 you come high. You are almost in the luxury category. In fact, you may continue this to the point that other people will join me in that opinion. I would ask you to face this problem squarely. Let us not engage in subterfuges here which are going to cost us additional money, but let us meet the problem and solve the problem by passing a tax program, two of which have been offered. We can go on offering them indefinitely, but the fact remains that sooner or later you are going to have to vote for one and, meanwhile, you are costing the Commonwealth money; you are imperiling the schools. The suggestions that you make now to relieve the situation will not solve the problem and, furthermore, will cost us \$1,500,000 which by itself is \$60,000 per Senator.

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

#### YEAS—26

Berger,	Kessler,	Pechan,	Van Sant,
Blass,	Koprivier, Jr.,	Peelor,	Wade,
Chapman,	Madigan,	Propert,	Wagner,
Diehm,	Mahany,	Scott,	Watkins,
Flack,	Mallery,	Stevenson,	Watson,
Fleming,	McPherson, Jr.,	Taylor,	Whalley,
Harney,			Wolfe,

#### NAYS—20

Barr,	Haluska,	McGinnis,	Seyler,
Camel,	Haya,	Miller,	Silvert,

Dent,  
Derk,  
Donolow,

Holland,  
Lane,  
McCreesh,

Mullin,  
Ruth,  
Schmidt,

Stiefel,  
Weiner,  
Yosko,

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present the said bill to the House of Representatives for concurrence.

### SECOND READING CALENDAR

#### BILL RECOMMENDED

Mr. MAHANY. Mr. President, I move that Senate Bill No. 242, on second reading, entitled:

An Act amending the act of July 28, 1953 (P. L. 723) entitled "Second Class County Code" removing the requirement that interest be paid by employees seeking reinstatement in the retirement system or seeking credit in the retirement system for previous service

be recommitted to the Committee on Local Government.

Mr. KOPRIVER, JR. Mr. President, I second the motion.

The motion was agreed to.

#### BILLS OVER IN ORDER

Mr. MAHANY. Mr. President, I ask unanimous consent that the following bills, on second reading, go over in their order:

Senate Bill No. 317, Printer's No. 394;

Senate Bill No. 318, Printer's No. 388;

Senate Bill No. 335, Printer's No. 425; and

Senate Bill No. 446, Printer's No. 376.

The PRESIDENT. Is there objection? The Chair hears none

#### BILL RECOMMENDED

Mr. MAHANY. Mr. President, I move that Senate Bill No. 494, on second reading, entitled:

An Act relating to the operation of vending stands and business enterprises by blind persons on property owned or leased by the Commonwealth or any of its agencies

be recommitted to the Committee on State Government.

Mr. WATKINS. Mr. President, I second the motion.

The motion was agreed to.

#### BILLS OVER IN ORDER

Mr. MAHANY. Mr. President, I ask unanimous consent that the following bills, on second reading, go over in their order:

Senate Bill No. 512, Printer's No. 396;

Senate Bill No. 513, Printer's No. 397;

Senate Bill No. 598, Printer's No. 399;

Senate Bill No. 599, Printer's No. 400;

House Bill No. 756, Printer's No. 1208;

Senate Bill No. 820, Printer's No. 421;

Senate Bill No. 828, Printer's No. 389;

Senate Bill No. 830, Printer's No. 324;

Senate Bill No. 831, Printer's No. 325;

Senate Bill No. 832, Printer's No. 326;

Senate Bill No. 854, Printer's No. 415;

Senate Bill No. 855, Printer's No. 416;

Senate Bill No. 856, Printer's No. 417;

House Bill No. 856, Printer's No. 248; and

Senate Bill No. 857, Printer's No. 383.



The PRESIDENT. Is there objection? The Chair hears none.

### BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 867, entitled:

An Act amending the act of April 12, 1951 (P. L. 90) entitled "An act relating to alcoholic liquors alcohol and malt and brewed beverages . . ." permitting the sale and possession of wine in packages not bearing the official seal of the board

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 868, entitled:

An Act authorizing the Department of Forests and Waters to exchange certain lands located in Union Township Bedford County Pennsylvania necessary for improved administration of Blue Knob State Park

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

### BILL ON SECOND READING AMENDED

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 881, entitled:

An Act declaring the public interest in certain historic sites and buildings and providing for certificates and markers

The first section was read.

On the question,

Will the Senate agree to the section?

Mr. STIEFEL offered the following amendment:

Amend Sec. 1, page 2, lines 4 and 5, by striking out "which shall be taken into consideration in any legal" in line 4 and all of line 5.

It was agreed to.

The section was agreed to as amended.

The second, third and fourth sections and title were read and agreed to.

And said bill having been read at length the second time, as amended,

On the question,

Will the Senate agree to the bill on second reading, as amended?

### BILLS OVER IN ORDER

Mr. MAHANY. Mr. President, I ask unanimous consent that Senate Bill No. 881, Printer's No. 403, on second reading, go over in its order, as amended.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. MAHANY. Mr. President, I ask unanimous consent that the following bills, on second reading, go over in their order:

Senate Bill No. 889, Printer's No. 404;  
Senate Bill No. 890, Printer's No. 405;  
Senate Bill No. 891, Printer's No. 406;  
Senate Bill No. 892, Printer's No. 414;  
Senate Bill No. 893, Printer's No. 407;  
Senate Bill No. 894, Printer's No. 408;  
Senate Bill No. 895, Printer's No. 409; and  
Senate Bill No. 896, Printer's No. 410.

The PRESIDENT. Is there objection? The Chair hears none.

### BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 986, entitled:

An Act relating to chattel mortgages executed and filed prior to July 1, 1954 regulating the assignment release satisfaction and extension of the lien of mortgages and the filing indexing and docketing thereof in prothonotaries' offices prescribing methods of foreclosure defining defaults and violations prescribing prothonotaries' fees and fixing penalties

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 1002, entitled:

An Act relating to conditional sales made prior to July 1, 1954

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 1089, entitled:

An Act amending the act of May 17, 1921 (P. L. 682) entitled "The Insurance Company Law of 1921" defining and providing for the establishment maintenance and the amount of and use of unearned premium reserves the release of unearned premiums reserves for unpaid losses and loss expense and the investment of reserve funds

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 1091, entitled:

An Act amending the act of May 17, 1921 (P. L. 682)



entitled "The Insurance Company Law of 1921" providing for and regulating the investments of title insurance companies

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

### BILL ON SECOND READING AMENDED

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 1160, entitled:

An Act amending the act of June 16, 1936 (P. L. 715) entitled "An act relating to Reference and Arbitration" providing for payment by the county of part of arbitrator's fees in certain cases

The first section was read.

On the question,

Will the Senate agree to the section?

Mr. MAHANY offered the following amendment:

Amend Sec. 1 (Sec. 27), page 2, lines 8 and 9, by striking out "twenty-five" and inserting in lieu thereof: "fifty."

It was agreed to.

The section was agreed to as amended.

The title was read and agreed to.

And said bill having been read at length the second time, and agreed to as amended,

Ordered, To be transcribed for a third reading.

### BILL ON SECOND READING AMENDED

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 1174, entitled:

An Act amending the act of March 10, 1949 (P. L. 30) entitled "Public School Code of 1949" by providing for military leaves of absence for public school employees who are drafted for military service at any time

The first section was read.

On the question,

Will the Senate agree to the section?

Mr. PECHAN offered the following amendment:

Amend Section 1 (clause (a) of Section 1176), page 2, line 10, by striking out the word "drafted" and inserting in lieu thereof the following "inducted."

It was agreed to.

The section was agreed to as amended.

The second and third sections and title were read and agreed to.

And said bill having been read at length the second time, and agreed to as amended,

Ordered, To be transcribed for a third reading.

### BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 1188, entitled:

An Act amending the act of April 9, 1929 (P. L. 343) entitled "The Fiscal Code" limiting interest payments on refund of money subject to escheat to moneys originally on deposit as interest bearing items

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

### BILLS OVER IN ORDER

Mr. PECHAN. Mr. President, I ask unanimous consent that the following bills, on second reading, go over in their order:

House Bill No. 1222, Printer's No. 1161;

House Bill No. 1223, Printer's No. 1163;

House Bill No. 1294, Printer's No. 1210; and

House Bill No. 1330, Printer's No. 800.

The PRESIDENT. Is there objection? The Chair hears none.

### BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 1552, entitled:

An Act authorizing and directing the Governor on behalf of the Commonwealth of Pennsylvania to execute an interstate compact concerning juveniles and for related purposes.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 1722, entitled:

An Act amending the act of May 15, 1933 (P. L. 624) entitled as amended "Banking Code" further regulating changes of places of business and establishment of branches.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

### BILL OVER IN ORDER

Mr. LANE. Mr. President, I ask unanimous consent that House Bill No. 1736, Printer's No. 956, on second reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

### BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 1737, entitled:

An Act amending the act of May 5, 1933 (P. L. 457) entitled "Building and Loan Code" regulating the estab-



lishment of places of business and changes in the places of business and the establishment and maintenance of branches.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 1879, entitled:

An Act to provide revenue for Commonwealth purposes by imposing a tax on the manufacture use storage or purchase of certain manufactured tangible personal property providing for licenses reports payments of tax interest and penalties assessments collections liens reviews and appeals conferring powers and imposing duties upon the Department of Revenue public officers manufacturers wholesalers retailers corporations partnerships associations and individuals and making an appropriation

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

### INTERROGATION

Mr. DENT. Mr. President, I desire to interrogate the gentleman from Crawford, Senator Mahany.

The PRESIDENT. Will the gentleman from Crawford, Mr. Mahany, permit himself to be interrogated?

Mr. MAHANY. I will, Mr. President.

Mr. DENT. Mr. Mahany, I have a Member of the Senate who is in the hospital with a very serious eye ailment. I would like to know from you, if you can tell me, whether or not there is going to be a decisive vote on the tax legislation tomorrow in order that I may try to make arrangements to have this Member present on the floor, since I understand that is the dictate. If we are going to vote for the bill tomorrow, I will try to arrange to have him down here tomorrow by ambulance.

Mr. MAHANY. As far as I know, Senator, we expect to vote on the tax bill tomorrow.

Mr. DENT. I do not like that "as far as I know." Will you tell us if it is on the agenda for tomorrow or is it not on the agenda?

Mr. MAHANY. You asked me my opinion as to whether or not we were going to vote on the bill and, as I am saying, as far as I know we are.

Mr. DENT. Would it be all right if we call it up tomorrow for a vote, if I get this man down here out of the hospital?

Mr. MAHANY. You will not need to call it up, Senator. I am telling you that it probably will be voted on tomorrow.

Mr. DENT. Will you give me an approximate time so that he does not have to spend too much time out of the hospital?

Mr. MAHANY. If you will tell me how long you expect to talk, I will be able to figure out how long the session will last. Will you give me an approximate time as to how long you are going to talk on it?

Mr. DENT. I will talk as long as it is necessary to make the necessary points which are important to the legislation, which might require ten minutes, or fifteen and gain it might take a couple hours. You tell me when

you are going to hold the Session and I will do my best to tail it in.

Mr. MAHANY. About eleven o'clock tomorrow night, Senator.

Mr. DENT. You are going to have the vote at eleven o'clock tomorrow night, thank you.

Mr. MAHANY. It will depend on your speech. You evidently are inferring that you are going to talk a long while, and I figured that I would give a little leeway there and make it eleven o'clock.

Mr. DENT. That is all I wanted to know. If it will be eleven o'clock, I will have my man here at eleven o'clock. Thank you.

Mr. MAHANY. You know I cannot tell you exactly when the vote will be taken. You will not tell me how much debate you are going to have, so how in the world would anybody be able to tell you exactly what time this bill will be voted on?

Mr. DENT. If you make it a Special Order of Business, Senator, and I would be glad to go along with you on that basis, you can call for it at that time and that will shut me up very nicely.

Mr. MAHANY. Making it a Special Order of Business, Senator, only makes it the order of business at the time we call bill up and it does not set a special time for having a vote on the bill.

Mr. DENT. You can depend upon me giving consideration to this man.

Mr. MAHANY. Senator, we expect to go into Session tomorrow afternoon at one o'clock p. m. I cannot go beyond that, and sometime during the afternoon we expect to reach this bill and we will vote on it.

Mr. DENT. I will try to get the gentleman down here tomorrow and if he is not here, I promise to talk until he gets here.

### BILLS ON FIRST READING

Mr. PECHAN. Mr. President, I move that the Senate do now proceed to the first reading of all bills reported from committees for the first time at today's session.

Mr. BERGER. Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 641, entitled:

An Act amending the act of May 1, 1933 (P. L. 103) entitled "The Second Class Township Code," authorizing the appointment of sanitary boards and sanitary officers prescribing their powers and duties providing for the enforcement of the administration of health laws by such boards and officers providing for a president and secretary of such boards imposing duties on the Secretary of Health and providing for payments of expenses by townships.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 655, entitled:

An Act amending the act of August 24, 1951 (P. L. 1304) entitled "Local Health Administration Law," extending the provisions thereof to counties of the first class and to municipalities located in counties of the first class



And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 900, entitled:

An Act amending the act of July 7, 1947 (P. L. 1368), entitled "Real Estate Tax Sale Law," clarifying the provisions of the act relating to private sales of certain properties by the Tax Claim Bureau.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 901, entitled:

An Act amending the act of August 9, 1955 (Act No. 130), entitled "The County Code," fixing the time for the annual report by the county auditors to the court of common pleas, and changing the provisions relating to the appointment of depositories of county funds.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 906, entitled:

An Act amending the act of June 20, 1947 (P. L. 745), entitled "An act to provide revenue for school districts of the first class by imposing a temporary mercantile license tax on persons engaging in certain occupations and businesses therein; . . ." as amended, by changing the penalties on taxes not paid when due.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

#### ADJOURNMENT

Mr. PECHAN. Mr. President, I move that the Senate do now adjourn until Wednesday, December 14, 1955, at 1:00 o'clock, p.m., Eastern Standard Time.

Mr. CAMIEL. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 7:14 o'clock, p.m., Eastern Standard Time, until Wednesday, December 14, 1955, at 1:00 o'clock, p.m., Eastern Standard Time.



## HOUSE OF REPRESENTATIVES

TUESDAY, December 13, 1955

The House met at 1:00 p. m.

The SPEAKER (Hiram G. Andrews) in the Chair.

## PRAYER

The Reverend Bradley T. Gaver, Pastor of First English Lutheran Church, Columbia, guest Chaplain, offered the following prayer:

O God, the Creator and Preserver of all mankind, God of the nations, and Lord of the whole earth, do Thou of Thine infinite goodness direct the hearts of all who beareth authority. Help them with the power of Thine Holy Spirit to make laws in accordance with Thy will, and for the advancement of righteousness among Thy people. Protect them from the snares of the enemy and the deceits of the world; let no pride of power betray them into rejection of Thy commandments; and grant that all our executives and officials and our whole people may with one mind serve Thee. Grant us vision so that our Commonwealth may be a place of justice where none shall prey on others; a place of plenty, where vice and poverty shall cease to fester; a place of brotherhood where all success shall be founded on service, and honor shall be given to Thee alone; a place of peace where order shall not rest on force but on the love of all its inhabitants. Hear Thou, O Lord, the silent prayer of all our hearts as we pledge our time and strength and thought to speed the day when Thy will shall be done and Thine kingdom come upon this earth. In Jesus Christ our Lord. Amen.

## JOURNAL APPROVAL POSTPONED

The SPEAKER. If there is no objection, the approval of the Journal for Monday, December 12, 1955 will be postponed until printed. The Chair hears none.

## WILSON JOINT HIGH SCHOOL STUDENTS WELCOMED

The SPEAKER. The Chair welcomes to the Hall of the House a delegation of 120 seniors from the Wilson Joint High School of Berks County who are here with us under the supervision of their teachers, Mr. Lloyd Miller, Mr. John Wise and Mr. Carl Constain.

They are the guests of the gentlemen from Berks, Messrs. Adam and Readinger.

That is a delegation to be proud of.

## RESOLUTIONS INTRODUCED AND REFERRED

By Messrs. FRANK and BONNER.

## RESOLUTION No. 137.

In the House of Representatives, December 12, 1955.

The Post Office Department of the United States proposes to transfer the hauling of the mails from the Jersey Central Lines to highway trucks.

This action will seriously affect the jobs and family life of railroad employees resident in Pennsylvania and the economies of the localities in which they live.

The transportation of the mails over public highways will enhance highway congestion, decrease highway safety and materially add to the burden of maintaining and repairing public highways; therefore be it

Resolved, That the House of Representatives of the Commonwealth of Pennsylvania memorialize the Congress of the United States, Hon. Olin D. Johnston, Chairman of the Senate Committee on Post Office and Civil Service, and

Postmaster General Summerfield to refrain from taking any action at this time on a proposal which is already aggravated by the current transit situation and request that they withhold any action or determination on this proposed transfer of work at least until the New Jersey State Transit Commission has completed its study in reference thereto; and be it further

Resolved, That a copy of this resolution be transmitted to the presiding officers of each House of the Congress of the United States and to each Senator and Representative from Pennsylvania in the Congress of the United States, as well as to Hon. Olin D. Johnston, Chairman of the Senate Committee on Post Office and Civil Service, and Postmaster General Summerfield.

Referred to the Committee on Rules.

By Messrs. MULDOWNEY, McKEEVER, FRASCELLA and McCORMACK. RESOLUTION (Not Printed)

In the House of Representatives, December 13, 1955.

LaSalle High School brought its greatest football season to a climax by winning the Philadelphia schoolboy championship and the Philadelphia Evening Bulletin Cup on Saturday, December 10, 1955, on its first try in the annual inter-league classic on Franklin Field, Philadelphia.

The Little Explorers, winners of the Catholic League title for the first time in 35 years, parlayed an impregnable defense with an amazing ground attack to roll over Northeast High School, winners of the Public League, 26-0, in the 18th annual city title playoff before 20,000 shivering fans.

In racking up its well-deserved victory, LaSalle completely outplayed its Public League rivals and finished a perfect season with a string of ten straight victories. Moreover, the Little Explorers lived up to their reputation as a defensive team by blanking Northeast High School, thus making it eight straight games in which its opposition failed to score. It was the first setback for Northeast after eight wins in succession.

The victory was a well-deserved reward for Jim Gallagher, who completes his fourth season as head coach, and the entire football team and student body of LaSalle. It takes good coaching and talented, hardworking players, plus the full support of the student body to make a champion; therefore be it

Resolved, That the House of Representatives of the Commonwealth of Pennsylvania extends its sincerest congratulations and commendations to the LaSalle High School, the football team and its head coach, Jim Gallagher, and the student body for their great record on the gridiron and on the attainment of a much prized championship; and be it further

Resolved, That copies of this resolution be sent to the LaSalle High School at Philadelphia, Pennsylvania and to Jim Gallagher, its football coach.

Referred to the Committee on Rules.

## SENATE MESSAGE

## COMMITTEE TO ESCORT GOVERNOR

The Clerk of the Senate being introduced presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, December 12, 1955.

Resolved (the House of Representatives concurring), That a committee of three on the part of the Senate be appointed to act with a similar committee on the part of the House of Representatives (if the House shall appoint such committee), to escort His Excellency the Governor to the Hall of the House of Representatives to address the members of the General Assembly in Joint Session, pursuant to a resolution already adopted by the Senate and the House of Representatives.



Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

On the question,

Will the House concur in the resolution of the Senate?

It was concurred in.

Ordered, That the Clerk inform the Senate accordingly?

## SENATE MESSAGE

### HOUSE BILLS CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bills from the House of Representatives numbered and entitled as follows:

#### HOUSE BILL No. 1319.

An Act amending the act of May 1 1933 (P. L. 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" clarifying the effect of certain provisions of the act with respect to powers granted by other laws.

#### HOUSE BILL No. 1378.

An Act amending the act of May 20 1915 (P. L. 566) entitled "An act requiring cities of the first class to establish a pension fund for employes of said cities and all county or other public employes if any paid by appropriation of the city councils thereof and out of the treasury of said cities and regulating the administration and the payment of such pensions" increasing period of school service for which credit may be given.

#### HOUSE BILL No. 1392.

An Act amending the act of May 10, 1939 (P. L. 111) entitled "An act relating to and providing for the promotion and development of business industry and commerce in the Commonwealth conferring powers and duties upon the Department of Commerce and other agencies of the Commonwealth abolishing the Pennsylvania State Publicity Commission terminating the terms of its members and conferring its powers upon and transferring and appropriating the balance of its current appropriation to the Department of Commerce and repealing certain laws" granting to and imposing certain powers and duties on the Department of Commerce relating to planning programs assistance and other work heretofore administered by the State Planning Board and transferring records and equipment relative thereto

#### HOUSE BILL No. 1790.

An Act giving the consent of the Commonwealth of Pennsylvania to the acquisition by the United States of America of approximately one thousand two hundred sixty-six acres of land in the Township of Coolbaugh County of Monroe Pennsylvania known as Tobyhanna Signal Depot and ceding jurisdiction to the United States.

With the information that the Senate has passed the same without amendment.

## BILLS SIGNED BY SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

#### HOUSE BILL No. 1319.

An Act amending the act of May 1 1933 (P. L. 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" clarifying the effect of certain provisions of the act with respect to powers granted by other laws.

#### HOUSE BILL No. 1378.

An Act amending the act of May 20 1915 (P. L. 566) entitled "An act requiring cities of the first class to establish a pension fund for employes of said cities and all county or other public employes if any paid by appropriation of the city councils thereof and out of the treasury of said cities and regulating the administration and the payment of such pensions" increasing period of school service for which credit may be given.

#### HOUSE BILL No. 1392.

An Act amending the act of May 10 1939 (P. L. 111) entitled "An act relating to and providing for the promotion and development of business industry and commerce in the Commonwealth conferring powers and duties upon the Department of Commerce and other agencies of the Commonwealth abolishing the Pennsylvania State Publicity Commission terminating the terms of its members and conferring its powers upon and transferring and appropriating the balance of its current appropriation to the Department of Commerce and repealing certain laws" granting to and imposing certain powers and duties on the Department of Commerce relating to planning programs assistance and other work heretofore administered by the State Planning Board and transferring records and equipment relative thereto

#### HOUSE BILL No. 1790.

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Whereupon,

The SPEAKER, in the presence of the House, signed the same.

The SPEAKER. The Chair requests the gentleman from McKean, Mr. Johnson, to preside temporarily.

Mr. JOHNSON IN THE CHAIR

## SENATE MESSAGE

### REORGANIZATION PLANS

The Clerk of the Senate being introduced, informed that the Senate has adopted the following Reorganization Plan Resolutions:

Resolved That Reorganization Plan No. 2 of 1955 transmitted to the General Assembly under date of November 14, 1955 which is incorporated herein by reference, be approved

Resolved, That Reorganization Plan No. 3 of 1955 transmitted to the General Assembly under date of November 14, 1955 which is incorporated herein by reference, be disapproved

Resolved, That Reorganization Plan No. 4 of 1955 transmitted to the General Assembly under date of November 14, 1955 which is incorporated herein by reference, be disapproved

Resolved, That Reorganization Plan No. 5 of 1955 transmitted to the General Assembly under date of November 14, 1955 which is incorporated herein by reference, be approved

## LEAVES OF ABSENCE

By unanimous consent leave of absence was granted as follows:

Mr. Thomas H. W. Jones for Mr. BRENNINGER for the remainder of the week.



## REPORTS FROM COMMITTEES

Mr. ROBERT K. HAMILTON from the Committee on State Government, reported as committed, House Bill No. 1395, entitled:

An Act amending the act of May 1, 1913 (P. L. 155), entitled "An act regulating the letting of certain contracts for the erection, construction and alteration of public buildings," further regulating the letting of such contracts.

Mr. MIHM from the Committee on Judiciary, reported as committed, House Bill No. 1570, entitled:

An Act amending the "Jury Law, Second Class County" approved May 11, 1925 (P. L. 561), authorizing the president judge of the court of common pleas to transfer and assign jurors summoned to serve in any court, civil and criminal, of the county, and changing form of venire and summons to comply therewith.

Mr. MULDOWNEY from the Committee on State Government, reported as committed, House Bill No. 1846, entitled:

An Act relative to Commonwealth printing, establishing requirements of responsible bidders, prohibiting the award of contracts for such printing to other than responsible bidders as certified by the Secretary of Labor and Industry, and prescribing penalties.

Mr. MIHM from the Committee on Judiciary, reported as committed, House Bill No. 1894, entitled:

An Act amending "The Penal Code" of June 24, 1939 (P. L. 872), making it unlawful to listen into deliberations of juries and for unauthorized persons to be present in grand jury room.

Mr. SARRAF from the Committee on Rules, reported as committed, House Bill No. 1911, entitled:

An Act amending the "Municipality Authorities Act of 1945" approved May 2, 1945 (P. L. 382) further regulating the sale of Authority bonds.

Mr. POMEROY from the Committee on State Government, reported as committed, House Bill No. 1914, entitled:

An Act authorizing the Department of Property and Supplies, with the approval of the Governor, to sell and convey, one acre, and eighteen square perches, more or less, of land, situate in Buckingham Township, Bucks County.

Mr. LEVEN from the Committee on Judiciary, reported as amended, House Bill No. 1921, entitled:

An Act making certain warrants for the confession of judgment executed in connection with contracts relating to repairs, alterations, additions, or improvements to buildings invalid and unenforceable and restricting the right to enter judgment by confession upon warrants executed in connection with contracts relating to repairs, alterations, additions, or improvements to buildings.

Mr. ROBERT K. HAMILTON from the Committee on State Government, reported as committed, Senate Bill No. 460, entitled:

An Act amending the act of April 9, 1929 (P. L. 343) entitled "An act relating to the finances of the State government; \* \* \* changing provisions relating to the time for filing of certain petitions for refunds.

Mr. PACCHIOLI from the Committee on Judiciary, reported as committed, Senate Bill No. 582, entitled:

An Act amending the act of August 19, 1953 (P. L. 1104)

entitled "An act relating to the acknowledgement of instruments; \* \* \* extending affidavit provisions to include the spouse of a member of the armed forces.

Mr. TOLL from the Committee on Judiciary, reported as committed, Senate Bill No. 480, entitled:

An Act amending the act of May 25, 1951 (P. L. 415) entitled "An act relating to habeas corpus conferring jurisdiction upon the judges of the courts of common pleas; \* \* \* extending jurisdiction as to habeas corpus to courts of quarter sessions.

Mr. HORST from the Committee on State Government, reported as committed, Senate Bill No. 574, entitled:

An Act authorizing the Pennsylvania Historical and Museum Commission to acquire by gift the Old Brown's Mill building and project in Antrim Township Franklin County and providing for its maintenance and control.

Mr. FLINT from the Committee on Counties, reported as amended, Senate Bill No. 767, entitled:

An Act amending the "County Code" approved August 9, 1955 (Act No. 130) \* \* \* changing technical provisions with respect to plans required to be submitted to the county planning commission.

Mr. MIHM from the Committee on Judiciary, reported as amended, Senate Bill No. 780, entitled:

An Act amending the "Fire and Bankruptcy Sales etc Act" approved July 2, 1937 (P. L. 2821) \* \* \* making the provisions of the act affective in municipalities and townships further regulating statements of inventories further regulating the issuance renewal denial and refusal of licenses and the conduct of sales designating certain actions as violations of the act authorizing appeals from refusal or denial to issue licenses.

Mr. SARRAF from the Committee on Rules, reported as committed, Senate Resolution, Serial No. 158.

Mr. BRETH from the Committee on Rules, reported as committed, Senate Resolution, Serial No. 156.

Mr. KOLANKIEWICZ from the Committee on Rules, reported as committed, Senate Resolution, Serial No. 145.

Mr. KOLANKIEWICZ from the Committee on Rules, reported as committed, Senate Resolution, Serial No. 155.

Mr. BRETH from the Committee on Rules, reported as committed, House Resolution No. 76.

Mr. STANK from the Committee on Rules, reported as committed, House Resolution No. 116.

Mr. BRETH from the Committee on Rules, reported as committed, House Resolution No. 152.

## DEMOCRATIC CAUCUS

Mr. READINGER. Mr. Speaker, may I request a recess of the House for the purpose of holding a Democratic Caucus at 2 p. m. in the new House Caucus Room.

## REPUBLICAN CAUCUS

Mr. CHARLES C. SMITH. Mr. Speaker, it is my understanding that we are going to recess immediately. If that be true, I would like to hold a Republican Caucus immediately in the Republican Caucus Room and we will be back in the House, I suppose, at 3 o'clock. Will that be all right, Mr. Readinger?

Mr. READINGER. I think the Chair, if it will, should declare a recess until 3 p. m.

Mr. CHARLES C. SMITH. If that is right, Mr. Speaker,



we would like to hold a Republican Caucus immediately in the old House Caucus Room.

### RECESS

The SPEAKER pro tempore. Announcements have been made by the Democratic Leader that there will be a Democratic Caucus at 2:00 p. m. and by the Republican Leader that there will be a Republican Caucus immediately.

If there is no objection, the Chair will declare a recess until 3:00 p. m. The Chair hears none.

### AFTER RECESS

The time of recess having expired, the House was called to order.

The SPEAKER (Hiram G. Andrews) in the Chair.

### BILLS INTRODUCED AND REFERRED

By Miss LEIBY. HOUSE BILL No. 1929.

An Act amending the "Public School Employes Retirement Law" approved July 18, 1917 (P. L. 1043) correcting the names of certain institutions.

Referred to the Committee on Appropriations.

By Mr. ERB. HOUSE BILL No. 1930.

An Act amending the "The Borough Code" of May 4, 1927 (P. L. 519), increasing the permissible tax rate.

Referred to the Committee on Boroughs.

By Mr. STROUP. HOUSE BILL No. 1931.

An Act authorizing the Department of Property and Supplies to exchange land located in Union Township, Bedford County, Pennsylvania, necessary for improved administration of Blue Knob State Park.

Referred to the Committee on State Government.

By Mr. A. PATRICK BRENNAN. HOUSE BILL No. 1932.

An Act amending the act of July 12, 1935 (P. L. 677), entitled "An act to fix the status of officers and employes of the Commonwealth and political subdivisions thereof while in training with the armed forces of the United States," including members of the United States Air Corps.

Referred to the Committee on Military Affairs.

By Mr. MATT S. ANDERSON. HOUSE BILL No. 1933.

Amending "The Administrative Code of 1929," approved April 9, 1929 (P. L. 177), clarifying institutions for the deaf subject to supervision and inspection of the State Council of Education.

Referred to the Committee on Education.

### SENATE MESSAGE

#### SENATE BILLS FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence, bills numbered and entitled as follows:

SENATE BILL No. 38.

An Act making an appropriation to the Department of Health for payments to municipalities and municipality authorities under the provisions of the act of August twentieth one thousand nine hundred and fifty-three (P. L.

1217) entitled "An act providing for payments by the Commonwealth to municipalities which have expended money to acquire and construct sewage treatment plants in accordance with the Clean Streams Program \* \* \*" and for the acquisition and construction of certain sewage treatment plants.

Referred to the Committee on Appropriations.

SENATE BILL No. 215.

An Act amending the "State Public School Building Authority Act" of March 10, 1949 (P. L. 30) \* \* \* changing the basis for reimbursement on account of rentals payable to the State Public School Building Authority municipality authorities and nonprofit corporations and the conditions therefor and limitations on approval of projects for reimbursement purposes.

Referred to the Committee on Education.

SENATE BILL No. 383.

An Act amending the "Ice Cream Law" of May 20, 1949 (P. L. 1594) \* \* \* authorizing and regulating the manufacture and sale of artificially sweetened ice cream for diabetics.

Referred to the Committee on Agriculture and Dairy Industries.

SENATE BILL No. 600.

An Act to amend clause (2) of the second paragraph of section 493 as amended of the "Liquor Code" approved the twelfth day of April one thousand nine hundred fifty-one (P. L. 90) \* \* \* by permitting sales on credit of liquor malt or brewed beverages by railroad or pullman companies in dining club or buffet cars to passengers for consumption while enroute holding authorized credit cards issued by railroad or railroad credit bureaus.

Referred to the Committee on Liquor Control.

SENATE BILL No. 657.

An Act amending the act of August 22, 1953 (Appropriation Acts 101) entitled "An act making an appropriation to the Elwyn Training School at Elwyn in the County of Delaware Commonwealth of Pennsylvania and prescribing certain conditions upon which the appropriation will be available to the school" increasing the per capita annual maintenance rate of wards of the Commonwealth.

Referred to the Committee on Appropriations.

SENATE BILL No. 695.

An Act amending the "Banking Code" of May 15, 1933 (P. L. 624) \* \* \* by further providing for the power of bank and trust companies and trust companies to establish and maintain mortgage investment funds.

Referred to the Committee on Banking and Building and Loan Associations.

SENATE BILL No. 834.

An Act validating and confirming certain contracts heretofore entered into by municipality authorities for the construction of a school building project or projects and for relevant service contracts as a part of the construction when there is no evidence of fraud or conspiracy and authorizing or ratifying payments on such contracts or parts of contracts by the municipality authority upon approval thereof by the Department of Public Instruction and the Department of Justice.

Referred to the Committee on Education.



## SENATE BILL No. 836.

An Act amending the act of July 12, 1919 (P. L. 941) entitled "An act providing for the preparation contents style printing and binding of the Legislative Journal; \* \* \*" eliminating requirements for printing bills joint resolutions and reports of conference committees in full in the Legislative Journal.

Referred to the Committee on Rules.

## SENATE BILL No. 853.

An Act amending the act of May 23, 1949 (P. L. 1669) entitled as amended "An act to provide revenue for school districts of the first class; \* \* \*" excluding certain costs from the term receipts.

Referred to the Committee on Education.

## SENATE BILL No. 862.

An Act amending the act of June 16, 1836 (P. L. 715) entitled "An act relating to Reference and Arbitration" providing by rule of the County Court of Allegheny County for the arbitration of certain suits at issue.

Referred to the Committee on Judiciary.

## SENATE BILL No. 877.

An Act amending "The Fourth to Eighth Class County Assessment Law" of May 21, 1943 (P. L. 571) \* \* \*" imposing certain temporary restrictions on the taxing authorities of political subdivisions affected by the provisions of said act.

Referred to the Committee on Counties.

## RESOLUTION INTRODUCED AND REFERRED

By Messrs. THOMPSON, HAUDENSHIELD, EWING, GOLDSTEIN, GIBB, AGNEW, WILT, VAUGHAN, RIGBY, DONALDSON, COOPER, FILO, BOIES, KAMYK, MATT S. ANDERSON, McLAUGHLIN, SCHUSTER, LEONARD, LUTTY, SARRAF, MIHM, OLSEN, WALSH, JENKINS, THOMAS, MORAN, VERONA, and JOHN J. MURRAY.

RESOLUTION (Not Printed).

In the House of Representatives, December 12, 1955.

One of baseball's greatest figures for more than half a century has passed on. John Peter (Honus) Wagner, idol of Pittsburgh fans and a prime favorite elsewhere, died in his sleep at his home in nearby Carnegie, Pennsylvania at the age of 81. At his bedside was his wife, Bessie Wagner.

Despite the fact that several great players played shortstop, Wagner was the greatest of them all. As a fielder, hitter and base-stealer, the Flying Dutchman, as Pittsburgh fans called Honus, was the best of all. Many old timers considered him the most outstanding player of all time.

During his spectacular career, Wagner stole 720 bases, paced the National League in extra base hits seven years, led in triples five years and was first in doubles eight seasons. He played in 2,785 games, posted a .329 life-time batting average, made 4,320 putouts and 5,664 assists. He had only 612 errors for a .943 fielding average during his 21 year major league career. He was elected to the Baseball Hall of Fame in 1934 in the first group.

No player covered a greater space of ground than the Flying Dutchman. He "killed" what seemingly were hits over second with an ease that made the plays look ordinary. Yet to any other shortstop they would have been most difficult to field. He filled in when occasions required in other infield positions. Wagner was a modest player. All baseball honors accredited to him were accepted with a rather offhand acknowledgment.

The death of Wagner was mourned throughout the baseball world and has brought forth many expressions of sorrow and sympathy from its leaders; therefore be it

Resolved, That the House of Representatives joins with the baseball world in expressing its deepest sorrow and sympathy in the loss of Honus Wagner, a great competitor, an outstanding credit to the game and to the Commonwealth of Pennsylvania and a great inspiration to the American youth, and be it further

Resolved, That a copy of the resolution be transmitted to his wife, Bessie Wagner.

Referred to the Committee on Rules.

## APPOINTMENT OF COMMITTEE PURSUANT TO SENATE RESOLUTION SERIAL No. 139

The SPEAKER. Pursuant to the provisions of Senate Concurrent Resolution, Serial No. 139, adopted by the Senate July 11, 1955, and concurred in by the House of Representatives October 14, 1955, the Speaker appoints three Members of the House of Representatives to serve as a Continuing Committee together with three Members of the Senate to cooperate with the Governor of the Commonwealth of Pennsylvania to achieve the required legislative appropriation from the Congress of the United States to assure the prompt start of the construction of the Delaware River Channe improvement and also the earliest possible completion of this project: Messrs. Kolkiewicz, Brennan, Keller.

## RESOLUTION

## RECALLING HOUSE BILL No. 1621 FROM THE GOVERNOR

Mr. READINGER offered the following resolution which was twice read, considered and adopted:

In the House of Representatives, December 13, 1955.

Resolved (if the Senate concur), that House Bill No. 1621, Printer's No. 769, entitled "An act amending the act of May 2 1929 (P. L. 1278) entitled 'An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto' authorizing collection of data concerning deceased veterans of armed conflicts authorizing the erection of monuments for and giving retirement benefits to veterans of armed conflicts," be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk present the same to the Senate for concurrence.

## RESOLUTION

## RECALLING HOUSE BILL No 1622 FROM THE GOVERNOR

Mr. READINGER offered the following resolution which was twice read, considered and adopted:

In the House of Representatives, December 13, 1955.

Resolved (if the Senate concur), that House Bill No. 1622, Printer's No. 770, entitled "An act amending the act of May 2 1929 (P. L. 1278) entitled 'An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto' extending the definition of 'deceased service persons' to include service personnel serving in an armed conflict," be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk present the same to the Senate for concurrence.

## RESOLUTION

## RECALLING HOUSE BILL No. 1623 FROM THE GOVERNOR



Mr. READINGER offered the following resolution which was twice read, considered and adopted:

In the House of Representatives, December 12, 1955.

Resolved (if the Senate concur), that House Bill No. 1623, Printer's No. 783, entitled "An act amending the act of May 2, 1929 (P. L. 1278) entitled 'An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending consolidating the laws relating thereto' extending retirement benefits to veterans of armed conflicts", be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk present the same to the Senate for concurrence.

## SENATE MESSAGE

### AMENDED SENATE BILLS CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives to Senate bills numbered and entitled as follows:

#### SENATE BILL No. 105.

An Act amending the act of May 1, 1929 (P. L. 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" exempting war amputees and paralytics from the payment of certain fees in connection with motor vehicles

#### SENATE BILL No. 179.

An Act amending the act of April 25, 1929 (P. L. 723) entitled "An act regulating the investment of funds by administrative departments boards commissions and officers of the State Government" increasing the investment powers of State administrative departments boards commissions or officers.

#### SENATE BILL No. 541.

An Act amending the act of March 31, 1949 (P. L. 372) entitled "An act to promote the welfare of the people of the Commonwealth creating The General State Authority as a body corporate and politic with power to construct improve equip furnish and operate projects and to lease the same and to fix fees rentals and charges for the use thereof authorizing and regulating the issuance of bonds for said Authority and providing for the payment of such bonds and the rights of the holders thereof and to enter into agreements with the Government of the United States or any Federal agency and authorizing the Department of Property and Supplies to grant assign convey or lease to the Authority lands of the Commonwealth and interests therein and to acquire lands therefor grant-

ing the right of eminent domain empowering The General State Authority to sell and convey projects and property to the Commonwealth and providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act" authorizing the sale transfer and conveyance of property or interest therein

## RESOLUTION

### MEMORIAL SERVICES

Mr. STANK asked and obtained unanimous consent to offer a resolution which was read, considered and unanimously adopted as follows:

In the House of Representatives, December 13, 1955.

Resolved, That Tuesday, the 13th day of December, 1955, at o'clock, be set apart by this House of Representatives, for addresses and resolutions on the lives, character and public services of our deceased Members as provided in a resolution previously adopted by this House.

The SPEAKER. This being the time fixed by the resolution unanimously adopted to pay tribute to the memory of our deceased dMembers, the regular business of the House will now be suspended.

### REMARKS BY SPEAKER

The SPEAKER. It is our privilege to meet today in a lodge of remembrance. Memory is the ivy that cloaks the ruins of the strong human towers that have fallen. Time furnishes the verdure that mantles the scars that time itself has caused.

The passing of those who have served us as the strong pillars of our existence confronts us with its period of blinding grief. We cry aloud, but there is no answer from across the vale.

As time passes, the pain of grief because of those who have departed is eased by the cures that memory contrives. We find that tears have washed away the bitterness of our grieving hours.

Robert G. Ingersoll, standing beside his brother's grave, delivered an oration that has become a classic for all time. In that oration there was a deathless sentence. Speaking of the despair that attends the departure of those we cherish or esteem, Ingersoll said that: "In the midst of that black night hope sees a star and listening love can hear the rustle of a wing." As we meet today in this memorial service, the rustle that we hear is the laughter that lives in memory, the comradeship that abides, the fellowship that is born among those who till a common field.

As we meet today we know there are those among us who will not pass this way again, and so it is fitting that we turn back the pages of the Legislative Journal and for the hour, those to whose memory this service is dedicated, once again, in the mirror of our minds, occupy their familiar seats. They join with us in the promotion of the causes we must needs serve. Our mission is the creation and perpetuation of a human welfare state and that too was the cause served by those we today commemorate.

Those to whom we today pay tribute, in their day paid tribute to those who had gone before them. The hour will come when Members of this House will pay their tribute to us, and let us hope that we, in our time, can maintain the traditions of service that have been established for us.

The SPEAKER. The Chair requests the gentleman from



Northumberland, Mr. Stank, Chairman of the Select Memorial Committee, to preside.

Mr. STANK IN THE CHAIR.

The CHAIRMAN. Prayer will be offered by the Reverend George E. Whetstone, secretary for Inner Missions of the Central Pennsylvania Synod, United Lutheran Church in America, Harrisburg, Pa.

### PRAYER

Prayer was offered by Reverend George E. Whetstone, as follows:

Almighty God, Who by the death of Thy Son, Jesus Christ, hast destroyed death, and, by His rest in the tomb, hast sanctified the graves of Thy saints, and by His glorious resurrection, hast brought life and immortality to light, so that all who die in Him abide in peace and hope; Receive, we beseech Thee, our thanks for the victory over death and the grave which He hath obtained for us and for all who sleep in Him.

Our Heavenly Father, we thank thee for all those whom we have known and loved and walked with in days gone by. We thank Thee for these lives that have been lived in service to Thee and to their country. We remember Thy servants Albert L. Pfaff, Ivan C. Watkins, George C. Shoemaker, Miles W. Lederer and Henry C. Spencer. Multiply we beseech Thee, to these who rest in Thee, the manifold blessings of Thy love. Help us to understand that we still walk with them although they are out of sight. They are not out of our mind nor out of our hearts and the mystic tie of love still binds us together. "Blest be the tie that binds our hearts in Christian love" here and over there.

In the name of Jesus Christ, grant that Thou wilt have compassion on those who mourn their passing. Bless their families and all their loved ones. Throw Thine everlasting arms of love and mercy around them, and for this comfort and assurance we give Thee our most gracious thanks. Through Jesus Christ, our Lord. Amen.

The CHAIRMAN. We do not meet today to mourn but rather to honor the memory of our departed colleagues who by years of devoted public service merit and deserve the tribute we are here to pay them.

The Chief Clerk will call the roll of our deceased Members and the Secretary of the House will respond.

The Roll was called as follows:

The CHIEF CLERK (Benjamin L. Long). Honorable Albert L. Pfaff, County of Philadelphia.

The SECRETARY (Paul C. Moomaw). Absent.

The CHIEF CLERK. Honorable Ivan C. Watkins, County of Schuylkill.

The SECRETARY. Absent.

The CHIEF CLERK. Honorable George C. Shoemaker, County of Schuylkill.

The SECRETARY. Absent.

The CHIEF CLERK. Honorable Miles W. Lederer, County of Philadelphia.

The SECRETARY. Absent.

The CHIEF CLERK. Honorable Henry C. Spencer, County of Lackawanna.

The SECRETARY. Absent.

The CHAIRMAN. The Chair recognizes the gentleman from Berks, Mr. Readinger, the Majority Leader.

Mr. READINGER. Mr. Speaker, it is eminently fitting that we pause for a few moments today to pay our reverent respect to our departed colleagues.

Some of us were privileged to know them well and for a long time, others perhaps only slightly, but to the extent that we knew them I am sure that through our experience here in Harrisburg our lives have been enriched.

We may have differed in our economic philosophies and our political philosophies, at times we may have had heated debates with each other and with them, but through it all I know we respected them very highly. and I know they respected us for our sincerity, honesty and character.

It is never pleasant to contemplate the days gone by when we knew these men, lived with them, worked with them and now realize that they are no longer with us. But that is life, it has always been that way and it always will be that way.

So, I am happy to be able to voice for the majority the respect and reverence we had for these men.

The CHAIRMAN. The Chair recognizes the gentleman from Philadelphia, Mr. Charles C. Smith, the Minority Leader.

Mr. CHARLES C. SMITH. Mr. Speaker, we approach this occasion with mixed feelings.

We are glad that we here today can pay honor to those of our friends and our comrades who are no longer with us, but who have gone to meet their Maker. We are sad in honoring them because it brings back many of the pleasant memories and associations we have had with our departed friends.

As the Majority Leader has just said, when we hear the roll called and answered "Absent," some of us seem to forget some of our friends who have gone in the past, but it brings them back, we visualize what they looked like and what friends they were. Whether they were of the opposite party or not, they were men among men and that is the way they treated us.

We Members of the House are the inheritors and protectors of a great tradition of integrity, of justice and of fair dealing. We speak for the people who sent us here and who count on us to do those things which will best advance their welfare and give them the law's protection.

We who serve here also owe a debt to those who are no longer with us to so conduct ourselves, and our proceedings that we will not only bring honor to ourselves and this House, but also honor on those whose memories we are paying tribute here today. They are no longer here to protect and enhance the great traditions of this body, but we are, and I think that we should keep that in mind at all times. They are no longer here to serve the people of this great Commonwealth, but we are.

Let us therefore make a pledge to ourselves and to those who have preceded us through the years that in all matters we will conduct ourselves and do our duty in such a way that we will not only reserve what we are commemorating today, but will pass unsullied this great tradition to those who will come after us.

Let us make democracy work, as they did, for the benefit of all the people and not just for special groups or interests. Let us put out of our minds the selfish thought of what this or that will do for me. Let us instead always think and act for the general welfare of all of the people,



so that when the roll is called and they answer "Absent" to our names, let us hope, as the Speaker said, that these people and we go down in the memories of our friends as great men, honest and true friends.

The CHAIRMAN. The Chair recognizes the gentleman from Philadelphia, Mr. Limper.

## RESOLUTION

### CONDOLENCE

Mr. LIMPER, LEVEN, Mrs. VARALLO, Messrs. PETTI-GREW, BRANCA, TAYLOR, Mrs. ANDERSON, Messrs. WELSH, FLOYD, BAZIN, CIANFRANI, McKEEVER, KOLANKIEWICZ, Mrs. PASHLEY, Messrs. MULDOWNEY, GRANVILLE E. JONES, Mrs. MONROE, Messrs. HOLT, EILBERG, GELFAND, SHERMAN, COMER, McGEE, ROSEN, TOLL, DOUGHERTY and SCARCELLI offered a resolution which was read, considered and unanimously adopted as follows:

In the House of Representatives, December 13, 1955.

The late Honorable Albert L. Pfaff was born in Free-land, Pennsylvania on the twenty-second day of October, 1885 and passed away November 4, 1953.

He was married to the former Jane O'Neill and of this union were born three children.

As a boy, he worked for the Reading Railroad Company, later worked for Drueding Brothers, leather manufacturers and was a foreman until 1935. The City Comptroller's Office used his loyal and valuable services for many years as an auditor. He was active in political affairs for more than twenty-five years.

His election to membership to the House of Representatives in 1934 was the beginning of a long and successful career as a public servant. He was reelected in 1948, 1950 and 1952.

The death of Albert L. Pfaff is a great loss to his family, his many friends and to the members of this House of Representatives who knew and valued his friendship and distinctive service; therefore be it

Resolved, That the House of Representatives extend to the widow and family of Mr. Pfaff its heart-felt sympathies in their loss, and be it further

Resolved, That copies of this resolution be transmitted to the widow and children of the late Mr. Pfaff.

The CHAIRMAN. The Chair recognizes the gentleman from Schuylkill, Mr. Knecht.

## RESOLUTION

### CONDOLENCE

Messrs. KNECHT, BREISCH, KLINE and KEHLER offered a resolution which was read, considered and unanimously adopted as follows:

In the House of Representatives, December 13, 1955.

After an extensive illness death came to the Honorable Ivan C. Watkins, prominent business man and former member of the House of Representatives.

Mr. Watkins was one of the most popular members of the General Assembly. His carefree attitude coupled with his ability to make and keep friends will long be a cherished memory of his fellowmembers. He loved to make people happy and through this medium was able to coordinate complete harmony in all of his undertaking. The members who served and enjoyed being members of the State Government Committee of which he was Chairman bear testimony to this fact. As often stated by his fellow Committee members a meeting with Ivan was a pleasure and not just a duty.

He loved his work in the Legislature, the welfare of the State was always his primary interest. This was

exemplified in his last session when on numerous occasions when gravely ill he made his appearance in the hall of the Legislature to cast a vote on important legislation. His illness was aggravated by this interest and it can be truly said he gave his life for the people.

Besides his valued work as a statesman he was a man of great generosity and his charitable work in his home community and in Harrisburg made him loved by all. The fact that he was elected as a member of the General Assembly from Schuylkill County from 1936 to 1952 gave evidence of the high esteem in which he was held in this home community. The officers of this Assembly well recognized his ability by appointing him Chairman of the important State Government Committee from 1945 to 1952.

Mr. Watkins was born at Tower City on November 13, 1892, attended Tower City High School and extended his education in business, law and literature through home study.

He served as an officer in many corporations dealing in tobacco and confections, gasoline and oil products and automobiles.

He attained the rank of first sergeant during World War I and was a member of the American Legion, Forty and Eight, Elks, Moose, Knights of Pthias, National Association of Tobacco Distributors, National Confectionery Association, and the Pennsylvania Society.

His death is a great loss to his widow, the former Florence L. Lewis, to the Commonwealth and to his community; therefore be it

Resolved, That the House of Representatives extend its heartfelt sympathy to Florence L. Watkins, widow of the late Mr. Watkins; and be it further

Resolved, That a copy of this resolution be forwarded to Florence L. Watkins at her home, Tower City, Pennsylvania.

The CHAIRMAN. The Chair recognizes the gentleman from Schuylkill, Mr. Breisch.

## RESOLUTION

### CONDOLENCE

Messrs. BREISCH, KNECHT, KLINE and KEHLER offered a resolution which was read, considered and unanimously adopted as follows:

In the House of Representatives, December 13, 1955.

On September 15, 1953, the Honorable George C. Shoemaker of Ashland, passed away.

Mr. Shoemaker was born on September 23, 1901, and although he had been in ill health for sometime, his interest in the government of Pennsylvania and responsibility to his constituents in Schuylkill County was the primary motive of his life until his death.

He was an ardent sportsman and his interest of the sportsmen of Pennsylvania will long be remembered because of the interest he took as a member of the Game Committee and the various game and fish laws which he sponsored as a member of this Assembly. For many years he served as President of the Pitman Fish and Game Association, one of the largest sportsmen's organizations in Schuylkill County.

His love for children was a prominent part of his life. His work with and for them was one of his most cherished. He was never more happy than when he was able to lend a helping hand to some youngster who through no fault of his own needed just this. His greatest satisfaction and remuneration was the smile of a youngster he had helped. At the time of his death he was Chairman of District 7 of the Executive Committee of the Boy Scouts of America.

Mr. Shoemaker was married to the former Jane Benson of Summit Hill and was engaged in the automobile business. He was a member of the Masons, B.P.O.E., Rotary International and a member of the Board of Trustees of the Ashland State Hospital.

He was first elected to the House of Representatives in



1944 and served five successive terms. During that time he endeared himself to all of the members of this Assembly. He will long be remembered as a fine, upright and civic minded citizen who gave of himself to his fellowman, to his State and to God; therefore be it

Resolved, That the House of Representatives extend its sincere sympathy to the widow of the late Honorable George C. Shoemaker, in the loss of her beloved husband; and be it further

Resolved, That a copy of this resolution be transmitted to Jane Shoemaker, Ashland, Pennsylvania, by the clerk of the House of Representatives.

The CHAIRMAN. The Chair recognizes the gentleman from Philadelphia, Mr. Kolankiewicz.

RESOLUTION  
CONDOLENCE

Messrs. KOLANKIEWICZ, TAYLOR, LEVEN, TOLL, Mrs. MONROE, Mrs. VARALLO, Mrs. PASHLEY. Messrs. MULDOWNEY, WILBUR H. HAMILTON, CHARLES C. SMITH, SIGMAN, RUBIN, POMEROY, LIMPER, CIANFRANI, McKEEVER, PETTIGREW and SCARCELLI offered a resolution which was read, considered and unanimously adopted as follows:

In the House of Representatives, December 13, 1955.

The late Honorable Miles W. Lederer was born in Philadelphia, Pennsylvania on December 30, 1897 and died December 25, 1953.

He attended Northeast High School and Business College and was employed as an auditor investigator in the Auditor General's Department for twelve years.

Overseas service with the Armed Forces of the United States was followed by active service in social, fraternal, political and civic organizations. He was leader of the Eighteenth Ward Democratic Executive Committee, and a member of the American Legion, Elm Bree Post 88, Shackmaxon Civic Association and Penn Treaty Parent-Teachers Association. He also served as Secretary of the Police Pension Fund.

In 1948 Mr. Lederer was elected to the House of Representatives and served for three successive terms. His legislative record was one of honorable service highlighted by honest devotion to duty and careful consideration of all proposed legislation.

Philadelphia can justly be proud of Mr. Lederer's personal achievements and his death is a great loss to the House of Representatives, his community and to his family; therefore be it

Resolved, That the House of Representatives extend to the family of the late Miles W. Lederer, its deepest and sincere sympathies; and be it further

Resolved, That copies of this resolution be sent to the members of Mr. Lederer's family.

The CHAIRMAN. The Chair recognizes the gentleman from Susquehanna, Mr. Wescott.

RESOLUTION  
CONDOLENCE

Messrs. WESCOTT, Mrs. MUNLEY, Messrs. NEEDHAM, WARGO and WALL offered a resolution which was read, considered and unanimously adopted as follows:

In the House of Representatives, December 13, 1955.

The late Honorable Henry C. Spencer was born on February 21, 1901 in Greenfield Township, Lackawanna County, Pennsylvania, and died unexpectedly on November 3, 1955. He was married to the former Miss Lavinia Allen, a former Carbondale school teacher.

In the earlier years of his life he was educated in the Greenfield Township public schools and was a graduate of the Greenfield Township High School. Thereafter, he

became very active in the affairs of his community. He was in the insurance and real estate business, operated a farm in Greenfield Township, was a school director in that township for more than twenty-five years and for the past fourteen years was a member of the Lackawanna County Board of School Directors. He had the distinction of being President of the Board of Directors of the General Hospital, Cabondale, Pennsylvania, was a member of the Carbondale Lodge No. 249, F. & A. M. and other masonic orders, a member of the Green Grove Grange and Carbondale Lions Club.

In 1948 he was elected to the House of Representatives and served for four successive terms with a devotion to his duties and a keen interest in his community. Representative Spencer also served as a member of the State Planning Board of the Department of Commerce. His life was a model of diligence, humility and self sacrifice. His generosity and kindness to others was evidenced by his extensive and relentless efforts to help his fellow citizens on every possible occasion; therefore be it

Resolved, That this House of Representatives hereby extends its heartfelt sympathy and condolences to his bereaved widow, Lavinia Allen Spencer; and be it further

Resolved, That a copy of this resolution be sent to his widow, Mrs. Lavinia Allen Spencer.

The CHAIRMAN. As a further mark of respect to our beloved colleagues, the Members will rise and remain standing in silence until the gavel falls.

The Members stood in silence.

The CHAIRMAN. The Memorial Services are concluded, and the Chair requests the Speaker to return to the rostrum.

The SPEAKER (Hiram G. Andrews) IN THE CHAIR.

RESOLUTION

MEMORIAL SERVICE PROCEEDINGS TO BE PRINTED

Mr. SARRAF asked and obtained unanimous consent to offer a resolution, which was read, considered and unanimously adopted as follows:

In the House of Representatives, December 13, 1955.

Resolved, That the Chief Clerk be and is hereby directed to have printed in booklet form the proceedings of the Services in memory of our deceased Members held in the Hall of the House of Representatives December 13, 1955.

The SPEAKER. The Chair thanks the gentleman from Northumberland for the able manner in which he presided.

The Chair also thanks the guest Chaplain for being with us during this impressive observance.

REPORTS FROM COMMITTEE

Mr. LAWYER from the Committee on Judiciary, reported as amended, House Bill No. 1349, entitled:

An Act making it unlawful for any person to carry on any business under an assumed or fictitious name, style or designation, corporate or otherwise, unless upon advertisement and the filing of an application to that effect in the office of the Secretary of the Commonwealth and of the prothonotary; \* \* \*

Mr. BAZIN from the Committee on Professional Licensure, reported as committed, Senate Bill No. 442, entitled:

An Act amending "The Administrative Code of 1929" (P. L. 177) \*\*\* abolishing the State Osteopathic Surgeons' Examining Board.

Mr. WOOD from the Committee on State Government, reported as amended, Senate Bill No. 729, entitled:



A Joint Resolution proposing an amendment to article two section four of the Constitution of the Commonwealth of Pennsylvania by providing for annual sessions of the General Assembly.

#### PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. AMARANDO asked and obtained permission for the Committee on Motor Vehicles to meet during the session of the House.

#### BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1898, entitled:

An Act amending the act of July 28 1953 (P. L. 723) entitled "An act relating to counties of the second class amending revising consolidating and changing the laws relating thereto" further providing for and changing the provisions of the act relating to employes' retirement system and the powers duties and liabilities of the county the county institution district and the retirement board relative thereto and the rights privileges and limitations of employes and beneficiaries under the retirement system.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1915, entitled:

An Act amending the act of May 22 1935 (P. L. 233) entitled "An act creating and establishing a fund for the care maintenance and relief of aged retired and disabled employes of the Bureau of Police in cities of the second class . . ." changing the amount of payments to certain beneficiaries.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1916, entitled:

An Act amending the act of May 25 1933 (P. L. 1050) entitled "An act creating and establishing a fund for the care maintenance and relief of aged retired and disabled employes of the bureau of fire in cities of the second class \* \* \*" changing the amounts of payments to certain beneficiaries.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1922, entitled:

An Act reenacting and amending section 4 of the act of May 28 1915 (P. L. 596) entitled "An act requiring cities of the second class to establish a pension fund for employes of said cities and regulating the administration and the payment of such pensions" increasing the amount of pensions in certain cases.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

#### BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 118, entitled:

An Act to define license and regulate resident and non-resident auctioneers and apprentice auctioneers in certain political subdivisions and revising consolidating and making the law uniform relative thereto creating the State Auctioneers Commission conferring certain powers and duties on the commission and on certain departments and officers of the State and local governments providing for the keeping of records and the inspection thereof repealing certain inconsistent laws and providing penalties.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 119, entitled:

An Act amending the act of April 9, 1929 (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," establishing the State Auctioneers' Commission as a departmental administrative commission in the Department of Public Instruction; fixing the qualifications and compensation of members, and imposing certain duties on the commission.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 272, entitled:

An Act authorizing counties of the fourth class to regulate the production of smoke and other forms of air pollution from chimneys smokestacks or other sources including provisions for the payment of inspection and certificates of compliance fees incident thereto authorizing commissioners of such counties to create commissions to make studies authorizing the expenditure of money for the employment of persons and the acquisition of property for effectuating such regulations and providing penalties.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1804, entitled:

An Act authorizing photostating photographing microphotographing microfilming or other mechanical processing of court records on file ten years or more making such copies and copies thereof admissible in evidence and providing for the transfer of custody of certain originals.

The first section was read.



On the question,

Will the House agree to the section?

Mr. TOMPKINS offered the following amendment:

Amend Sec. 1, page 2, line 10 by inserting after "thereof" except original papers which determine ownership or establish title to real property.

It was agreed to.

The section was agreed to as amended.

The second to the seventh sections inclusive were separately read and agreed to.

The title was read.

On the question,

Will the House agree to the title?

Mr. TOMPKIN offered the following amendment:

Amend Title, page 1, next to last line of Title, by inserting after "the" disposition, destruction or.

It was agreed to.

The title was agreed to as amended.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1923, entitled:

An Act making an appropriation to the Department of Public Assistance and providing for certain allocations therefrom for the purpose of carrying out the Public Assistance Law for the two fiscal years beginning June first one thousand nine hundred fifty-five.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate Bill No. 523, entitled:

An Act amending the act of May 29, 1931 (P. L. 280), entitled "An act relating to delinquent taxes on seated lands, and prescribing interest charges on nonpayment thereof; requiring the receivers and collectors of county, city, borough, town, township, school district and poor district taxes to make a return to the county commissioners of such unpaid taxes, and providing for the lien thereof; authorizing the county treasurers to collect such taxes, and to sell seated lands at public sale for taxes heretofore or hereafter returned as unpaid; and authorizing the county commissioners to purchase such lands and resell the same under certain circumstances," further regulating the tax sales and payment of the purchase money.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate Bill No. 813, entitled:

An Act amending the act of October 27 one thousand nine hundred fifty-five (Act No 222) entitled "An act prohibiting certain practices of discrimination because of race color religious creed ancestry age or national origin by employers employment agencies labor organizations and others as herein defined creating the Pennsylvania Fair Employment Practice Commission in the Department of Labor and Industry defining its functions powers and duties providing for procedure and enforcement provid-

ing for formulation of an educational program to prevent prejudice providing for judicial review and enforcement and imposing penalties" providing that termination of employment under a bona fide retirement or pension plan shall not constitute an unfair employment practice

The first section was read.

On the question,

Will the House agree to the section?

Mr. READINGER offered the following amendments:

Amend Section 1, page 2, line 1, by striking out after the numeral "1" and before the parenthesis the following: "Subsection" and inserting in lieu thereof the following: "Subsections."

Amend Section 1, page 2, line 1, by inserting after the parenthesis and before the word "of" the following: "and (b)."

Amend Section 1, page 2, line 1, by inserting after the numeral "5" and before the word "act" the following: "and subsection (c) of section 7."

Amend Section 1, page 2, line 3, by striking out after the quotation mark and before the word "amended" the following: "is" and inserting in lieu thereof the following: "are"

Amend Sec. 1 (Sec. 5), page 3, line 1, by inserting after "to" (1)

Amend Sec. 1 (Sec. 5) page 3, line 3, by inserting after "plan" (2) operation of the terms or conditions of any bona fide retirement or pension plan which have the effect of a minimum service requirement.

Amend Section 1, page 3 by inserting between lines 3 and 4 the following:

(b) For any employer employment agency or labor organization prior to the employment or admission to membership to

(1) Elicit any information or make or keep a record of or use any form of application or application blank containing questions or entries concerning the race color religious creed ancestry [age] or national origin of any applicant for employment or membership

(2) Print or publish or cause to be printed or published any notice or advertisement relating to employment or membership indicating any preference limitation specification or discrimination based upon race color religious creed ancestry age or national origin

(3) Deny or limit through a quota system employment or membership because of race color religious creed ancestry age national origin or place of birth

(4) Substantially confine or limit recruitment or hiring of individuals with intent to circumvent the spirit and purpose of this act to any employment agency employment service labor organization training school or training center or any other employee-referring source which services individuals who are predominately of the same race color religious creed ancestry age or national origin

\* \* \* \* \*

Section 7 Powers and Duties of the Commission The Commission shall have the following powers and duties

\* \* \* \* \*

(c) To appoint such attorneys with the approval of the Attorney General and other employees and agents as it may deem necessary fix their compensation within the limitations provided by law and prescribe their duties

\* \* \* \* \*

They were agreed to.

The section was agreed to as amended.

The second section was read and agreed to.

The title was read.

On the question,

Will the House agree to the title?

Mr. READINGER offered the following amendments:

Amend Title, page 2, line 3 of Title, by inserting after "employment" or the operation of provisions having the effect of a minimum service requirement

Amend page 2, line 5 of the title, by inserting at the end of the line after the word "practice" the following: changing certain restrictions relative to age and requiring



that attorneys appointed by the Commission be approved by the Attorney General

They were agreed to.

The title was agreed to as amended.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for third reading.

#### BILL PASSED OVER

There being no objection

Senate Bill No. 835, Printer's No. 413,  
was passed over at the request of the SPEAKER.

#### BILLS ON SECOND READING POSTPONED

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. SNIDER.

The House resumed the consideration on second reading of House Bill No. 1527, entitled:

An Act for the protection of the public health and welfare and the prevention of fraud and deception in the manufacture preparation packaging dispensing and sale of non-olcoholic drinks and the use and operation of automatic or manual dispensing equipment relative thereto prohibiting the sale offering or exposing for sale exchange or the giving away thereof unless registered providing for licensing of places of manufacture preparation compounding and packaging and the licensing or registration of automatic or manual dispensing equipment regulating the manufacture compounding labeling selling sanitation and ingredients of non-alcoholic drinks and the display of presses prohibiting misbranding and adulteration authorizing promulgation of rules regulations and standards providing for penalties and for injunctions in certain cases and the disposition of fees and fines

The first section was read.

On the question,

Will the House agree to the section?

#### BILL RECOMMITTED

Mr. SNIDER. Mr. Speaker, I move that this bill be re-committed to the Committee on Agriculture and Dairy Industries.

The motion was agreed to.

#### BILLS ON FINAL PASSAGE

Agreeably to order

The bill having been called up from the postponed calendar, by Mr. KENT.

The House resumed the consideration on second reading of House Bill No. 1685, entitled:

An Act amending the compact contained in the act of June 5, 1937 (P. L. 1664) entitled "An act to ratify and adopt a compact or agreement negotiated by commissioners designated by the Governor of the Commonwealth of Pennsylvania and commissioners designated by the Governor of the State of Ohio relative to the development use and control of the Pymatuning Lake and the State owned land surrounding said lake for fishing hunting recreational and park purposes" designating the lake area on which motor boats may be operated limiting the horsepower of the motor boats operated thereon and fixing penalties.

The first section was read.

On the question,

Will the House agree to the section?

#### BILL RECOMMITTED

Mr. READINGER. Mr. Speaker, I move that this bill be re-committed to the Committee on State Government for the purpose of further study.

The motion was agreed to.

#### BILLS ON FINAL PASSAGE

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 68, entitled:

An Act amending the act of April twelve one thousand nine hundred fifty-one (P. L. 90) entitled "An act relating to alcoholic liquors alcohol and malt and brewed beverages amending revising consolidating and changing the laws relating thereto regulating and restricting the manufacture purchase sale possession consumption importation transportation furnishing holding in bond holding in storage traffic in and use of alcoholic liquores and malt and brewed beverages and the persons engaged or employed therein defining the powers and duties of the Pennsylvania Liquor Control Board providing for the establishment and operation of State liquor stores for the payment of certain license fees to the respective municipalities and townships for the abatement of certain nuisances and in certain cases for search and seizure without warrant prescribing penalties and forfeitures providing for local option and repealing existing laws" authorizing the transfer of certain retail licenses to clubs defining the effect of such transfers upon quota limitations.

On the question,

Shall the bill pass finally?

Mr. STROUP. Mr. Speaker, I should like to call the attention of the Members of the House to Section 1 of the amended bill, that is under Section 461, page 3, line 11 to 13 inclusive. In an attempt to restate the bill, following the word "club" we find this language: "Where such license has not been transferred to the club from a restaurant or a retail dispenser."

Now previously our courts had interpreted clubs as being counted in the quota after the last retail license had been granted. For a good many years there was considerable discussion and disagreement by our courts as to whether or not clubs should be counted in the quota. By reason of punctuation and interpretation we now have our appellate court's decision.

If you modify the word "clubs" in the position in which we find it in this act, you are apparently inferring that only a club which has received a license from a former retail license, in other words a transferred club license, is excluded from the counting of the quota.

I doubt if that is the intention of the sponsors of this bill. For that reason I would like to ask the Majority Leader to have this bill held until there can be a further study made of the inference that our courts could possibly get from that language.

On the question recurring,

Shall the bill pass finally?

#### BILL POSTPONED

Mr. READINGER. Mr. Speaker, I move that this bill be placed on the final passage postponed calendar.

The motion was agreed to.

#### ADMONITION BY SPEAKER

The SPEAKER. The Chair would remind visitors that



it is in the province of this House to rule that all visitors retire to the gallery. No part of this House is privileged to be a private conversation corridor.

## BILLS ON FINAL PASSAGE

### BILL PASSED OVER

There being no objection

House Bill No. 1311, Printer's No. 1102, was passed over at the request of the SPEAKER.

## BILLS ON FINAL PASSAGE POSTPONED

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. READINGER.

The House resumed the consideration on final passage of (Senate Bill No. 190), as follows:

An Act amending the act of March 10, 1949 (P. L. 30) entitled "An act relating to the public school system including certain provisions applicable as well to private and parochial schools amending revising consolidating and changing the laws relating thereto" further regulating the unemployment of teachers who are related to members of the board of school directors

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 1111 act of March 10 1949 P. L. 30) known as the "Public School Code of 1949" is amended to read

Section 1111 Employment of Relatives of School Directors No teacher shall be employed by any board of school directors who is related to any member of the board as father mother brother sister husband wife son daughter stepson stepdaughter grandchild nephew niece first cousin sister-in-law brother-in-law uncle or aunt unless such teacher receives the affirmative votes of [three-fourths] a majority of all members of the board other than the member related to the applicant who shall not vote

And said bill having been read at length the third time considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

### YEAS—112

Adam,	Foster,	Markley,	Rubin,
Amarando,	Frank,	McCann,	Sarrafi,
Anderson, M. S.,	Frascella,	McGee,	Scarcelli,
Anderson, S. A.,	Gaffney,	McKeever,	Schuster,
Barnatovich,	Garlock,	McLaughlin,	Sherman,
Bazin,	Gelfand,	McWherter,	Smith, Wm. B.,
Boles,	Gibson,	Meholchick,	Snider,
Bonner,	Guss,	Mihm,	Stank,
Boory,	Hamilton, R. K.,	Mills,	Steckel,
Branca,	Heavy,	Monroe,	Stone,
Brelschi,	Holt,	Moran,	Swartz,
Brennan, A. P.,	Jones, G. E.,	Muldowney,	Taylor,
Brennan, J. J.,	Jones, T. H. W.,	Mullen,	Thomas,
Breth,	Kamyk,	Munley,	Toll,
Bucchin,	Kehler,	Musto,	Varallo,
Capano,	Knecht,	Nedham,	Verona,
Cianfrani,	Kolankiewicz,	Olsen,	Wallace,
Cioffi,	Kornick,	O'Neill,	Walsh,
Cochran,	Kubacki,	Pacchioli,	Wargo,
Curwood,	Lawyer,	Pashley,	Waterhouse,
Davis,	Leiby,	Paulhamus,	Welsh,
Ellbers,	Leonard,	Pettigrew,	Wheeler,
Farabaugh,	Leven,	Polaski,	Whitenight,
Filo,	Lamper,	Polan,	Williams,
Fineman,	Lippincott,	Readinger,	Yetter,
Flint,	Lopresti,	Reibman,	Yetzer,
Floyd,	Lovett,	Renwick,	Andrews,
Flynn,	Lutty,	Rosen,	Speaker

### NAYS—75

Agnew,	Gramlich,	Light,	Sigman,
Ashton,	Guthrie,	Magee,	Smith, C. C.,
Auker,	Hamilton, W. H.,	Mahan,	Stebbins,
Banker,	Hass,	McInroy,	Stevenson,
Bell,	Haudensfield,	Metz,	Stoner,
Bower,	Helm,	Mikula,	Strausser,
Brown,	Henzel,	Miller,	Stroup,
Bullen,	Hocker,	Moody,	Thompson,
Connelly,	Horst,	Murphy,	Tompkins,
Cooper,	Houk,	Murray, H. P.,	Toomey,
Donahue,	Isaacs,	Murray, P. G.,	Varnier,
Donaldson,	Johnson,	Naugle,	Vaughan,
Ehrgood,	Jump,	Ogilvie,	Wall,
Erb,	Keller,	Parry,	Weidner,
Eshleman,	Kent,	Pomeroy,	Wescott,
Ewing,	Kline,	Price,	Wilt,
Frost,	Kooker,	Pursley,	Wood,
Gibb,	Kromer,	Rudisill,	Worley,
Goldstein,	Lelsey,		Ziegler,

### NOT VOTING—22

Blair,	Greenwood,	McCormack,	Rovansek,
Brenninger,	Hewitt,	Moscrip,	Royer,
Comer,	Jenkins,	Murray, J. J.,	Stephens,
Dougherty,	Kratz,	Petrosky,	Willaredt,
Down,	Lafore,	Reidenbach,	Young,
George,	Maxwell,	Rigby,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House of Representatives has passed the same without amendment.

### STATEMENT BY SPEAKER

The SPEAKER. There is a rumor that Members of the House who are on leave and whose names have been called on the roll call have answered. That is not true. No one who is on leave is credited as having voted on this bill.

When Mr. Reidenbach's name was called, if some one answered it was a very grievous offense because it is a matter of record the gentleman is on leave.

## BILLS ON FINAL PASSAGE POSTPONED

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. PETROSKY.

The House resumed the consideration on final passage of House Bill No. 1823, entitled:

An Act to further amend subsection (i) of section four of the act approved the eighteenth day of April one thousand nine hundred forty-nine (P. L. 604) entitled "An act to promote the welfare of the people of the Commonwealth creating a State Highway and Bridge Authority as a body corporate and politic with power to construct reconstruct improve maintain equip furnish and operate highway and bridge projects and roadside rests and to lease the same and to fix and collect fees rentals and charges for the use thereof authorizing and regulating the issuance of bonds by said Authority and providing for the payment of such bonds and the rights of the holders thereof and to enter into agreements with the Government of the United States or any Federal agency and authorizing the Department of Highways to grant assign convey or lease to the Authority lands easements or rights of way of the Commonwealth and interests therein and to acquire lands therefor authorizing said Authority and the Department of Highways to enter into agreements providing for mutual cooperation in furtherance of the construction of any project hereby authorized granting the right of eminent domain empowering said Authority to sell and convey projects and property to the Commonwealth and providing that no debt of the



Commonwealth or any of its political subdivisions shall be incurred in the exercise of any of the powers granted by this act and making an appropriation" by increasing the power of the Authority to borrow money and issue evidences of indebtedness therefor in certain cases

On the question recurring,  
Shall the bill pass finally?

#### BILL RECOMMITTED

Mr. PETROSKY. Mr. Speaker, I move that this bill be recommitted to the Committee on Highways.

The motion was agreed to.

#### BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 53, as follows:

An Act amending the act of May one one thousand nine hundred twenty-nine (P. L. 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" prohibiting throwing of certain material from motor vehicles

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The act of May one one thousand nine hundred twenty-nine (P. L. 905) known as "The Vehicle Code" is amended by adding after section 1023 a new section to read

Section 1023.1 Throwing Material from Motor Vehicle No owner or operator shall throw or permit to be thrown from a motor vehicle any missile garbage bottles cans rubbish wire glass papers cardboard or wood cartons or boxes or any other type of debris or trash

Penalty Any person violating any of the provisions of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of twenty-five (\$25) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than ten (10) days

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

#### YEAS—196

Adam,	Frost,	Lovett,	Rosen,
Agnew,	Gaffney,	Lutty,	Rubin,
Amarando,	Garlock,	Magee,	Rudisill,
Anderson, M. S.,	Gelfand,	Mahan,	Sarraf,
Anderson, S. A.,	Gibb,	Markley,	Scarcelli,
Ashton,	Gibson,	McCann,	Schuster,
Auker,	Goldstein,	McCormack,	Sherman,

Banker,	Gramlich,	McGee,	Sigman,
Barnatovich,	Greenwood,	McInroy,	Smith, C. C.,
Bazin,	Guss,	McKeever,	Smith, Wm. B.,
Bell,	Guthrie,	McLaughlin,	Snider,
Blair,	Hamilton, R. K.,	McWhorter,	Stank,
Boles,	Hamilton, W. H.,	Meholchick,	Stebbins,
Bonner,	Hass,	Metz,	Steckel,
Boory,	Haudenschild,	Mihm,	Stevenson,
Bower,	Heavey,	Mikula,	Stone,
Branca,	Helm,	Miller,	Stoner,
Breisch,	Henzel,	Mills,	Strausser,
Brennan, A. P.,	Hewitt,	Monroe,	Stroup,
Brennan, J. J.,	Hocker,	Moody,	Swartz,
Breth,	Holt,	Moran,	Taylor,
Brown,	Horst,	Muldowney,	Thomas,
Bucchin,	Houk,	Mullen,	Thompson,
Bullen,	Isaacs,	Munley,	Toll,
Capano,	Jenkins,	Murphy,	Tompkins,
Cianfrani,	Johnson,	Murray, H. P.,	Toomey,
Cioffi,	Jones, G. E.,	Murray, J. J.,	Varallo,
Cochran,	Jones, T. H. W.,	Murray, P. G.,	Varner,
Comer,	Jump,	Musto,	Vaughan,
Connelly,	Kamyk,	Naugle,	Verona,
Cooper,	Kehler,	Needham,	Wall,
Curwood,	Keller,	Ogilvie,	Wallace,
Davis,	Kent,	Olsen,	Walsh,
Donahue,	Kline,	O'Neill,	Wargo,
Donaldson,	Knecht,	Pacchioni,	Waterhouse,
Dougherty,	Kolankiewicz,	Parry,	Weidner,
Ehrgood,	Kooker,	Pashley,	Welsh,
Elbers,	Kornick,	Paulhamus,	Wescott,
Erb,	Kromer,	Petrosky,	Wheeler,
Eshleman,	Kubacki,	Pettigrew,	Whitenight,
Ewing,	Lawyer,	Polaski,	Williams,
Farabaugh,	Leiby,	Polen,	Wilt,
Filo,	Lelsey,	Pomeroy,	Wood,
Fineman,	Leonard,	Price,	Worley,
Flint,	Leven,	Pursley,	Yetter,
Floyd,	Light,	Readinger,	Yetzer,
Flynn,	Lamper,	Reibman,	Ziegler,
Poster,	Lippincott,	Renwick,	Andrews,
Frank,	Lopresti,	Rigby,	Speaker
Frascella,			

#### NAYS—0

#### NOT VOTING—13

Brenninger,	Lafore,	Reidenbach,	Stephens,
Down,	Maxwell,	Rovansek,	Willaredt,
George,	Moscrip,	Royer,	Young,
Kratz,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered That the Clerk present the same to the Senate for concurrence.

#### BILL PASSED OVER

There being no objection

House Bill No. 322, Printer's No. 255,  
was passed over at the request of the SPEAKER.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 323, entitled:

An Act providing for the protection of the public safety by regulating the sale offering or exposing for sale at retail and the use of air rifles defining air rifles authorizing cities boroughs towns and townships to issue permits for licensing and to regulate target ranges imposing duties on the Pennsylvania State Police sheriffs police officers and constables and providing penalties

On the question,

Will the House agree to the bill on third reading?

Mr. SARRAF. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.



Amend Sec. 4, page 4, line 10, by striking out "(4)" and inserting in lieu thereof "4."  
Amend Sec. 5, page 5, line 4, by inserting after "city" borough.

The SPEAKER. Will the House give unanimous consent to the offering of amendments at this time?  
Is there objection? The Chair hears none.  
On the question,  
Will the House agree to the amendments?  
They were agreed to.  
On the question,  
Will the House agree to the bill on third reading as amended?  
It was agreed to.  
Ordered, That the bill as amended lie over for printing.

BILL PASSED OVER

There being no objection  
House Bill No. 667, Printer's No. 1194,  
was passed over at the request of the SPEAKER.  
Agreeably to order,  
The House proceeded to the third reading and consideration of House Bill No. 874, as follows:

An Act amending the act of June 24, 1931 (P. L. 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" increasing millage of annual tax for general township purposes  
The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows  
Section 1 Clause one section 1709 act of June 24, 1931 (P. L. 1206) known as "The First Class Township Code" reenacted amended and revised May 27, 1949 (P. L. 1955) is amended to read

Section 1709 Tax Levies The board of township commissioners may levy taxes upon all property and upon all occupations within the township made taxable for township purposes as ascertained by the valuation for county purposes made by the assessors of the several counties of this Commonwealth for the year for which the township taxes are levied for the purposes and at the rate hereinafter specified Provided however That such valuation shall be subject to correction by the county commissioners of the several counties and to appeal by the taxable persons in accordance with existing laws

One An annual tax for general township purposes not exceeding [twelve] fifteen mills unless the board of township commissioners by majority action shall upon due cause shown by resolution petition the court of quarter sessions in which case the court may order a rate of not more than [three] five mills additional to be levied Further provided That if at the hearing before the court of quarter sessions upon said petition of which notice shall be given as the court may direct which hearing shall be held not less than ten nor more than fifteen days after said petition shall be presented the owners of real estate having assessed valuation of fifty per centum of the total assessed valuation of real estate in said township shall by petition object to the making of an order for any additional tax levy the court shall thereupon deny the prayer of said petition  
\* \* \*

And said bill having been read at length the third time, considered and agreed to.  
On the question,  
Shall the bill pass finally?  
Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—196

Adam,	Frost,	Lovett,	Rosen,
Agnew,	Gaffney,	Lutty,	Rubin,
Amarando,	Garlock,	Magee,	Rudisill,
Anderson, M. S.,	Gelfand,	Mahan,	Sarra,
Anderson, S. A.,	Gibb,	Markley,	Scarcell,
Ashton,	Gibson,	McCann,	Schuster,
Auker,	Goldstein,	McCormack,	Sherman,
Banker,	Gramlich,	McGee,	Sigman,
Barnatovich,	Greenwood,	McInroy,	Smith, C. C.,
Bazin,	Guss,	McKeever,	Smith, Wm. B.,
Bell,	Guthrie,	McLaughlin,	Snider,
Blair,	Hamilton, R. K.,	McWherter,	Stank,
Boles,	Hamilton, W. H.,	Meholchick,	Stebbins,
Bonner,	Hass,	Metz,	Steckel,
Boory,	Haudensfield,	Mihm,	Stevenson,
Bower,	Heavey,	Mikula,	Stone,
Branca,	Helm,	Miller,	Stoner,
Breisch,	Henzel,	Mills,	Strausser,
Brennan, A. P.,	Hewitt,	Monroe,	Stroup,
Brennan, J. J.,	Hocker,	Moody,	Swartz,
Breth,	Holt,	Moran,	Taylor,
Brown,	Horst,	Muldowney,	Thomas,
Bucchin,	Houk,	Mullen,	Thompson,
Bullen,	Isaacs,	Munley,	Toll,
Capano,	Jenkins,	Murphy,	Tompkins,
Cianfrani,	Johnson,	Murray, H. F.,	Toomey,
Cioffi,	Jones, G. E.,	Murray, J. J.,	Varallo,
Cochran,	Jones, T. H. W.,	Murray, P. G.,	Varner,
Comer,	Jump,	Musto,	Vaughan,
Connelly,	Kamyk,	Naugle,	Verona,
Cooper,	Kehler,	Needham,	Wall,
Curwood,	Keller,	Ogilvie,	Wallace,
Davis,	Kent,	Olsen,	Walsh,
Donahue,	Kilne,	O'Neil,	Wargo,
Donaldson,	Knecht,	Pacchioli,	Waterhouse,
Dougherty,	Kolankiewicz,	Parry,	Weidner,
Ehrgood,	Kooker,	Pashley,	Welsh,
Ellberg,	Kornick,	Paulhamus,	Wescott,
Erb,	Kromer,	Petrosky,	Wheeler,
Eshleman,	Kubacki,	Pettigrew,	Whitenight,
Ewing,	Lawyer,	Polaski,	Williams,
Farabaugh,	Leiby,	Polen,	Wilt,
Filo,	Lelsey,	Pomeroy,	Wood,
Fineman,	Leonard,	Price,	Worley,
Flint,	Leven,	Pursley,	Yetter,
Floyd,	Light,	Readinger,	Yetzer,
Flynn,	Limper,	Rebman,	Ziegler,
Foster,	Lippincott,	Renwick,	Andrews,
Frank,	Lopresti,	Rigby,	Speaker
Frascella,			

NAYS—0

NOT VOTING—13

Brenninger,	Lafore,	Reidenbach,	Stephens,
Down,	Maxwell,	Rovansek,	Willardt,
George,	Moscrip,	Royer,	Young,
Kratz,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILLS PASSED OVER

There being no objection  
House Bill No. 926, Printer's No. 1190 and  
House Bill No. 1080, Printer's No. 1191,  
were passed over at the request of the SPEAKER.

Agreeably to order,  
The House proceeded to the third reading and consideration of House Bill No. 1181, as follows:

An Act amending the act of May 1, 1929 (P. L. 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the oper-



ators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" prescribing powers of magistrates and committing magistrates in traffic courts in summary proceedings involving certain juveniles providing for reports by magistrates and committing magistrates in traffic courts to probation officers imposing duties upon probation officers and providing for appeals to juvenile courts in certain cases involving juveniles

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 616 act of May 1, 1929 (P. L. 905) known as "The Vehicle Code" amended July 6, 1951 (P. L. 998) is amended to read

Section 616 Right of Appeal to Court from Suspension [Any] Except as provided in subsection (b) of section 1207.1 of this act in the case of juveniles between the ages of sixteen and eighteen years any person whose operator's license or learner's permit has been suspended or who has been deprived of the privilege of applying for an operator's license or learner's permit under the provisions of this act shall have the right to file a petition within thirty (30) days thereafter for a hearing in the matter in the court of common pleas of the county in which the operator or permittee resides other than Allegheny County and in Allegheny County in the county court of Allegheny County Such courts are hereby vested with jurisdiction and it shall be their duty to set the matter down for hearing upon thirty (30) days' written notice to the secretary and thereupon to take testimony and examine into the facts of the case and to determine whether the petitioner is subject to suspension of operator's license or learner's permit or whether he may be deprived of the privilege of applying for an operator's license or learner's permit by the secretary under the provision of this act The jurisdiction of the county court of Allegheny County conferred hereby shall be exclusive within the territorial limits of its jurisdiction

Section 2 The act is amended by adding after section 1207 a new section to read

Section 1207.1 Summary Proceedings Against Certain Minors (a) for the purposes of this section the term "magistrate" shall include in addition to magistrates as defined in section 102 of this act police magistrates assigned to the municipal traffic court of any city of the second class or the persons assigned elected or appointed as committing magistrates in any traffic court established by law in any other political subdivision (b) In any case where a magistrate has authority to impose a fine or penalty in a summary proceeding for any violation of this act if the person charged with such violation is between sixteen (16) and eighteen (18) years of age both inclusive the magistrate shall have jurisdiction to impose a fine in such case together with the costs of prosecution to the same extent as he would have if the accused person were an adult In no case however shall a magistrate have the power or authority to sentence a juvenile to imprisonment for a summary offense

(c) Within thirty (30) days after any magistrate has received payment of any fine and costs of prosecution he shall report to the office of the chief probation officer of the county the name address and offense in violation of this act committed by any juvenile between the ages of sixteen (16) and eighteen (18) years The probation officer shall investigate or cause to be investigated each viola-

tion so reported and afford the juvenile an opportunity to be heard and shall then submit his findings concerning the facts and circumstances of the offense to the secretary together with a recommendation as to whether or not the juvenile's operator's license or learner's permit should be suspended or revoked or whether the privilege of the juvenile to apply for a learner's permit or operator's license should be suspended From any decision of the secretary suspending or revoking the learner's permit or operator's license of a juvenile between the ages of sixteen (16) and eighteen (18) years or suspending the privilege of such juvenile to apply for a learner's permit or operator's license the juvenile shall have the right to file a petition within thirty (30) days thereafter for a hearing in the juvenile court of the county in which the operator or permittee resides Such courts are hereby vested with jurisdiction and it shall be their duty to set the matter down for hearing upon thirty (30) days' written notice to the secretary and thereupon to take testimony and examine into the facts of the case and to determine whether the petitioner is subject to suspension or revocation of operator's license or learner's permit or whether he may be deprived of the privilege of applying for an operator's license or learner's permit by the secretary under the provisions of this act

(d) If the juvenile fails or is unable to pay either the fine or the costs of prosecution or both the magistrate shall so certify to the juvenile court of the county where the offense was committed and the juvenile court shall then have power and jurisdiction to take such action as it deems proper under the circumstances in accordance with the act of June 2 1933 (P. L. 1433) known as "The Juvenile Court Law" or the act of June 3, 1933 (P. L. 1449) known as the "Juvenile Court Law of Allegheny County" If the juvenile court shall later receive the fine and costs or both the same shall be remitted to the magistrate for disposition in accordance with law

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

#### YEAS—195

Adam,	Frost,	Lovett,	Rosen,
Agnew,	Gaffney,	Lutty,	Rubin,
Amarando,	Garlock,	Magee,	Rudisill,
Anderson, M. S.,	Gelfand,	Markley,	Sarra,
Anderson, S. A.,	Gibb,	McCann,	Scarcell,
Ashton,	Gibson,	McCormack,	Schuster,
Auker,	Goldstein,	McGee,	Sherman,
Bank,	Gramlich,	Mahan,	Sigman,
Barnatovich,	Greenwood,	McInroy,	Smith, C. C.,
Bazin,	Guss,	McKeever,	Smith, Wm. B.,
Bell,	Guthrie,	McLaughlin,	Stank,
Blair,	Hamilton, R. K.,	McWherter,	Snider,
Boies,	Hamilton, W. H.,	Meholchick,	Stebbins,
Bonner,	Hass,	Metz,	Steckel,
Boory,	Haudenschild,	Mihm,	Stevenson,
Bower,	Heavey,	Mikula,	Stone,
Branca,	Helm,	Miller,	Stoner,
Brelschi,	Henzel,	Mills,	Strausser,
Brennan, A. P.,	Hewitt,	Monroe,	Stroup,
Brennan, J. J.,	Hocker,	Moody,	Swartz,
Breth,	Holt,	Moran,	Taylor,
Brown,	Horst,	Muldowney,	Thomas,
Buchin,	Houk,	Mullen,	Thompson,
Bullen,	Isaacs,	Munley,	Toll,
Capano,	Jenkins,	Murphy,	Tompkins,
Cianfrani,	Johnson,	Murray, H. P.,	Toomey,
Cioffi,	Jones, G. E.,	Murray, J. J.,	Varallo,
Cochran,	Jones, T. H. W.,	Murray, P. G.,	Varner,
Comer,	Jump,	Musto,	Vaughan,
Connolly,	Kamyk,	Naugle,	Verona,
Cooper,	Kehler,	Needham,	Wall,
Curwood,	Keller,	Ogilvie,	Wallace,
Davis,	Kent,	Olsen,	Walsh,
Donahue,	Kline,	O'Neill,	Wargo,
Donaldson,	Knecht,	Pacchioli,	Waterhouse,
Dougherty,	Kolankiewicz,	Parry,	Weldner,



Ehrgood,	Kooker,	Pashley,	Welsh,
Ellberg,	Kornick,	Paulhamus,	Wescott,
Eshleman,	Kromer,	Petrosky,	Wheeler,
Ewins,	Kubacki,	Pettigrew,	Whitenight,
Farabaugh,	Lawyer,	Polaski,	Williams,
Filo,	Leiby,	Polen,	Wilt,
Fineman,	Lelsey,	Pomeroy,	Wood,
Flint,	Leonard,	Price,	Worley,
Floyd,	Leven,	Pursley,	Yetter,
Flynn,	Light,	Readinger,	Yetzer,
Foster,	Lamper,	Reibman,	Ziegler,
Frank,	Lippincott,	Renwick,	Andrews,
Frascella,	Lopresti,	Rigby,	Speaker

# NAYS—1

Erb,

# NOT VOTING—13

Brenninger,	Lafore,	Reldenbach,	Stephens,
Down,	Maxwell,	Rovansek,	Willaredt,
George,	Moscrip,	Royer,	Young,
Kratz,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1314, entitled:

An Act amending the act of April 9, 1929 (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" changing the provisions relating to sick leaves for certain State employes

On the question,

Will the House agree to the bill on third reading?

Mrs. REIBMAN. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

Amend Sec. 1 (Sec. 222), page 5, line 11, by striking out "receive ten" and inserting in lieu thereof "earn fifteen".

Amend Sec. 1 (Sec. 222), page 5, line 12, by striking out "ten" and inserting in lieu thereof "fifteen".

Amend Sec. 1 (Sec. 222), page 5, lines 14 to 20, and page 6, lines 1 and 2, by striking out all of said lines and inserting in lieu thereof

(2) Employes shall earn one day additional leave for every year of service in excess of fifteen years service, but no employe shall earn more than twenty days' leave or such portion of twenty days as determined by the number of full calendar months employed.

(3) Unused vacation leave shall be cumulative from month to month and year to year, but shall not exceed thirty days at the end of any calendar year.

Amend Sec. 1 (Sec. 222), page 6, line 7, by striking out "Be Limited As Follows" and inserting in lieu thereof "not exceed sixty days at the end of any calendar year".

Amend Sec. 1 (Sec. 222), page 6, lines 8 to 17, by striking out all of lines 8 to 16, and "(D)" in line 17 and inserting in lieu thereof "(1)".

Amend Sec. 1 (Sec. 222), page 7, line 1, by inserting after "Physician" or practitioner.

Amend Sec. 1 (Sec. 222), page 7, line 3, by striking out "(E)" and inserting in lieu thereof

(2) When the head of any department, board or commission finds that the certification provided for in this subsection is falsified, he shall file his findings in written form in the employe's personnel file and the employe, for the first offense, shall receive sixty days' leave without pay.

(3) The executive board shall, when it finds that a falsified certification has been presented more than one time on account of an employe, cause the employe to be dismissed. The employe shall be given written notice of the board's findings and a copy of the notice shall be filed with and made a part of the employe's permanent personnel file. Any employe dismissed as herein provided shall be ineligible for employment by the Commonwealth or any of its departments, boards or commissions for a period of one year after dismissal.

(4) In special and meritorious cases where to limit the annual sick leave allowed plus accumulated leave would work a hardship additional sick leave with pay may upon the recommendation of the head of the department, board or commission be granted if approved by the Executive Board in the case of a department independent administrative board or commission and in the case of departmental administrative board or commission by the department with which the board or commission is connected. Provided, however, That this subsection (4) shall only be effective during the first calendar year from the effective date of this act.

The SPEAKER. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

# HOUSE BILLS NOS. 592, 1877 AND 1768 MADE SPECIAL ORDERS

Mr. READINGER. Mr. Speaker, I move that House Bill No. 592, Printer's No. 1156 on page 8, House Bill No. 1877, Printer's No. 1222 on page 6 and House Bill No. 1768, Printer's No. 1025 on page 10, be made a special order of business in that order immediately.

The motion was agreed to.

The SPEAKER. The Chair lays before the House the first bill on the special order of business fixed for this time, House Bill No. 592.

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. READINGER.

The House resumed the consideration on final passage, of House Bill No. 592 as follows:

An Act amending the act of April 28, 1937 (P. L. 417) entitled "An act relating to milk and the products thereof creating a Milk Control Commission establishing



its jurisdiction powers and duties regulating the production transportation manufacturing processing storage distribution delivery and sale of milk and certain products thereof providing for the licensing of milk dealers and the payment of fees therefor requiring milk dealers to file bonds to secure payment for milk to producers and certain milk dealers authorizing the holding of hearings and the issuance of subpoenas by the commission conferring jurisdiction upon courts to punish contempts and to prohibit violations of this act and of rules regulations and orders of the commission authorizing the commission to adopt rules regulations and orders and to enter into interstate and Federal compacts requiring persons who weigh measure sample or test milk to procure permits or certificates to take examinations to pay fees therefor to furnish certain notices records and statements and to use certain methods of weighing measuring sampling and testing authorizing the commission to examine the business papers and premises of milk dealers and producers requiring the keeping of records and the filing of reports by milk dealers and permitting with limitations the use of information obtained thereby authorizing the commission to fix prices for milk and certain milk products subject to the approval of the Governor and conferring certain powers upon the Governor with respect thereto providing for appeals to the courts from decisions of the commission and for the burden of proof upon such appeals prescribing penalties fines and imprisonment for violations of this act and rules regulations and orders of the commission defining perjury defining remedies repealing legislation supplied and superseded by this act and saving rights duties and proceedings thereunder and making appropriations" by changing the provisions relating to licenses license fees and suspension and revocation of licenses

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The act of April 28, 1937 (P. L. 417) known as the "Milk Control Law" is hereby amended by adding immediately following section four hundred four a new section to read as follows

Section 404.1 Penalties in lieu of suspension in any case where the commission shall suspend a license the commission may accept from the licensee an offer in compromise at the rate of one hundred dollars (\$100.00) for each day of suspension as a penalty in lieu of such suspension and thereupon rescind the suspension

Sections four hundred eight and four hundred nine of said act as amended by the act approved the nineteenth day of June one thousand nine hundred fifty-three (P. L. 286) are hereby further amended to read as follows

Section 408 License fees generally [the commission shall charge and collect license fees from milk dealers on a yearly basis as follows where a milk dealer received produced or brought within the Commonwealth during the calendar year preceding the period for which the license is issued a daily average total quantity of milk

(1) Not exceeding twenty (20) pounds a license fee of one dollar (\$1.00)

(2) Exceeding twenty (20) pounds but not exceeding one hundred (100) pounds a licensee fee of three dollars (\$3.00)

(3) Exceeding one hundred (100) pounds but not exceeding five hundred (500) pounds a license fee of ten dollars (\$10.00)

(4) Exceeding five hundred (500) pounds but not exceeding one thousand (1,000) pounds a license fee of fifteen dollars (\$15.00)

(5) Exceeding one thousand (1,000) pounds but not exceeding two thousand (2,000) pounds a license fee of thirty dollars (\$30.00)

(6) Exceeding two thousand (2,000) pounds but not exceeding three thousand (3,000) pounds a license fee of forty dollars (\$40.00)

(7) Exceeding three thousand (3,000) pounds but not exceeding four thousand (4,000) pounds a license fee of fifty dollars (\$50.00)

(8) Exceeding four thousand (4,000) pounds but not

exceeding five thousand (5,000) pounds a license fee of sixty dollars (\$60.00)

(9) Exceeding five thousand (5,000) pounds but not exceeding seven thousand five hundred (7,500) pounds a license fee of seventy-five dollars (\$75.00)

(10) Exceeding seven thousand five hundred (7,500) pounds but not exceeding ten thousand (10,000) pounds a license fee of one hundred dollars (\$100.00)

(11) Exceeding ten thousand (10,000) pounds but not exceeding fifteen thousand (15,000) pounds a license fee of one hundred fifty dollars (\$150.00)

(12) Exceeding fifteen thousand (15,000) pounds but not exceeding twenty-five thousand (25,000) pounds a license fee of two hundred dollars (\$200.00)

(13) Exceeding twenty-five thousand (25,000) pounds but not exceeding fifty thousand (50,000) pounds a license fee of three hundred dollars (\$300.00)

(14) Exceeding fifty thousand (50,000) pounds but not exceeding one hundred thousand (100,000) pounds a license fee of five hundred dollars (\$500.00)

(15) Exceeding one hundred thousand (100,000) pounds but not exceeding two hundred fifty thousand (250,000) pounds a license fee of one thousand dollars (\$1,000.00)

(16) Exceeding two hundred fifty thousand (250,000) pounds but not exceeding five hundred thousand (500,000) pounds a license fee of one thousand five hundred dollars (\$1,500.00)

(17) Exceeding five hundred thousand (500,000) pounds but not exceeding seven hundred fifty thousand (750,000) pounds a license fee of two thousand five hundred dollars (\$2,500.00)

(18) Exceeding seven hundred fifty thousand (750,000) pounds but not exceeding one million (1,000,000) pounds a license fee of three thousand five hundred dollars (\$3,500.00)

(19) Exceeding one million (1,000,000) pounds a license fee of five thousand dollars (\$5,000.00)

In addition to the foregoing specific annual fee and to be added to the amount thereof the commission shall charge and collect one cent per hundredweight for the license year beginning the first day of May one thousand nine hundred fifty-four and one-half cent per hundredweight for each license year thereafter on all milk the prices of which the commission is required to fix by the mandatory provision of section eight hundred two of this act received produced or brought within the Commonwealth by the dealer during the calendar year preceding the period for which the license is issued if the dealer was engaged in the milk business during a part only of the preceding calendar year the number of hundredweight on which the additional license fee shall be computed shall be determined by dividing the total number of hundredweight of milk as defined above received produced or brought into the Commonwealth by the dealer during the preceding license year by the number of months during which the dealer was licensed and multiplying by twelve the foregoing provisions do not apply to sub-dealers sub-handlers or stores

The commission shall charge and collect license fees from sub-dealers on a yearly basis of fifteen dollars (\$15.00) for each route owned or operated at the commencement of the license period

Except as otherwise expressly provided by this act the license fee fixed by this section shall be paid before any license or any renewal thereof is issued where a license is applied for by a milk dealer and the commission declines to grant a license to the applicant the license fee shall be charged and retained by the commission only pro rata for so much of the license year as expired prior to the issuance of the order refusing the license

(A) The commission shall charge and collect license fees from milk dealers on a yearly basis the amount of each license fee shall be based upon the dealer's transactions during the calendar year preceding the period for which the license is issued and it shall be the total of the following

(1) One-fourth of one cent per hundredweight on all milk purchased received handled or otherwise acquired from Pennsylvania producers

(2) One-fourth of one cent per hundredweight on all



milk brought within the Commonwealth from sources outside the Commonwealth including plant transfers from the licensee's plant or plants located outside of the Commonwealth

(3) One and one-fourth cents per hundredweight on all milk the minimum price of which the commission is required to fix by the provisions of Section eight hundred two of this act received produced or brought within the Commonwealth

(b) If the dealer was engaged in the milk business during only a part of the preceding calendar year his license fee shall be computed as follows

(1) Apply the factors set forth in section four hundred eight (a)

(2) Divide the result by the number of months of the preceding calendar year during which the dealer was licensed and multiplying the result by twelve

(c) In lieu of any other license fee imposed by this section the commission shall charge and collect license fees from non-processing milk dealers or handlers including subdealers and subhandlers who only sell or deliver milk in the same containers in which they purchase or acquire it at the rate of twenty dollars (\$20.00) per year for each route owned or operated by the licensee

(d) The minimum license fee shall be five dollars (\$5.00)

(e) Except as otherwise expressly provided in this act the license fee fixed by this section shall be paid before any license or any renewal thereof is issued when the commission refuses the application of a milk dealer for a license. The commission shall retain only a pro rata portion of the license fee for the period from the beginning of the license period to the date of refusal

Section 409 License Fees of Certain Milk Dealers [Milk dealers who are not engaged in the milk business at the commencement of the license period shall pay a proportionate amount of the specific annual fee as follows

(1) For a license issued on or after August first but prior to November first three-fourths of the annual fee

(2) For a license issued on or after November first but prior to February first of the succeeding year one-half of the annual fee

(3) For a license issued on or after February first but prior to May first one-fourth of the annual fee

Milk dealers not engaged in the milk business during any month in the preceding calendar year shall submit with their application a license fee in the sum of one dollar (\$1.00) and in addition thereto (1) at such time or times as the commission may fix but not more than four months after the granting of the license shall pay an additional sum based upon the daily average total quantity of milk received produced or brought within the Commonwealth by such dealer during any of such months in the proportionate amount above stated and (2) shall pay monthly one cent per hundredweight during the part of the license year beginning the first day of May one thousand nine hundred fifty-four for which he is licensed and one-half cent per hundredweight during the part of any license year thereafter for which he is first licensed on all milk the prices of which the commission is required to fix by the mandatory provision of section eight hundred two of this act received produced or brought within the Commonwealth by the dealer during the preceding month the foregoing provisions do not apply to sub-dealers sub-handlers or stores]

(a) Any milk dealer who was not engaged in the milk business at the commencement of the license period shall pay a proportionate amount of the annual license fee as follows

(1) For a license issued on or after May first but prior to August first the annual fee

(2) For a license issued on or after August first but prior to November first three-fourths of the annual fee

(3) For a license issued on or after November first but prior to February first of the succeeding year one-half of the annual fee

(4) For a license issued on or after February first but prior to May first one-fourth of the annual fee

(b) Whenever a dealer who was not engaged in the milk business during any month in the preceding calendar year applies for a license he shall submit with his ap-

plication a fee of five dollars (\$5.00) the amount of his license fee shall be determined by applying the rates set forth in section four hundred eight to his transactions in the first three months during which he is in business multiplying by four and applying the proportions set forth in subsection (a) hereof such license fee shall be paid within four months after the granting of the license

Section 3 Section four hundred ten of said act as amended by the act approved the twenty-fourth day of July one thousand nine hundred forty-one (P. L. 443) is hereby further amended to read as follows

Section 410 Computation of License Fees [Milk sold and distributed outside of this Commonwealth in any State which charges milk dealers or handlers a license fee may be deducted in the determination of the amount of the license fee required by this act provided that such quantity of milk is actually computed in determining the amount of such license fee in such other State in computing the license fee to be charged by the Commission the fluid milk equivalent of milk other than fluid milk shall be ascertained and fixed in such manner as the commission shall prescribe except in the case of farm-separated sour cream used exclusively in making butter to be marketed or ultimately sold as such in which case the daily average total quantity of such milk shall be computed according to pounds of butterfat of sour cream rather than the fluid milk equivalent thereof nothing herein is to be considered as requiring in the computation of the license fee the inclusion of milk which is received by the applicant milk dealer or handler from another milk dealer or handler subject to license hereunder which milk has been included in the computation of such other dealer's fee or milk which is produced by the applicant dealer or handler and not sold by him to stores or consumers applicant milk dealers or handlers other than subdealers or subhandlers receiving their entire supply from milk dealers or handlers who have paid a license fee thereon to this commission shall pay the license fee of ten dollars (\$10.00)]

(a) In computing the license fee to be charged by the commission the weight of the milk received from producers shall be based on the actual weight and butterfat received and for all other items handled in Pennsylvania plants shall be based on the actual product pounds of milk cream and milk products received except in the case of farm-separated sour cream used exclusively in making butter to be marketed or ultimately sold as butter in which case the total quantity of milk shall be computed according to pounds of butterfat in sour cream nothing herein is to be construed as requiring in the computation of the license fee the inclusion of milk which is received by the applicant milk dealer or handler from another milk dealer or handler subject to a license under the provisions of this act which milk has been included in the computation of the other dealer's license fee or milk which is produced by the applicant dealer or handler and not sold by him to stores or consumers

(b) Applicant milk dealers or handlers other than subdealers or subhandlers engaged solely in the manufacture of dairy products receiving their entire supply from milk dealers or handlers who have paid a license fee thereon to this commission shall pay a license fee of ten dollars (\$10.00)

On the question recurring,

Shall the bill pass finally?

Mr. LIGHT. Mr. Speaker and Members of the House, I discussed my opposition to this bill at some length several days ago, and I do not propose to take much time in the debate of this bill any further.

However, let me say to the Members of this House, that the Milk Control Law has been in operation since 1937. I was here when the Milk Control Law was passed and there was considerable opposition. John A. Smith from Cumberland County was the sponsor of the Milk Control law, and to this very day he has been supporting it. Not so many months ago he had an article in



the Pennsylvania Farmer, expressing the hope that nothing would be done to change the policy that is expressed by the Milk Control Board.

I will say to the Members of the House today that I think it is a great mistake to meddle with this control.

We have several bills in the House now that are resting in committee that would abolish the Milk Control Board. But I want to say to the Members of the House that it would be a grave mistake to abolish the Milk Control Board now or even to amend it, for the reason that several features of the Milk Control Law have been tried and tested in the courts, and the Milk Control Board is in a position to make rules and regulations that are satisfactory in a large measure to the producer, the dealer and the consumer.

We must never forget that the basic principle in the Milk Control Law is to serve good milk to the consumer. There is a grave question whether you can do that with a policy that would be enforced after you have changed the Milk Control regulation by increasing the fees to the dealers. If the dealers cannot get the milk in Pennsylvania under the prices they can afford to pay, they can get milk outside of the state that will not be satisfactory to the Board, will not be satisfactory to the consumer and will be harmful.

I pointed out several days ago that the appropriation to the Milk Control Board by the Commonwealth from 1937 to 1953 inclusive has been \$3,279,000, and the amount of money collected by fees and fines paid through the dealers in that same time is \$2,693,000. Several years ago we made an amendment to the Milk Control Board by charging the dealers more license fees and in 1953 and '55 the amount of money that was paid by the dealers on fees and fines was \$432,671 as against \$257,000 for the previous biennium.

I am submitting to this House that the Milk Control Board has sufficient money under the present payment of license fees, together with the appropriation from the Commonwealth, which is paid in lieu of the interest consumer has in the Milk Control Law. Were that not so the license fees that are paid by the dealers, who represents the producer and the consumer—were it not for the fact that the Commonwealth paid this amount in lieu of the consumer, the producer and the dealer would have to pay the entire amount for operating the Milk Control Board.

Members of the House, that is the very purpose of this bill, to eliminate the appropriation by the Commonwealth and put the whole burden on the producer and on the dealer. The dealer certainly will pay the increased price if it is extracted from him, he has said he will, but in the final analysis the producer will have to pay the amount because he is the one who will finally pay the increased fees that will be charged by the dealer.

So I want to again sum up, as I did the other day, that the Commission has had sufficient money to operate. In the second place, the proposed schedule in House Bill 592, with the additional money that will come in will be more than will be needed by the Milk Control Board. And in the third place, is it a good thing for the Milk Control Board to become self-sufficient and to get beyond the reach of the Legislature? Will it give them the power to do just as they please without ever being asked to come back to the Legislature under the condi-

tions in which we are operating the Milk Control Board? I submit to you it is bad policy to do that.

Members of the House, I hope you will do what you did the other day and vote against the passage of this bill, because it would be bad legislation for the consumer, the producer and the dealer.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

A verification of the roll was requested by Messrs. LIGHT and BANKER and Mrs. MARKLEY. The roll was verified and was as follows:

## YEAS—106

Adam,	Frank,	McLaughlin,	Sarra,
Amarando,	Frascella,	McWherter,	Scarcelli,
Anderson, M. S.,	Gaffney,	Meholchick,	Schuster,
Anderson, S. A.,	Garlock,	Mihm,	Sherman,
Barnatovich,	Gelfand,	Mills,	Smith, Wm. B.,
Bazin,	Guss,	Monroe,	Snider,
Boles,	Hamilton, R. K.,	Moran,	Stank,
Bonner,	Hass,	Muldowney,	Stebbins,
Boory,	Heavey,	Mullen,	Stone,
Branca,	Holt,	Munley,	Swartz,
Brennan, A. P.,	Jones, G. E.,	Musto,	Taylor,
Brennan, J. J.,	Kamyk,	Needham,	Thomas,
Breth,	Kolankiewicz,	Olsen,	Toll,
Bucchin,	Kornick,	O'Neill,	Varallo,
Capano,	Kubacki,	Pacchioli,	Vaughan,
Cianfrani,	Lawyer,	Pashley,	Verona,
Cioffi,	Leiby,	Paulhamus,	Wallace,
Cochran,	Leonard,	Petrosky,	Walsh,
Curwood,	Leven,	Pettigrew,	Wargo,
Dougherty,	Limper,	Polaski,	Welsh,
Ellberg,	Lopresti,	Polen,	Wheeler,
Farabaugh,	Lovett,	Readinger,	Whitenight,
Filo,	Lutty,	Reibman,	Williams,
Fineman,	McCann,	Renwick,	Yetter,
Flint,	McCormack,	Rosen,	Yetzer,
Floyd,	McGee,	Rudisill,	Andrews,
Flynn,	McKeever,		Speaker

## NAYS—81

Agnew,	Gibson,	Kooker,	Pursley,
Ashton,	Goldstein,	Kromer,	Rubin,
Auker,	Leisey,	Light,	Sigman,
Banker,	Gramlich,	Lippincott,	Smith, C. C.,
Breisch,	Guthrie,	Magee,	Steckel,
Brown,	Hamilton, W. H.,	Mahan,	Stevenson,
Bullen,	Haudenschild,	Markley,	Stoner,
Comer,	Helm,	McInroy,	Strausser,
Connelly,	Henzel,	Metz,	Stroup,
Cooper,	Hocker,	Mikula,	Thompson,
Davis,	Horst,	Miller,	Tompkins,
Donahue,	Houk,	Moody,	Toomey,
Donaldson,	Isaacs,	Murphy,	Varner,
Ehrgood,	Johnson,	Murray, H. P.,	Wall,
Erb,	Jones, T. H. W.,	Murray, P. G.,	Waterhouse,
Eshleman,	Jump,	Naugle,	Weidner,
Ewing,	Kehler,	Ogilvie,	Wescott,
Foster,	Keller,	Parry,	Wilt,
Frost,	Kent,	Pomeroy,	Wood,
Gibb,	Kline,	Price,	Worley,
	Knecht,		Ziegler,

## NOT VOTING—22

Bell,	Greenwood,	Maxwell,	Rovansek,
Blair,	Hewitt,	Moscrip,	Royer,
Bower,	Jenkins,	Murray, J. J.,	Stephens,
Brenninger,	Kratz,	Reidenbach,	Willaredt,
Down,	Lafore,	Rigby,	Young,
George,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

\* \* \* \* \*



(During the verification of the roll)

Mr. VERONA. Am I recorded, Mr. Speaker?

The SPEAKER. The gentleman was not in the Hall of the House.

Mr. VERONA. Mr. Speaker I was in the Hall of the House when the first name was called out and was called to the telephone.

I wish to be recorded as voting "aye."

The SPEAKER. Is there any one that can verify that the gentleman was in the Hall of the House during the calling of the roll?

Rule 78 reads: "No Member shall be permitted to vote unless he be present in the Hall of the House on the first call of the yeas and nays.

If the gentleman states he was in the Hall of the House on the first call of the yeas and nays, he would be entitled to be recorded.

Mr. AMARANDO. Mr. Speaker, I can verify the fact that Mr. Verona of Pittsburgh stepped out after the roll was started. I was sitting in the rear of the Hall.

\* \* \* \* \*

The SPEAKER. The Chair lays before the House the next bill on the special order of business fixed for this time, House Bill No. 1877.

Agreeably to order

The House proceeded to the consideration on final passage of House Bill No. 1877 as follows:

An Act amending the act of March 10, 1949 (P. L. 30) entitled "An act relating to the public school system including certain provisions applicable as well to private and parochial schools amending revising consolidating and changing the laws relating thereto" changing the basis for reimbursement on account of rentals payable to the State Public School Building Authority municipality authorities and nonprofit corporations and the conditions therefor and limitations on approval of projects for reimbursement purposes providing for reimbursement on account of sinking fund charges on indebtedness for school buildings hereafter constructed and making an appropriation

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The last paragraph of section 790 added August 26, 1953 (P. L. 1471) and section 2511.1 act of March 10, 1949 (P. L. 30) known as the "Public School Code of 1949" and its amendments are repealed

Section 2 Article XXV of the act is amended by adding at the end a new subdivision to read

(f) School Building Rentals and Sinking Fund Charges

Section 2571 Standard Reimbursement Fraction for School Building Rentals and Sinking Fund Charges (a) For the purpose of reimbursement on account of all public school building rentals and sinking fund charges a school district's standard reimbursement fraction shall be computed for projects heretofore or hereafter constructed by subtracting from four thousand five hundred dollars (\$4500) an amount determined by multiplying the school district's valuation per district teaching unit by four one-thousandths (.004) and dividing the difference so obtained by four thousand five hundred dollars (\$4500)

(b) The school district's valuation is the valuation placed upon its taxable real property by the State Tax Equalization Board The Department of Public Instruction shall compute the standard reimbursement fraction of each school district entitled to payments on account of public school buildings annually in the month of December

Section 2572 State Public School Building Authority Leases Heretofore Approved (a) The Commonwealth shall pay annually to each school district erecting or sharing in the erection of a building or buildings or

providing educational equipment under the provisions of the State Public School Building Authority Act for every lease or contract entered into or approved by the Superintendent of Public Instruction prior to August 26 1953 an amount to be determined (1) by multiplying the school district's standard reimbursement fraction for school building rentals by fifty one-hundredths (50-100) and by the annual rental charge as fixed by the State Public School Building Authority or (2) if the district's standard reimbursement fraction for school building rentals is greater than five thousand nine hundred ninety-nine ten-thousandths (.5999) by multiplying the standard reimbursement fraction for school building rentals by itself and by the portion of the annual rental charge fixed by the State Public School Building Authority

(b) The Commonwealth shall pay annually to each school district erecting or sharing in the erection of a building or buildings under the provisions of the State Public School Building Authority Act for every lease approved by the Department of Public Instruction on or after August 26 1953 but prior to the effective date of this amending act an amount to be determined (1) by multiplying the school district's standard reimbursement fraction for school building rentals by fifty one-hundredths (50-100) and by that portion of the annual rental charge sufficient during the period of the lease to pay the cost of acquiring or constructing the school buildings the cost of acquiring the land upon which the school buildings are situate and the interest on such cost or (2) if the district's standard reimbursement fraction for school building rentals is greater than five thousand nine hundred ninety-nine ten-thousandths (.5999) by multiplying the standard reimbursement fraction for school building rentals by itself and by the portion of the annual rental charge stated above

Section 2573 Municipality Authority and Nonprofit Corporation Leases Heretofore Approved (a) The Commonwealth shall also pay annually to each school district which shall have entered into a lease approved by the Department of Public Instruction prior to August 26 1953 with a municipality authority or with a nonprofit corporation for the rental of a school building or buildings or providing education equipment an amount to be determined (1) by multiplying the school district's standard reimbursement fraction for school building rentals by fifty one-hundredths (50-100) and by the annual rental or share thereof provided for under its lease with such municipality authority or nonprofit corporation or (2) if the district's standard reimbursement fraction for school building rentals is greater than five thousand nine hundred ninety-nine ten-thousandths (.5999) by multiplying the standard reimbursement fraction for school building rentals by itself and by the annual rental or share thereof provided for under its lease with such municipality authority or nonprofit corporation

(b) The Commonwealth shall also pay annually to each school district which shall have entered into a lease approved by the Department of Public Instruction on or after August 26 1953 but prior to the effective date of this amending act with a municipality authority or with a nonprofit corporation for the rental of a school building or buildings an amount to be determined (1) by multiplying the school district's standard reimbursement fraction for school building rentals by fifty one-hundredths (50-100) and by that portion of the annual rental or share thereof provided for under its lease with such municipality authority or nonprofit corporation sufficient during the period of the lease to pay the cost of acquiring or constructing the school buildings the cost of acquiring land upon which the school buildings are situate and the interest on such costs or (2) if the district's standard reimbursement fraction for school building rentals is greater than five thousand nine hundred ninety-nine ten-thousandths (.5999) by multiplying the standard reimbursement fraction for school building rentals by itself and by the portion stated above of the annual rental or share thereof provided for under its lease with such municipality authority or nonprofit corporation

Section 2574 Approved Reimbursable Rental for Leases



Hereafter Approved and Approved Reimbursable Sinking Fund Charges on Indebtedness (a) For school building projects for which the general construction contract is awarded subsequent to the effective date of this amending act and for approved school building projects for which the general construction contract was awarded but for which a lease was not approved by the Department of Public Instruction prior to the effective date of this amending act the Department of Public Instruction shall calculate an approved reimbursable rental or approved reimbursable sinking fund charge Approved reimbursable rental or sinking fund charge shall consist of that part of the annual rental or sinking fund charge attributable to

(1) The cost of acquiring the land which the school buildings are situate to the extent that the cost is deemed reasonable by the Department of Public Instruction and the interest on such cost of acquisition and

(2) The approved building construction cost and the interest on such construction cost

(b) For new school buildings the approved building construction cost shall be the lesser of

(1) The cost of constructing the school buildings including the cost of essential fixtures and equipment but excluding architects' fees in excess of six per cent (6%) of the contract price or

(2) The product of the rated pupil capacity as determined by the Department of Public Instruction at the time the project is approved and (i) one thousand one hundred dollars (\$1100) in the case of elementary schools (ii) one thousand seven hundred dollars (\$1700) in the case of secondary schools (iii) an amount in the case of combined elementary-secondary schools obtained by multiplying the rated elementary pupil capacity by one thousand one hundred dollars (\$1100) and the rated secondary pupil capacity by one thousand seven hundred dollars (\$1700) and dividing the sum by the total rated pupil capacity

(c) For additions or alterations to existing buildings approved building construction cost shall be the lesser of

(1) The cost of constructing the additions or alterations including the cost of essential fixtures and equipment but excluding architect's fees in excess of six per cent (6%) of the contract price or

(2) The difference obtained by subtracting the appraisal value of the existing building from the product of rated pupil capacity of the altered or expanded building as determined by the Department of Public Instruction at the time the project is approved and (i) one thousand one hundred dollars (\$1100) in the case of elementary schools (ii) one thousand seven hundred dollars (\$1700) in the case of secondary schools (iii) an amount in the case of combined elementary-secondary schools obtained by multiplying the rated elementary pupil capacity of the altered or expanded building by one thousand one hundred dollars (\$1100) and the rated secondary pupil capacity of the altered or expanded building by one thousand seven hundred dollars (\$1700) and dividing the sum by the total rated pupil capacity of the altered or expanded building

Appraisal value shall be the valuation made immediately before the additions or alterations are begun by three competent appraisers one appointed by the school authorities one by the Superintendent of Public Instruction and the third by the other two

(d) For purposes of calculating the amount of rental reimbursement the approved reimbursable rental for a school project constructed for two or more school districts shall annually be apportioned among the participating districts on the basis of the proportion which the valuation of each district as certified by the State Tax Equalization Board during the preceding school year bears to the total valuation of all participating districts

Section 2575 Payments on Account of Leases Hereafter Approved and on Account of Sinking Fund Charges on Indebtedness for School Buildings Hereafter Constructed The Commonwealth shall pay annually to each school district erecting or sharing in the erection of a building or buildings under the provisions of the Public School Building Authority Act the Municipality Authority Act

or section 758 of the Public School Code of 1949 on account of buildings for which the lease is approved subsequent to the effective date of this amending act or through the incurring of indebtedness by the issuance of general obligation bonds on account of buildings for which the general construction contract is awarded subsequent to the effective date of this amending act an amount to be determined

(1) By multiplying the district's standard reimbursement fraction by itself and by fifty one-hundredths (50-100) and adding the product to the district's standard reimbursement fraction multiplied by twenty-five one-hundredths (25-100) and multiplying the sum by the approved reimbursable sinking fund charge or

(2) If the district's standard reimbursement fraction is greater than four thousand nine hundred ninety-nine ten-thousandths (.4999) by multiplying the district's standard reimbursement fraction by itself and by the approved reimbursable rental or approved reimbursable sinking fund charge Standard reimbursement fraction referred to herein is that provided by section 2571 for the purpose of reimbursement on account of public school building rentals and sinking fund charges

Section 2576 Approval of Department of Public Instruction (a) No payment shall be made to any school district on account of any lease entered into with the State Public School Building Authority or any municipality authority or nonprofit corporation or on account of sinking fund charges on indebtedness for school buildings unless such lease or sinking fund charge is approved by the Department of Public Instruction Except as hereinafter provided the Department of Public Instruction may give its approval to any lease heretofore or hereafter entered into and to any payments on account of sinking fund charges on indebtedness for school buildings if it shall find that the leased project or the project for which the indebtedness is incurred is in conformance with general county-wide plans prepared by the county board of school directors and approved by the State Council of Education for an orderly development of improved attendance areas and administrative units and for the improved housing of public schools in the Commonwealth that the school building will conform with standards and regulations prescribed by the department with respect to educational and architectural design building materials fixtures and equipment location usefulness for community activities safety comfort and convenience and that the school district or school districts which incur the indebtedness or to which the project is to be leased will have the ability to meet from current revenues the rental or sinking fund charge or their respective shares of rental or sinking fund charge and to defray the cost of their respective shares of the cost of operation and maintenance of the project

(b) The department shall have the right to disapprove or approve with reservation a lease because of any failure on the part of the authority or school district to comply with the provisions of the laws of the Commonwealth relating to such authority or school district only to such extent as will prevent the school district from paying a greater sum as rental because of such noncompliance with law For that purpose the department may require a modification of the lease if not at that time executed or may approve the lease with the reservation that the department will pay the reimbursement on that amount only which would have been determined by reason of the lower rental

(c) The Department of Public Instruction shall not approve any project for which Commonwealth reimbursement is sought unless an inspection has been made by the department of the location and adequacy of existing school facilities and the determination made that existing facilities are inadequate in terms of prevailing educational standards

Section 2577 Limitations on Approval of Projects for Reimbursement Purposes (a) The Superintendent of Public Instruction shall not give his approval for reimbursement purposes to any phase of any project or any project to be undertaken by the State Public School Building



Authority or by any municipality authority or nonprofit corporation or by any school district that would cause the approved reimbursable costs of projects to exceed six hundred and twenty-five million dollars (\$625,000,000) during the school year 1955-1956 seven hundred and twenty-five million dollars (\$725,000,000) during the school year 1956-1957 eight hundred and twenty-five million dollars (\$825,000,000) during the school year 1957-1958 and nine hundred and twenty-five million dollars (\$925,000,000) during the school year 1958-1959 in the aggregate for all the authorities nonprofit corporations and sinking fund charges combined for projects already undertaken and to be undertaken

(b) The Department of Public Instruction shall determine reimbursement eligibility of all projects including projects submitted for approval prior to the effective date of this act in the order of date of filing of applications for project approval with the department If the State Council of Education on petition of a district that has filed an application for approval of project finds that the priority order herein specified would impose exceptional hardship upon the pupils of the district the council shall certify such finding to the department and upon receipt of such certification the department shall immediately act upon the application If a delay in departmental processing of any application on file is occasioned by the applying school district the department shall proceed to determine reimbursement eligibility of projects next in order

(c) Unless the general construction for any project is awarded within ten months subsequent to the date of approval by the department approval shall be withdrawn except that when a district shows to the satisfaction of the department that the contract has not been let for reasons beyond its control or that withdrawal of approval would work undue hardship the department may grant extensions beyond the ten-months period for two periods of sixty days each before approval is withdrawn A project for which approval is withdrawn may be resubmitted to the department as a new project

Section 2578 Payments (a) Payments to a school district shall be determined and approved by the Department of Public Instruction The amount so approved shall be included in and be payable from any future appropriations made to the Department of Public Instruction

(b) All payments due school districts by the Commonwealth on account of obligations to the State Public School Building Authority sinking fund charges or rentals under leases with municipality authorities for building or educational equipment for area technical schools shall be paid to the county board of school directors operating the school School districts not originally parties to an agreement with the State Public School Building Authority or a lease with a municipality authority for buildings or educational equipment for an area technical school but later electing to participate in the operation of the school and agreeing to pay a part of the annual payments due under the agreement or lease shall be entitled to payments by the Commonwealth to the same extent as though they had originally been parties to the agreement or lease The amount thereof shall be paid to the county board of school directors No payments shall be made on account of obligations or rentals for buildings or educational equipment for area technical schools unless the schools conform to country-wide plans prepared by the county board of school directors and approved by the State Board for Vocational Education

Section 2579 Inspection of Projects by Department of Public Instruction The Department of Public Instruction shall inspect during construction the work performed by or under contract with a municipality authority nonprofit corporation or school district on all projects for the rental or sinking fund charge of which the Commonwealth will make reimbursement and shall compel compliance with approved plans

Section 2580 Changes in the Amount of Lease Rentals Reimbursements to school districts on account of rental payments in excess of the amount specified in the lease between the school districts and the State Public School

Building Authority or any municipality authority or nonprofit corporation or in the case of refinancing on account of rental payments provided by a renegotiated lease shall be calculated in the same manner as the specified lease rental

Section 3 The sum of four hundred five thousand dollars (\$405,000) or as much thereof as is necessary is appropriated to the Department of Public Instruction for the two fiscal years ending May 31, 1957 to carry out the provisions of this act

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

#### YEAS—196

Adam,	Frascella,	Lopresti,	Rigby,
Agnew,	Frost,	Lovett,	Rosen,
Amarando,	Gaffney,	Lutty,	Rubin,
Anderson, M. S.,	Garlock,	Magee,	Rudisill,
Anderson, S. A.,	Gelfand,	Mahan,	Sarra,
Ashton,	Gibb,	Markley,	Scarcelli,
Auker,	Gibson,	McCann,	Schuster,
Banker,	Goldstein,	McCormack,	Sherman,
Barnatovich,	Gramlich,	McGee,	Sigman,
Bazin,	Greenwood,	McInroy,	Smith, C. C.,
Bell,	Guss,	McKeever,	Smith, Wm. B.,
Blair,	Guthrie,	McLaughlin,	Snider,
Boles,	Hamilton, R. K.,	McWherter,	Stank,
Bonner,	Hamilton, W. H.,	Meholchick,	Stebbins,
Boory,	Hass,	Metz,	Stevenson,
Bower,	Haudenshield,	Mihm,	Stone,
Branca,	Heavey,	Mikula,	Stoner,
Brelschi,	Helm,	Miller,	Strusser,
Brennan, A. P.,	Henzel,	Mills,	Stroup,
Brennan, J. J.,	Hewitt,	Monroe,	Swartz,
Breth,	Hocker,	Moody,	Taylor,
Brown,	Holt,	Moran,	Thomas,
Buechin,	Horst,	Muldowney,	Thompson,
Bullen,	Houk,	Mullen,	Toll,
Capano,	Isaacs,	Munley,	Tompkins,
Cianfrani,	Jenkins,	Murphy,	Toomey,
Cioffi,	Johnson,	Murray, H. P.,	Varallo,
Cochran,	Cioffi,	Murray, J. J.,	Varner,
Comer,	Jones, G. E.,	Murray, P. G.,	Vaughan,
Connelly,	Jones, T. H. W.,	Musto,	Verona,
Cooper,	Jump,	Naugle,	Wall,
Curwood,	Kamyk,	Needham,	Wallace,
Davis,	Kehler,	Ogilvie,	Walsh,
Donahue,	Keller,	Olsen,	Wargo,
Donaldson,	Kent,	O'Neill,	Waterhouse,
Dougherty,	Kline,	Pacchioli,	Weidner,
Ehrigood,	Knecht,	Parry,	Welsh,
Elberg,	Kolankiewicz,	Pashley,	Wescott,
Erb,	Kooker,	Paulhamus,	Wheeler,
Eshleman,	Kornick,	Petrosky,	Whitenight,
Ewing,	Kromer,	Pettigrew,	Williams,
Farabaugh,	Kubacki,	Polaski,	Wilt,
Filo,	Lawyer,	Polen,	Wood,
Fineman,	Leiby,	Pomeroy,	Worley,
Flint,	Lelsey,	Price,	Yetter,
Floyd,	Leonard,	Pursley,	Yetter,
Flynn,	Leven,	Readinger,	Zetzer,
Foster,	Light,	Reibman,	Ziegler,
Frank,	Limper,	Renwick,	Andrews,
	Lippincott,		Speaker

#### NAYS—0

#### NOT VOTING—13

Brenninger,	Lafore,	Reidenbach,	Stephens,
Down,	Maxwell,	Rovansek,	Willaredt,
George,	Moscrip,	Royer,	Young,
Kratz,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

The SPEAKER. The Chair lays before the House the



next bill on the special order of business fixed for this time, House Bill No. 1768.

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. READINGER.

The House resumed the consideration on final passage of House Bill No. 1768, as follows:

An Act regulating settlement of labor disputes between public utility employers and their employes and providing the procedure therefor repealing certain acts  
The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Declaration of Policy It is hereby declared to be the public policy of the Commonwealth of Pennsylvania that it is necessary and essential in the public interest to facilitate the prompt peaceful and just settlement of labor disputes between public utility employers and their employes which cause or threaten to cause an interruption in the supply of service necessary to the health safety and well-being of the citizens of the Commonwealth of Pennsylvania and to that end the adjustment of differences concerning wages hours and other conditions of employment which might lead to such disputes can best be accomplished by encouraging collective bargaining and voluntary arbitration between the employers and representatives freely designated or selected by their employes and to provide procedures which shall encourage voluntary settlements of labor disputes between public utility employers and the representatives for collective bargaining of the employes where the collective bargaining process has reached an impasse and as a result thereof the labor dispute threatens to cause an immediate and substantial interruption of service so as to endanger the health safety and well-being of a substantial number of persons

Section 2 Definitions When used in this act

(1) The term "public utility" or "public utility employer" means a private employer subject to the jurisdiction of the Pennsylvania Public Utility Commission and engaged in the business of rendering electric gas water steam heat and transportation of passenger by rail water air or motor vehicle other than by taxicab services to the public in this Commonwealth

(2) The terms "employee" "representative" "labor organization" and "labor dispute" shall have the same meaning as that set for the same terms in the act of June 1, 1937 (P. L. 1168) known as the "Pennsylvania Labor Relations Act" and its amendments

(3) The term "collective bargaining" shall have the same meaning as that set forth in the act of June 1, 1937 (P. L. 1168) known as the "Pennsylvania Labor Relations Act" and its amendments and as interpreted by the courts of this Commonwealth

Section 3 Duty to Exert Effort to Settle Disputes It shall be the duty of public utility employers and their employes and the representatives of such employes to exert every reasonable effort to settle all labor disputes by engaging in collective bargaining in good faith and by entering into agreements and maintaining the same A party shall be deemed to have exerted every reasonable effort to settle a labor dispute growing out of or flowing from an effort to change the terms of a collective bargaining contract if he they or it shall have complied with the provisions of sections 4 and 5 of this act

Section 4 Duties of Parties Any "public utility employer" or "employee" of a public utility or "representative" of employes of a public utility for the purposes of collective bargaining covered by this act seeking to change the terms of a collective bargaining contract shall

(1) Serve a written notice upon the other party to the contract of the proposed changes at least sixty days prior to the expiration date of the then current contract or in the event the then current contract contains no expiration date of the then current contract or in the event the then current contract contains no expiration date sixty days prior to the time it is proposed to terminate such current contract or effectuate the proposed change

(2) Serve a copy of the notice prescribed in clause (1) of this section upon the Bureau of Mediation of the Department of Labor and Industry for this Commonwealth and request the Bureau of Mediation to use its best efforts to bring the parties into agreement with respect to matters which may be in issue between them and

(3) Exhaust the procedures prescribed herein for the settlement of any labor dispute growing out of the efforts to change the terms of the collective bargaining contract  
Section 5 Procedure for Settlement of Disputes A Mediation by the Bureau of Mediation Immediately upon the service of written notice upon the other party and the copy thereof upon the Bureau of Mediation as provided for in section 4 the party seeking to change the terms of the collective bargaining contract shall offer to meet and confer with the other party for the purpose of negotiating the changes Thereafter both parties shall meet as soon and as frequently as shall be possible under the circumstances in an effort to reach an agreement

The Director of the Bureau of Mediation or such representative of the Bureau of Mediation as shall be designated by the Secretary of Labor and Industry to assist the parties shall no earlier than thirty days and not later than forty days from the date of the receipt of the notice provided for in clause (2) of section 4 meet with the parties and attempt to effect a settlement of the matters upon which the parties shall have failed to reach an agreement Thereafter the parties shall meet as frequently as shall be agreeable to them but no less frequently than the Director (or the representative of the Bureau of Mediation assigned to the case) shall deem advisable or necessary for the settlement of the dispute

B Certification of Dispute by Mediator to the Governor The Director of the Bureau of Mediation or such other representative as shall have been assigned to the case shall at least ten days prior to the expiration date of the then contract or the date upon which it has been proposed that the contract be terminated or changed certify to the Governor that a labor dispute exists within the purview of the Act between the parties which has not been settled by collective bargaining and which if not settled before the date of the termination or change of the then current contract in his opinion threatens to cause an interruption in the supply of a service necessary to the health safety and well-being of a substantial number of the citizens of the Commonwealth of Pennsylvania

C Appointment of Emergency Board by the Governor Within forty-eight hours after the receipt of the certification the Governor shall appoint an emergency board composed of three members as provided for in this act

D Mediation by Emergency Board The emergency board shall meet not later than four days prior to the date of the termination or change of the then current contract and the parties interested in the labor dispute including representatives authorized and empowered to negotiate a collective bargaining contract for the public utility employer and the representatives of the employes for collective bargaining shall be present at such meeting The emergency board shall forthwith attempt to effect a settlement of the matters upon which the parties shall have failed to reach an agreement or an agreement to submit such matters to voluntary arbitration and shall continue in such efforts for a period which shall not extend beyond a date which shall be two days prior to the date of the termination or change of the then current contract

E Investigation and Report by Chairman of Emergency Board In the event that the parties to the labor dispute shall be unable to reach an agreement on all matters at the close of the third day prior to the date of the termination or change of the then current contract the chairman of the emergency board shall forthwith conduct an investigation as to whether an interruption in the supply of service would result from a work stoppage or cessation of work and whether such service or any portion thereof is in fact necessary to the health safety and well-being of a substantial number of the citizens of the Commonwealth of Pennsylvania and further whether the parties should submit the matters in dis-



pute to voluntary arbitration Such investigation shall be concluded and the report of the chairman of the emergency board thereon shall be issued before the hour upon which the termination or change of the then current contract shall become effective or be effectuated The chairman of the emergency board shall conduct the investigation in such manner as he may deem fit and he shall provide an opportunity for a public hearing to such an extent as he may deem appropriate In such investigation the chairman of the emergency board shall not make any recommendations on the merits of the labor dispute and it shall be limited to the above prescribed purposes The report of the chairman of the emergency board shall be submitted to the Governor in writing and shall be made public and it shall set forth the following

(1) Whether or not the parties are unable to agree upon any matter which prevents a termination of the labor dispute and an itemization and brief statement of the position of the respective parties with respect to each such matter

(2) Whether or not an interruption in the supply of service would result from a work stoppage or cessation of work and whether such service or any portion thereof is in fact necessary to the health safety and well-being of a substantial number of the citizens of the Commonwealth of Pennsylvania and where only a portion is found to be so necessary to specify such portion and the reasons in support of such findings and

(3) Whether or not the parties or either of them are willing to agree to submit the matters in dispute to voluntary final and binding arbitration and the reasons assigned by any party in support of their refusal or any qualifications or limitations which they may have imposed thereon

**F Fact Finding by the Emergency Board** In the event that the chairman of the emergency board after investigation as aforesaid shall report that any matter remains in dispute which prevents a termination of the labor dispute by mutual agreement and further that the parties are unwilling to submit such matters to voluntary final and binding arbitration and also that an interruption in the supply of service would result from a work stoppage or cessation of work which service or any portion thereof is necessary to the health safety and well-being of a substantial number of the citizens of the Commonwealth of Pennsylvania the entire emergency board shall be convened forthwith to meet and act as a fact finding body

The emergency board acting as a fact finding body shall conduct an investigation which shall include such public hearings as in the opinion of a majority of the board is deemed to be in the public interest shall hear and consider evidence relevant to the merits of the matters in dispute and shall make public and file a report in writing with the Governor within ten days from the date fixed by either party for the termination or change of the last contract This report of the emergency board shall set forth recommendations with respect to each matter in dispute shall fix the date prospective or retroactive as of which each recommendation should be made effective and shall determine the degree of the responsibility of each party for delaying a settlement or rejecting arbitration

The periods prescribed herein for mediation and the filing of reports and certifications by the Director of the Bureau of Mediation or the representative of the Bureau of Mediation the appointment of an emergency board by the Governor mediation action of the emergency board the investigation and report of the chairman of the emergency board and the actions and report of the emergency board as a fact finding body including the filing and publication of its recommendations shall be strictly followed and complied with by the persons charged with the duty of performing such acts Any period of time prescribed herein may be extended for a fixed period of time by an agreement in writing of the parties to the labor dispute and any period of time prescribed in this act for the next ensuing action prescribed herein shall commence as of the agreed-upon expiration date for the completion of the preceding action prescribed herein

**Section 6 Effect of Chairmans' Finding That Service**

Is Necessary to Health Safety and Well-Being of Substantial Number of Citizens In any situation where the chairman of the emergency board shall pursuant to subsection E of section 5 report that any matter remains in dispute which prevents a termination of the labor dispute by mutual agreement and further that the parties are unwilling to submit such matters to voluntary final and binding arbitration and also that an interruption in the supply of service would result from a work stoppage or cessation of work which service or a portion thereof is necessary to the health safety and well-being of a substantial number of citizens of the Commonwealth of Pennsylvania and such report shall be filed and published before the hour upon which the termination or change of the then current contract or any extension for the time thereof which shall have been agreed upon by the parties thereto shall become effective or be effectuated the provisions of subsection E of section 5 providing for the emergency board to act and render and publish a report as a fact finding board shall become an obligation of the contract between the parties to the dispute as to the portion of the service found to be necessary to the health safety and well-being of a substantial number of citizens of the Commonwealth and there shall be no change in the rates of pay wages hours or any other condition of employment in effect prior to the time the dispute arose as to the portion of the service found to be necessary to the health safety and well-being of a substantial number of citizens of the Commonwealth except by mutual agreement of the parties to the dispute and there shall be no interruption of the supply of necessary services or that portion thereof affecting the public interest during the ten-day period prescribed herein for the emergency board to act and report as a fact finding body or any extension of such period of time as may be agreed upon by the parties to the dispute This section shall not apply in any case where the chairman of the emergency board shall fail or refuse to act or having undertaken to act shall fail to file and publish his report within the period of time prescribed by this act or within the period of time prescribed by any extension agreement entered into between the parties to the dispute nor shall this section apply to any case where the emergency board shall fail or refuse to meet and act as a fact finding body where required by the provisions hereof within at least three days from the date that the chairman shall have filed and published his report as required in subsection E of section 5 or shall fail or refuse to file and publish its report as a fact finding body within the ten-day period prescribed herein or within the period of any extension of the aforesaid ten-day period which shall be agreed upon by the parties to the dispute This section shall apply only to such portion of the service rendered by a public utility which the chairman of the emergency board has found to be necessary to the health safety and well-being of a substantial number of citizens of the Commonwealth

**Section 7 Roster of Names and Composition of Emergency Board Qualifications of Chairman and Members Compensation** The Governor shall forthwith establish a roster of names of persons who shall be qualified to serve as members of the emergency board required by this act The Governor shall keep such roster revised and filled at all times Such roster shall be divided into three parts Part one shall be known as the public members' roster and shall consist of at least five persons Part two shall be known as the labor members' roster and shall consist of at least five persons Part three shall be known as the industry members' roster and shall consist of at least five persons

Part one of the roster shall consist of persons each of whom shall have had at least five years experience as an impartial arbitrator in labor dispute matters and each of whom shall have served in the capacity of sole and impartial arbitrator in at least ten labor dispute matters The Governor in filling part one of the roster shall seek the recommendations of the American Arbitration Association and the American Academy of Arbitrators with respect to the qualifications and experience of the persons to be named thereon

Part two of the roster shall consist of persons each of



whom shall have had at least five years' experience as a negotiator and business representative of a bona fide labor organization The Governor in filling part two of the roster shall seek the recommendations of the labor organizations of this Commonwealth

Part three of the roster shall consist of persons each of whom shall have had at least five year's experience as a negotiator and labor relations representative of an employer of labor and such experience shall include the handling of labor relations matters with bona fide labor organizations The Governor in filling part three of the roster shall seek the recommendations of employers of labor and associations of such employers in this Commonwealth

Whenever the Governor shall be required to appoint an emergency board under this act he shall select three persons one from each part of the roster and the person selected from part one of the roster shall be the chairman of the emergency board The person selected from part two of the roster shall not be a member or representative of the labor organization representing the employees in the particular dispute and the person selected from part three of the roster shall not be an officer employee agent or representative of the employer in the particular dispute

Any appointee to the emergency board may be removed by the Governor at any time and the Governor shall fill any vacancy which may exist on the emergency board whether resulting from death resignation or failure or refusal to serve thereon forthwith upon the occurrence of the vacancy

The chairman and one other member of the emergency board shall constitute a quorum and such quorum shall have the power to perform the duties and functions required of the emergency board herein

Members of the emergency board shall receive no compensation except for their services in performance of the duties imposed upon them by this act They shall be paid reasonable compensation for their service required by this act and for their expenses in an amount to be approved by the Governor of the Commonwealth from the proceeds collected through assessments of public utilities under section 1201 of the act of May 28, 1937 (P. L. 1053) known as the "Public Utility Law" and its amendments

Section 8 Hearings The chairman of the emergency board and the emergency board shall have the power to hold hearings in the conduct of the investigation and inquiries prescribed in section 5 and the chairman and the emergency board shall have the power to administer oaths and the chairman and any two members of the emergency board shall have the power to issue subpoenas requiring the attendance and testimony of witnesses and the production of books records and documents that relate to any matter under investigation or inquiry before the chairman or the emergency board acting as a fact finding body conducting an investigation inquiry or hearing The chairman or the emergency board acting as a fact finding body conducting an investigation inquiry or hearing and each of them shall have the same powers to compel obedience to subpoenas and to require testimony and the production of books records and documents as that which is vested in the Pennsylvania Labor Relations Board as provided for in section 10 of the act of June 1, 1937 (P. L. 1168) known as the "Pennsylvania Labor Relations Act" and its amendments

The Secretary of Labor and Industry shall at the request of the chairman of the emergency board provide such stenographic service as may be required in connection with any proceedings conducted under this act

The several departments commissions divisions authorities boards bureaus and agencies of the Commonwealth or any political subdivision or agency thereof shall furnish the chairman of the emergency board upon his request all records papers and information in their possession relating to any matter before the chairman or the emergency board

Section 9 In applicability to Disputes Involving National Emergencies The provisions of this act shall not be applicable to any matter which is subject to the provisions of sections 206 207 208 209 and 210 of the Labor-Management

Relations Act 1947 or the Railway Labor Act and their amendments

Section 10 Repeals The act of June 30, 1947 (P. L. 1161) is repealed

All other acts and parts of acts inconsistent herewith are repealed

On the question recurring,

Shall the bill pass finally?

Mr. GOLDSTEIN. Mr. Speaker, when this bill was originally defeated there was an extended debate on the merits and the demerits of same. However I would like to read from some of the statements I made on that occasion, not in their entirety but in part.

On that occasion I said,

Mr. Speaker, this bill is intended primarily to repeal the Act of 1947, P. L. 1161, which is designed as an Act to adjust disputes between public utility employers and employees. I believe the Members of this House on both sides would be interested in the historical background leading to the passage of this legislation.

We in the city of Pittsburgh, in 1946 were confronted by a strike, and I will say frankly a strike which I believe responsible labor leaders were against. As a result of that strike, which was the Duquesne Light Company strike, the city of Pittsburgh almost faced disaster.

I have before me a photographic copy of the bill in equity which was filed by the then City Solicitor, Anne X. Alpern, on behalf of the Mayor of the city of Pittsburgh, and among the averments were these. The city of Pittsburgh said, the strike will endanger the lives, health, safety and well being of our citizens. It will cause great danger through lack of water for the fire fighting system. It will cause a spread of disease through lack of water for sanitation purposes. It will cut off the supply and distribution of food because of the necessity of closing of stores and the interference of transportation facilities.

The city administration of Pittsburgh in 1946, realized that it had to resort to the courts in order to save the peoples' interests." The passage of this legislation will defeat the purposes of that bill in equity.

I will pass over some of the other details and I will say today as I said then:

We have on the statute books today the Act of 1947 which regulates and prohibits strikes. It sets forth a detailed method whereby these strikes can be prevented and the final power in many instances is the Governor of the state of Pennsylvania. From the decision of the Board named by him there is an appeal to the Supreme Court of this state."

I also pose this question again, do not labor and management have confidence in the Governor of Pennsylvania? We say there should be no contest between management and labor where the public right is involved. The public safety and the public interests are superior, in fact they are supreme where we have a utility strike in water, gas or light companies.

I say because of that reason this bill should be defeated.

I also wish to make this particular closing statement. The real issue in this case is, are we going to permit a cessation of a water company or light company or a power company where there is no alternative method



of furnishing these items for the people. In the case of a railroad or a railway there is an alternative method. I say that the public interest and the interest of responsible labor leadership demand that this particular bill be defeated, because legislation of this character is not taking away the economic weapon to which labor is entitled, it is merely making labor responsible.

In closing I would like to call the attention of Members on both sides of the House, that last week the city of Pittsburgh was discussing the budget. One of the leaders of a particular organization representing the filtration plant workers did not say directly, but intimated that it might be necessary to cease work if their demands were not met.

We also have an Act of 1947 prohibiting strikes by public employes. If this Act is passed, then the next step will be an Act to allow public employes to strike also.

Public utilities are regulated as to rates. When a man accepts employment in a business of this character he should be subject to a reasonable method and the reasonable method is set forth in the Act of 1947. I repeat, is labor afraid Governor Leader will not give them a square deal if they name a board in accordance with the Act of 1947, which would be abolished if this bill were passed?

Mr. TOLL. Mr. Speaker, when this was debated the last time, I pointed out that acts of this kind throughout the country have been declared unconstitutional. As a matter of fact, in 1951 when I debated the question involving the refusal of the right to strike to persons connected with transportation, which was defeated in the House, at that time the Supreme Court decided a case involving a similar statute in the state of Michigan and that statute was declared unconstitutional.

Representative Welsh and I introduced a bill in this session to repeal explicitly the Act of 1947. However, the labor groups introduced this bill 1768, which is milder in form than the one which Mr. Welsh and I introduced and does not repeal it in an outright manner, but contains a number of provisions which protect the public, which protect labor, which protect management and which protect the entire Commonwealth.

The question should not be presented in the manner in which my learned colleague from Pittsburgh presents it, whether we are afraid of Governor Leader or whether we are afraid of any executive.

I think the people connected with labor organizations have sufficient responsibility to the people of the Commonwealth to depend upon them. I think the Members of this House can show their confidence and their faith in members of labor organizations and trade unions. They know the people connected with such organizations are not going to needlessly expose our citizens to unusual conditions by reason of a possible strike.

As a matter of fact 1768 does exactly what my colleague wants it to do, it provides for mediation, it provides for conciliation, it does the very things that are necessary in order to avoid a strike.

It is a bill which every labor organization supports as a step in the right direction, and I hope all of you will support this bill.

Mr. GOLDSTEIN. Mr. Speaker, I would like to know if Mr. Toll would be interrogated just briefly.

The SPEAKER. Will the gentleman from Philadelphia, Mr. Toll, permit himself to be interrogated?

Mr. TOLL. I shall, Mr. Speaker.

Mr. GOLDSTEIN. Is it not true, Mr. Speaker, that this bill only provides for voluntary arbitration and after the cooling-off period has expired either a lockout or a strike can occur.

Mr. TOLL. It is, and I expect that to happen during the period of voluntary arbitration. May I answer also by saying that it represents the best possible thinking on the subject of voluntarism in the settlement of labor controversies consistent with governmental regulation of a problem which the labor organizations prefer should be strictly up to the parties involved.

Mr. GOLDSTEIN. Mr. Speaker, should voluntary arbitration fail, as the efforts in the Duquesne Light Company strike failed, what remedy would the proponents of this bill advocate?

Mr. TOLL. I would say that I do not expect in a public utility of this kind the labor interests would be found short in their thinking for the benefit of the public. I feel, even though the remedy might involve a possible strike, that you can just as well depend upon the labor organizations to do their duty by the public as you can depend upon management, as in the Duquesne case.

Mr. GOLDSTEIN. Mr. Speaker, would the gentleman from Philadelphia be surprised if he read in the Pittsburgh newspapers that a responsible labor leader for the filtration workers intimated, he did not say it directly, that a strike might follow if wage demands were not met by city council? Would he call that responsible labor leadership?

Mr. TOLL. I would say I would not be surprised about anything you might read in the Pittsburgh papers. Furthermore, you do not want to use a reporter as an authority on what labor leaders might do.

Mr. GOLDSTEIN. Mr. Speaker, I shall re-phrase my question. Would he be surprised if a labor leader in Pittsburgh heading the filtration workers made that statement? Would that be called responsible labor leadership?

Mr. TOLL. I would say, yes. My learned colleague from Clearfield calls my attention to a legalistic view that that would be plain hearsay.

Mr. GOLDSTEIN. Mr. Speaker, I am not here to defend the Pittsburgh newspapers, they require no defense, but the fact is that that remark was made, according to the newspapers, and I believe a responsible newspaperman made that statement. It is indicative of what would happen if some group, whether labor or management, is disappointed. I repeat, regardless of whether you are on the Democratic side or the Republican side, the public interest should prevail and not the interest of management or labor. When I make this statement, I make it with full confidence that I have examined bills in favor of labor and have done what I think is in the best interest of labor. I believe a bill of this character will prove to be a detriment to labor leadership in years to come.

Mrs. REIBMAN. Mr. Speaker, I think we are losing sight of the fundamental philosophy that underlies a bill of this kind.

The gentleman from Allegheny, Mr. Goldstein, has likened the employes of a public utility to those—I think he referred to them as public workers.



May I say there is a significant difference in a public utility. In the first place, a public utility, although by legal definition is affected by the public interest does not partake of any significant public character. A public utility is operated for profit. As a matter of fact, the law even provides that a fair return must be guaranteed to the public utility for its stockholders and its shareholders, and I think that that fundamental difference underlies the theory of this bill 1768.

I believe too that it should be recognized by every Member of this House that a person who works as a skilled electrician for either a public utility or for a manufacturing concern has a right to expect a fair wage for his efforts, and it does not make any difference whether he is working for a public utility, which is guaranteed a fair return on its investment, or whether he is a skilled electrician who works for a manufacturing concern.

For this reason the same economic weapons which are available to the workingmen and women who work for a manufacturing concern should be equally available to those men and women who work for public utilities.

I have faith in the workingman and woman all over Pennsylvania who also believe they are a part of the public and are just as much concerned with the public welfare as you, and I or employers are because they make up the public too, just as we do.

I believe if a cooling-off period of seventy days, which is provided in this bill, is available to labor and management in order to reach an accord to settle their differences, and they operate in the light of public opinion with the full press blazing upon all of their conferences, in the interest of public welfare, which includes the interests of both labor and management, an agreement will be reached so that the public welfare is protected most fully.

For these reasons, for the very basic philosophy which underlies this kind of legislation, I ask both sides of the House to wholeheartedly support this legislation.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

## YEAS—128

Adam,	Frascella,	McGee,	Sarraf,
Amarando,	Gaffney,	McKeever,	Scarcelli,
Anderson, M. S.,	Garlock,	McLaughlin,	Schuster,
Anderson, S. A.,	Gelfand,	McWherter,	Sherman,
Auker,	Guss,	Meholchick,	Sigman,
Barnatovich,	Hamilton, R. K.,	Mihm,	Smith, C. C.,
Bazin,	Hass,	Mikula,	Smith, Wm. B.,
Boles,	Heavey,	Mills,	Snider,
Bonner,	Hocker,	Monroe,	Stank,
Boory,	Holt,	Moody,	Stebbins,
Bower,	Horst,	Moran,	Steckel,
Branca,	Houk,	Muldowney,	Stone,
Brelschi,	Jenkins,	Mullen,	Swartz,
Brennan, A. P.,	Johnson,	Munley,	Taylor,
Brennan, J. J.,	Jones, G. E.,	Murphy,	Thomas,
Breth,	Jones, T. H. W.,	Musto,	Toll,
Bucchin,	Jump,	Needham,	Varallo,
Capano,	Kamyk,	Olsen,	Vaughan,
Cianfrani,	Kolankiewicz,	O'Neill,	Verona,
Cioffi,	Kornick,	Pacchioli,	Wallace,
Cochran,	Kubacki,	Pashley,	Walsh,
Comer,	Lawyer,	Paulhamus,	Wargo,
Curwood,	Leiby,	Petrofsky,	Welsh,
Dougherty,	Leonard,	Pettigrew,	Wescott,
Elberg,	Leven,	Polaski,	Wheeler,
Farabaugh,	Limper,	Polen,	Whitenight,
Filo,	Lopresti,	Price,	Williams,
Fineman,	Lovett,	Readinger,	Worley,

Flint,  
Floyd,  
Flynn,  
Frank,

Lutty,  
Markley,  
McCann,  
McCormack,

Reibman,  
Benwick,  
Rosen,  
Rudisill,

Yetter,  
Yetzer,  
Ziegler,  
Andrews,  
Speaker

## NAYS—57

Agnew,  
Ashton,  
Banker,  
Bell,  
Brown,  
Bullen,  
Connolly,  
Cooper,  
Davis,  
Donahue,  
Donaldson,  
Ehrgood,  
Erb,  
Ewing,

Foster,  
Frost,  
Gibb,  
Gibson,  
Goldstein,  
Gramlich,  
Guthrie,  
Hamilton, W. H.,  
Haudenschild,  
Helm,  
Henzel,  
Isaacs,  
Keller,  
Kehler,  
Kent,  
Knecht,  
Kooker,  
Kromer,  
Lelsey,  
Light,  
Lippincott,  
Mages,  
Mahan,  
McInroy,  
Miller,  
Murray, H. P.,  
Naugle,  
Oglvie,

Parry,  
Pomeroy,  
Pursley,  
Stevenson,  
Strausser,  
Stroup,  
Thompson,  
Tompkins,  
Toomey,  
Varner,  
Wall,  
Waterhouse,  
Weidner,  
Wilt,  
Wood,

## NOT VOTING—24

Blair,  
Brenninger,  
Down,  
Eshleman,  
George,  
Greenwood,

Hewitt,  
Kline,  
Kratz,  
Lafore,  
Maxwell,  
Metz,  
Moscrip,  
Murray, J. J.,  
Murray, P. G.,  
Reidenbach,  
Rigby,  
Rovanssek,

Royer,  
Rubin,  
Stephens,  
Stoner,  
Willaredt,  
Young,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

## BILLS ON FINAL PASSAGE

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 1706 as follows:

An Act amending the act of July 28, 1953 (P. L. 723) entitled "An act relating to counties of the second class amending revising consolidating and changing the laws relating thereto" reducing interest on damages allowed in eminent domain proceedings

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 2625 act of July 28, 1953 (P. L. 723) known as the "Second Class County Code" is amended to read

Section 2625 Payment of Damages and Costs Interest on Awards All damages agreed upon or awarded and all costs and expenses incurred shall be paid by the county except in cases where an appeal is taken by any party in interest from the award of the viewers and the appellant does not recover any greater amount than the viewers award in which case the appellant shall pay all costs of such appeal

The amount of damages allowed in a report of viewers for the taking injury or destruction of property by the exercise of the right of eminent domain shall as finally confirmed bear interest at the rate of [six] three per centum per annum from the date of filing of the report

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

## YEAS—107

Adam,  
Amarando,  
Anderson, M. S.,  
Anderson, S. A.,  
Barnatovich,  
Bazin,  
Boles,  
Bonner,

Frank,  
Frascella,  
Gaffney,  
Garlock,  
Gelfand,  
Guss,  
Hamilton, R. K.,  
Hass,

McKeever,  
McLaughlin,  
McWherter,  
Meholchick,  
Mihm,  
Mills,  
Monroe,  
Moran,

Sarraf,  
Scarcelli,  
Schuster,  
Sherman,  
Smith, Wm. B.,  
Snider,  
Stank,  
Stebbins,



Boory,	Heavy,	Muldowney,	Stone,
Branca,	Holt,	Mullen,	Swartz,
Brennan, A. P.,	Jenkins,	Munley,	Taylor,
Brennan, J. J.,	Jones, G. E.,	Musto,	Thomas,
Breth,	Kamyk,	Needham,	Toll,
Bucchin,	Kolankiewicz,	Olsen,	Varallo,
Capano,	Kornick,	O'Neill,	Vaughan,
Cianfrani,	Kubacki,	Pacchioli,	Verona,
Cioffi,	Lawyer,	Pashley,	Wallace,
Cochran,	Leiby,	Faulhamus,	Walsh,
Curwood,	Leonard,	Petrosky,	Wargo,
Dougherty,	Leven,	Pettigrew,	Welsh,
Ellberg,	Limper,	Polaski,	Wheeler,
Farabaugh,	Lopresti,	Polen,	Whitenight,
Filo,	Lovett,	Readinger,	Williams,
Fineman,	Lutty,	Reibman,	Yetter,
Flint,	McCann,	Renwick,	Yetzer,
Floyd,	McCormack,	Rosen,	Andrews,
Flynn,	McGee,	Rudisill,	Speaker

NAYS—75

Agnew,	Goldstein,	Kooker,	Pursley,
Auker,	Gramlich,	Kromer,	Rubin,
Banker,	Guthrie,	Lelsey,	Smith, C. C.,
Bell,	Hamilton, W. H.,	Light,	Steckel,
Bower,	Haudenshield,	Lippincott,	Stevenson,
Brelsich,	Helms,	Magee,	Strausser,
Brown,	Henzel,	Mahan,	Stroup,
Bullen,	Hocker,	Markley,	Thompson,
Comer,	Horst,	McInroy,	Tompkins,
Cooper,	Houk,	Metz,	Toomey,
Davis,	Isaacs,	Mikula,	Varnier,
Donahue,	Johnson,	Miller,	Wall,
Donaldson,	Jones, T. H. W.,	Moody,	Waterhouse,
Erb,	Jump,	Murphy,	Wescott,
Ewing,	Kehler,	Murray, H. P.,	Wilt,
Foster,	Keller,	Naugle,	Wood,
Frost,	Kent,	Ogilvie,	Worley,
Gibb,	Kline,	Parry,	Ziegler,
Gibson,	Knecht,	Price,	

NOT VOTING—27

Ashton,	George,	Murray, J. J.,	Sigman,
Blair,	Greenwood,	Murray, P. G.,	Stephens,
Brenninger,	Hewitt,	Pomeroy,	Stoner,
Connelly,	Kratz,	Reidenbach,	Weidner,
Down,	Lafore,	Rigby,	Willardt,
Ehrgood,	Maxwell,	Rovaneck,	Young,
Eshleman,	Moscrip,	Royer,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

PERMISSION TO ADDRESS HOUSE

Mr. READINGER asked and obtained unanimous consent to address the House.

Mr. Speaker, I know many of the Members are going to leave in the next minute or two because there is no intention to bring up any other controversial bills today, and do want to inform the membership of the plans for tomorrow and next week so they may know before they go home what is expected of them next week.

Tomorrow's session will be a consent calendar, but next Monday and Tuesday, the 19th and 20th, will be working days. We mean working days, and we want the Members here. Unless the leadership of the House changes the present status of its mind, we are going to send for the Members who are not present next week and do not have a leave of absence.

The plan is to recess, with the consent of the Senate, until January 16th, subject to being recalled any time by the Speaker of the House or the President pro tempore of the Senate.

As most of you know, the State Farm Show will be held

the week of January 9th, and that is the reason we are not going to ask you to return until the January 16th. We hope it will not be necessary to recall you in the interim, but those are the present plans.

The SPEAKER. We will be out of the trenches by April.

The SPEAKER. The Chair requests the gentleman from Cambria, Mr. Lopresti, to preside.

Mr. LOPRESTI IN THE CHAIR.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Berks, the Majority Leader, for the purpose of stating the time of meeting on Monday.

Mr. READINGER. At 3:00 p. m., Mr. Speaker. A letter will be sent to all the Members advising them of the time.

There will be no Democratic caucus on Monday.

BILL ON FINAL PASSAGE

BILL PASSED OVER

There being no objection

House Bill No. 1750 Printer's No. 1221 was passed over at the request of the SPEAKER pro tempore.

BILLS ON THIRD READING

BILLS PASSED OVER

There being no objection

House Bill No. 1367 Printer's No. 1099 and

House Bill No. 1368 Printer's No. 1100

were passed over at the request of the SPEAKER pro tempore.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1379, entitled:

An Act amending the act of June 1, 1937 (P. L. 1120) entitled "An act to promote the safety of employes and travelers upon railroads by compelling common carriers by railroad to man locomotive trains and other self propelled engines or machines with competent employes to provide the least number of men that may be employed on locomotive trains and other self propelled engines or machines to provide the qualifications of certain employes and to provide a penalty for the violation thereof and the enforcement thereof by the Public Utility Commission" further regulating the size of locomotive crews

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—195

Adam,	Frost,	Lovett,	Rosen,
Agnew,	Gaffney,	Lutty,	Rubin,
Amarando,	Garlock,	Magee,	Rudisill,
Anderson, M. S.,	Gelfand,	Mahan,	Sarrat,
Anderson, S. A.,	Gibb,	Markley,	Scarcelli,
Ashton,	Gibson,	McCann,	Schuster,
Auker,	Goldstein,	McCormack,	Sherman,
Banker,	Gramlich,	McGee,	Sigman,
Barnatovich,	Greenwood,	McInroy,	Smith, C. C.,
Bazin,	Guss,	McKeever,	Smith, Wm. B.,
Bell,	Guthrie,	McLaughlin,	Snider,
Blair,	Hamilton, R. E.,	McWhorter,	Stank,
Boies,	Hamilton, W. H.,	Meholchick,	Stebbins,



Bonner, Boory, Bower, Branca, Breisch, Brennan, A. P., Brennan, J. J., Breth, Brown, Bucchin, Bullen, Capano, Cianfrani, Cloff, Cochran, Comer, Connelly, Cooper, Curwood, Davis, Donahue, Donaldson, Dougherty, Ehrgood, Ellberg, Erb, Eshleman, Ewing, Farabaugh, Flo, Fineman, Flint, Floyd, Flynn, Foster, Frank, Frascella,	Hass, Haudenshield, Heavey, Helm, Henzel, Hewitt, Hocker, Holt, Horst, Houk, Isaacs, Jenkins, Johnson, Jones, G. E., Jones, T. H. W., Jump, Kamyk, Kehler, Keller, Kent, Kline, Knecht, Kolankiewicz, Kooker, Kornick, Kromer, Kubacki, Lawyer, Leiby, Lelsey, Leonard, Leven, Light, Limper, Lopresti,	Metz, Mihm, Mikula, Miller, Mills, Monroe, Moody, Moran, Muldowney, Mullen, Munley, Murphy, Murray, H. P., Murray, J. J., Murray, P. G., Musto, Naugle, Needham, Ogilvie, Olsen, O'Neill, Pacchioli, Parry, Pashley, Paulhamus, Petrosky, Pettigrew, Polaski, Polen, Pomeroy, Price, Pursley, Readinger, Reibman, Renwick, Rigby,	Steckel, Stevenson, Stone, Stoner, Strausser, Stroup, Swartz, Taylor, Thomas, Thompson, Toll, Tompkins, Toomey, Varallo, Varner, Vaughan, Verona, Wall, Wallace, Walsh, Wargo, Waterhouse, Weldner, Welsh, Wescott, Wheeler, Whitenight, Williams, Wilt, Wood, Worley, Yetter, Yetzer, Ziegler, Andrews, Speaker
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## NAYS—1

Kippincott,

## NOT VOTING—13

Brenninger, Down, George, Kratz,	Lafore, Maxwell, Moscrip,	Reidenbach, Rovansek, Royer,	Stephens, Willaredt, Young,
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The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

## RECONSIDERATION OF VOTE

Mr. CHARLES C. SMITH. Mr. Speaker, I move that the vote by which this bill passed finally be reconsidered.

Mr. READINGER. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from Philadelphia Mr. Smith vote on the final passage of this bill?

Mr. CHARLES C. SMITH. Mr. Speaker, voted with the prevailing side.

The SPEAKER. How did the gentleman from Berks, Mr. Readinger vote on the final passage of this bill?

Mr. READINGER. Mr. Speaker, I voted with the prevailing side.

On the question.

Will the House agree to the motion?

It was agreed to.

On the question recurring,

Shall the bill pass finally?

## BILL POSTPONED

Mr. READINGER. Mr. Speaker, I move that this bill be placed on the final passage postponed calendar.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1520 as follows:

An Act amending the act of May 25, 1937 (P. L. 808) entitled "An act providing for the use of the Pennsylvania Industrial School at Huntingdon as an institution for the reception care maintenance detention employment and training of defective delinquents authorizing the preparation and equipment (including necessary construction) of the institution for such purposes either by the Department of Property and Supplies of The General State Authority and authorizing the necessary leases or conveyances for this purpose changing the name of the Board of Trustees of Pennsylvania Industrial School providing for the commitment and transfer of such persons to such institution and discharge therefrom conferring powers and imposing duties on the aforesaid board of trustees the Department of Welfare and courts and imposing certain charges on counties" changing the provisions relating to payment of costs of maintenance of persons committed from certain counties

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 4 act of May 25, 1937 (P. L. 808) entitled "An act providing for the use of the Pennsylvania Industrial School at Huntingdon as an institution for the reception care maintenance detention employment and training of defective delinquents authorizing the preparation and equipment (including necessary construction) of the institution for such purposes either by the Department of Property and Supplies or The General State Authority and authorizing the necessary leases or conveyances for this purpose changing the name of the Board of Trustees of Pennsylvania Industrial School providing for the commitment and transfer of such persons to such institution and discharge therefrom conferring powers and imposing duties on the aforesaid board of trustees the Department of Welfare and courts and imposing certain charges on counties" amended June 20 1947 (P. L. 672) is amended to read

Section 4 [The] Except as hereinafter provided the expenses of examination including the fee of the psychiatrist and psychologist or physicians and all costs incident to the commitment transfer to and maintenance of such person in the Pennsylvania Institution for Defective Delinquents shall be borne by the county from which such person was committed Where a person is committed from a county of the fifth sixth seventh or eighth class the costs incident to his maintenance for any period of detention in the institution after two years shall be borne by the county of residence

Section 2 This act shall take effect immediately

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

## YEAS—196

Adam, Agnew, Amarando, Anderson, M. S., Anderson, S. A., Ashton, Auker, Banker, Barnatovich, Bazin, Bell, Blair, Boles, Bonner, Boory, Bower, Branca, Breisch, Brennan, A. P., Brennan, J. J.,	Frascella, Frost, Gaffney, Garlock, Gelfand, Gibb, Gibson, Goldstein, Gramlich, Greenwood, Guss, Guthrie, Hamilton, R. K., Hamilton, W. H., Hass, Haudenshield, Heavey, Helm, Henzel, Hewitt,	Lopresti, Lovett, Lutty, Magee, Mahan, Markley, McCann, McCormack, McGee, McInroy, McKeever, McLaughlin, McWherter, Meholchick, Metz, Mihm, Mikula, Miller, Mills, Monroe,	Rigby, Rubin, Rosen, Rudisill, Sarraf, Scarcelli, Schuster, Sherman, Sigman, Smith, C. O., Smith, Wm. B., Snider, Stank, Stebbins, Steckel, Stevenson, Stone, Stoner, Strausser, Stroup,
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Breth,	Hocker,	Moody,	Swartz,
Brown,	Holt,	Moran,	Taylor,
Bucchin,	Horst,	Muldowney,	Thomas,
Bullen,	Houk,	Mullen,	Thompson,
Capano,	Isaacs,	Munley,	Toll,
Cianfrani,	Jenkins,	Murphy,	Tompkins,
Cioffi,	Johnson,	Murray, H. P.,	Toomey,
Cochran,	Jones, G. E.,	Murray, J. J.,	Varallo,
Comer,	Jones, T. H. W.,	Murray, P. G.,	Varner,
Connelly,	Jump,	Musto,	Vaughan,
Cooper,	Kamyk,	Naugle,	Verona,
Curwood,	Kehler,	Needham,	Wall,
Davis,	Keller,	Ogilvie,	Wallace,
Donahue,	Kent,	Olsen,	Walsh,
Donaldson,	Kline,	O'Neill,	Wargo,
Dougherty,	Knecht,	Pacchioli,	Waterhouse,
Ehrgood,	Kolankiewicz,	Parry,	Weidner,
Eilberg,	Kooker,	Pashley,	Welsh,
Erb,	Kornick,	Paulhamus,	Wescott,
Eshleman,	Kromer,	Petrosky,	Wheeler,
Ewing,	Kubacki,	Pettigrew,	Whitenight,
Farabaugh,	Lawyer,	Polaski,	Williams,
Filo,	Leiby,	Polen,	Wilt,
Fineman,	Lelsey,	Pomeroy,	Wood,
Flint,	Leonard,	Price,	Worley,
Floyd,	Leven,	Pursley,	Yetter,
Flynn,	Light,	Readinger,	Yetzer,
Foster,	Limper,	Reibman,	Ziegler,
Frank,	Lippincott,	Renwick,	Andrews,

Speaker

NAYS—

NOT VOTING—13

Brenninger,	Lafore,	Reidenbach,	Stephens,
Down,	Maxwell,	Rovansek,	Willaredt,
George,	Moscrip,	Royer,	Young,
Kratz,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL PASSED OVER

There being no objection

House Bill No. 1644, Printer's No. 1198,  
House Bill No. 1755, Printer's No. 1070,  
House Bill No. 1765, Printer's No. 1219,  
House Bill No. 1793, Printer's No. 1181,  
House Bill No. 1797, Printer's No. 1199,  
House Bill No. 1827, Printer's No. 1201,  
House Bill No. 1828, Printer's No. 1202,  
House Bill No. 1829, Printer's No. 1203,  
House Bill No. 1839, Printer's No. 1120,

were passed over at the request of Mr. READINGER.

House Bill No. 1849, Printer's No. 1173,  
House Bill No. 1864, Printer's No. 1125,  
House Bill No. 1889, Printer's No. 1204,  
Senate Bill No. 467, Printer's No. 412,  
Senate Bill No. 543, Printer's No. 231,  
Senate Bill No. 757, Printer's No. 276 and  
Senate Bill No. 758, Printer's No. 277,

were passed over at the request of the SPEAKER pro tempore.

RESOLUTIONS

REORGANIZATION PLAN No. 2

Mr. READINGER. Mr. Speaker, I call up on page 21 of today's calendar, Resolution No. 2A.

Reorganization Plan No. 2 was read by the Clerk as follows:

REORGANIZATION PLAN No. 2 OF 1955

Section 1. The functions of the Department of Public Instruction as set forth in the Act of May 13, 1925, P. L. 644, and its amendments, are transferred from that department to the Department of State.

Section 2. There are hereby transferred to the Department of State to be used, employed and expended in connection with the functions transferred by Section 1 of this Reorganization Plan the records and equipment now being used or held in connection with such functions; and the unexpended balances of appropriations or other funds available or to be made available for use in connection with such functions.

Section 3. The Act of May 13, 1925, P. L. 644, as amended is suspended in so far as it is in conflict with this Reorganization Plan.

Resolved that Reorganization Plan No. 2 of 1955 transmitted to the General Assembly under date of November 14, 1955 which is incorporated herein by reference, be approved.

On the question,  
Will the House adopt the resolution?  
The roll was called and was as follows:

YEAS—196

Adam,	Frascella,	Lopresti,	Rigby,
Agnew,	Frost,	Lovett,	Rosen,
Amarando,	Gaffney,	Lutty,	Rubin,
Anderson, M. S.,	Garlock,	Magee,	Rudisill,
Anderson, S. A.,	Gelfand,	Mahan,	Sarra,
Ashton,	Gibb,	Markley,	Scarcelli,
Auker,	Gibson,	McCann,	Schuster,
Banker,	Goldstein,	McCormack,	Sherman,
Barnatovich,	Gramlich,	McGee,	Sigman,
Bazin,	Greenwood,	McInroy,	Smith, C. C.,
Bell,	Guss,	McKeever,	Smith, Wm. B.,
Blair,	Guthrie,	McLaughlin,	Snider,
Boles,	Hamilton, R. K.,	McWherter,	Stank,
Bonner,	Hamilton, W. H.,	Meholchick,	Stebbins,
Boory,	Hass,	Metz,	Steckel,
Bower,	Haudenshield,	Mihm,	Stevenson,
Branca,	Heavey,	Mikula,	Stone,
Brelschi,	Helm,	Miller,	Stoner,
Brennan, A. P.,	Henzel,	Mills,	Strausser,
Brennan, J. J.,	Hewitt,	Monroe,	Stroup,
Breth,	Hocker,	Moody,	Swartz,
Brown,	Holt,	Moran,	Taylor,
Bucchin,	Horst,	Muldowney,	Thomas,
Bullen,	Houk,	Mullen,	Thompson,
Capano,	Isaacs,	Munley,	Toll,
Cianfrani,	Jenkins,	Murphy,	Tompkins,
Cioffi,	Johnson,	Murray, H. P.,	Toomey,
Cochran,	Jones, G. E.,	Murray, J. J.,	Varallo,
Comer,	Jones, T. H. W.,	Murray, P. G.,	Varner,
Connelly,	Jump,	Musto,	Vaughan,
Cooper,	Kamyk,	Naugle,	Verona,
Curwood,	Kehler,	Needham,	Wall,
Davis,	Keller,	Ogilvie,	Wallace,
Donahue,	Kent,	Olsen,	Walsh,
Donaldson,	Kline,	O'Neill,	Wargo,
Dougherty,	Knecht,	Pacchioli,	Waterhouse,
Ehrgood,	Kolankiewicz,	Parry,	Weidner,
Eilberg,	Kooker,	Pashley,	Welsh,
Erb,	Kornick,	Paulhamus,	Wescott,
Eshleman,	Kromer,	Petrosky,	Wheeler,
Ewing,	Kubacki,	Pettigrew,	Whitenight,
Farabaugh,	Lawyer,	Polaski,	Williams,
Filo,	Leiby,	Polen,	Wilt,
Fineman,	Lelsey,	Pomeroy,	Wood,
Flint,	Leonard,	Price,	Worley,
Floyd,	Leven,	Pursley,	Yetter,
Flynn,	Light,	Readinger,	Yetzer,
Foster,	Limper,	Reibman,	Ziegler,
Frank,	Lippincott,	Renwick,	Andrews,

Speaker

NAYS—0

NOT VOTING—13

Brenninger,	Lafore,	Reidenbach,	Stephens,
Down,	Maxwell,	Rovansek,	Willaredt,
George,	Moscrip,	Royer,	Young,
Kratz,			



One hundred and ninety-six Members having voted in the affirmative and none in the negative, the question was determined in the affirmative and the resolution was adopted.

Ordered, that the Clerk inform the Governor accordingly.

#### REORGANIZATION PLAN No. 5

Mr. READINGER. Mr. Speaker, I call up on page 21 of today's calendar, Resolution No. 5A.

Reorganization Plan No. 5 was read by the Clerk as follows:

#### REORGANIZATION PLAN No. 5 OF 1955

Section 1. The functions, powers and duties of the Department of Welfare with regard to the supervision, visiting and inspection of prisons and jails maintained by counties, cities, boroughs or townships, as set forth in clause (b) of Section 2303, and Sections 2304 and 2305 of The Administrative Code of 1929, and their amendments, are transferred to the Department of Justice.

Section 2. There are hereby transferred to the Department of Justice to be used, employed and expended in connection with the functions, powers and duties, transferred by Section 1 of this Reorganization Plan, personnel, contract obligations, if any, records, files, property, supplies and equipment now being used or held in connection with such functions powers and duties, and the unexpended balances of appropriations, allocations and other funds available or to be made available for use in connection with such functions, powers and duties.

Section 3. Clause (b) of Section 2303, and Sections 2304 and 2305 of The Administrative Code of 1929, and their amendments, are suspended in so far as they confer functions, powers and duties on the Department of Welfare with regard to the supervision, visiting and inspection of prisons and jails maintained by counties, cities, boroughs or townships.

Section 4. All the duties and responsibilities of the Department of Welfare set forth in the Act of April 5, 1872, P. L. 42, are hereby transferred to the Department of Justice and the provisions of said act are hereby suspended in so far as they confer powers and duties on the Department of Welfare.

Resolved that Reorganization Plan No. 5 of 1955 transmitted to the General Assembly under date of November 14, 1955 which is incorporated herein by reference, be approved.

On the question,

Will the House adopt the resolution?

The roll was called and was as follows:

#### YEAS—195

Adam,	Frascella,	Lopresto,	Rigby,
Agnew,	Frost,	Lovett,	Rosen,
Amarando,	Gaffney,	Lutty,	Rubin,
Anderson, M. S.,	Garlock,	Magee,	Rudisill,
Anderson, S. A.,	Gelfand,	Mahan,	Sarra,
Ashton,	Gibb,	Markley,	Scarcelli,
Auker,	Gibson,	McCann,	Schuster,
Banker,	Goldstein,	McCormack,	Sherman,
Barnatovich,	Gramlich,	McGee,	Sigman,
Bazin,	Greenwood,	McInroy,	Smith, C. C.,
Bell,	Guss,	McKeever,	Smith, Wm. B.
Blair,	Guthrie,	McLaughlin,	Snider,
Boles,	Hamilton, R. K.,	McWhorter,	Stank,
Bonner,	Hamilton, W. H.,	Meholchick,	Stebbins,
Boory,	Hass,	Metz,	Steckel,
Bower,	Haudenschild,	Mihm,	Stevenson,
Branca,	Heavey,	Mikula,	Stone,
Breisch,	Helm,	Miller,	Stoner,
Brennan, A. F.,	Henzel,	Mills,	Strausser,
Brennan, J. J.,	Hewitt,	Monroe,	Stroup,
Breth,	Hocker,	Moody,	Swartz,
Brown,	Holt,	Moran,	Taylor,
Bucchin,	Horst,	Muldowney,	Thomas,
Bullen,	Houk,	Mullen,	Thompson,

Capano,	Isaacs,	Munley,	Toll,
Cianfrani,	Jenkins,	Murphy,	Tompkins,
Cioffi,	Jones, G. E.,	Murray, H. P.,	Toomey,
Cochran,	Jones, T. H. W.,	Murray, J. J.,	Varallo,
Comer,	Johnson,	Murray, P. G.,	Vanner,
Connelly,	Jump,	Musto,	Vaughan,
Cooper,	Kamyk,	Naugle,	Verona,
Curwood,	Kehler,	Needham,	Wall,
Davis,	Keller,	Oglivie,	Wallace,
Donahue,	Kent,	Olsen,	Walsh,
Donaldson,	Kline,	O'Neil,	Wargo,
Dougherty,	Knecht,	Pacchioli,	Waterhouse,
Ehrgood,	Kolankiewicz,	Parry,	Weidner,
Elberg,	Kooker,	Pashley,	Welsh,
Erb,	Kornick,	Paulhamus,	Wescott,
Eshleman,	Kromer,	Petrosky,	Wheeler,
Ewing,	Kubacki,	Pettigrew,	Whitenight,
Farabaugh,	Lawyer,	Polaski,	Williams,
Filo,	Leiby,	Polen,	Wilt,
Fineman,	Leisey,	Pomeroy,	Wood,
Flint,	Leonard,	Price,	Yetter,
Floyd,	Leven,	Pursley,	Yetzer,
Flynn,	Light,	Readinger,	Ziegler,
Foster,	Limper,	Reibman,	Andrews,
Frank,	Lippincott,	Renwick,	Speaker

#### NAYS—1

Worley,

#### NOT VOTING—13

Brenninger,	Lafore,	Reidenbach,	Stephens,
Down,	Maxwell,	Rovansak,	Willardt,
George,	Moscip,	Royer,	Young,
Krats,			

One hundred and ninety-five Members having voted in the affirmative and one in the negative, the question was determined in the affirmative and the resolution was adopted.

Ordered, that the Clerk inform the Governor accordingly.

#### INTERROGATION

Mr. VAUGHAN asked and obtained unanimous consent to interrogate the Chairman of the Committee on Agriculture and Dairy Industries, Mr. Snider.

The SPEAKER pro tempore. Will the Chairman of the Committee permit himself to be interrogated?

Mr. SNIDER. I shall, Mr. Speaker.

Mr. VAUGHAN. Mr. Snider, is it true that Governor Leader as a candidate promised to abolish the Milk Control Commission, if elected?

Mr. SNIDER. Mr. Speaker, in reply to my good friend from Allegheny, Mr. Vaughan, I don't know anything about such an agreement.

Mr. VAUGHAN. Another question, Mr. Speaker.

Does the gentleman have any bills in his Committee to abolish this Commission, Mr. Speaker.

Mr. SNIDER. I have.

Mr. VAUGHAN. Does his Committee intend to do anything about them?

Mr. SNIDER. Mr. Speaker, in reply to the gentleman from Allegheny, that is entirely up to the Committee.

Mr. VAUGHAN. I have a prepared statement to make on House Bill 24, which I introduced on January 24, 1955, and is now in the Committee on Agriculture and Dairy Industries. I have some prepared remarks that I was going to make, but due to the lateness of the hour I am going to ask that my remarks be filed and printed in the Journal.

The SPEAKER pro tempore. Without objection, the remarks of the gentleman will be spread upon the Legislative Journal. The Chair hears no objection.



Mr. VAUGHAN, presented the following statement for the record.

On January 24, 1955, I dropped House Bill No. 24, into the House. This Bill was referred to the Committee on Agriculture and Dairy Industries on that date.

This Bill provides that the Milk Control Commission shall have no power to fix the minimum or maximum wholesale or retail prices of milk and milk products produced in this Commonwealth or produced elsewhere and sold in this Commonwealth.

I am at a total loss to discover what reason there could possibly be for this Committee's delaying submission of this Bill to this House for so long a time. It is not controversial legislation. It is not even Partisan legislation.

The Incumbent Governor, during his campaign, so forcibly promised to untangle the state's snarled milk situation that the author of an article on this subject in a recent issue of one of the popular magazines attributed Governor Leader's election to it. Certainly this Bill must now have his support.

This same author, after citing deplorable conditions existing in other states, stated that the most bizarre situation exists along the Pennsylvania-Ohio border, on the Ohio Side of which, during certain months, milk can be purchased for as low as 12 cents a quart while, on the Pennsylvania side, the consumer must pay as high as 25 cents a quart.

Authorities who have studied this situation hold that no other industry has been thrown into so chaotic a condition nor has the public ever been victimized so ruthlessly than by our Milk Control Commissions through their arbitrary power of fixing the price of milk.

But of far greater importance than the economic aspects of this situation is the irreparable damage that is being done to the health of our citizen, especially our future citizens, our children, whose families, because they cannot afford to pay the exorbitant prices set by our Milk Control Commission, have been compelled to eliminate this necessary and almost perfect food from their tables. This aspect of the situation is so serious that our public health authorities have already become greatly alarmed over it.

To date, seventeen states have stepped ahead of Pennsylvania in repealing the retail price-fixing provisions of their laws and, in every instance, prices dropped while profits to dairymen increased because consumption increased to unprecedented levels. Further, such one-time ardent advocates of milk control as Dr. Leland Spencer, Cornell University Agricultural Economist, Dr. James M. Tinley of the University of California School of Agriculture and many others, now admit that such controls are unwise and should be removed.

Mr. Speaker, what reason then can anyone have for further denying the citizens of Pennsylvania and those engaged in the milk industry, the benefits to be gained through the passage of the legislation which I have proposed.

Therefore, I ask that the Chairman of the Committee on Agriculture and Dairy Industries consideration of House Bill Number 24, at once.

REPORTS FROM COMMITTEE

Mr. McCANN from the Committee on Motor Vehicles, re-reported as committed, Senate Bill No. 524, entitled:

An Act amending the "Vehicle Code" of May 1, 1929 (P. L. 905) \* \* \* defining transit mix vehicles and fixing registration fees and permissible weights therefor.

Mr. BRETH from the Committee on Rules, reported as committed, House Resolution No. 124.

PERMISSION TO ADD ADDITIONAL SPONSORS

Mr. BRETH asked and obtained unanimous consent to add additional sponsors to a resolution reported from Committee by him.

COMMUNICATION FROM GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILL No. 1259

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, December 13, 1955.  
To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 1259, Printer's No. 386, entitled "An Act authorizing the commitment to the Department of Public Welfare in any city of the first class persons convicted of crimes and sentences by courts situate within such city to a city or county penal institution where such Department has established a correctional diagnostic and classification service and authorizing the transfer of prisoners between such institutions by the Department."

GEORGE M. LEADER.

BILLS SIGNED BY SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

SENATE BILL No. 105.

An Act amending the act of May 1, 1929 (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds" exempting war amputees and paralytics from the payment of certain fees in connection with motor vehicles

SENATE BILL No. 179.

An Act amending the act of April 25, 1929 (P. L. 723) entitled "An act regulating the investment of funds by administrative departments boards commissions and officers of the State Government" increasing the investment powers of State administrative departments boards commissions or officers



## SENATE BILL No. 541.

An Act amending the act of March 31 1949 (P. L. 372) entitled "An act to promote the welfare of the people of the Commonwealth creating the General State Authority as a body corporate and politic with power to construct improve equip furnish and operate projects and to lease the same and to fix fees rentals and charges for the use thereof authorizing and regulating the issuance of bonds for said Authority and providing for the payment of such bonds and the rights of the holders thereof and to enter into agreement with the Government of the United States or any Federal agency and authorizing the Department of Property and Supplies to grant assign convey or lease to the Authority lands of the Commonwealth and interests therein and to acquire lands therefor granting the right of eminent domain empowering the General State Authority to sell and convey projects and property to the

Commonwealth and providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act" authorizing the sale transfer and conveyance of property or interest therein.

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

## ADJOURNMENT

Mr. TOLL. Mr. Speaker, I move that this House do now adjourn until Wednesday, December 14, 1955 at 1:00 p. m.

The motion was agreed to, and (at 7:00 p. m.) the House adjourned.



# Legislative Journal.

Session 1955.

141st of the General Assembly.

Vol. 34.

HARRISBURG, PA., WEDNESDAY, DECEMBER 14, 1955.

No. 119.

## SENATE

WEDNESDAY, December 14, 1955.

The Senate met at 1:00 o'clock, p m., Eastern Standard Time.

The PRESIDENT (Lieutenant-Governor Roy E. Furman) in the Chair.

### PRAYER

The Chaplain, Rev. CARL M. FULTON, Assistant Pastor of Middletown Second Baptist Church, Middletown, offered the following prayer:

Almighty and everlasting God, our Heavenly Father, we beseech Thee graciously today to be in this General Assembly to guide this meeting in the way that is pleasing in Thy holy sight. We thank Thee, our dear Heavenly Father, for the manifestation of Thy Holy Spirit. We pray that good friendship and brotherly love will continue to prevail in all the meetings of this General Assembly of the Commonwealth of Pennsylvania.

We also pray, our dear Heavenly Father, Thy holy blessing to be upon each Member of the General Assembly and their friends. We also thank Thee for our privileges and freedom that we enjoy in our State and Nation. Our dear Heavenly Father, we pray Thy holy blessing to be upon the Governor and Lieutenant-Governor of our Commonwealth, and also the President of the United States.

Our dear Heavenly Father, as your humble servant, I would like to say a personal prayer for Doctor Miles Derk, our Senator from Lycoming County, who was taken ill recently. We pray that Thou will send Thy holy spirit to be with him and help him to overcome his illness.

We ask these blessings in the Name of our Redeemer, our Lord and Saviour. Amen.

### JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. PECHAN and Mr. HOLLAND, further reading was dispensed with, and the Journal was approved.

### COMMUNICATIONS FROM GOVERNOR

The Secretary to the Governor being introduced, presented communications in writing from His Excellency,

the Governor of the Commonwealth, which were read as follows:

APPROVED AND SIGNED SENATE BILL No. 53,  
PRINTER'S No. 133

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, December 13, 1955.  
To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed Senate Bill No. 53, Printer's No. 133, entitled "An Act providing for the revocation of commission of notaries public issuing checks without funds on deposit."

GEORGE M. LEADER.

APPROVED AND SIGNED SENATE BILL No. 156,  
PRINTER'S No. 262

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, December 13, 1955.  
To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed Senate Bill No. 156, Printer's No. 262, entitled "An Act amending the act of June 1, 1945 (P. L. 1242) entitled 'An act relating to roads streets highways and bridges amending revising consolidating and changing the laws administered by the Secretary of Highways and by the Department of Highways relating thereto' authorizing the department to provide for certain work on municipally owned public utilities."

GEORGE M. LEADER.

APPROVED AND SIGNED SENATE BILL No. 366,  
PRINTER'S No. 129

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, December 13, 1955.  
To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed Senate Bill No. 366, Printer's No. 129, entitled "An Act amending the act of July 11, 1917 (P. L. 758) entitled 'An act for the protection of the public health by regulating the possession control dealing in giving away delivery dispensing administering prescribing and use of certain drugs and keeping records thereof by regulating the use of drugs in the treatment of the drug habit by providing for the revocation and suspension of licenses of physicians dentists veterinarians pharmacists druggists and registered nurses for certain causes and by providing for the enforcement of this act and penalties' correcting the spelling of the word 'cocoa' to 'coca' and providing for oral prescriptions in certain cases and regulating their use."

GEORGE M. LEADER.



APPROVED AND SIGNED SENATE BILL No. 457,  
PRINTER'S No. 194

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, December 13, 1955.  
To the Honorable, the Senate of the Commonwealth of  
Pennsylvania:

I have the honor to inform you that I have this day approved and signed Senate Bill No. 457, Printer's No. 194, entitled "An Act amending the act of June 23, 1931 (P. L. 932) entitled 'An act relating to cities of the third class and amending revising and consolidating the law relating thereto' further providing for appropriations by such cities to official police pension funds."

GEORGE M. LEADER.

### HOUSE MESSAGES

The Clerk of the House of Representatives being introduced, informed the Senate that the House has adopted the following Reorganization Plans:

Reorganization Plan No. 2, Resolution A, entitled:

Resolved that Reorganization Plan No. 2 of 1955 transmitted to the General Assembly under dates of November 14, 1955 which is incorporated herein by reference, be approved.

Reorganization Plan No. 5, Resolution A, entitled:

Resolved that Reorganization Plan No. 5 of 1955 transmitted to the General Assembly under date of November 14, 1955 which is incorporated herein by reference, be approved.

HOUSE CONCURS IN SENATE BILL No. 190

He also returned to the Senate, Senate Bill No. 190, entitled:

An Act amending the act of March 10, 1949 (P. L. 30) entitled "An act relating to the public school system including certain provisions applicable as well to private and parochial schools amending revising consolidating and changing the laws relating thereto" further regulating the employment of teachers who are related to members of the board of school directors

with the information that the House has passed the same without amendments.

### HOUSE BILLS FOR CONCURRENCE

He also presented for concurrence bills of the House as follows:

House Bill No. 53, entitled:

An Act amending "The Vehicle Code" approved May 1, 1929 (P. L. 905) prohibiting the throwing of certain material from motor vehicles.

Which was committed to the Committee on Highways.

House Bill No. 592, entitled:

An Act amending the act of April 28, 1937 (P. L. 417), entitled "An act relating to milk and the products thereof; creating a Milk Control Commission; establishing its jurisdiction, powers and duties; regulating the production, transportation, manufacturing, processing, storage, distribution, delivery and sale of milk and certain products thereof; providing for the licensing of milk dealers and the payment of fees therefor; requiring milk dealers to file bonds to secure payment for milk to producers and certain milk dealers; authorizing the holding of hearings and the issuance of subpoenas by the commission; con-

ferring jurisdiction upon courts to punish contempts and to prohibit violations of this act and of rules, regulations and orders of the commission; authorizing the commission to adopt rules, regulations and orders, and to enter into interstate and Federal compacts; requiring persons who weigh, measure sample or test milk to procure permits or certificates, to take examinations, to pay fees therefor, to furnish certain notices, record and statements, and to use certain methods of weighing, measuring, sampling and testing; authorizing the commission to examine the business, papers and premises of milk dealers and producers requiring the keeping of records and the filing of reports by milk dealers, and permitting, with limitations, the use of information obtained thereby; authorizing the commission to fix prices for milk and certain milk products subject to the approval of the Governor, and conferring certain powers upon the Governor with respect thereto providing for appeals to the courts from decisions of the commission and for the burden of proof upon such appeals; prescribing penalties fines and imprisonment for violations of this act and rules, regulations and orders of the commission; defining perjury; defining remedies; repealing legislation supplied and superseded by this act, and saving rights, duties and proceedings thereunder; and making appropriations," changing the provisions relating to licenses license fees

House Bill No. 874, entitled:

An Act amending the act of June 24, 1931 (P. L. 1206), entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" increasing millage of annual tax for general township purposes.

Which was committed to the Committee on Local Government.

House Bill No. 1181, entitled:

An Act amending "The Vehicle Code" approved May 1, 1929 (P. L. 905) prescribing powers of magistrates and committing magistrates in traffic courts in summary proceedings involving certain juveniles providing for reports by magistrates and committing magistrates in traffic courts to probation officers imposing duties upon probation officers and providing for appeals to juvenile courts in certain cases involving juveniles.

Which was committed to the Committee on Judiciary General.

House Bill No. 1520, entitled:

An Act amending the act of May 25, 1937 (P. L. 808) entitled "An act providing for the use of the Pennsylvania Industrial School at Huntingdon as an institution for the reception care maintenance detention employment and training of defective delinquents\*\*\*" changing the provisions relating to payment of costs of maintenance of persons committed from certain counties.

Which was committed to the Committee on Public Health and Welfare.

House Bill No. 1706, entitled:

An Act amending the act of July 28, 1953 (P. L. 723) entitled "An act relating to counties of the second class amending revising consolidating and changing the laws relating thereto" reducing interest on damages allowed in eminent domain proceedings.

Which was committed to the Committee on Local Government.

House Bill No. 1768, entitled:

An Act regulating settlement of labor disputes between public utility employers and their employes and providing the procedure therefor repealing certain acts.



Which was committed to the Committee on Labor and Industry.

House Bill No. 1804, entitled:

An Act authorizing photostating photographing microphotographing microfilming or other mechanical processing of court records on file ten years or more making such copies and copies thereof admissible in evidence and providing for the transfer of custody of certain originals.

Which was committed to the Committee on Judiciary General.

House Bill No. 1877, entitled:

An Act amending "Public School Code of 1949" approved March 10, 1949 (P. L. 30) changing the basis for reimbursement on account of rentals payable to the State Public School Building Authority municipality authorities and non-profit corporations and the conditions therefor and limitations on approval of projects for reimbursement purposes and making an appropriation.

Which was committed to the Committee on Education.

House Bill No. 1923, entitled:

An Act making an appropriation to the Department of Public Assistance and providing for certain allocations therefrom for the purpose of carrying out the Public Assistance Law for the two fiscal years beginning June first one thousand nine hundred fifty-five.

Which was committed to the Committee on Appropriations.

#### HOUSE CONCURS IN SENATE CONCURRENT RESOLUTION

He also informed the Senate that the House has concurred in resolution from the Senate as follows:

#### RECALLING SENATE BILL No. 475, PRINTER'S No. 145, FROM THE GOVERNOR

In the Senate, December 12, 1955.

Resolved (if the House of Representatives concur), that Senate Bill No. 475, Printer's No. 145, entitled "An act amending the act of August 22, 1953 (P. L. 1344) entitled 'An act relating to marriage and amending revising consolidating and changing the law relating thereto' further regulating the issuance of marriage licenses when applicants are infected with syphilis," be recalled from the Governor for the purpose of amendment.

#### RESOLUTION RECALLING FROM THE GOVERNOR HOUSE BILL No. 445

He also presented extract from the Journal of the House of Representatives, which was twice read as follows, considered and agreed to:

In the House of Representatives, December 14, 1955.

Resolved, (If the Senate concur), That House Bill No. 445, Printer's No. 1132, entitled:

An Act amending the act of May 1, 1929 (P. L. 905), entitled "Vehicle Code," further regulating passing school buses and granting to magistrates power to recommend suspension of operating privileges for violations.

be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk inform the House of Representatives accordingly.

#### RESOLUTION RECALLING FROM THE GOVERNOR HOUSE BILL No. 620

He also presented extract from the Journal of the House of Representatives, which was twice read as follows, considered and agreed to:

In the House of Representatives, December 14, 1955.

Resolved, (If the Senate concur), That House Bill No. 620, Printer's No. 1042, entitled:

An Act amending the Act of May 1, 1929 (P. L. 905), entitled "Vehicle Code" further regulating speed; designating a traffic court; further prescribing enforcement and penal provisions; and imposing duties on certain pedestrians.

be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk inform the House of Representatives accordingly.

#### RESOLUTION RECALLING FROM THE GOVERNOR HOUSE BILL No. 1621

He also presented extract from the Journal of the House of Representatives, which was twice read as follows, considered and agreed to:

In the House of Representatives, December 14, 1955.

Resolved, (If the Senate concur), That House Bill No. 1621, Printer's No. 769, entitled:

An Act amending the act of May 2, 1929 (P. L. 1278), entitled "General County Law," authorizing collection of data concerning deceased veterans of armed conflicts; authorizing the erection of monuments for and giving retirement benefits to veterans of armed conflicts.

be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk inform the House of Representatives accordingly.

#### RESOLUTION RECALLING FROM THE GOVERNOR HOUSE BILL No. 1622

He also presented extract from the Journal of the House of Representatives, which was twice read as follows, considered and agreed to:

In the House of Representatives, December 14, 1955.

Resolved, (If the Senate concur), That House Bill No. 1622, Printer's No. 770, entitled:

An Act amending the act of May 2, 1929 (P. L. 1278), entitled "General County Law," extending the definition of "deceased service persons" to include service personnel serving in an armed conflict.

be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk inform the House of Representatives accordingly.

#### RESOLUTION RECALLING FROM THE GOVERNOR HOUSE BILL No. 1623

He also presented extract from the Journal of the House of Representatives, which was twice read as follows, considered and agreed to:

In the House of Representatives, December 14, 1955.

Resolved, (If the Senate concur), That House Bill No. 1623, Printer's No. 783,, entitled:



An Act amending the act of May 2, 1929 (P. L. 1778), entitled "General County Law," extending retirement benefits to veterans of armed conflicts.

be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk inform the House of Representatives accordingly.

**RESOLUTION RECALLING FROM THE GOVERNOR  
HOUSE BILL No. 1625**

He also presented extract from the Journal of the House of Representatives, which was twice read as follows, considered and agreed to:

In the House of Representatives, December 14, 1955.

Resolved, (If the Senate concur), That House Bill No. 1625, Printer's No. 771, entitled:

An Act amending the act of May 22, 1945 (P. L. 837), entitled, as amended "An act providing for and requiring in certain cases preference in appointments to and retention in public position or on public works for honorably discharged persons who served in the military or naval service during any war in which the United States engaged; and in certain cases for the widows and wives of such persons," extending civil service preference to veterans of armed conflicts.

be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk inform the House of Representatives accordingly.

**REPORTS FROM COMMITTEE**

Mr. KOPRIVER, JR., from the Committee on Local Government, reported as committed, House Bill No. 78, entitled:

An Act amending the act of March twenty-seventh one thousand nine hundred and twenty-nine (P. L. 84) entitled "An act to fix the fees to be charged by coroners in counties of the second class" increasing fees to be charged.

He also, from the Committee on Local Government, reported as committed, House Bill No. 814, entitled:

An Act amending the act of June 11, 1915 (P. L. 938) entitled "An act to regulate and establish the fees to be charged and collected by the several clerks of the courts of oyer and terminer general jail delivery and quarter sessions of the peace in counties of this Commonwealth . . ." changing and fixing fees in counties of the second class.

He also, from the Committee on Local Government, reported as committed, House Bill No. 1267, entitled:

An Act amending the act of July 28, 1953 (P. L. 723), entitled "Second Class County Code," increasing the annual salaries of certain officers in counties of the second class.

**SENATE CONCURRENT RESOLUTION**

**RECALLING SENATE BILL No. 722 FROM  
THE GOVERNOR**

Mr. DENT offered the following resolution which was twice read, considered and agreed to:

In the Senate, December 14, 1955.

Resolved (if the House of Representatives concur), that Senate Bill No. 722, Printer's No. 265, entitled "An act

amending the act of May 1, 1929 (P. L. 905) entitled 'An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds' regulating issuance of registration plates to newspaper newsreel or television photographers," be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk present the same to the House of Representatives for concurrence.

**CALENDAR**

**BILLS ON CONCURRENCE IN HOUSE AMENDMENTS**

**BILLS OVER IN ORDER**

Mr. MAHANY. Mr. President, I ask unanimous consent that the following bills, on concurrence in House amendments, go over in their order:

Senate Bill No. 511, Printer's No. 365; and

Senate Bill No. 773, Printer's No. 422.

The PRESIDENT. Is there objection? The Chair hears none.

**FINAL PASSAGE CALENDAR**

**BILL ON FINAL PASSAGE**

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 572, as follows:

An Act authorizing the Pennsylvania Liquor Control Board to issue special temporary permits for the retail sale of malt or brewed beverages at baseball parks under certain circumstances

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The Pennsylvania Liquor Control Board hereinafter called "the board" is hereby authorized to issue special temporary permits allowing the holders thereof to make retail sales of malt or brewed beverages in paper containers to adults within the grounds of enclosed baseball parks with a seating capacity of twenty-five thousand (25,000) or more on days other than Sunday during the baseball season when a baseball game or games regularly scheduled in any organized league or leagues is or are scheduled to be played for the period beginning one-half hour before the start of and ending one-half hour after the close of any game or games

Section 2 The owner lessee or a concessionaire of any baseball park may make application for a permit Each applicant shall furnish proof satisfactory to the board that he is of good repute and financially responsible and that the baseball park where he proposes to do business is a proper place and all other information as the board may prescribe Applications shall be in writing on forms prescribed by the board and signed and sworn to by the



applicant Every application shall be accompanied by an application fee of twenty-five dollars (\$25)

Section 3 Upon receipt of the application in proper form the application fee and upon being satisfied that the applicant is of good repute and financially responsible and that the proposed place of business is proper the board shall issue a special temporary permit to each applicant Only one permit shall be in effect at any one baseball park at any time and shall be limited to the duration of the baseball season including post season games

Each permit shall state on its face the period during which it is valid and that failure to operate at any time for a period of fifteen (15) consecutive game days shall be grounds for revocation thereof Whenever a permit is revoked another may be issued for the same premises to another applicant upon compliance with the provisions of this act

No permit shall be transferable assignable or renewable The fee for a permit shall be one hundred dollars (\$100) per season which shall be paid upon the issuance of the permit

Section 4 The board shall have the power to refuse the issuance of any permit for cause and to revoke or suspend any permit for cause or for any violation of the liquor or malt and brewed beverage laws Any applicant or holder of a permit aggrieved by any ruling of the board or by its refusal to issue a permit or by its suspension or revocation thereof shall have the right to a hearings and appeal therefrom in accordance with the provisions of the Administrative Agency Law and its amendments

Section 5 Nothing contained in the act of April 12, 1951 (P. L. 90) known as the "Liquor Code" shall be construed as applying to the issuance of permits under the provisions of this act

Section 6 All acts and parts of acts are hereby repealed in so far as they are inconsistent herewith

Section 7 This act shall take effect June 1., 1955.

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

(During the calling of the roll, the following occurred:)

Mr. STIEFEL. Mr. President, having voted under a misapprehension, I wish to be recorded as voting "aye."

The PRESIDENT. The gentleman from Philadelphia will be so recorded.

Mr. KOPRIVER, JR. Mr. President, I wish to be recorded as voting "aye."

The PRESIDENT. The gentleman from Allegheny will be so recorded.

Mr. SCOTT. Mr. President, I desire to be recorded as voting "aye."

The PRESIDENT. The gentleman from Carbon will be so recorded.

Mr. LANE. Mr. President, I desire to be recorded as voting "no."

The PRESIDENT. The gentleman from Washington will be so recorded.

Mr. MULLIN. Mr. President, I wish to be recorded as voting "aye."

The PRESIDENT. The gentleman from Philadelphia will be so recorded.

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

#### YEAS—27

Barr,	Donolow,	Mullin,	Van Sant,
Berger,	Harney,	Probert,	Wagner,
Blass,	Koprivier, Jr.,	Ruth,	Watkins,
Daniel,	McCreesh,	Scott,	Watson,

Dent,  
Derk,  
DiSilvestro.

McGinnis,  
McMenamin,  
McPherson, Jr.,

Silvert,  
Stiefel,  
Taylor,

Weiner,  
Yosko,

#### NAYS—20

Chapman,  
Diehm,  
Flack,  
Fleming,  
Haluska,

Hays,  
Holland,  
Kessler,  
Lane,  
Madigan,

Mahany,  
Mallery,  
Miller,  
Pechan,  
Peelor,

Schmidt,  
Seyler,  
Wade,  
Whalley,  
Wolfe,

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

### REPORT FROM COMMITTEE

Mr. CHAPMAN. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. CHAPMAN, from the Committee on Appropriations, reported as committed, House Bill No. 1923, entitled:

An Act making an appropriation to the Department of Public Assistance and providing for certain allocations therefrom for the purpose of carrying out the Public Assistance Law for the two fiscal years beginning June first one thousand nine hundred fifty-five.

### THIRD READING CALENDAR

#### BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 8, entitled:

An Act authorizing and directing the Department of Highways with the approval of the Governor to erect and maintain a toll bridge over the Ohio River in Beaver County between a point in the general area of Monaca-Shippington to the general area of Beaver-Midland on the opposite side of the Ohio River and to provide the necessary approaches and connections with State highways empowering counties to pay certain damages.

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

#### BILLS OVER IN ORDER

Mr. DENT. Mr. President, I ask unanimous consent that House Bill No. 8, Printer's No. 1242, on final passage, go over in its order until Monday.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. LANE. Mr. President, I ask unanimous consent that the following bills, on third reading, go over in their order:

Senate Bill No. 188, Printer's No. 370; and

Senate Bill No. 316, Printer's No. 372.

The PRESIDENT. Is there objection? The Chair hears none.

### BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,



The Senate proceeded to the third reading and consideration of Senate Bill No. 693, as follows:

An Act amending the act of August 10, 1951 (P. L. 1163) entitled as amended "An act relating to the orphans' court conferring exclusive jurisdiction on such courts over the administration and distribution of decedents' estates trust estates minors' estates and absentees' estates conferring concurrent jurisdiction over the administration and distribution of incompetents' estates and the determination of title to real estate in certain cases providing for the organization of orphans' courts the procedure therein the power and duties of the judges thereof and appeals therefrom" conferring exclusive jurisdiction on orphans' courts (except the Orphans' Court of Philadelphia County) over the administration and distribution of incompetents' estates and on the orphans' court of Philadelphia County over inter vivos trusts and revising the procedure on and effect of jury trials and the availability of jurors

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The title act of August 10, 1951 (P. L. 1163) known as the "Orphans' Court Act of 1951" amended July 28, 1953 (P. L. 690) is amended to read

An Act relating to the orphans' [court] courts conferring exclusive jurisdiction on such courts over the administration and distribution of decedents' estates trust estates minors' estates [and] absentees' estates [conferring concurrent jurisdiction over the administration and distribution of] and (except in Philadelphia County) incompetents' estates and the determination of title to real estate in certain cases providing for the organization of orphans' courts the procedure therein the powers and duties of the judges thereof and appeals therefrom

Section 2 Section 102 of the act is amended by adding at the end a new clause to read

Section 102 Definitions The following words when used in this act unless the context clearly indicates otherwise shall have the meanings ascribed to them in this section

\* \* \*

(7) An "incompetent" is any person who has been adjudged unable to manage his property

Section 3 Section 301 of the act is amended to read

Section 301 Exclusive Jurisdiction The orphans' court shall have exclusive jurisdiction of

(1) Decedents' Estates The administration and distribution of the real and personal property of decedents' estates

(2) Testamentary Trusts The administration and distribution of the real and personal property of testamentary trusts whether created before or after the effective date of this act except any testamentary trust created before the effective date of the Fiduciaries Act of 1917 jurisdiction of which already has been acquired by another Pennsylvania court Another court which has acquired jurisdiction of the trust may transfer it to the orphans' court

(3) Inter Vivos Trusts The administration and distribution of the real and personal property of inter vivos trusts whether created before or after the effective date of this act except any inter vivos trust created before the effective date of this act jurisdiction of which already has been acquired by another Pennsylvania court another court which has acquired jurisdiction of the trust may transfer it to the orphans' court [The jurisdiction of the orphans' court of Philadelphia County over the administration and distribution of the real and personal property of inter vivos trusts shall be concurrent with the several courts of common pleas as heretofore]

(4) Minors' Estates The administration and distribution of the real and personal property of minors' estates

(4.1) Incompetents' Estates The administration and distribution of the real and personal property of the estates of incompetents except where jurisdiction thereof already has been acquired by another Pennsylvania court before the effective date of this act Another court which has acquired jurisdiction of the estate may transfer it to the orphans' court The jurisdiction of the Orphans' Court of Philadelphia county over the administration and distribution

of the real and personal property of the estates of incompetents shall be concurrent with the several courts of Common Pleas as heretofore

(5) Absentees' and Presumed Decedents' Estates The administration and distribution of the real and personal property of absent persons and of presumed decedents

(6) Fiduciaries The appointment control settlement of the accounts or removal and discharge of and allowance to and allocation of compensation among all fiduciaries of estates and trusts of which the court has jurisdiction except that the grant of letters testamentary and of administration to personal representatives shall remain within the jurisdiction of the register as heretofore

(7) Guardians of Persons of Minors The appointment control and removal of the guardian of the person of any minor

(8) Custody of Minors The determination of the right to the custody of a minor in connection with any proceeding for his adoption or for the appointment of a guardian of his person

(9) Specific Performance of Contracts To enforce specifically the performance by either party of any agreement made by a decedent to purchase or sell real or personal property

(10) Legacies Annuities and Charges Proceedings for the enforcement of legacies annuities and charges placed on real or personal property by will inter vivos trust or orphans' court decree or for the discharge of the lien thereof

(11) Construction of Administrative Power The construction of an administrative power as to real estate proposed to be exercised by a fiduciary subject to the jurisdiction of the orphans' court

(12) Disposition of Title to Real Estate to Render It Freely Alienable The disposition of any interest in real estate of one disabled from dealing with it when title to it has been acquired by descent or will or is in an estate or trust subject to the jurisdiction of the orphans' court

(13) Title of Personal Property The adjudication of the title to personal property in the possession of the personal representative or registered in the name of the decedent or his nominee or alleged by the personal representative to have been in the possession of the decedent at the time of his death.

(14) Appeals and Proceedings from Registers Appeals from and proceedings removed from registers

(15) Birth Records Matters relating to birth records as provided by law

(16) Adoptions, Adoptions as provided by law

(17) Marriage Licenses Marriage licenses as provided by law

(18) Inheritance and Estate Taxes Matters relating to inheritance and estate taxes as provided by law

The provisions of clauses (8) and (16) in so far as they relate to adoptions shall not apply to the orphans' court of Philadelphia County Exclusive jurisdiction in the matter of adoptions shall remain in the Municipal Court of Philadelphia

Section 4 Section 302 of the act amended July 28 1953 (P. L. 690) is amended to read

Section 302 Concurrent Jurisdiction Title to Real Estate The orphans' court shall have concurrent jurisdiction [of] to

[(1) Title to Real Estate The] [determination of] Determine the persons to whom the title to real estate of a decedent or of the creator of an estate or trust subject to the jurisdiction of the orphans' court has passed by devise or descent or by the terms of the trust instrument Provided That nothing herein shall be construed to restrict the exclusive jurisdiction of the orphans' court to distribute real estate in an estate or trust within its jurisdiction

[(2) Incompetents' Estates The administration and distribution of the real and personal property of incompetents' estates except when the jurisdiction thereof has been acquired by another Pennsylvania court Another court which has acquired jurisdiction of the incompetent's estate may transfer it to the orphans' court]

Section 5 Sections 744 745 and 746 of the act are amended to read



**Section 744 Testimony in Proceedings Removed From Register** On appeal from the register or in a proceeding removed from the register the court may find upon the testimony taken before the register that a substantial dispute of fact exists and [require a jury to decide the issue of fact In all other cases] grant a jury trial When upon the testimony taken before the register a jury trial is not granted the court shall hear the testimony de novo unless all parties appearing in the proceeding agree that the case be heard on the testimony taken before the register In any event the court may require witnesses already examined and other witnesses to appear before it The court in its discretion may impanel a jury at any stage of the proceedings

#### Section 745 Jury Trial

(a) **Will Contest** When a substantial dispute of fact shall arise concerning the validity of a writing alleged to be testamentary any party in interest shall be entitled to a trial of this fact by a jury but the verdict of the jury shall be conclusive only if the court is satisfied with the justness of it on the basis of all the evidence If the court is not so satisfied it may set aside the verdict grant a new trial enter such other judgment as satisfies its conscience

(b) **Title to Property** When a substantial dispute of fact shall arise concerning the decedent's title to property real or personal any party in interest shall be entitled to a trial of [this fact] such issue by a jury the verdict of the jury shall have the same effect as the verdict of a jury in a case at law in a court of common pleas

(b.1) **Determination of Incompetency** Any person against whom proceedings have been instituted to establish his incompetency shall be entitled to a trial of such issue by a jury The verdict of the jury shall have the same effect as the verdict of a jury in a case at law in a court of common pleas

(c) **Waiver of Right** [A person entitled to a trial by jury may make demand in writing therefor prior to the hearing of the issues of fact The right to trial by jury is waived if such a demand is not so made or if the person claiming the right fails to appear at the hearing or fails to object to trial by the court before the introduction of evidence is commenced] A person desiring a trial by jury shall make demand therefor in writing at least ten days prior to the initial hearing before the court or if the initial hearing is dispensed with as provided in section 746 (A.1) then at least ten days prior to the trial The right to trial by jury is waived if such demand is not so made or after having been made the person claiming the right fails to appear

(d) **When Not of Right** When there is no right to trial by jury or when the right is waived the court in its discretion may require a jury to decide any issue of fact [and the verdict in such case shall have the same effect as though a trial by jury had been allowed as a matter of right to a party in interest] but the verdict shall be conclusive only if the court is satisfied with the justness of it on the basis of all the evidence If the court is not so satisfied it may set aside the verdict grant a new trial or enter such other judgment as satisfies its conscience

#### Section 746 Trials in the Orphans' Court

(a) **Jury** Jury trials in any case begun before or certified or appealed to the orphans' court shall be tried in the orphans' court The court shall draw a jury and preside at the trial of the issue and shall have all the powers of a judge in trials by jury in cases at law in the court of common pleas The panel of jurors drawn for service in the common pleas [court] quarter sessions or oyer and terminer and general jail delivery courts of the county in which the orphans' court is located shall be available for such service in the orphans' court when required and in counties where there is a separate orphans' court the orphans' court and the [court] courts of common pleas quarter sessions and oyer and terminer and general jail delivery shall by appropriate rules provide for and regulate the manner in which the jurors shall be made available and sent to the orphans' court when required for the trial of issues therein

(a.1) In any case begun before or certified or appealed to the orphans' court the court may on its own motion

or on motion of a party and with reasonable notice to all parties (1) combine the hearing to determine whether a substantial dispute of fact exists with the trial to determine the dispute and impanel a jury before determining whether or not a substantial dispute of fact exists and (2) combine the hearing and trial on all wills the issues in regard to which are closely interrelated The court may withdraw the case from the jury if the court determines that no substantial dispute of fact exists

(b) **Rules of Court** Unless and until the orphans' court otherwise directs the appropriate rules of the common pleas court of the same county shall apply to jury trials of issues in the orphans' court and matters relating to such trials shall be heard and disposed of by the orphans' court

[(c) **Effect of Verdict** The verdict of the jury in the orphans' court shall have the same effect as the verdict of a jury in a case at law in a court of common pleas]

Section 6 This act shall take effect January 1, 1956

And said bill having been read at length the third time, and agreed to.

And the amendments made thereto having been printed as required by the Constitution.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

#### YEAS—49

Bane,	Fleming,	McGinnis,	Silvert,
Barr,	Haluska,	McMenamin,	Stevenson,
Berger,	Harney,	McPherson, Jr.	Stiefel,
Blass,	Hays,	Miller,	Taylor,
Camiel,	Holland,	Mullin,	Van Sant,
Chapman,	Kessler,	Pechan,	Wade,
Dent,	Koprivier, Jr.	Peelior,	Wagner,
Derk,	Lane,	Propert,	Watkins,
Diehm,	Madigan,	Ruth,	Watson,
DiSilvestro,	Mahany,	Schmidt,	Weiner,
Donolow,	Mallery,	Scott,	Whalley,
Flack,	McCreesh,	Seyler,	Wolfe,
			Yosko,

#### NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

#### BILL ON THIRD READING AMENDED

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 842, entitled:

An Act amending the act of May 15, 1939 (P. L. 134) entitled as amended "An act relating to fireworks . . ." authorizing the use of fireworks in connection with raising crops

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill on third reading?

Mr. LANE. Mr. President, on behalf of Senator Madigan and myself, I ask unanimous consent to offer amendments at this time.

The PRESIDENT. Is there objection? The Chair hears none.

The Clerk read the amendments as follows:

Amend Title, page 1, next to last line of title, by inserting after "authorizing": "the issuance of permits for and"; Amend Title, page 1, last line of title, by inserting after "raising": "and protecting"; Amend Sec. 1 (Sec. 4), page 2, line 13, by inserting after "used": "as authorized



by a permit"; Amend Sec. 1 (Sec. 4), page 2, line 14, by inserting after "crops": "and the protection of crops from bird and animal damage"; Amend Bill, page 3, by inserting after line 2 the following: "Section 2. The act is amended by adding, after section 4, a new section to read:

"Section 4.1. The governing body of any city, borough, town or township shall have the power, under reasonable rules and regulations adopted by it, to grant permits for the use of suitable fireworks for agricultural purposes in connection with the raising of crops and the protection of crops from bird and animal damage. Such permits shall be good for the calendar year in which issued. After such permit has been granted, sales, possession and use of fireworks of the type and for the purpose mentioned in the permit shall be lawful for that purpose only."

On the question,

Will the Senate agree to the amendments?

They were agreed to.

On the question,

Will the Senate agree to the bill on third reading, as amended?

### BILL OVER IN ORDER

Mr. LANE. Mr. President, I ask unanimous consent that Senate Bill No. 842, Printer's No. 381, on third reading, go over in its order, as amended.

The PRESIDENT. Is there objection? The Chair hears none.

### BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 867, as follows:

An Act amending the act of April 12, 1951 (P. L. 90) entitled "An act relating to alcoholic liquors alcohol and malt and brewed beverages amending revising consolidating and changing the laws relating thereto regulating and restricting the manufacture purchase sale possession consumption importation transportation furnishing holding in bond holding in storage traffic in and use of alcoholic liquors alcohol and malt and brewed beverages and the persons engaged or employed therein defining the powers and duties of the Pennsylvania Liquor Control Board providing for the establishment and operation of State liquor stores for the payment of certain license fees to the respective municipalities and townships for the abatement of certain nuisances and in certain cases for search and seizure without warrant prescribing penalties and forfeitures providing for local option and repealing existing laws" permitting the sale and possession of wine in package not bearing the official seal of the board

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Subsection (f) of section 208 subsection (d) of section 305 subsection (e) of section 409 and clause (4) of section 491 act of April 12, 1951 (P. L. 90) known as the "Liquor Code" are amended to read

Section 208 Specific Subjects on Which Board May Adopt Regulations Subject to the provisions of this act and without limiting the general power conferred by the preceding section the board may make regulations regarding

\* \* \*

(f) The sealing and labeling of liquor and alcohol sold under this act and of liquor and alcohol lawfully acquired by any person prior to January first one thousand nine hundred thirty-four This section shall not be construed

to authorize the board to require that packages containing wine have affixed thereto the official seal of the board

\* \* \*

Section 305 Sales by Pennsylvania Liquor Stores \* \* \*

(d) No liquor or alcohol except wine shall be sold to any purchaser except in a package bearing the official seal of the board required by this act [which] and no package shall [not] be opened on the premises of a Pennsylvania Liquor Store No manager or other employee of the board employed in a Pennsylvania Liquor Store shall allow any liquor or alcohol to be consumed on the store premises nor shall any person consume any liquor or alcohol on such premises

\* \* \*

Section 409 Sacramental Wine Licenses Fees Privileges Restrictions

\* \* \*

(e) Any wine purchased under the authority of this section shall not be used for any other than sacramental or religious purposes Sacramental wine may not be sold by any person except the holder of a sacramental wine license [All original containers from which sacramental wine is dispensed shall bear the official seal of the board]

\* \* \*

Section 491 Unlawful Acts Relative to Liquor Alcohol and Liquor Licensees

It shall be unlawful

\* \* \*

(4) Liquor Packages Without Official Seal For any person except a manufacturer or the board or the holder [of a sacramental wine license or] of an importer's license [or a priest clergyman or rabbi who has purchased wine from the holder of a sacramental wine license] to have or keep any liquor except wine within the Commonwealth unless the package (except the decanter or other receptacle containing liquor for immediate consumption) in which the liquor is contained while containing that liquor bears the official seal of the board The use of decanters or other similar receptacles by licensees shall be permitted only in the case of wines and then only in accordance with the regulations of the board but nothing herein contained shall prohibit the manufacture and possession of wine as provided in (2) of this section

\* \* \*

And said bill having been read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

### YEAS—31

Barr,	Donolow,	McPherson, Jr.	Stiefel,
Berger,	Haluska,	Mullin,	Taylor,
Blass,	Harney,	Pechan,	Wade,
Camel,	Kessler,	Peelor,	Wagner,
Chapman,	Madigan,	Propert,	Watkins,
Dent,	Mahany,	Ruth,	Watson,
Diehm,	McCreesh,	Scott,	Yosko,
DiSilvestro,	McGinnis,	Silvert,	

### NAYS—9

Fleming,	Miller,	Seyler,	Whalley,
Hays,	Schmidt,	Weiner,	Wolfe,
Lane,			

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present the said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 868, as follows:



An Act authorizing the Department of Forests and Waters to exchange certain lands located in Union Township Bedford County Pennsylvania necessary for improved administration of Blue Knob State Park

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The Department of Forests and Waters with the approval of the Governor is hereby authorized to convey the following tract or parcel of land situate in Union Township Bedford County Pennsylvania being a part of land now owned by the Commonwealth of Pennsylvania and more fully described pursuant to a survey made by Harry W. Cunard a Registered Surveyor on December 30, 1952 as Beginning at a concrete marker at a corner common to land of the Pavia Cemetery Association and in a westerly line of land now or formerly of Elmer Dibert as delineated and depicted on that plat of a survey of December 30, 1952 by Harry W. Cunard Registered Surveyor No. 5389 thence from the initial point by 1952 magnetic bearings and distances along land of the said Pavia Cemetery Association North 87 degrees 30 minutes West 266.2 feet to a concrete marker South 50 degrees 02 minutes West 35.8 feet to a concrete marker North 84 degrees 55 minutes West 87.9 feet to a concrete marker in an easterly line of land of Blue Knob State Park thence leaving said Pavia Cemetery Association land and along land of said Blue Knob State Park North 8 degrees 44 minutes East 157.35 feet to a plug and tack South 87 degrees 30 minutes East 352.5 feet to a plug and tack in line of land of said Elmer Dibert thence leaving said Blue Knob State land and along land of said Elmer Dibert South 8 degrees 48 minutes West 125 feet to the place of beginning containing 1.07 acres and being part of the same land conveyed to the Commonwealth of Pennsylvania by deed of the United States of America dated September 26, 1945 the same part being released from reversionary conditions contained in said deed by Deed of Release from the United States of America dated October 14, 1955.

Section 2 The aforementioned conveyance is made in exchange for a grant and conveyance of a tract or parcel of land situate in Union Township Bedford County Pennsylvania being part of that tract now owned by A. Rush Burkett and more fully described pursuant to a survey made by Harry W. Cunard a Registered Surveyor on December 30, 1952 as beginning at a concrete marker at a corner of Blue Knob State Park northeastwardly along line of said park and lands of A. R. Burkett as delineated and depicted on that plat of a survey of December 1952 by Harry W. Cunard Registered Surveyor No. 5389 thence from the initial point by 1952 magnetic bearings and distances North 33 degrees 45 minutes East 3098.3 feet more or less to a concrete marker thence by same North 9 degrees 15 minutes East 17 feet to a plug and tack thence by the lands of A. R. Burkett and parcel herein described South 33 degrees 45 minutes West 3099.5 feet more or less to a plug and tack thence by same North 2 degrees 45 minutes West 17 feet to a concrete marker the point of beginning containing 1.04 acres more or less said exchange being necessary for improved administration of Blue Knob State Park

Section 3 The deed of conveyance by the Commonwealth shall be executed by the Secretary of Forests and Waters in the name of the Commonwealth of Pennsylvania

Section 4 The title to the tract to be acquired by the Commonwealth shall be approved by the Department of Justice

And said bill having been read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Yeas, Haluska, McMenamin, Stevenson,

Barr,	Harney,	McPherson, Jr.	Stiefel,
Berger,	Hays,	Miller,	Taylor,
Blass,	Holland,	Mullin,	Van Sant,
Camel,	Kessler,	Pechan,	Wade,
Chapman,	Koprivier, Jr.	Peelor,	Wagner,
Dent,	Lane,	Propert,	Watkins,
Derk,	Madigan,	Ruth,	Watson,
Diehm,	Mahany,	Schmidt,	Weimer,
DiSilvestro,	Mallery,	Scott,	Whalley,
Donolow,	McCreesh,	Seyler,	Wolfe,
Flack,	McGinnis,	Silvert,	Yosko,
Fleming,			

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present the said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 986, as follows:

An Act relating to chattel mortgages executed and filed prior to July 1 1954 regulating the assignment release satisfaction and extension of the lien of mortgages and the filing indexing and docketing thereof in prothonotaries' offices prescribing methods of foreclosure defining defaults and violations prescribing prothonotaries' fees and fixing penalties

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Definition As used in this act

(1) "Chattel Mortgage Act of 1945" shall mean the act of June 1 1945 (P L 1358) entitled "An act relating to chattel mortgages on any chattel or chattels of any kind or description including but not limited to livestock poultry farm machinery farm equipment and crops grown growing or to be grown designating the operation and effect of the lien of such mortgages providing for the filing indexing and docketing of such mortgages and related instruments in prothonotaries' offices and prescribing prothonotaries' fees providing for the filing in Pennsylvania of similar lien instruments originally filed or recorded in other states regulating the assignment release satisfaction and extension of the lien of such mortgages prescribing methods of foreclosure defining defaults and violations and fixing penalties" as amended from time to time while the act was in effect

(2) "Chattel Mortgage" shall mean a mortgage upon any chattel or chattels of any kind or description which was executed and filed on or after June 1 1945 and prior to July 1 1954 in accordance with the Chattel Mortgage Act of 1945

Section 2 Indices The prothonotary shall continue to maintain the books known as the "Chattel Mortgage Book" and the "Chattel Mortgage Index" which he maintained pursuant to the Chattel Mortgage Act of 1945 in which he shall docket and index each instrument presented to him for filing pursuant to this act

Section 3 Filing Related Instruments Any instrument affecting the lien of a chattel mortgage or its ownership may be filed in each office in which the chattel mortgage is filed and from the date of filing thereof each such instrument shall be good and valid as against subsequent purchasers subsequent mortgages or other subsequent lienors subsequent encumbrancers and holders of subsequent security interests with or without notice thereof and the fact and date of filing of each instrument shall be noted by the prothonotary on the margin of the page on which the chattel mortgage is docketed

Section 4 Property Moved to Another County If any of the property covered by a chattel mortgage is removed with or without the written consent of the mortgagee from the county in which it was located at the time of execution of the mortgage or from the county in which the mortgage was filed a true copy of the mortgage may be filed in the office of the prothonotary in the county to which the property is removed

Section 5 Assignments Any chattel mortgage may be



assigned by an instrument in writing signed by the mortgagee or assignee and setting forth the amount of the debt as of the assignment and upon presentation of the assignment to the prothonotary the prothonotary shall file it and note on the margin of the page in which the chattel mortgage is docketed the fact of the assignment the date of the notation the name of the assignor the name of the assignee the address of each the date of the assignment and the amount of the debt as of the date of the assignment and the assignment shall except as to the parties thereto take effect and be valid only from the time of the marginal notation as herein provided Any chattel mortgage may be assigned by an assignment stating the amount of the debt on the date of the assignment and executed by the mortgagee or assignee on the margin of the page where the chattel mortgage is docketed which assignment shall be attested by the prothonotary

**Section 6 Satisfaction** Any chattel mortgage may be satisfied by an instrument in writing signed by the mortgagee or assignee and upon presentation of the instrument to the prothonotary the prothonotary shall file it and note the fact of the satisfaction and the date thereof on the margin of the page of the book where the chattel mortgage is docketed and when so noted the satisfaction shall fully and effectually release the lien of such mortgage Any chattel mortgage may be satisfied by the mortgagee or assignee on the margin of the page where such chattel mortgage is docketed which satisfaction shall be attested by the prothonotary Each satisfaction of a chattel mortgage lien shall be noted by the prothonotary on the line of the page on which the chattel mortgage is indexed

**Section 7 Extension** A chattel mortgage shall remain a lien on the property mortgaged as between the parties thereto until paid but as to third parties shall not remain a lien for a longer period than five years from the date it was last filed or extended pursuant to the Chattel Mortgage Act of 1945 or this act unless the lien thereof is extended by filing prior to the expiration of the lien with the prothonotary an affidavit of the mortgagee or his assignee stating the amount then secured by the lien in which case the said mortgage shall remain a lien for an additional period of five years from the date of the filing of the affidavit The lien of any mortgage may be further extended with like effect by the filing of successive affidavits The prothonotary shall note each extension of a chattel mortgage lien and date of filing thereof on the margin of the page of the book where the chattel mortgage is docketed The prothonotary shall also index each extension in the index of financing statements maintained by him pursuant to the uniform commercial code of April 6, 1953 (P. L. 3) showing the mortgagor as the debtor and the mortgagee or his assignee as the secured party and noting in the index in place of the file number and addresses of such parties the book and page number of the book where the chattel mortgage is docketed

**Section 8 Remedies** (a) Upon default in any of the terms and covenants of any chattel mortgage the mortgagee assignee or duly authorized attorney or agent of such mortgagee or assignee shall have the right either by process of law by writ of replevin or otherwise or without process of law immediately to take possession of the mortgaged property and to do all things necessary to preserve the same and any expense incurred in conjunction therewith shall be included in and secured by the lien of said chattel mortgage and this right shall be in addition to any and all other rights inuring to the benefit of the mortgagee or assignee

(b) In the event of the repossession of the mortgaged chattel in accordance with the provisions of this section the mortgagee may sell the chattel at public or private sale after giving a written notice of at least ten days thereof to the mortgagor by mailing same to him at his last known address Any surplus realized in excess of debt and costs shall be paid over to the mortgagor and any deficit may be collected from the mortgagor under the provisions of section 9 hereof

(c) The mortgagor or his assignee at any time prior to the sale of the mortgaged property either by process of law by writ of replevin or otherwise or without process

of law upon making payment to the mortgagee or his assignee of the indebtedness secured by the chattel mortgage together with interest thereon and other charges and amounts payable under the terms of the chattel mortgage or the bond or note secured by the same

(d) A mortgagee may after default replevin any goods subject to a chattel mortgage and in excess of one hundred dollars (\$100) in value in the hands of a third person who took title to the goods with actual or constructive notice of the mortgage or if the goods have been consumed or are not in the possession of the third person the mortgagee may recover the value of the goods in an action in trespass for conversion

**Section 9 Foreclosure** Upon default by the mortgagor in the payment of the mortgage debt either as to principal or interest or upon default in the performance of any covenant contained in the chattel mortgage or bond or note the chattel mortgage may be foreclosed by any of the methods by law for the foreclosure of a mortgage including the entry of judgment on the bond or note secured by the chattel mortgage The lien of any levy which may be made upon the mortgaged property by virtue of any execution based upon a judgment entered upon the bond or note shall relate back to the date of the filing of the chattel mortgage In foreclosure proceedings the mortgaged chattels may be sold in the same manner as authorized by the laws of this Commonwealth in the case of personal property sold under execution

**Section 10 Penalties** Any person who without the written consent of the mortgagee or his assignee shall wilfully sell any property mortgaged by him or his predecessor in title in conformity with the provisions of the Chattel Mortgage Act of 1945 either before or after the debt is due and before the debt is paid or shall wilfully injure destroy conceal or without notice to the mortgagee abandon or shall wilfully deface any marks identifying any mortgaged property shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to undergo imprisonment not exceeding one year or to pay a fine of double the value of the personal property so sold injured destroyed defaced concealed or abandoned or either or both

**Section 11 Prothonotarys' Fees** The prothonotary shall be entitled to charge and receive the following fees

(1) For filing indexing and noting each assignment or extension of a chattel mortgage two dollars (\$2.00)

(2) For filing and noting each partial release satisfaction or subordination by written instrument seventy-five cents (75¢)

(3) For attesting the entry of a marginal satisfaction and noting the satisfaction on the index seventy-five cents (75¢)

(4) For indexing and attesting the entry of a marginal assignment one dollar (\$1.00)

(5) For a certified copy of a chattel mortgage the sum of fifty cents (50¢) if a copy of the instrument is furnished at the time it is filed

**Section 12 Extension Affidavits** In the case of a chattel mortgage filed or last extended during the period beginning July 1 1949 and ending five years prior to the effective date of this act if an affidavit of the mortgagee or his assignee has been filed with the prothonotary on or after July 1 1954 and prior to the effective date of this act in the manner provided by the Chattel Mortgage Act or if an affidavit is filed within sixty days after the effective date of this act in the manner provided by section seven hereof stating the amount secured by a chattel mortgage at the time of the affidavit the mortgage shall be a lien on the mortgaged property which shall be good and valid against and superior to all rights of all persons who after the effective date of this act become purchasers mortgagees lienors or encumbrancers of and all persons who after the effective date of this act deal with the mortgaged property or acquire a security interest therein and shall remain a lien on the mortgaged property as to them for a period of five years from the date of filing

**Section 13 Construction** (a) This act shall not be construed to adversely affect or impair the lien of or rights under any existing chattel mortgage nor shall this act be



construed to repeal or affect any act relating to chattel mortgages not herein expressly repealed

(b) The provisions of this act shall be liberally construed to hold valid chattel mortgages made in good faith to secure bona fide loans and which substantially comply with the provisions of this act

Section 14 Effective Date This act shall take effect immediately

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

#### YEAS—49

Bane,	Haluska,	McMenamin,	Stevenson,
Barr,	Harney,	McPherson, Jr.	Stiefel,
Berger,	Hays,	Miller,	Taylor,
Blass,	Holland,	Mullin,	Van Sant,
Camel,	Kessler,	Pechan,	Wade,
Chapman,	Koprivier, Jr.	Peelor,	Wagner,
Dent,	Lane,	Propert,	Watkins,
Derk,	Madigan,	Ruth,	Watson,
Diehm,	Mahany,	Schmidt,	Weiner,
DiSilvestro,	Mallery,	Scott,	Whalley,
Donolow,	McCreesh,	Seyler,	Wolfe,
Flack,	McGinnis,	Silvert,	Yosko,
Fleming,			

#### NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 1002, as follows:

An Act relating to conditional sales made prior to July 1 1954

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Definitions As used in this act

(1) "Uniform Conditional Sales Act" means the act of May 12, 1925 (P. L. 603) entitled "An act concerning conditional sales and to make uniform the law relating thereto" as amended from time to time while the act was in effect

(2) "Conditional sale" means any contract for the sale of goods made and filed prior to July 1, 1954 and which either was filed prior to that date pursuant to the Uniform Conditional Sales Act or was shown before that date on a certificate of title for a motor vehicle trailer or semi-trailer pursuant to the vehicle code of May 1 1929 (P. L. 905) as amended under which possession was delivered to the buyer and the property in the goods was to vest in the buyer at a subsequent time upon the payment of part or all of the price or upon the performance of any other condition or the happening of any contingency

(3) "Buyer" means the person who bought the goods covered by the conditional sale or any legal successor in interest of the person

(4) "Filing district" means the subdivision of the State in which conditional sale contracts or copies thereof were required to be filed by the Uniform Conditional Sales Act or are permitted to be filed by this act

(5) "Goods" means all chattels personal other than things in action and money and includes emblements industrial growing crops machinery and equipment attached to real estate and things attached to or forming

a part of land which were agreed to be severed before sale or under the conditional sale

(6) "Performance of the condition" means the occurrence of the event upon which the property in the goods is to vest in the buyer whether the event is the performance of an act by the buyer or the happening of a contingency

(7) "Purchase" includes the creation of a security interest

(8) "Purchaser" includes a person in whose favor there is a security interest

(9) "Seller" means the person who sold the goods covered by the conditional sale or any legal successor in interest of the person

(10) "Filing officer" means a person in charge of the office for filing conditional sale contracts in a filing district

Section 2 Filing Records The filing officer shall continue to keep the separate book which he was required to keep by the Uniform Conditional Sales Act in which he was required to enter the names of the seller and buyer the date of the contract the day and hour of filing a brief description of goods the price named in the contract and the date of cancellation thereof

Section 3 Refiling The validity of a filing or refiling pursuant to the Uniform Conditional Sales Act or this act may be extended for successive additional periods of one year from the date of refiling by filing in the proper filing district a copy of the original contract within thirty days next preceding the expiration of each period with a statement attached signed by the seller showing that the contract is in force and the amount remained to be paid thereon The copy with statement attached shall be filed and entered in the book kept by the filing officer and he shall be entitled to a fee of three dollars (\$3)

Section 4 Cancellation of Contract Any contract filed in the office of the prothonotary may be cancelled by satisfaction noted on the docket in the same manner as judgments at law are satisfied In lieu of satisfaction after the performance of the condition upon written demand delivered personally or by registered mail by the buyer or any other person having an interest in the goods the seller shall execute acknowledge and deliver to the demandant a statement that the condition in the contract has been performed If for ten days after demand the seller fails to mail or deliver a statement of satisfaction he shall forfeit to the demandant five dollars (\$5) and be liable for all damages suffered Upon presentation of the statement of satisfaction the filing officer shall file it and note the cancellation of the contract and the date thereof on the margin of the page where the contract has been entered For filing and entering the statement of satisfaction the filing officer shall be entitled to a fee of seventy-five cents (75¢)

Section 5 Prohibition of Removal or Sale Without Notice Unless the contract otherwise provides the buyer may without the consent of the seller remove the goods from any filing district and create a security interest in the goods or sell or otherwise dispose of his interest in them but prior to the performance of the condition no buyer shall remove the goods from a filing district in which the contract or a copy thereof is filed except for temporary uses for a period of not more than thirty days unless the buyer not less than ten days before the removal shall give the seller personally or by registered mail written notice of the place to which the goods are to be removed and the approximate time of the intended removal nor prior to the performance of the condition shall the buyer create a security interest in the goods or sell or otherwise dispose of his interest in them unless he or the secured party or the person to whom he is about to sell or otherwise dispose of the same shall notify the seller in writing personally or by registered mail the name and address of the secured party or the person to whom his interest in the goods is about to be sold or otherwise transferred not less than ten days before the creation of a security interest or sale or other disposal If any buyer does so remove the goods or does so create a security interest in them or sell or otherwise dispose of his interest in them without notice or in violation of the contract the seller may retake possession of the goods



and deal with them as in case of default in payment of part or all the purchase price. The provisions of this section regarding the removal of goods shall not apply however to railroad or street or interurban railway equipment or rolling stock.

**Section 6 Refiling on Removal** When prior to the performance of the condition the goods are removed by the buyer from a filing district in this State to another filing district in this State in which the contract or a copy thereof is not filed the reservation of the property in the seller shall be void as to any purchaser from or creditor of the buyer who without notice of the contract purchases the goods or acquires by attachment or levy a lien upon them unless the conditional sale contract or a copy thereof shall be filed in the filing district to which the goods are removed within ten days after the seller has received notice of the filing district to which the goods have been removed. The provisions of this section shall not apply however to railroad or street or interurban railway equipment or rolling stock. The filing shall be valid for a period of three years. The provisions of section 3 regarding the necessity for refileing and the duration of the validity thereof shall apply to contracts or copies which are filed in a filing district other than where the goods are originally kept for use by the buyer after the sale.

**Section 7 Fraudulent Injury Concealment Removal or Sale** When prior to the performance of the condition the buyer maliciously or with intent to defraud shall injure, destroy or conceal the goods or remove them to a filing district where the contract or a copy thereof is not filed without having given the notice required by section 5 or shall sell mortgage or otherwise dispose of the goods under claim of full ownership he shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to imprisonment for not more than one year or to pay a fine not exceeding five hundred dollars (\$500) or both.

**Section 8 Retaking Possession** When the buyer shall be in default in the payment of any sum due under the contract or in the performance of any other condition which the contract requires him to perform in order to obtain the property in the goods or in the performance of any promise the breach of which is by the contract expressly made a ground for the retaking of the goods the seller may retake possession thereof. Unless the goods can be retaken without breach of the peace they shall be retaken by legal process but nothing herein shall be construed to authorize a violation of the criminal law.

**Section 9 Notice of Intention to Retake** Not more than forty nor less than twenty days prior to the retaking the seller may serve upon the buyer personally or by registered mail a notice of intention to retake the goods on account of the buyer's default. The notice shall state the default and the period at the end of which the goods will be retaken and shall briefly and clearly state what the buyer's rights under this act will be in case they are retaken. If the notice is so served and the buyer does not perform the obligations in which he has made default before the day set for retaking the seller may retake the goods and hold them subject to the provisions of sections 11, 12, 13, 14 and 15 regarding the sale but without any right of redemption.

**Section 10 Redemption** If the seller does not give the notice of intention to retake as provided in section 9 he shall retain the goods for ten days after the retaking within the state in which they were located when retaken during which period the buyer upon payment or tender of the amount due under the contract at the time of retaking and interest or upon performance of any other condition as may be named in the contract as precedent to the passage of the property in the goods or upon performance or tender of performance of any other promise for the breach of which the goods were retaken and upon payment of the expenses of retaking keeping and storage may redeem the goods and become entitled to take possession of them and to continue in the performance of the contract as if no default had occurred. Upon written demand delivered personally or by registered mail by the buyer the seller shall furnish to the buyer a written statement of the sum due under the contract and the expense of retaking keeping and storage. For failure to furnish the

statement within a reasonable time after demand the seller shall forfeit to the buyer ten dollars (\$10) and also be liable to him for all damages suffered because of such failure. If the goods are perishable so that retention for ten days as herein prescribed would result in their destruction or substantial injury the provisions of this section shall not apply and the seller may resell the goods immediately upon their retaking. The provision of this section requiring the retention of the goods within the State during the period allowed for redemption shall not apply to railroad or street or interurban railway equipment or rolling stock.

**Section 11 Compulsory Resale by Seller** If the buyer does not redeem the goods within ten days after the seller has retaken possession and the buyer has paid at least fifty per centum of the purchase price at the time of the retaking the seller shall sell them at public auction in the State where they were at the time of the retaking. The sale to be held not more than thirty days after the retaking. The seller shall give to the buyer not less than ten days' written notice of the sale either personally or by registered mail directed to the buyer at his last known place of business or residence. The seller shall also give notice of the sale by at least three notices posted in different public places within the filing district where the goods are to be sold at least five days before the sale. If at the time of the retaking five hundred dollars (\$500) or more has been paid on the purchase price the seller shall also give notice of the sale at least five days before the sale by publication in a newspaper published or having a general circulation within the filing district where the goods are to be sold. The seller may bid for the goods at the resale. If the goods are railroad or street or interurban railway equipment or rolling stock the parties may fix in the conditional sale contract the place where the goods shall be resold.

**Section 12 Resale at Option of Parties** If the buyer has not paid at least fifty per centum of the purchase price at the time of the retaking the seller shall not be under a duty to resell the goods as prescribed in section 11 unless the buyer serves upon the seller within ten days after the retaking a written notice demanding a resale delivered personally or by registered mail. If the notice is served the resale shall take place within thirty days after the service in the manner at the place and upon the notice prescribed in section 11. The seller may voluntarily resell the goods for account of the buyer on compliance with the same requirements.

**Section 13 Proceeds of Resale** The proceeds of the resale shall be applied (1) to the payment of the expenses thereof (2) to the payment of the expenses of retaking keeping and storing the goods and (3) to the satisfaction of the balance due under the contract. Any sum remaining after the satisfaction of the claims shall be paid to the buyer.

**Section 14 Deficiency on Resale** If the proceeds of the resale are not sufficient to defray the expenses thereof and also the expenses of the retaking keeping and storing the goods and the balance due upon the purchase price the seller may recover the deficiency from the buyer or from any one who has succeeded to the obligations of the buyer.

**Section 15 Rights of Parties Where There is No Resale** Where there is no resale the seller may retain the goods as his own property without obligation to account to the buyer except as provided in section 17 and the buyer shall be discharged of all obligation.

**Section 16 Election of Remedies** After the retaking of possession as provided in section 8 the buyer shall be liable for the price only after a resale and only to the extent provided in section 14. Neither the bringing of an action by the seller for the recovery of the whole or any part of the price nor the recovery of judgment in such action nor the collection of a portion of the price shall be deemed inconsistent with a later retaking of the goods as provided in section 8 but the right of retaking shall not be exercised by the seller after he has collected the entire price or after he has claimed a lien upon the goods or attached them or levied upon them as the goods of the buyer.

**Section 17 Recovery of Part Payments** If the seller fails to comply with the provisions of sections 10, 11, 12, 13 and 15 after retaking the goods the buyer may recover from the seller his actual damages if any and in no



event less than one-fourth of the sum of all payments which have been made under the contract with interest

Section 18 Waiver of Statutory Protection No act or agreement of the buyer before or at any time of the making of the contract nor any agreement or statement by the buyer in the contract shall constitute a valid waiver of the provisions of sections 10 11 12 13 and 15 except that the contract may stipulate that on such default of the buyer as is provided for in section 8 the seller may rescind the conditional sale either as to all the goods or as to any part thereof for which a specific price was fixed in the contract If the contract provides for rescission the seller at his option may retake such goods without complying with or being bound by the provisions of sections 9 to 17 inclusive as to the goods retaken upon crediting the buyer with the full purchase price of those goods So much of this credit as is necessary to cancel any indebtedness of the buyer to the seller shall be so applied and the seller shall repay to the buyer on demand any surplus not so required

Section 19 Validity of Conditional Sales Refiled on or after July 1 1954 Every provision in a conditional sale reserving property in the seller shall be valid as to any purchaser from or creditor of the buyer who after the effective date of this act purchases the goods or acquires by attachment or levy a lien upon them if the filing of the contract was valid under the uniform conditional sales act at 12:01 a m on July 1 1954 by reason of (1) having been filed (i) during the period beginning July 1 1951 and ending three years prior to the effective date of this act or (ii) in the case of railroad or street or interurban railway equipment or rolling stock during the period beginning July 1 1939 and ending fifteen years prior to the effective date of this act or (2) having been last refiled during the period beginning July 1 1953 and ending July 1 1954 and if the contract or a copy thereof was refiled on or after July 1 1954 and prior to the effective date of this act pursuant to the method prescribed by the Uniform Conditional Sales Act or is refiled within sixty days after the effective date of this act pursuant to the method prescribed by section three hereof The refileing shall be valid for a period of one year from the date of refileing or sixty days from the effective date of this act whichever is longer

Section 20 Effective Date This act shall take effect immediately

And said bill having been read at length the third time, and agreed to,  
On the question,  
Shall the bill pass finally?  
The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49			
Bane,	Haluska,	McMenamin,	Stevenson,
Barr,	Harney,	McPherson, Jr.	Stiefel,
Berger,	Hays,	Miller,	Taylor,
Blass,	Holland,	Mullin,	Van Sant,
Camiel,	Kessler,	Pechan,	Wade,
Chapman,	Koprivier, Jr.	Peelor,	Wagner,
Dent,	Lane,	Proper,	Watkins,
Derk,	Madigan,	Ruth,	Watson,
Diehm,	Mahany,	Schmidt,	Welner,
DiSilvestro,	Mallery,	Scott,	Whalley,
Donolow,	McCreesh,	Seyler,	Wolfe,
Flack,	McGinnis,	Silvert,	Yosko,
Fleming,			

NAYS—0  
  
A majority of all the Senators having voted "aye." the question was determined in the affirmative.  
Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.  
  
Agreeably to order,  
The Senate proceeded to the third reading and consideration of House Bill No. 1089, as follows:

An Act amending the act of May 7 1921 (P L. 682) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" defining and providing for the establishment maintenance and the amount of and use of unearned premium reserves the release of unearned premiums reserves for unpaid losses and loss expense and the investment of reserve funds

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 690 691 692 693 and 694 act of May 17 1921 (P. L. 682) known as "The Insurance Company Law of 1921" added July 1 1937 (P. L. 2540) are repealed

Section 2 The act is amended by adding after section 689 five new sections to read

Section 690 Establishment and Maintenance of Unearned Premium Reserve (a) Each company having the powers of a title insurance company as defined in section 685 of this act shall in addition to other reserves establish and maintain a reserve to be known as the "unearned premium reserve" for title insurance which shall at all times for all purposes be deemed and shall constitute the unearned portions of the original premiums and shall be charged as a reserve liability of such company in determining its financial condition

(b) The unearned premium reserve shall be retained and held by such company for the protection of the policyholders' interest in policies which have not expired Except as provided in section 691 of this act assets equal to the amount of such reserve shall not be subject to distribution among depositors or other creditors or stock-holders of such company having the powers of a title insurance company as defined in section 685 of this act until all claims of policyholders or holders of other title insurance contracts or agreements of such company have been paid in full and all liability on the policies or other title insurance contracts or agreements whether contingent or actual has been discharged or lawfully reinsured Income from the investment of the amount of such reserve shall be the unrestricted property of the company

Section 691 Amount of Unearned Premium Reserve Release of Earned Premium (a) The unearned premium reserve of every company having the powers of a title insurance company as defined in section 685 of this act shall be cumulative and shall consist of

(1) The amount of the reinsurance reserve fund title reserve fund and title reserve held or which should have been held as of the effective date of this act pursuant to or under permission granted by any prior act of assembly and

(2) The amount of all additions required to be made to such reserve by this section less the withdrawals therefrom as permitted by this section

(b) Except as otherwise provided in this subsection every company having the powers of a title insurance company as defined in section 685 of this act shall add to its unearned premium reserve in respect of each policy or contract or reinsurance agreement issued by it a sum of money out of its receipts from the fees for such title insurance made by it net of all reinsurance applicable thereto a sum equal to one dollar for each such policy or contract or agreement plus ten cents for each one thousand dollars (\$1,000) face amount of retained liability and shall each year separately record the amounts so set aside in respect of policies contracts or agreements written in such year but if substantially the entire outstanding liability of any such company shall be reinsured then the unearned premium reserve of the reinsurer shall be equal in amount to the reserve of the ceding company in respect of such outstanding liability so reinsured

(c) The amounts set aside as additions to the unearned premium reserve shall be deducted in determining net



profits of any company having the powers of title insurance company as defined in section 685 of this act

(d) Whenever any policy or contract or reinsurance agreement of title insurance is surrendered or cancelled by the holder or liability thereon is discharged or reinsured after the year in which the policy or contract or reinsurance agreement was issued the unearned premium on such policy or contract or agreement shall be withdrawn from the unearned premium reserve for the year in which the insurance was issued and shall be considered as part of net profit of the year in which the withdrawal is made

(e) The remaining balance of any addition or presumed addition to such reserve which has been held or which pursuant to the provisions of this subsection is deemed to have been held for a period of twenty (20) years shall be released shall no longer constitute a part of the unearned premium reserve shall constitute a part of net profit for the year in which the release is made and may be used for any corporate purposes including the payment of dividends For the purposes of making withdrawals from the unearned premium reserve established hereby the reinsurance reserve funds title reserve funds and title reserves established and maintained by any company having the powers of a title insurance company as defined in section 685 of this act pursuant to or under permission granted by any prior act of assembly shall be presumed to have been established out of income in twenty (20) equal annual additions over the past twenty (20) years whether or not such company shall have been in existence for that period

(f) For the purposes of determining the amounts of the unearned premium reserve that may be withdrawn and the interest of the policyholders therein under section 692 of this act all policies contracts or reinsurance agreements of title insurance shall be considered as dated on July 1 in the year of issue

Section 692 Use of Unearned Premium Reserve (a) If a company having the powers of a title insurance company as defined in section 685 of this act becomes insolvent or is in the process of liquidation or dissolution or in the possession of the insurance commissioner such amount of the assets of such company equal to the unearned premium reserve as is necessary shall be used to pay for reinsurance with the written approval of the Insurance commissioner of the outstanding liability of such company upon all in-force policies or contracts or reinsurance agreements of title insurance or if reinsurance cannot be obtained shall be distributed to the holders of in-force contracts and policies of title insurance in proportion to the unearned premiums thereon

(b) If by any reason of depreciation in the market value of investments or other cause the amount of the assets eligible for investment of unearned premium reserve of any company having the powers of a title insurance company as defined in section 685 of this act should on any date be less than the amount required to be maintained by law in such reserve and the deficiency shall not be promptly cured such company shall forthwith give written notice thereof to the Insurance Commissioner and shall make no further policies or contracts or reinsurance agreements of title insurance until the amounts of such eligible investments shall have been restored and until it shall have received written approval from the Insurance Commissioner authorizing it to again issue such policies or contracts or agreements

Section 693 Reserves for Unpaid Losses and Loss Expense (a) Each company having the powers of a title insurance company as defined in section 685 of this act shall at all times establish and maintain in addition to other reserves (1) a reserve against unpaid losses and (2) a reserve against loss expense and shall calculate such reserves by making a careful estimate in each case of the loss and loss expense likely to be incurred by reason of every claim presented or that may be presented pursuant to notice from or on behalf of the insured of a title defect in or lien or adverse claim against the title insured that may result in a loss or cause expense to be incurred for the proper disposition of the claim The sums of the items so estimated shall be the total amounts of the reserves against unpaid losses and loss expenses of such company

(b) The amounts so estimated shall from time to time be revised as circumstances warrant

(c) The amounts set aside in such reserves in any year shall be deducted in determining the net profits for such year of any company having the powers of a title insurance company as defined in section 685 of this act

Section 694 Investment of Reserves The amount of the required reserves applicable to the title insurance business of each company having the powers of a title insurance company as defined in section 685 of this act shall be invested by each such company in securities which shall be designated for such reserve and shall consist of the classes of investments authorized by this act for the investment of the reserves of life insurance companies organized under the laws of this Commonwealth except policy loans and shall be subject to the same general investment provisions and restrictions that govern investments of Life Insurance companies organized under the laws of this Commonwealth

Section 3 This act shall take effect on the first day of the calendar month next following the date of approval hereof

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

#### YEAS—49

Bane,	Haluska,	McMenamin,	Stevenson,
Barr,	Harney,	McPherson, Jr.	Stiefel,
Berger,	Hays,	Miller,	Taylor,
Blass,	Holland,	Mullin,	Van Sant,
Camiel,	Kessler,	Pechan,	Wade,
Chapman,	Koprivier, Jr.	Peelor,	Wagner,
Dent,	Lane,	Probert,	Watkins,
Derk,	Madigan,	Ruth,	Watson,
Diehm,	Mahany,	Schmidt,	Weiner,
DISilvestro,	Mallery,	Scott,	Whalley,
Donolow,	McCreesh,	Seyler,	Wolfe,
Flack,	McGinnis,	Silvert,	Yosko,
Fleming,			

#### NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

### SECOND READING CALENDAR

HOUSE BILL No. 173 CALLED UP OUT OF ORDER FROM SECOND READING POSTPONED CALENDAR

Mr. MAHANY. Mr. President, I call up out of order from the Second Reading Postponed Calendar House Bill No. 173, for consideration at this time.

### BILL ON SECOND READING AMENDED

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 173, entitled:

An Act providing for the establishment of police pension pension funds or pension annuities in certain boroughs towns and townships and the regulation and maintenance thereof providing for continuance of existing funds or transfer thereof to funds herein established prescribing rights of beneficiaries and repealing certain acts

The first section was read.



On the question,

Will the Senate agree to the section?

Mr. FLEMING offered the following amendments:

Amend Sec. 1, page 2, line 11, by inserting after "police-men": "to the extent not appropriated in any year by the borough, town or township to another pension fund or plan heretofore established by the borough, town or township or by the citizens thereof or both"; Amend Sec. 1, page 3, line 4, by inserting after "shall": "(1) match the aggregate payments made by the members of the police force during such year and in addition (2) a further appropriation shall"; Amend Sec. 1, page 3, line 5, by inserting after "year": "and the matching appropriation as aforesaid and the"; Amend Sec. 1, page 3, line 8, by inserting after "policemen": "(unless paid by the borough, town or township to another pension fund or plan heretofore established)"; Amend Sec. 1, page 3, line 11, by inserting after "full": "the share of the borough, town or township"; Amend Sec. 1, page 3, line 12, by inserting after "year": "to the extent required under the provisions of section 5 of this act."

They were agreed to.

The section was agreed to as amended.

The second, third and fourth sections were read and agreed to.

The fifth section was read.

On the question,

Will the Senate agree to the section?

Mr. FLEMING offered the following amendments:

Amend Sec. 5, page 5, lines 2 to 7, by striking out "The basis of the apportionment of the pension shall be de—" in line 2 and all of lines 3 to 7, and inserting in lieu thereof:

"The basis for determining any pension payable under this act following retirement of any member of the force meeting the service qualifications of the ordinance establishing a police pension fund shall be as follows:

"Monthly pension or retirement benefits shall be not less than one-half the monthly average of the highest pay of such member during any period of twelve consecutive months within the last sixty months of employment. Such pension or retirement benefits for any month shall be computed as the sum of (i) any pension benefits from pension plans heretofore established by the borough, town or township and by citizens thereof or both (ii) primary benefits under Federal social security laws for which the officer may be eligible because of age, and (iii) benefits from the police pension fund established pursuant to this act to the extent necessary to bring the total benefits in any month up to one-half the aforesaid monthly average."

They were agreed to.

The section was agreed to as amended.

The sixth section was read.

On the question,

Will the Senate agree to the section?

Mr. FLEMING offered the following amendments:

Amend Sec. 6, page 5, lines 11 and 12, by striking out "shall continue as constituted only upon the following terms and conditions" and inserting in lieu thereof: "may be continued as constituted and the pensions paid by such established fund shall be credited in determining the

annual appropriations of the borough, town or township as provided in section 1 hereof." Amend Sec. 6, page 5, lines 13 to 20, page 6, lines 1 to 3, by striking out all of said lines; Amend Sec. 6, page 6, lines 5 and 6, by striking out "this act" and inserting in lieu thereof: "law."

They were agreed to.

The section was agreed to as amended.

The seventh, eighth, ninth, tenth and eleventh sections and title were read and agreed to.

And said bill having been read at length the second time, as amended,

On the question,

Will the Senate agree to the bill on second reading, as amended?

### BILL OVER IN ORDER

Mr. FLEMING. Mr. President, I ask unanimous consent that House Bill No. 173, Printer's No. 1046, on second reading, go over in its order, as amended.

The PRESIDENT. Is there objection? The Chair hears none.

### THIRD READING CALENDAR

#### BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 1091, as follows:

An Act amending the act of May 17 1921 (P. L. 682) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" providing for and regulating the investments of title insurance companies.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 696 act of May 17 1921 (P. L. 682) known as "The Insurance Company Law of 1921" added July 1 1937 (P. L. 2540) is amended to read

Section 696 [Additional Requirements Except for the requirements of this article all of the laws rules and regulations pertaining to stock casualty insurance companies shall apply and shall be applied to title insurance companies] Investments of Title Insurance Companies (a) The capital of any title insurance company organized under the insurance laws of this Commonwealth shall be invested in the classes of investment authorized by this act for the capital of life insurance companies organized under the laws of this Commonwealth except policy loans.

(b) The amount of the required reserves applicable to the title insurance business of any company having the powers of a title insurance company as defined in section 685 of this act shall be invested by each company in the classes of investment authorized by this act for investment of the reserves of life insurance companies organized under the laws of this Commonwealth except policy loans

(c) Any money over and above the capital and reserves including the paid-in surplus of any title insurance company organized under the insurance laws of this Commonwealth shall except for necessary cash balances be invested in any of the classes of investment authorized by this section or in any of the classes of investment authorized by this act for investment of the surplus funds of either (i) life insurance companies organized under



the laws of this Commonwealth except policy loans or (ii) stock casualty insurance companies organized under the laws of this Commonwealth including the stock of other title insurance companies

(d) The general investment provisions and restrictions of this act governing investments of life insurance companies organized under the laws of this Commonwealth shall apply to and govern the investments of the capital of title insurance companies organized under the insurance laws of this Commonwealth and to the investment of the reserves applicable to the title insurance business of any company having the power of a title insurance company as defined in section 685 of this act as if all references to life insurance companies in such general investment provisions and restrictions were to such companies

(e) The general investment provisions and restrictions of this act governing the investment of any money over and above capital of stock casualty insurance companies shall apply to and govern the investment of any money over and above capital and reserves of title insurance companies organized under the insurance laws of this Commonwealth

(f) A title insurance company organized under the insurance laws of this Commonwealth may invest its capital reserves and any money over and above capital and reserves in a title plant but its aggregate investment in its title plant and in real estate except real estate acquired in connection with a claim under a policy of title insurance shall not exceed sixty-five per centum of the total of its paid-up capital reserves and any money over and above capital and reserves and the investment in the title plant alone shall not exceed twice the amount of its paid-up capital. There shall be included in real estate for the purpose of this section the value of all stocks of any corporation formed for the purpose of holding title to or operating real estate and the value of the obligations of any such corporation where all of the stock thereof is held by one or more such companies. The title plant shall be considered and admitted asset at the fair value thereof. In determining the fair value of a title plant no value shall be attributed to furniture and fixtures and the real estate in which the title plant is housed shall be carried as real estate. The value of the title abstracts title briefs copies of conveyances or other documents indices and other records comprising the title plant shall be determined by considering the expenses incurred in obtaining them the age thereof the cost of replacement less depreciation and all other relevant factors. Once the value of a title plant shall have been determined hereunder such value may subject to the limitations on the total investment prescribed by this section be increased by the cost of all additions thereto not charged to current operating expenses and by the fair value of all title abstracts title briefs copies of conveyances or other documents indices and other records added thereto otherwise than as a part of a current examination of title made in connection with the issuance of a policy but such fair value of a title plant shall not otherwise be increased provided however that such company shall at all times keep at least one hundred seventy-five thousand dollars (\$175,000) invested in the classes of securities other than title plant and real estate authorized for the investment of capital.

(g) Subject to the limitations imposed by subsection (f) of this section and with the approval of the insurance commissioner a company having the powers of a title insurance company as defined in section 685 of this act may enter into agreement with one or more other such companies authorized to do business in this Commonwealth whereby such companies shall participate in the ownership management and control of a title plant to service the needs of all such companies or such companies may hold stock of a corporation owning and operating a title plant for such purposes.

Section 2 The act is amended by adding after section 696 a new section to read

Section 697 Additional Requirements Except for the requirements of this sub-article (h) all of the laws rules and regulations pertaining to stock casualty insurance

companies shall apply and shall be applied to title insurance companies

Section 3 This act shall take effect on the second day of the calendar month next following the date of the approval hereof

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

#### YEAS—49

Bane,	Haluska,	McMenamin,	Stevenson,
Barr,	Harney,	McPherson, Jr.	Stiefel,
Berger,	Hays,	Miller,	Taylor,
Blass,	Holland,	Mullin,	Van Sant,
Camel,	Kessler,	Pechan,	Wade,
Chapman,	Koprivier, Jr.	Peelor,	Wagner,
Dent,	Lane,	Propert,	Watkins,
Derk,	Madigan,	Ruth,	Watson,
Diehm,	Mahany,	Schmidt,	Weiner,
DiSilvestro,	Mallery,	Scott,	Whalley,
Donolow,	McCreesh,	Seyler,	Wolfe,
Flack,	McGinnis,	Silvert,	Yosko,
Fleming.			

#### NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 1160, as follows:

An Act amending the act of June 16 1836 (P L 715) entitled "An act relating to Reference and Arbitration" providing for payment by the county of part of arbitrator's fees in certain cases

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Clause V of section 27 act of June 16 1836 (P L 715) entitled "An act relating to Reference and Arbitration" added January 14 1952 (P L 2087) is amended to read

Section 27 Either party may appeal from an award of arbitrators to the court in which the cause was pending at the time the rule or agreement of reference was entered under the following rules regulations and restrictions viz

\* \* \*

V In all cases under section 8.1 hereof any party appealing shall first repay to the county the fees of the members of the board of arbitrators herein provided for but not exceeding fifty per cent of the amount in controversy the balance of the arbitrator's fees shall be absorbed and paid by the county. Such fees shall not be taxed as costs or be recoverable in any proceeding. All appeals shall be de novo.

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

#### YEAS—49

Bane,	Haluska,	McMenamin,	Stevenson,
Barr,	Harney,	McPherson, Jr.	Stiefel,
Berger,	Hays,	Miller,	Taylor,



Blass, Camiel, Chapman, Dent, Derk, Diehm, DiSilvestro, Donolow, Flack, Fleming,	Holland, Kessler, Koprivier, Jr. Lane, Madigan, Mahany, Mallery, McCreesh, McGinnis,	Mullin, Pechan, Peelor, Propert, Ruth, Schmidt, Scott, Seyler, Silvert,	Van Sant, Wade, Wagner, Watkins, Watson, Weiner, Whalley, Wolfe, Yosko,
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## NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 1174, as follows:

An Act amending the act of March 10, 1949 (P. L. 30) entitled "An act relating to the public school system including certain provisions applicable as well to private and parochial schools amending revising consolidating and changing the laws relating thereto" by providing for military leaves of absence for public school employees who are inducted for military service at any time

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Clause (a) of Section 1176 act of March 10, 1949 (P. L. 30) known as the "Public School Code of 1949" amended July 19, 1951 (P. L. 1063) is amended to read

Section 1176 Leave of absence

(a) Any employe of any school district who shall have been regularly employed by [said] any school district or vocational school district for any period and who shall volunteer [or be called] for military or naval service [by] in the armed forces of the United States of America in time of war or during a state of national emergency or who shall be inducted for such service at any time shall within thirty (30) days after the receipt of notice to [said effect] report for duty send a copy of such notice to the secretary of the school board by which he is employed

Section 2 Section 1177 act of March 10, 1949 (P. L. 30) known as the "Public School Code of 1949" is amended to read

Section 1177 Reinstatement in former school position Upon termination of the military or naval service of such an employe [in time of war or during a state of national emergency] the school board shall immediately return said employe to the same position in the same school or schools from which said employe was granted leave of absence or if this is impracticable in the opinion of the board then to a similar position of the board then to a similar position

Section 3 This act shall take effect immediately

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

## YEAS—49

Bane, Barr, Berger,	Haluska, Harney, McGinnis,	McMenamin, McPherson, Jr. Miller,	Stevenson, Stiefel, Taylor,
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Blass, Camiel, Chapman, Dent, Derk, Diehm, DiSilvestro, Donolow, Flack, Fleming,	Hays, Holland, Kessler, Koprivier, Jr. Lane, Madigan, Mahany, Mallery, McCreesh,	Mullin, Pechan, Peelor, Propert, Ruth, Schmidt, Scott, Seyler, Silvert,	Van Sant, Wade, Wagner, Watkins, Watson, Weiner, Whalley, Wolfe, Yosko,
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## NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 1188, as follows:

An Act amending the act of April 9 1929 (P. L. 343) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth limiting interest payments on refund of money subject to escheat to moneys originally on deposit as interest bearing items

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 504 act of April 9 1929 (P. L. 343) known as "The Fiscal Code" amended June 6 1939 (P. L. 261) is amended to read

Section 504 Refund of Money Subject to Escheat Paid Into the State Treasury Appeal The owner of any moneys which shall have been paid into the State Treasury by order of court entered upon petition of the Attorney General alleging that such moneys were subject to escheat or the legal representative of such owner may at any time apply to the Board of Finance and Revenue for a refund of the same and upon his making proof of his ownership or right of possession to the satisfaction of the board such moneys shall be paid him on the requisition of the board and the warrant of the Auditor General drawn on the State Treasurer in conformity therewith out of any moneys in the State Treasury appropriated for the purpose and if the money was originally on deposit as an interest bearing item with interest thereon at the rate of two per centum per annum from the date when said moneys were paid into the State Treasury to the date of the refund thereof and any moneys escheatable under the provisions of any act of Assembly which have been heretofore voluntarily paid into the State Treasury or which may be hereafter so paid shall be likewise refunded in the



same manner in which moneys so paid pursuant to an order of court are refunded under the provisions of this act Any corporation or association its successors or assigns which shall have transmitted or delivered any shares or certificates of stock or other securities or the proceeds thereof to the State Treasury or which shall have paid moneys into the State Treasury either voluntarily or under the provisions of an order of court entered upon petition of the Attorney General asking for payment of such moneys or property into the State Treasury without escheat may at any time apply to the Board of Finance and Revenue for a refund of the same and upon making proof to the satisfaction of the board that such moneys or property were legally subject to escheat in any other state or territory of the United States and not legally subject to escheat by the Commonwealth of Pennsylvania or to payment into the State Treasury without escheat such moneys or property or the proceeds thereof shall be paid to such claimant on the requisition of the board and the warrant of the Auditor General drawn on the State Treasurer on conformity therewith out of moneys in the State Treasury appropriated for the purpose with interest thereon if entitled thereto at the rate of two per centum per annum from the date when said moneys were paid into the State Treasury to the date of the refund thereof or if moneys so appropriated are inadequate or if no such appropriation has been made the amount to be refunded together with interest as aforesaid to the date of the allowance of the refund shall be entered by the Department of Revenue as a credit to the account of the claimant Such credit or any part thereof shall be assignable to any other person firm association or corporation and may be used by any such assignee in payment and satisfaction of any obligation or liability then or thereafter due by such assignee to the Commonwealth of Pennsylvania The determination by the board or the court in the event of an appeal as hereinafter provided whether such moneys or property were legally subject to escheat by the Commonwealth of Pennsylvania or to payment into the State Treasury without escheat shall be made irrespective of whether said moneys or property were paid voluntarily or pursuant to an order of court entered upon petition of the Attorney General asking for payment of such moneys or property into the State Treasury without escheat

Any claimant for any such refund may appeal by petition to the court of common pleas of Dauphin County from an adverse decision of the Board of Finance and Revenue which court shall thereupon hear such testimony as may be offered in support of the claim and determine whether or not the claimant is entitled to any refund and if so the amount thereof If the court find that he is so entitled it shall report its findings to the board and order the making of a refund of the proper amount Thereupon the refund shall be made in the manner hereinbefore provided [with interest as aforesaid] No such appeal shall be entertained however unless the claimant shall file with his petition an affidavit that all the proof which he proposes to offer in support of his claim had been presented to the Board of Finance and Revenue before that board acted adversely upon his claim

Any depository or trustee or other fiduciary or any debtor who or which shall through mistake or compulsion of law pay the amount of any unclaimed deposit trust fund or debt subject to escheat under the provisions of any act of the General Assembly to the depository or beneficiary thereof or person to whom the debt is owing after such amount shall have been paid into the State Treasury either voluntarily or pursuant to an order of court may make application for and obtain a refund thereof from the State Treasury in the manner and subject to the conditions hereinbefore in this section provided

And said bill having been read at length the third time, and agreed to.

And the amendments made thereto having been printed as required by the Constitution.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

#### YEAS—49

Bane,	Haluska,	McMenamin,	Stevenson,
Barr,	Harney,	McPherson, Jr.,	Stiefel,
Berger,	Hays,	Miller,	Taylor,
Blass,	Holland,	Mullin,	Van Sant,
Camiel,	Kessler,	Pechan,	Wade,
Chapman,	Kopriver, Jr.,	Peelor,	Wagner,
Dent,	Lane,	Propert,	Watkins,
Derk,	Madigan,	Ruth,	Watson,
Diehm,	Mahany,	Schmidt,	Weiner,
DiSilvestro,	Mallery,	Scott,	Whalley,
Donolow,	McCreesh,	Seyler,	Wolfe,
Flack,	McGinnis,	Silvert,	Yosko,
Fleming,			

#### NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 1552, as follows:

An Act authorizing and directing the Governor on behalf of the Commonwealth of Pennsylvania to execute an interstate compact concerning juveniles and for related purposes

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The Governor is hereby authorized and directed to execute a compact on behalf of the Commonwealth of Pennsylvania with any other state or states legally joining therein in form substantially as follows

#### Interstate Compact On Juveniles

The contracting states solemnly agree

#### ARTICLE I

##### Findings and Purposes

That juveniles who are not under proper supervision and control or who have absconded escaped or run away are likely to endanger their own health morals and welfare and the health morals and welfare of others The cooperation of the states party to this compact is therefore necessary to provide for the welfare and protection of juveniles and of the public with respect to (1) cooperative supervision of delinquent juveniles on probation or parole (2) the return from one state to another of delinquent juveniles who have escaped or absconded (3) the return from one state to another of non-delinquent juveniles who have run away from home and (4) additional measures for the protection of juveniles and of the public which any two or more of the party states may find desirable to undertake cooperatively In carrying out the provisions of this compact the party states shall be guided by the non-criminal reformatory and protective policies which guide their laws concerning delinquent neglected or dependent juveniles generally It shall be the policy of the states party to this compact to cooperate and observe their respective responsibilities for the prompt return and acceptance of juveniles and delinquent juveniles who become subject to the provisions of this compact The provisions of this compact shall be reasonably and liberally construed to accomplish the foregoing purposes

#### ARTICLE II

##### Existing Rights and Remedies

That all remedies and procedures provided by this



compact shall be in addition to and not in substitution for other rights remedies and procedures and shall not be in derogation of parental rights and responsibilities

### ARTICLE III

#### Definitions

That for the purposes of this compact "delinquent juvenile" means any juvenile who has been adjudged and who at the time the provisions of this compact are invoked is still subject to the jurisdiction of the court that has made such adjudication or to the jurisdiction or supervision of an agency or institution pursuant to an order of such court "probation or parole" means any kind of conditional release of juveniles authorized under the laws of the states party hereto "court" means any court having jurisdiction over delinquent neglected or dependent children "state" means any state territory or possession of the United States the District of Columbia and the Commonwealth of Puerto Rico and "residence" or any variant thereof means a place at which a home or regular place of abode is maintained

### ARTICLE IV

#### Return of Runaways

(a) That the parent guardian person or agency entitled to legal custody of a juvenile who has not been adjudged delinquent but who has run away without the consent of such parent guardian person or agency may petition the appropriate court in the demanding state for the issuance of a requisition for his return The petition shall state the name and age of the juvenile the name of the petitioner and the basis of entitlement to the juvenile's custody the circumstances of his running away his location if known at the time application is made and such other facts as may tend to show that the juvenile who has run away is endangering his own welfare or the welfare of others and is not an emancipated minor The petition shall be verified by affidavit shall be executed in duplicate and shall be accompanied by two certified copies of the document or documents on which the petitioner's entitlement to the juvenile's custody is based such as birth certificates letters of guardianship or custody decrees Such further affidavits and other documents as may be deemed proper may be submitted with such petition The judge of the court to which this application is made may hold a hearing thereon to determine whether for the purposes of this compact the petitioner is entitled to the legal custody of the juvenile whether or not it appears that the juvenile has in fact run away without consent whether or not he is an emancipated minor and whether or not it is in the best interest of the juvenile to compel his return to the state If the judge determines either with or without a hearing that the juvenile should be returned he shall present to the appropriate court or to the executive authority of the state where the juvenile is alleged to be located a written requisition for the return of such juvenile Such requisition shall set forth the name and age of the juvenile the determination of the court that the juvenile has run away without the consent of a parent guardian person or agency entitled to his legal custody and that it is in the best interest and for the protection of such juvenile that he be returned In the event that a proceeding for the adjudication of the juvenile as a delinquent neglected or dependent juvenile is pending in the court at the time when such juvenile runs away the court may issue a requisition for the return of such juvenile upon its own motion regardless of the consent of the parent guardian person or agency entitled to legal custody reciting therein the nature and circumstances of the pending proceeding The requisition shall in every case be executed in duplicate and shall be signed by the judge One copy of the requisition shall be filed with the compact administrator of the demanding state there to remain on file subject to the provisions of law governing records of such court Upon the receipt of a requisition demanding the return of a juvenile who has run away the court or the executive authority to whom the requisition is addressed shall issue an order to any

peace officer or other appropriate person directing him to take into custody and detain such juvenile Such detention order must substantially recite the facts necessary to the validity of its issuance hereunder No juvenile detained upon such order shall be delivered over to the officer whom the court demanding him shall have appointed to receive him unless he shall first be taken forthwith before a judge of a court in the state who shall inform him of the demand made for his return and who may appoint counsel or guardian ad litem for him If the judge of such court shall find that the requisition is in order he shall deliver such juvenile over to the officer whom the court demanding him shall have appointed to receive him The judge however may fix a reasonable time to be allowed for the purpose of testing the legality of the proceeding

Upon reasonable information that a person is a juvenile who has run away from another state party to this compact without the consent of a parent guardian person or agency entitled to his legal custody such juvenile may be taken into custody without a requisition and brought forthwith before a judge of the appropriate court who may appoint counsel or guardian ad litem for such juvenile and who shall determine after a hearing whether sufficient cause exists to hold the person subject to the order of the court for his own protection and welfare for such a time not exceeding 90 days as will enable his return to another state party to this compact pursuant to a requisition for his return from a court of that state If at the time when a state seeks the return of a juvenile who has run away there is pending in the state wherein he is found any criminal charge or any proceeding to have him adjudicated a delinquent juvenile for an act committed in such state or if he is suspected of having committed within such state a criminal offense or an act of juvenile delinquency he shall not be returned without the consent of such state until discharged from prosecution or other form of proceeding imprisonment detention or supervision for such offense or juvenile delinquency The duly accredited officers of any state party to this compact upon the establishment of their authority and the identity of the juvenile being returned shall be permitted to transport such juvenile through any and all states party to this compact without interference Upon his return to the state from which he ran away the juvenile shall be subject to such further proceedings as may be appropriate under the laws of that state

(b) That the state to which a juvenile is returned under this Article shall be responsible for payment of the transportation costs of such return

(c) That "juvenile" as used in this Article means any person who is a minor under the law of the state of residence of the parent guardian person or agency entitled to the legal custody of such minor

### ARTICLE V

#### Return of Escapees and Absconders

(a) That the appropriate person or authority from whose probation or parole supervision a delinquent juvenile has absconded or from whose institutional custody he has escaped shall present to the appropriate court or to the executive authority of the state where the delinquent juvenile is alleged to be located a written requisition for the return of such delinquent juvenile Such requisition shall state the name and age of the delinquent juvenile the particulars of his adjudication as a delinquent juvenile the circumstances of the breach of the terms of his probation or parole or of his escape from an institution or agency vested with his legal custody or supervision and the location of such delinquent juvenile if known at the time the requisition is made The requisition shall be verified by affidavit shall be executed in duplicate and shall be accompanied by two certified copies of the judgment formal adjudication or order of commitment which subjects such delinquent juvenile to probation or parole or to the legal custody of the institution or agency concerned Such further affidavits and other documents as



may be deemed proper may be submitted with such requisition. One copy of the requisition shall be filed with the compact administrator of the demanding state there to remain on file subject to the provisions of law governing records of the appropriate court. Upon the receipt of a requisition demanding the return of a delinquent juvenile who has absconded or escaped the court or the executive authority to whom the requisition is addressed shall issue an order to any peace officer or other appropriate person directing him to take into custody and detain such delinquent juvenile. Such detention order must substantially recite the facts necessary to the validity of its issuance hereunder. No delinquent juvenile detained upon such order shall be delivered over to the officer whom the appropriate person or authority demanding him shall have appointed to receive him unless he shall first be taken forthwith before a judge of an appropriate court in the state who shall inform him of the demand made for his return and who may appoint counsel or guardian ad litem for him. If the judge of such court shall find that the requisition is in order he shall deliver such delinquent juvenile over to the officer whom the appropriate person or authority demanding him shall have appointed to receive him. The judge however may fix a reasonable time to be allowed for the purpose of testing the legality of the proceeding.

Upon reasonable information that a person is a delinquent juvenile who has absconded while on probation or parole or escaped from an institution or agency vested with his legal custody or supervision in any state party to this compact such person may be taken into custody in any other state party to this compact without a requisition. But in such event he must be taken forthwith before a judge of the appropriate court who may appoint counsel or guardian ad litem for such person and who shall determine after a hearing whether sufficient cause exists to hold the person subject to the order of the court for such a time not exceeding 90 days as will enable his detention under a detention order issued on a requisition pursuant to this Article. If at the time when a state seeks the return of a delinquent juvenile who has either absconded while on probation or parole or escaped from an institution or agency vested with his legal custody or supervision there is pending in the state wherein he is detained any criminal charge or any proceeding to have him adjudicated a delinquent juvenile for an act committed in such state or if he is suspected of having committed within such state a criminal offense or an act of juvenile delinquency he shall not be returned without the consent of such state until discharged from prosecution or other form of proceeding imprisonment detention or supervision for such offense or juvenile delinquency. The duly accredited officers of any state party to this compact upon the establishment of their authority and the identity of the delinquent juvenile being returned shall be permitted to transport such delinquent juvenile through any and all states party to this compact without interference. Upon his return to the state from which he escaped or absconded the delinquent juvenile shall be subject to such further proceedings as may be appropriate under the laws of that state.

(b) That the state to which a delinquent juvenile is returned under this Article shall be responsible for payment of the transportation costs of such return.

#### ARTICLE VI

##### Voluntary Return Procedure

That any delinquent juvenile who has absconded while on probation or parole or escaped from an institution or agency vested with his legal custody or supervision in any state party to this compact and any juvenile who has run away from any state party to this compact who is taken into custody without a requisition in another state party to this compact under the provisions of Article IV (a) or of Article V(a) may consent to his immediate return to the state from which he absconded or escaped or ran away. Such consent shall be given by the juvenile or delinquent juvenile and his counsel or guardian ad litem

if any by executing or subscribing a writing in the presence of a judge of the appropriate court which states that the juvenile or delinquent juvenile and his counsel or guardian ad litem if any consent to his return to the demanding state. Before such consent shall be executed or subscribed however the judge in the presence of counsel or guardian ad litem if any shall inform the juvenile or delinquent juvenile of his rights under this compact. When the consent has been duly executed it shall be forwarded to and filed with the compact administrator of the state in which the court is located and the judge shall direct the officer having the juvenile or delinquent juvenile in custody to deliver him to the duly accredited officer or officers of the state demanding his return and shall cause to be delivered to such officer or officers a copy of the consent. The court may however upon the request of the state to which the juvenile or delinquent juvenile is being returned order him to return unaccompanied to such state and shall provide him with a copy of such court order in such event a copy of the consent shall be forwarded to the compact administrator of the state to which said juvenile or delinquent juvenile is ordered to return.

#### ARTICLE VII

##### Cooperative Supervision of Probationers and Parolees

(a) That the duly constituted judicial and administrative authorities of a state party to this compact (herein called "sending state") may permit any delinquent juvenile within such state placed on probation or parole to reside in any other state party to this compact (herein called "receiving state") while on probation or parole and the receiving state shall accept such delinquent juvenile if the parent or guardian or person entitled to the legal custody of such delinquent juvenile is residing or undertakes to reside within the receiving state. Before granting such permission opportunity shall be given to the receiving state to make such investigations as it deems necessary. The authorities of the sending state shall send to the authorities of the receiving state copies of pertinent court orders, social case studies and all other available information which may be of value to and assist the receiving state in supervising a probationer or parolee under this compact. A receiving state in its discretion may agree to accept supervision of a probationer or parolee in cases where the parent guardian or person entitled to the legal custody of the delinquent juvenile is not a resident of the receiving state and if so accepted the sending state may transfer supervision accordingly.

(b) That each receiving state will assume the duties of visitation and of supervision over any such delinquent juvenile and in the exercise of those duties will be governed by the same standards of visitation and supervision that prevail for its own delinquent juveniles released on probation or parole.

(c) That after consultation between the appropriate authorities of the sending state and of the receiving state as to the desirability and necessity of returning such a delinquent juvenile the duly accredited officers of a sending state may enter a receiving state and there apprehend and retake any such delinquent juvenile on probation or parole. For that purpose no formalities will be required other than establishing the authority of the officer and the identity of the delinquent juvenile to be retaken and returned. The deviation of the sending state to retake a delinquent juvenile on probation or parole shall be conclusive upon and not reviewable within the receiving state but if at the time the sending state seeks to retake a delinquent juvenile on probation or parole there is pending against him within the receiving state any criminal charge or any proceeding to have him adjudicated a delinquent juvenile for any act committed in such state or if he is suspected of having committed within such state a criminal offense or an act of juvenile delinquency he shall not be returned without the consent of the receiving state until discharged from prosecution or other form of proceeding imprisonment detention or supervision for such offense or juvenile delinquency. The duly accredited officers of the sending state shall be per-



mitted to transport delinquent juveniles being so returned through any and all states party to this compact without inference

(d) That the sending state shall be responsible under this Article for paying the costs of transporting any delinquent juvenile to the receiving state or of returning any delinquent juvenile to the sending state

#### ARTICLE VIII

##### Responsible for Costs

(a) That the provisions of Articles IV(b) V(b) and VII(d) of this compact shall not be construed to alter or affect any internal relationship among the departments agencies and officers of and in the government of a party state or between a party state and its subdivisions as to the payment of costs or responsibilities therefor

(b) That nothing in this compact shall be construed to prevent any party state or subdivision thereof from asserting any right against any person agency or other entity in regard to costs for which such party state or subdivision thereof may be responsible pursuant to Articles IV (b) V (b) or VII(d) of this compact

#### ARTICLE IX

##### Detention Practices

That to every extent possible it shall be the policy of states party to this compact that no juvenile or delinquent juvenile shall be placed or detained in any prison jail or lockup nor be detained or transported in association with criminal vicious or dissolute persons

#### ARTICLE X

##### Supplementary Agreements

That the duly constituted administrative authorities of a state party to this compact may enter into supplementary agreements with any other state or states party hereto for the cooperative care treatment and rehabilitation of delinquent juveniles whenever they shall find that such agreements will improve the facilities or programs available for such care treatment and rehabilitation Such care treatment and rehabilitation may be provided in an institution located within any state entering into such supplementary agreement Such supplementary agreements shall (1) provide the rates to be paid for the care treatment and custody of such delinquent juveniles taking into consideration the character of facilities services and subsistence furnished (2) provide that the delinquent juvenile shall be given a court hearing prior to his being sent to another state for care treatment and custody (3) provide that the state receiving such a delinquent juvenile in one of its institutions shall act solely as agent for the state sending such delinquent juvenile (4) provide that the sending state shall at all times retain jurisdiction over delinquent juveniles sent to an institution in another state (5) provide for reasonable inspection of such institutions by the sending state (6) provide that the consent of the parent guardian person or agency entitled to the legal custody of said delinquent juvenile shall be secured prior to his being sent to another state and (7) make provision for such other matters and details as shall be necessary to protect the rights and equities of such delinquent juveniles and of the cooperating states

#### ARTICLE XI

##### Acceptance of Federal and Other Aid

That any state party to this compact may accept any and all donations gifts and grants of money equipment and services from the federal or any local government or any agency thereof and from any person firm or corporation for any of the purposes and functions of this compact and may receive and utilize the same subject to the terms conditions and regulations governing such donations gifts and grants

#### ARTICLE XII

##### Compact Administrators

That the governor of each state party to this compact shall designate an officer who acting jointly with like officers of other party states shall promulgate rules and regulations to carry out more effectively the terms and provisions of this compact

#### ARTICLE XIII

##### Execution of Compact

That this compact shall become operative immediately upon its execution by any state as between it and any other state or states so executing When executed it shall have the full force and effect of law within such state the form of execution to be in accordance with the law of the executing state

#### ARTICLE XIV

##### Renunciation

That this compact shall continue in force and remain binding upon each executing state until renounced by it Renunciation of this compact shall be by the same authority which executed it by sending six months' notice in writing of its intention to withdraw from the compact to the other states party hereto The duties and obligations of a renouncing state under Article VII hereof shall continue as to parolees and probationers residing therein at the time of withdrawal until retaken or finally discharged Supplementary agreements entered into under Article X hereof shall be subject to renunciation as provided by such supplementary agreements and shall not be subject to the six months' renunciation notice of the present Article

#### ARTICLE XV

##### Severability

That the provisions of this compact shall be severable and if any phrase clause sentence or provision of this compact is declared to be contrary to the constitution of any participating state or of the United States or the applicability thereof to any government agency person or circumstance is held invalid the validity of the remainder of this compact and the applicability thereof to any agreement agency person or circumstance shall not be affected thereby If this compact shall be held contrary to the constitution of any state participating therein the compact shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters

Section 2 Pursuant to said compact the Governor is hereby authorized and empowered to designate an officer who shall be the compact administrator and who acting jointly with like officers of other party states shall promulgate rules and regulations to carry out more effectively the terms of the compact Said compact administrator shall serve subject to the pleasure of the Governor The compact administrator is hereby authorized empowered and directed to cooperate with all departments agencies and officers of and in the government of this Commonwealth and its political subdivisions in facilitating the proper administration of the compact or of any supplementary agreement or agreements entered into by this Commonwealth thereunder

Section 3 The compact administrator is hereby authorized and empowered to enter into supplementary agreements with appropriate officials of other states pursuant to the compact In the event that such supplementary agreement shall require or contemplate the use of any institution or facility of this Commonwealth or require or contemplate the provision of any service by this Commonwealth said supplementary agreement shall have no force or effect until approved by the head of the department or agency under whose jurisdiction said institution or facility is operated or whose department or agency will be charged with the rendering of such service

Section 4 The compact administrator subject to the approval of the Auditor General may make or arrange for



any payments necessary to discharge any financial obligations imposed upon this Commonwealth by the compact or by any supplementary agreement entered into thereunder

Section 5 The courts departments agencies and officers of this Commonwealth and its political subdivisions shall enforce this compact and shall do all things appropriate to the effectuation of its purposes and intent which may be within their respective jurisdiction

Section 6 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

#### YEAS—49

Bane,	Haluska,	McMenamin,	Stevenson,
Barr,	Harney,	McPherson, Jr.,	Stiefel,
Berger,	Hays,	Miller,	Taylor,
Blass,	Holland,	Mullin,	Van Sant,
Camiel,	Kessler,	Pechan,	Wade,
Chapman,	Koprivier, Jr.,	Peelor,	Wagner,
Dent,	Lane,	Probert,	Watkins,
Derk,	Madigan,	Ruth,	Watson,
Diehm,	Mahany,	Schmidt,	Weiner,
DiSilvestro,	Mallery,	Scott,	Whalley,
Donolow,	McCreesh,	Seyler,	Wolfe,
Flack,	McGinnis,	Silvert,	Yosko,
Fleming,			

#### NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 1722, as follows:

An Act amending the act of May 15 1933 (P. L. 624) entitled as amended "An act relating to the business of banking and to the exercise of fiduciary powers by corporations providing for the organization of corporations with fiduciary powers and of banking corporations with or without fiduciary powers including the conversion of National banks into State banks and for the licensing of private bankers and employees' mutual banking associations defining the rights powers duties liabilities and immunities of such corporations of existent corporations authorized to engage in a banking business with or without fiduciary powers of private bankers and employees' mutual banking associations and of the officers directors trustees shareholders attorneys and other employees of all such corporations employees' mutual banking associations or private bankers or of affiliated corporations associations or persons restricting the exercise of banking powers by any other corporation association or person and of fiduciary powers by any other corporation conferring powers and imposing duties upon the courts prothonotaries recorders of deeds and certain State departments commissions and officers imposing penalties and repealing certain acts and parts of acts" further regulating changes of places of business and establishment of branches

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 203 Place of Business Change of Place of Business known as the "Banking Code" amended April 22 1937 (P. L. 349) is amended to read

Section 203 Place of Business Change of Place of Business A Except as herein otherwise provided an institution shall not transact any banking or trust business ex-

cept in the case of an incorporated institution at the place or places heretofore designated in its articles and such other places as are hereafter approved as branches in the manner provided in this act and in the case of a private bank at the place or places the address or addresses of which are filed with the Department of Banking

B An institution may in the case of an incorporated institution with the prior written approval of the department and in the regular manner provided by this act for an amendment to its articles and in the case of a private bank with the prior written approval of the department change its principal place of business (1) within the city borough or township in which its principal place of business is located or (2) with the prior approval of the department and the Banking Board to any city borough or township either within the county of its principal place of business or in a county contiguous to the county of its principal place of business [subject however to the same limitations and requirements as are by this act prescribed in the case of the establishment of a branch in such city borough or township]

Any change of the principal place of business of an institution shall automatically terminate its right to maintain and operate any branch located or authorized by the articles of incorporation or otherwise to be located in a county which is not contiguous to the county in which the principal place of business is to be located

Except in the case of any change of the principal place of business within the same city borough or township an institution shall not change its principal place of business unless in the case of a bank bank and trust company or trust company its unimpaired capital is at least equal to the minimum capital required by this act for the incorporation of a bank bank and trust company or trust company as the case may be in the proposed city borough or township and in case branches are maintained and operated or are authorized by its articles of incorporation or otherwise to be maintained and operated unless it has such additional amounts of capital and surplus as are required by this act for the establishment of branches and in the case of a savings bank unless its surplus equals a minimum amount approved by the department and in the case of a private bank unless its net worth equals a minimum amount approved by the department

An institution may change the place of business of any of its branches subject to the same requirements and limitations as are by this act prescribed in the case of the establishment of branches

C A private bank which upon the effective date of this act lawfully maintains one or more offices or places of business in any other state or foreign country may continue to maintain and operate any such offices or places of business and do and perform all such acts and make all such loans discounts and investments at such offices or places of business as are permitted or required under the laws of such other state or foreign country subject to such restrictions or limitations as may be imposed by the laws of such other state or foreign country

D However an institution may with the prior written approval of and for the period fixed by the department change its place of business to permit of the alteration or improvement of the premises at the time occupied by it

Section 2 Section 204 of the act and its amendments are repealed

Section 3 The act is amended by adding after section 203 a new section to read

Section 204.1 Branches A Any institution may continue to maintain and operate any branch heretofore lawfully established by such institution

If an institution is hereafter merged or consolidated with another institution or national banking association the surviving institution in case of merger or the newly consolidated institution with the approval of the department with respect to any such institutions or national banking associations may retain and operate as branches any of their principal places of business and branches which may have been in lawful operation in the same county or in a county contiguous to the county in which



the principal place of business of the institution resulting from the merger or consolidation is located on the effective date of such merger or consolidation. If any national banking association shall convert into an institution all of its branches in operation in the same county or in a county contiguous to the county in which the principal place of business of the institution resulting from the conversion is located on the date of such conversion with the approval of the department may be continued in lawful operation.

B Any institution pursuant to a resolution of its board of directors its trustees or in the case of a private bank its owners or board of managers may establish and maintain branches (1) with the prior written approval of the department in the same city borough or village in which the principal place of business of the institution proposing to take such action is located and (2) with the approval of the department and the Banking Board in any other city borough or village or any place in a township other than a village located in the same county or in a county contiguous to the county in which the principal place of business of the institution proposing to take such action is located. No such branches shall be established unless the institution has the capital and surplus required by this section.

The request for the department's written approval of the establishment and maintenance of the one or more new branches authorized by resolution of its board of directors its trustees or in the case of a private bank its owners or board of managers shall be set forth in an application in such form and containing such other information as the department may require and such application shall be accompanied by such reasonable fee as the department with the approval of the Banking Board may prescribe.

When an institution files an application for the establishment of a branch in the same city borough or village in which its principal place of business is located the department if it finds upon investigation that there is a need for banking services or facilities such as are contemplated by the establishment of such branch and that all other requirements of this section have been met shall approve the application and issue a letter of authority to the applicant institution.

Should the department find after the investigation above provided for that the institution has not met the requirements of this section governing the application for the establishment of a branch or should it find that there is not a need for banking services or facilities such as are contemplated by the establishment of such branch it shall disapprove the application and return the same to the institution with a statement of its reasons for doing so. The fee paid by the applicant bank shall be retained by the department.

When an institution files an application for the establishment of a branch to be located in any place outside the city borough or village where the principal place of business of the institution proposing to establish such branch is located it shall immediately notify by registered mail return receipt requested each other institution whose principal place of business is in the county in which the proposed branch is to be located. Within sixty days of the receipt of such application the department if it finds upon investigation that there is a need for banking services or facilities such as are contemplated by the establishment of such branch and that all requirements of this section have been complied with shall approve such application and forward it to the Banking Board for review. The department in its sole discretion may disapprove an application the effect of which is to establish a branch in a county contiguous to the county in which the principal place of business of the incorporated institution proposing to establish such branch is located if an incorporated institution having its principal place of business in the county in which the proposed branch is to be located has in good faith notified the department of its intention to establish a branch in the same city borough or village in which such proposed branch is to be located. The Banking Board after such additional investigation or hearing as it may deem advisable shall

either approve or disapprove the action of the department and shall return the application to the department with notice of its decision and in case of disapproval with a statement of its reasons for doing so. The decision of the Banking Board shall be binding upon the department.

Immediately upon receipt of the application from the Banking Board the department on the basis of the decision of the Banking Board shall either approve or disapprove it in the same manner as provided for under this section for branches subject only to approval of the department.

C A branch may be established in the same city borough or village where the principal place of business of an institution is located if the institution has minimum capital and surplus required under the provisions of section 401 for the same type or class of institution. For each branch located outside such city borough or village it shall have or provide the following additional capital and surplus:

Banks	Capital	Surplus
City Borough or Village with a population of less than 5,000 or any place in a township other than a village .....	\$25,000	\$12,500
City Borough or Village with a population of less than 6,000 .....	50,000	25,000
City Borough or Village with a population of 6,000 to 50,000 .....	100,000	50,000
City or Borough with a population of over 50,000 .....	200,000	100,000
Bank and Trust Company—Trust Company City Borough or Village with a population of less than 5,000 or any place in a township other than a village .....	75,000	37,500
City Borough or Village with a population of less than 6,000 .....	150,000	75,000
City Borough or Village with a population of 6,000 to 50,000 .....	200,000	100,000
City or Borough with a population of over 50,000 .....	300,000	150,000
Savings Banks		
Such minimum surplus as the department requires		
Private Banks		
Such minimum net worth as the department requires		

For the purpose of this subsection the population of a city borough or village shall be taken to be that stated in the United States Census the report of any governmental agency or any banking publication of State-wide or National scope last preceding the date of the filing of the application to establish a branch.

D With the prior written approval of the department an institution pursuant to a resolution of its board of directors its trustees or in the case of a private bank its owners or board of managers may discontinue the operation of any branch if public notice thereof is given in such manner as the department directs at least ninety days before the date of discontinuance.

E Upon the failure of an institution to open and operate a branch within six months after the approval of its application the right of an institution to establish such branch will terminate unless the department for good cause on written application made prior to the expiration of the six months period shall extend for additional periods not in excess of six months each the time within which the branch may be opened.

F Upon the opening or discontinuance of any branch the institution shall certify such fact to the department in such form as the department shall prescribe. Upon receipt and approval by the department of the certificate the department shall send a copy of the certificate to the Department of State for filing with the corporate records of the institution.

Section 4 This act shall take effect immediately.

And said bill having been read at length the third time, and agreed to.



On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

## YEAS—49

Bane,	Haluska,	McMenamin,	Stevenson,
Barr,	Harney,	McPherson, Jr.,	Stiefel,
Berger,	Hays,	Miller,	Taylor,
Blass,	Holland,	Mullin,	Van Sant,
Camiel,	Kessler,	Pechan,	Wade,
Chapman,	Koprivier, Jr.,	Peelor,	Wagner,
Dent,	Lane,	Propert,	Watkins,
Derk,	Madigan,	Ruth,	Watson,
Diehm,	Mahany,	Schmidt,	Weiner,
DiSilvestro,	Mallery,	Scott,	Whalley,
Donolow,	McCreesh,	Seyler,	Wolfe,
Flack,	McGinnis,	Silver,	Yosko,
Fleming,			

## NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 1737, as follows:

An Act amending the act of May 5, 1933 (P. L. 457) entitled "An act relating to the business of building and loan associations providing for the organization and voluntary dissolution of such associations defining the rights powers duties liabilities and immunities of such associations and of their officers directors shareholders solicitors and other employees prohibiting the transaction of business in this Commonwealth by foreign building and loan associations conferring powers and imposing duties upon the courts recorders of deeds and certain State departments commissions and officers establishing limitations of actions imposing penalties and repealing certain acts and parts of acts" regulating the establishment of places of business and changes in the places of business and the establishment and maintenance of branches

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Sections 203 and 204 act of May 5, 1933 (P. L. 457) known as the "Building and Loan Code" and their amendments are repealed

Section 2 The act is amended by adding after section 202 two new sections to read

Section 203 Place of Business Change of Place of Business Collection Agencies A Except as otherwise provided in this section an association shall not transact any of its business except at (1) the place heretofore designated in its by-laws as its principal office (2) such other places heretofore designated in its articles as branches (3) such other places as are hereafter approved as branches in the manner provided in this act Within the meaning of this section shareholders meetings shall not be construed to be the transaction of business

B An association with the prior written approval of the department and thereafter by an amendment to its by-laws may change its principal place of business within the same city borough or township in which its principal place of business is located With the prior approval of the department and the Building and Loan Board and thereafter by an amendment to its articles in the regular manner provided by this act it may also change its principal place of business to any city borough or township in the same county of its principal place of business or in a county contiguous to the county of its principal place of business

C In the event a place of business designated in the by-laws becomes unavailable an association with the prior written approval and for a period fixed by the department may temporarily change its place of business to another place specified by the board of directors within the same city borough or township

D Any association which prior to January 1, 1954 had authorized any corporation or person to collect dues interest premiums and fines in any city borough or township in the Commonwealth other than a place of business of the association permitted by the act which this act amends and in the case of merger or consolidation a surviving association may continue to collect dues interest premiums and fines in any such communities through any such corporations or persons and may appoint successors in their stead in any city borough or township in the Commonwealth

A Federal savings and loan association which hereafter converts into an association in accordance with this act may continue to operate such collection agencies which it had in lawful operation on the date of its conversion

Section 204 Branches A Any association may continue to maintain and operate any branch heretofore lawfully established by such association

If an association is hereafter merged or consolidated with another association or Federal savings and loan association the surviving association in case of merger or the newly consolidated association with the approval of the department with respect to any such associations or Federal savings and loan associations may retain and operate as branches any of their principal places of business and branches which may have been in lawful operation in the same county or in a county contiguous to the county in which the principal place of business of the association resulting from the merger or consolidation is located on the effective date of such merger or consolidation If any Federal savings and loan association shall convert into an association all of its branches in operation in the same county or in a county contiguous to the county in which the principal place of business of the association resulting from the conversion is located on the date of such conversion with the approval of the department may be continued in lawful operation

B Any association pursuant to a resolution of its board of directors may establish and maintain branches with the prior approval of the department and the Building and Loan Board in any city borough or township located in the same county or in a county contiguous to the county in which the principal place of business of the association proposing to take such action is located No such branches shall be established unless the association or the resulting association after a merger consolidation or conversion has aggregate assets of at least one million dollars and aggregate reserves and undivided profits equal to at least five per centum thereof

The request for the approval of the establishment and maintenance of the one or more new branches authorized by resolution of its board of directors shall be set forth in an application in such form and containing such other information as the department may require and such application shall be accompanied by such reasonable fee as the department with the approval of the Building and Loan Board may prescribe

An association proposing to establish a branch within any city borough or township either in the same county or in a county contiguous to the county in which the principal place of business is located shall file its application with the department and upon the filing thereof the association where the proposed branch is to be located in a city borough or township other than the city borough or township where the principal place of business of the association proposing to establish such branch is located shall immediately notify by registered mail return receipt requested each other association whose principal place of business is in the county in which the proposed branch is to be located Within sixty days of the receipt of such application the department if it finds upon investigation that there is a need for services or facilities such as are contemplated by the establishment of such branch and



that all requirements of this section have been complied with shall approve such application and forward it to the Building and Loan Board for review provided that the department in its sole discretion may disapprove an application the effect of which is to establish a branch in a county contiguous to the county in which the principal place of business of the association proposing to establish such branch is located if an association having its principal place of business in the county in which the proposed branch is to be located has in good faith notified the department of its intention to establish a branch in the same city borough or township in which such proposed branch is to be located. The Building and Loan Board after such additional investigation or hearing as it may deem advisable shall either approve or disapprove the action of the department and shall return the application to the department with notice of its decision and in case of disapproval with a statement of its reasons for doing so. The decision of the Building and Loan Board shall be binding upon the department.

Immediately upon receipt of the application from the Building and Loan Board the Department of Banking on the basis of the decision of the Building and Loan Board shall either approve or disapprove the same. In case of approval the department shall issue a letter of authority to the applicant association. In case of disapproval the department shall so notify the applicant association.

C With the prior written approval of the department an association pursuant to a resolution of its board of directors may discontinue the operation of any branch provided public notice thereof is given in such manner as the department directs at least ninety days before the date of discontinuance.

D Upon the failure of an association to open and operate a branch within six months after the approval of its application the right of an association to establish such branch will terminate unless the department for good cause on written application made prior to the expiration of the six months period shall extend for additional periods not in excess of six months each the time within which the branch may be opened.

E Upon the opening or discontinuance of any branch the association shall certify such fact to the department in such form as the department shall prescribe. Upon receipt and approval by the department of such certificate the department shall send a copy of it to the Department of State for filing with the corporate records of the association.

And said bill having been read at length the third time, and agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

#### YEAS—49

Bane,	Haluska,	McMenamin,	Stevenson,
Barr,	Harney,	McPherson, Jr.,	Stiefel,
Berger,	Hays,	Miller,	Taylor,
Blass,	Holland,	Mullin,	Van Sant,
Camel,	Kessler,	Pechan,	Wade,
Chapman,	Koprivier, Jr.,	Peelor,	Wagner,
Dent,	Lane,	Propert,	Watkins,
Derk,	Madigan,	Ruth,	Watson,
Diehm,	Mahany,	Schmidt,	Weiner,
DiSilvestro,	Mallery,	Scott,	Whalley,
Donolow,	McCreesh,	Seyler,	Wolfe,
Flack,	McGinnis,	Silvert,	Yosko,
Fleming,			

#### NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

## BILL ON THIRD READING DEFEATED ON FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 1879, entitled:

An Act to provide revenue for Commonwealth purposes by imposing a tax on the manufacture use storage or purchase of certain manufactured tangible personal property providing for licenses reports payments of tax interest and penalties assessments collections liens reviews and appeals conferring powers and imposing duties upon the Department of Revenue public officers manufacturers wholesalers retailers corporations partnerships associations and individuals and making an appropriation

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

Mr. DENT. Mr. President, I desire to interrogate the gentleman from Armstrong, Senator Pechan.

The PRESIDENT. Will the gentleman from Armstrong, Mr. Pechan, permit himself to be interrogated?

Mr. PECHAN. I will, Mr. President.

Mr. DENT. Senator, will you tell us if you are the same Senator Albert Pechan who was quoted in last night's Pittsburgh Press?

Mr. PECHAN. I presume that I am the only Al Pechan who is in the State Senate, but I did not read last night's Pittsburgh Press.

Mr. DENT. Did you know that you are quoted as saying that you are positively for this bill?

Mr. PECHAN. Oh, that is certainly a misquote if that is in the paper.

Mr. DENT. Would you say then that the Pittsburgh Press does not print reliable news?

Mr. PECHAN. Oh, no, I would not say that.

Mr. DENT. Are you the same Albert Pechan who gave a release two weeks ago Saturday to the Pittsburgh Press, in which you are quoted as saying that you were for this bill?

Mr. PECHAN. Am I the same Al Pechan?

Mr. DENT. Yes.

Mr. PECHAN. Well, I was sick then. Mr. President, I want to assure you that even though I was ill, I am a better Al Pechan today than I was that day when I was in the hospital.

Mr. DENT. Mr. President, my understanding, for his information, is that he did not get sick until he got back to the Caucus.

Senator Pechan, would you mind telling the people of Pennsylvania how you can be for the bill in the newspaper and against the bill on the floor?

Mr. PECHAN. I think I can explain that very easily. I think that if you will read the release which was printed two weeks ago on Saturday, in which the Pittsburgh Press carried the story that Al Pechan would be one of the three who would vote for this bill, provided—and do not forget this word "provided" which was not in small print—that it did not penalize Pennsylvania industry on a competitive basis. I think if you will



read that story you will find that the reporter who wrote the story did it correctly.

I cannot tell you about last night's Press but I can tell you about the story in the Press two weeks ago.

Mr. DENT. We will be glad to read it to you later on in the discussion, Senator Pechan.

Now, Mr. Pechan, will you tell the people of Pennsylvania how this bill penalizes Pennsylvania industry competitively?

Mr. PECHAN. I can tell you that very easily. I gave you a memorandum a few weeks ago, or perhaps it was last week, where I pointed out the inequities.

Mr. DENT. I have your memorandum. Would you like to have it back so that you can quote from it? Do you have a copy of the memorandum or do you want my copy?

Mr. PECHAN. Your copy is just like mine.

Mr. DENT. Oh, I do not know. If your statements in the paper are not any more accurate than what you are saying now, I might be accused of doing what the Pittsburgh Press did by not quoting you correctly.

In your memorandum, Senator, you called to my attention, particularly, an incident which could happen under this bill relative to the Pittsburgh Plate Glass Company. Will you tell the Members of the Senate how you worked out that formula contained in your memorandum, because there is nothing in the bill that does what you say it does?

Mr. PECHAN. Yes, I will. I offered amendments to you the other day. I said if this bill were made palatable—that is a nice word and it means that you can take it even though you are a “sacrificial lamb,” as the papers called me—that, for instance, the Pittsburgh Plate Glass Company in Pennsylvania and I used the Pittsburgh Plate Glass Company because they have one of the largest plants in my home community of Ford City. They manufacture glass and they have wholesale outlets in Pennsylvania, whereas their largest competitor is an Ohio concern that does not have a wholesale outlet and sells their glass to distributors. Therefore, on a ten dollar piece of glass at the manufacturer's level, the Ohio firm would pay 3.5 per cent on the ten dollars or thirty-five cents, but the Pittsburgh Plate Glass Company on their wholesale level would pay at the rate of seventy cents. In other words, if the article sold for twice that amount at the retail level, of twenty dollars, the tax would be seventy cents.

Mr. DENT. Do you say that this bill does that?

Mr. PECHAN. Yes, unless you amend it.

Mr. DENT. Well, it does not do that and never did do that. Like the Pittsburgh Press, maybe we just do not understand the things that you say.

Mr. Pechan, that is a misleading statement and I doubt if it were true whether too many people would jump up and get awful disturbed over the fact that an article which starts out at the manufacturers level for ten dollars and is sold by the next receiver of goods for twenty dollars, I doubt if anybody would feel that that company would be going bankrupt if it paid the thirty-five cents which it would pay under this tax. I would rather think that if you would pass your sales tax, the individual who had to pay the twenty dollars, and would have to pay the three percent on the twenty

dollars, would be penalized more than the manufacturer would be in this instant.

However, I just want to call to your attention that there is nothing in your brief that the bill does.

Mr. PECHAN. Did you read my brief again this morning or is this from memory that you are making that statement?

Mr. DENT. Well, you see, either you are wrong or the Chamber of Commerce is wrong and I do not know which one to take. If they are right then, of course, the statements which have been made here on the floor by the various opponents of the bill are wrong. I am just trying to get down to the basis of what is wrong with this bill. You are the man who said that you would vote for it if it were not competitively unsound for Pennsylvania manufacturers. Now we have here testimony from the mercantile people in the State and if it is competitively unsound for Pennsylvania manufacturers, then it cannot be harmful to the mercantile people. I only want to know who is right in this instant. Who are we supposed to be protecting? Who is being hurt in this bill? You say the manufacturers, so point out how the manufacturers are getting hurt.

Mr. PECHAN. I am going to point that out, but it is not only the manufacturer who is being hurt. I am alarmed. You know I have several large manufacturing firms in my two counties. Just because I have a little mud on my shoes when I come into the Senate in the morning does not mean that everybody in Armstrong and Butler counties are farmers. We also have a great deal of industry and every one of the concerns in my two counties are alarmed. When they are alarmed, it alarms me because of the great number of people who are employed in that area.

I want to say to you this, and I think I mentioned this to you once before, Senator Dent, that the Pittsburgh Plate Glass Company is currently building a plant in Cumberland, Maryland which will be the most modern glass plant in the world, and the reason that they are going to Cumberland, Maryland is because the State of Maryland dangled before them a tax-free structure on a local basis for ten years.

Now you wanted to know how this hurts industry. It hurts industry in this respect. The Pennsylvania manufacturer will have to pay a three and one-half per cent excise tax, as you call it, on all the materials, buildings and machinery which they use in the manufacture of their product. They will have to pay on everything down the line, and it will cost them three and one-half per cent more to build a plant in Pennsylvania than it would in Ohio.

I also want to say this to you, Senator Dent, that, on I believe July the 10th of 1953, you bled from that very same rostrum from which you stand for the things which I am talking about now for one hour and one-half. I do not want to read it back to you, but I have a copy in which you stated that you wanted Pennsylvania manufacturers exempt from all of the things I talked to you about, and which appeared in the Pittsburgh Press in the release which I gave you and in any statements which I have made before or after.

Mr. DENT. Would you tell me who was in control of the State of Pennsylvania during the time that the



Pittsburgh Plate made its decision to move to Maryland?

Mr. PECHAN. Do you want to know who was in control of the Senate?

Mr. DENT. Who was the Governor of the State?

Mr. PECHAN. Governor John Fine.

Mr. DENT. Thank you. At least we are not blamed for that industry moving out.

Mr. PECHAN. I will never blame you for anything that you are not to be blamed for, Senator Dent, never.

Mr. DENT. Well, that is the nicest thing you have ever said outside of the fact that you are a fan of mine and read my speeches.

Senator Pechan, would you tell me whether you are going to vote for this bill or not?

Mr. PECHAN. In its present form, I could not even think about voting for the bill. As I have told you—

Mr. DENT. I think the first part of your statement should have been concluded right when you finished with the word "think."

Thank you very kindly.

Mr. President, the reason that I interrogated the gentleman from Armstrong was because I wanted to try to bring out to the people of Pennsylvania that they are being led down a very sad and disastrous road.

In thinking with the positions taken by the gentleman from Armstrong, we have here the Legislative Spotlight of the Pennsylvania Chamber of Commerce. I accuse today the Chamber of Commerce of the State of Pennsylvania of doing more to destroy Pennsylvania's industrial growth than any other single agency in the Commonwealth of Pennsylvania. They deliberately and knowingly have sent out statements which have little or no bearing upon the actual contents of the tax bill before us, designed primarily to agitate the in-State manufacturers but have the adverse result of building up a psychological barrier against Pennsylvania by those who might be interested in moving into this State.

Mr. President, they are like the boy shepherd who, when tending his flock, found that he could have a great deal of sport by crying in a loud and plaintive voice, "Wolf, wolf, wolf." The other shepherds would come running to his rescue. The other shepherds finally got tired of running to his rescue and one day, when the real wolf was there, he had no help.

Mr. President, the Chamber of Commerce has cried wolf for twenty-two years that I know of. They have done more to advertise this State adversely than any other agency in the Commonwealth. They are our worst public enemies.

I am a member of the local Chamber of Commerce and I want to say that they are not supermen; they are just ordinary folks like we are. However, some of them like their nice plush jobs that they have and so, in order to enhance their chances of staying in these jobs, they have to cry wolf, wolf, wolf. In the meantime, Pennsylvania industry gets another black eye.

Mr. President, these are the same people who stood in this Chamber, and in the House of Representatives, twenty-two years ago and screamed to high heaven that the taxes under Governor Earle would drive every industry out of this State. After they achieved their political aim, they quietly subsided to the sidelines when in 1939 Governor James re-enacted all of the Earle taxes.

I predict here today that if you have the courage to give us the constitutional majority to pass this legislation and that if you then won the State of Pennsylvania, you would re-enact this law because you would find that you have been lied to, that the people have been lied to and today we had an example of the critical consequences which can come when propaganda is let loose upon innocent people.

Senator Derk, a Member of this body, suffered a heart attack and lays at this moment at the point of death. I sat with him back there yesterday and he was cutting open hundreds upon hundreds of envelopes, and all they contained was a little square, addressed to him, cut out of the local papers with his name on them, asking him to vote against the hidden sales tax and hundreds upon hundreds of them were in the same handwriting. That man had a heart attack just recently, and he was sitting back there and his hand was shaking and I attempted to take them from him and throw them in the wastebasket. The people who started that chain of propaganda to him are responsible for the condition that he is in right now.

Mr. President, the very men who stood upon this floor and talked about matters they knew nothing about, when asked a question at the end of their presentation, said that they favored the sales tax. These representatives of industry were asked two questions by the Members of the Senate, who were the Democratic Members of the Senate Committee on Finance. One of the questions was, "Do you believe that the State of Pennsylvania needs money?" They all answered, "Yes." The question which followed was, "Will you then tell us, as Members of the Senate, how we can raise the money that the State needs?" Every one of them came out for a sales tax. Then, Mr. President, I went over to the House yesterday and I asked for the bills which were introduced on sales taxes. The chairman showed them to me and I said, "What is all of this?" There was a stack of onion skin papers in each bill, of which there are two. "Oh," he said, "those are the amendments that the authors have given me and which have to be considered at the same time." Lo and behold, the men who stood upon this floor and asked for a sales tax went over to the House and introduced amendments exempting themselves from the sales tax.

Ben Moreell was asked, "How would you finance the State?" Mr. Ben Moreell's statement was, "A sales tax." One of the amendments, gentlemen of the Senate, introduced by the author of the bill in the House, exempts Mr. Moreell's company. The Sun Ship Building Company, one of the pallbearers here today, has an amendment to exempt the Sun Ship Building Company from the sales tax. However, its lobbyist here on the floor will tell anyone who wants to hear him that the only way to finance this State is by a sales tax.

You see what they mean, Mr. President, is that they want a sales tax on everybody but themselves. I could have passed this bill. I am not a bit afraid of that. I could have passed this excise bill with your votes just like that. All I had to do was to accept these amendments. Then we would have had left a bill that Senator Pechan would have liked. It would have been like Dooley's Union, without contracts, without dues, without bylaws and without members.

Another pallbearer here—I have the pallbearers all



listed and I think the people of Pennsylvania should know who they are. This bill is not being defeated by legislative action. This bill is being defeated by the ghost Senate.

Mr. President and Members of this Senate, I have on my desk a resolution calling for the discharge of the committee that has the bill calling for the registration of lobbyists. I have often said on the Senate floor, and I want to repeat now, that a lobbyist who comes to Harrisburg in the interest of the people who send him here and gives to the Members of this General Assembly the information pertaining to their industry or their business or their profession, is a very valuable asset to the State of Pennsylvania and to the General Assembly. However, this new clique that has formed around here—particularly this year since the Republican Party is aimlessly wandering—has discovered that by banding together the lobbyists, they are able to control the Senate of Pennsylvania. Yesterday morning, I had one lobbyist say to me, "If you will take this amendment, your bill will go through. If you do not take it, it will not go through." Two hours later, another lobbyist said to me, "If we are not out of that bill, it is a dead duck." Within fifteen minutes, another lobbyist said to me, "Look, if our company is not out of that bill, you cannot get a Republican vote." So, I went over to the Governor and I said, "Governor, we have been dealing with the wrong people. We have been holding conferences with Members of the Senate. We have just been wasting our time. What we should do is to call in Harry Princeton Davis and William 'Pennsylvania Railroad' Reiter. They know the other boys and they will bring them to a conference and then we will get somewhere."

I know the Republicans will deny that I am telling the truth, but to show you how much of the truth I speak, the other night I was down at the Penn Harris Hotel, that low-priced hostelry down the street, having dinner with my good wife. One of the Members of the Senate was with us and a foursome came into the dining room. They went over and sat in a corner, and I nudged my fellow Senator, who is on the floor at this time, and I said, "there goes the tax excise bill." That same afternoon, we had been promised three votes. That same day, I was told by three sets of lobbyists that if I did not take them out of the bill, it would be killed. That same night, they met with certain individuals and the bill was killed. I am only trying to give you my understanding of the picture.

Mr. President, some say this bill is a bad bill. Let us measure it. It is a three and a half per cent tax and, for matters of clarity, let us just say that it is a sales tax. However, it is a sales tax at the manufacturers' price. I am told that the Republicans want a sales tax. We searched and tried to find something that would resemble as near as possible the kind of a bill that the Republican Party has said they wanted. Lo and behold, Mr. President, we find that they do not want a sales tax of three and a half per cent of the manufacturers' sales price. They want a sales tax down here at the retail sales price. However, they also want, if amendments would be put into that bill, to take everybody out but the people. I will predict here and now, at this moment, that if a sales tax bill comes over from the House, placing the same burden on all peoples at all levels of activity in

this State, such as the Chamber of Commerce promoted back in June, you will not get five Republican votes to vote for it. The same strings will be pulled and they will have to exempt Ben Moreell and his company. They will have to exempt Mr. Davis and his company.

Incidentally, at this moment, I think it is good for the people to know the difference between a sales tax which the people pay down at the little penny line and when that sales tax is applied at the top bracket in an industry. The Sun Ship Yard's spokesman, for instance, Mr. Phil Sterling, the other day said, upon questioning by me, that his company favored a sales tax. Then when I found out that they favored the sales tax, but wanted exempted from it, I went over and talked to some of my friends at the Harrisburger Hotel one night. I talked with a couple of boys from Philadelphia who know something about Sun Ship. I started looking into the question of how much money they make and so on. I am only sorry that I do not own some of their stock. However, I did find out something by this question that may interest the people of Pennsylvania. I found out that although the little housewife, who has gone into the store and purchased little items, was nicked for her pennies every-time she made a purchase, the Sun Ship Building Company owes the State of Pennsylvania over \$400,000 in delinquent sales tax collections. Sure, they want a sales tax because, Mr. President, they collect it in such large gobs that they do not pay it to the State and then they come down and ask for an adjustment. They want to settle for a sum somewhere near about half of what they owe. However, the little person who goes in and buys shoes and buys the articles that they need for their children—under a sales tax that would be big enough to finance this State, shoes would have to be in it—does not get such consideration. In fact, what happens to them is this.

I stopped at the airport in Jacksonville, Florida, last week on my way home from making a speech down in the southern part of this Country, and I stopped at the airport and made a purchase of thirty cents and the girl said, "Two cents tax." I went over to another counter and I spent thirty-five cents, and I paid two cents tax. Then I went and bought a cigar. It was twenty cents and I paid two more cents tax. That is why they want a sales tax. They collected six cents off of me. They still had a few more pennies to go that they could collect off of some other sucker who walked in. Then, when they settle with the State, they give them two cents and four cents goes into their pockets. Otherwise, why would the Philadelphia Merchants Association, which came to this Senate and cried until the tears almost flooded the Chamber, be against the one per cent sales tax and say that it would ruin Philadelphia's mercantile industry? Yet, that same Philadelphia Merchants Association is down here begging us to put on a three per cent sales tax. They said that a one per cent sales tax would ruin them with competition across the river. If one per cent would ruin them, what will three per cent do? I will tell you why they want it. They want it because they will make more money on low-priced items from a sales tax than they will make out of their markup.

Mr. President, I admit, and I have admitted publicly, that this is, in a form, a sales tax at the manufacturers level. I have never denied that. However, the difference



is that an individual who pays is not subject, if you please, to the whims and the wills of merchants who have no conscience when it comes to markups. At least an individual who buys a product will be paying a tax somewhere near the value of the product and not paying a tax that carries with it the transportation cost, the handling charges and the markups of distributor, wholesaler and retailer.

You say to me that you are for a sales tax. You are for a sales tax only on people. You are against any sales tax which affects business or industry in any way, shape or form. If you do not believe that I know what I am talking about, I hope the House gives us a sales tax bill next week so that you twenty-six men can fester it upon the people of the State of Pennsylvania.

Mr. President, we have tried in every manner and method known to any negotiators to reach an agreement with the other side. I have met with them on numerous occasions. I have certainly been fooled in my reading of character, I have never been more disappointed in the results of personal negotiations than what I have been this day of our Lord. I have never known men who have shifted from their base so often and so quickly. I am disappointed that the Republican Senate will not give us three votes to let us assume the responsibility that is ours. I have told you since the month of June—and when you are reading my speeches, Senator Pechan, read the ones where I said to you for the last seven months that any time the Republican Party can deliver the Republican votes for a sales tax, we would give them the necessary constitutional majority over in the House. You can have it over here and your twenty-six votes could vote for it. We have never once put any road-block in your way.

Your own Floor Leader, on the other side, has refused under any conditions to allow his group of Republican Legislators to act upon any sales tax. You should get together. I predict, and say again here today, that this General Assembly will be here next spring as a result of a filibuster being carried on by the Republican Senate at the direction and under the complete domination of Charlie Smith, the leader in the House of Representatives. Charlie is a candidate for Auditor General and some twisted conception of the mental capacities of the people of this State has led him to believe that if we can keep the Legislature in Session until about April, it will help his candidacy. You know, I would be tempted to offer him my vote if he would only allow you people over there to use your own good judgment so that we could pass a tax bill and give the State the needed revenues.

I have often tried to make some approach to the problem on a personal, man to man basis with Members on the other side. I have put into this bill every amendment that they demanded from me as part of a package that they would go for and give us the three votes. However, I neglected to talk to the Pennsylvania Railroad and to the Sun Ship Building Company.

Mr. President, I was informed today, on the floor, that this bill is going down into defeat. I believe every newspaperman here knows that the day before yesterday we were told that we had three votes. The bill has not changed from that time until this time. There is nothing in this bill today, Senator Pechan, that was not in it two days ago. At that time, you not only permitted but

asked me to say a few kind words showing that you had attempted to do something about some of the conditions that you complained about. I accepted your amendments and it was my understanding at that time that you were going to vote for the bill. The bill has not changed, but you have.

I do not care much. There is no use talking all day about a situation that is beyond the control of the individual Members of the Senate on the Republican side. If it were a fact that by appealing to you on the basis of need, and appealing to you on the basis of simple political justice, that the Governor of this State has been elected by the people, that this Administration has been elected by a vast majority of the citizens of this Commonwealth and that in that election they gave to this Administration certain duties that must be performed, but that is not the case. This Administration controls the House of Representatives and, except for a few little incidents in Somerset County, we probably would have controlled the Senate of Pennsylvania. However, we did not gain control of the Senate and we knew that we had to talk to you about tax legislation. We came to you and talked and all we ever got was this, "Let the House pass the taxes and when we get them and if we like them, we will take them. If we do not like them, we will not take them." I said to you then, and I will say to you now, that is a deliberately unfair advantage to take. All you are asking, for political purposes, is that the House Members of the Democratic Party march up to the battle line in the tax field time and time again and get the legislation passed over to the Senate. Then you get your propagandists going to work, destroying the characters of the men who voted for the taxes so that you can sit smugly by and say, "The Democrats voted for them; we did not."

Yesterday, you passed, over our opposition, a bill allowing this State to borrow \$110,000,000 because you say the schools are distressed. I said to you then, and I am going to say to you now, that if I have any influence in the House, that bill will die. You are not going to solve the problems of this Commonwealth by sitting comfortably on your chairs in the Senate and having the House march up the battle field time and time again for legislation that you will not tell them before hand that you are for or against.

I am asking you now to marshal your forces in the House and have them ready to vote for your despicable sales tax. I am asking you now to deliver your votes as a Republican Party since you will not deliver them to us as the Democratic Party, willing to accept the responsibilities of government. If you will not give us the responsibility, then you accept it. March over there to the House today and, from now until Monday, get your House Members in line to vote for your sales tax. Get it over here to the Senate and have your twenty-six stalwarts stand up and vote for a sales tax in order that you can prove to the people of Pennsylvania that you are not political parasites trying to defeat this Administration through a do-nothing policy.

Mr. President and Members of this Senate, I would like to read from the Pittsburgh Press so that Senator Pechan will write them a letter and tell them that they should fire their reporters and burn their newspaper because it is not worth anything. It does not quote him right.



"Senator Pechan declared openly he will vote for the bill. He said, 'It is nothing but a sales tax anyhow.'"

That is the same bill, Senator Pechan, that is on the calendar today. You cannot say that it required any more amendments because this statement was made by you after the amendments were introduced. We cannot put many more amendments in because you see, Senator Pechan, this bill was not designed to put the whole load on the little people. This bill was designed to try to give Pennsylvania somewhere near an even balance. To say that industry has no obligation is not fair. To say that industry is moving to Maryland because we proposed this tax is not fair. The minute they move to Maryland, they will find out what they found out when they moved to Mississippi. They will find out that as soon as they move and their people come there to work and they will have to build roads and build schools and build recreational facilities and build all of the public services that we now have in Pennsylvania, their taxes then will start to reach a state higher than they are in the State of Pennsylvania.

Mr. President, in this legislation, I want to say to industry, we have recognized for the first time in sixteen years the chief complaint of industry and the chief complaint of the Chamber of Commerce. We have recognized the necessity, if you please, of removing from the capital stock tax in this Commonwealth manufacturing industries, giving to the manufacturing industries of Pennsylvania \$65,000,000 a biennium. In this biennium, alone, they would have saved, if we had passed that bill, \$16,500,000. Let me predict what I think you will try to do.

I think you will defeat this bill and then you will try to slip over that manufacturers exemption just the same. You have taken machinery from local taxation in real estate and placed the load on the home owner. You are trying to take and will take, if you have your way, all the taxes of a sales and mercantile tax off of industry and business and put it all on the people. We are not for that. We believe that people serve industry the same as industry serves the people. Without the trained men who work in these industries, industries would not come to Pennsylvania nor would they go anywhere else. I want to tell you that the chief factor in the determination of an industrial plant, in its decision to either expand or move, is the kind of people who live in the community. Any industry that tells you different is not telling you the truth.

Mr. President, I know there has been some talk on the other side that what they intend to do is to kill the bill today and then you will be able to revive it if something better does not come along. I do not know what might come along. If you deliver your ninety-seven votes over in the House, we know what will come along. We will give you your much beloved sales tax. Then we will watch you very closely, because the minute you start to take all of these people who said they were for the sales tax out of it, we will have to protest because they do not want out of it. They said they were for it. Then, when you get that bill passed, we will be able to pay the bills of the Commonwealth and we can go out to the people and say, "We want you to know that the Commonwealth is on a sound fiscal policy because the Republican Party sponsored and passed a sales tax."

Mr. KESSLER. Mr. President, here in the gilded con-

finer of this magnificent chamber, aroused by unexpected interrogations, beguiled by oratory and entranced by the adroit maneuvers of statesmen, we are likely sometimes to lose track of time and to lose touch with the practical realities of the world that surrounds us; the world that lies just outside these marble walls. That is the world, Mr. President, for which we work, the world which elects or rejects us, a world of flesh and blood people for whom the calendar, the change of the seasons, and the impact of taxes and high prices are very real, very intimate and very serious matters.

Mr. President, tonight, when we leave this hall of deliberation and debate, we will see the Christmas lights enmeshed in strands of green, beautifying the streets. The store windows will be rich with goods for the Christmas trade, and from the bell towers of the churches will peal the ancient carols of our creed. The wind will be crisp and the air cold. In short, Mr. President, outside it is winter, it is December, it is almost Christmas and the end of the year 1955 comes within a fortnight.

However, Mr. President, here in this Chamber it is still January 1955. Here we have sat for nearly twelve months and we have yet to dispose of that which should have been our first order of business and the first responsibility of this Administration; a tax program to raise the money to run Pennsylvania. Was this because we came to the Legislature unaware that one of our duties was to enact the laws which provide State revenues or because we were surprised to find more money needed in the 1955-1957 biennium than was needed in previous years, or perhaps because there was not existing machinery which could be employed with modifications to meet the new requirements? Mr. President, we all know that none of these constitutes a valid excuse for this Legislature's long delay. We knew we had to pass tax laws; we knew we had to raise more money than before; and we knew that we had a broad base tax in operation, fully susceptible of modification, to make it raise such funds as the Legislature deemed necessary.

Admittedly, Mr. President, our fiscal problem is not as simple as my remarks perhaps have implied, but neither is it one which will not yield to intelligent application of proven business principles and methods. However, because candidate Leader had entangled Governor Leader's Administration in a contradictory complex of campaign slogans, vague promises and curious alliances, we have been compelled to witness the discard of the sales tax just as it had begun to gain full operating efficiency and momentum. We have been compelled to spend months pondering two income taxes, each of which was declared by reputable lawyers to be unconstitutional almost as soon as proposed and now we labor over an incredibly jumbled compound of hidden sales tax and consumer use tax, deceptively labelled "manufacturers' excise tax." Because the Administration has suddenly peeked outdoors and found it to be December, we are admonished to pass this monstrous hybrid promptly without delay, pronto, and forthwith.

Mr. President, I submit that it would have been the proper and the intelligent thing for the Administration to have brought its "classified income tax" out of committee long before it did and thus to have learned early in the Session that however you mask it, a graduated



income tax or wage tax is still not legal under Pennsylvania's present Constitution. Instead, it restored to stalling tactics in the vain hope that some sort of "pressure" might compel legislators to pass either the "classified income tax," or the equally unconstitutional tax on the Federal income tax return. It should have been obvious from the start that public opinion favored continuation of the sales tax even at a higher rate and preferred that to the imposition of any form of wage tax, but the Administration stubbornly persisted in its forcing tactics.

What is the result? Winter is upon us, the end of the year in sight and the Administration with its financial problems multiplied by eleven months of dillydallying is frantically calling for swift passage of a hidden sales tax bill, the like of which has never before been seen in this or any other State.

Mr. President, our financial plight is serious, but that does not excuse headlong flight into unchartered tax lands. I, for one, shall think carefully and because my mind is no more than normally adept, I shall think slowly about the taxes that we are asked to impose upon the people of this Commonwealth.

Mr. President, it has been said that the building of a government takes a thousand years, but that its destruction can take place in an hour. So it is with the economic structure of our Commonwealth. Built in a century and a half into a gigantic industrial society, employing millions of people, it, too, can be strangled in an ill-advised hour in this Legislature. Let us not permit our exasperation at the Administration's stumbling fiscal policies to goad us into accepting blindly a pernicious tax bill in order only to escape the irritating frustrations of this seemingly endless Session.

Mr. President, perhaps with a little less haste than the Administration displayed in its forty hour hurricane passage of House Bill No. 1879 through the House, we can make more speed in the long run. Certainly, we can not brush off in a flurry of legislative engineering the solemn obligation to the people of this Commonwealth which the Constitution places upon us. "They stumble that run too fast."

To begin with, Mr. President, the manufacturers' excise tax is a tax never designed for imposition at the State level. Its proponents in Canada, where it exists as a Dominion-wide levy, or in the United States, where it has been proposed as a Federal levy, are frank to admit that the manufacturers' excise tax is employed only because the government finds it impracticable to place its own retail sales tax on top of the retail sales taxes now being collected by most States or provinces. The retail sales tax, they say, is the most suitable form of excise taxation at the State level.

The Federal government, with its ports of entry, customs and like services is equipped to protect its business men against foreign competitors in nations that do not impose a manufacturers' excise tax. The State is not. The Federal government, similarly, is equipped to police the importation of goods purchased by its citizens in other places and brought back home. The State is not.

Later, Mr. President, we shall consider what an army of enforcers, informers and administrators this nightmare of a tax would require, but for the moment, let us consider the slight-of-hand artistry of its title. "Manu-

facturers' excise tax" would certainly imply that the manufacturer will shoulder all, or most anyway, of the burden, while the rest of us presumably go free. Actually, the burden of this tax falls most heavily upon the small business man, the housewife, the wage earner and the farmer. Here is what happens. Every manufacturer, wholesaler and retailer is forced to prepay this tax to the State and to administer and collect it. That constitutes a pretty expensive job and the man or the business who does it is entitled to reasonable compensation for doing it. The government will not pay you for the money you invest and the work you do in collecting its taxes, so if you are to continue to make money enough to pay your help, continue your service to the public and create a profit, you have to get it from the ultimate consumer who always gets caught in the end. The housewife, the small business man, the farmer and the wage earner are the folks who best qualify as ultimate consumers. On goes the manufacturers' excise tax; up goes the cost of doing business and up, inevitably, go prices. The manufacturers' excise tax hides the sales tax all right but it cannot soften the wallop that the tax, which the wholesaler, retailer or manufacturer originally paid, has gathered by the time it hits the ultimate consumer. By that time it has pyramided considerably, and the wallop hurts the farmer, the worker and the home maker.

As the post says:

"Who are you kiddin'?"

"With a tax that's hidden?"

In view of these facts, Mr. President, it is not surprising that no State in this Union, however hard pressed, has ever given serious consideration to this phony manufacturers' excise tax, let alone enact it. The Federal Government considered it once and Governor Leader might be interested in reading the record of the debate in Congress when, in 1932 at the peak of this Nation's severest financial crisis, the Democratic controlled House of Representatives killed conclusively a manufacturers' excise tax proposed by the House Ways and Means Committee.

The Mason Bill, House of Representatives No. 5694, 84th Congress, proposes a uniform five per cent on all manufactured goods, not as an additional tax but as a substitute for the present hodgepodge of excise taxes imposed at varying rates on a random assortment of manufacturers, retailers and utility services.

Mr. President, this Mason bill gives me a great deal of difficulty. It bears a strange resemblance to Governor Leader's State manufacturers' excise tax, and it was denounced by all segments of organized labor as a "hidden sales tax." If you wish further support of the position of a large labor organization the C.I.O. said, and I quote from its "Handbook on State and Local Taxes," published in 1954, at page 16 on which appears this interesting statement:

"At the beginning of the 83rd Congress 'they' pushed a drive to shift more of the tax load onto the average American family through the levy of a national sales tax or manufacturers' excise tax."

It is barely possible that the curious reticence of certain labor leaders in this State to express themselves upon House Bill No. 1879 should be construed not as passive acceptance but rather as tacit disapproval of this tax? I shall leave it to the students of the occult to



explain how, by a coincidence of geography, a "hidden sales tax" in Washington is suddenly and miraculously transformed into a benign indulgence of a tax in Harrisburg.

Mr. President, well, we have seen that the proposed manufacturers' excise tax is geared to Federal, not State operation; that it hides but not very successfully the sales tax; that it pyramids the tax paid by the manufacturer, wholesaler or retailer into a heavy, high cost of living wallop to the average guy; that it has been denounced by labor, rejected by State governments and by a Democratic Congress and accepted as a Federal levy only in Canada where experts say they enacted it only because the provinces had pre-empted the retail sales tax. As a Federal levy, we have said it is more easily administered and enforced than as a State levy.

Mr. President, if you take a look at Canada's experience, you will find that even at the Dominion level the manufacturers' excise tax is a costly tax to manage. It costs Canada about two per cent of the total revenue yield to collect the tax. Compare that to the cost of enforcing our Federal income tax of one-half of one per cent. Now Canada's population is about the same as Pennsylvania's, but it collects the bulk of its revenues from about 50,000 manufacturers. We would have to hit at least 150,000, and it can rely on its customs procedures for thorough enforcement.

Mr. President, unless there is thorough enforcement the severely discriminatory features of this bill would penalize Pennsylvania seriously. I make no idle statement when I say that this tax, haphazardly enforced, would cost us thousands of jobs, hundreds of plants, hundreds of service businesses and industries. If it were to be enforced strictly and administered properly, I am convinced it would involve the employment of thousands of persons—of the proper party, to be sure—at an incalculable annual cost to the Commonwealth which would cut deeply into the total yield. This is a sobering thought, and it is not an idle speculation. It was part and parcel of the fears and doubts expressed by the witnesses who were heard by the Finance Committee of the Senate in this chamber a week or so ago. If ever a cross section of Pennsylvania paraded through this Senate, it was that Wednesday and Thursday when farmers, labor representatives, community organizations, bankers, bakers, real estate men, newspaper publishers and businessmen, both big and little, made their pleas.

Mr. President, these men told us how the necessary absorption of much of the tax by them would result either in higher prices for their products or curtailed service or both, and always in a handicap to them in competition **with businessmen of other states.** Community leaders feared the loss of payrolls. Labor saw the spectre of high prices, fewer jobs. These level-headed Pennsylvanians saw nothing but eventual loss to the State if the manufacturers' excise tax goes on.

Mr. President, newspaper publishers have been the target of some harsh words from the other side of this Senate. Editorial criticism of Governor Leader's kaleidoscopic tax program perhaps has piqued the leadership. At any rate, newspaper publishing is singled out for some particularly rough handling in the manufacturers' excise tax. First, the bill as originally proposed would impose a three and one-half per cent tax not only on circula-

tion, but also on the machinery, equipment and materials purchased and used to produce the newspapers and magazines. Meantime, incidentally, gross receipts of newspaper publishing's hottest competitors, radio and television, go scott-free. An exemption was proposed for circulation receipts. However, if this exemption were granted as drafted, the newspaper would lose its status as a manufacturer and thus presumably its exemption from the capital stock tax, and, meantime, the tax would fall with full effect upon the newsprint, ink, and other materials used to produce the publications. With newsprint at its highest price in history, the tax on these items will in most cases be greater than the tax that would have been collected on circulation receipts. What horrors of bookkeeping for carrier boys, rural delivery and other phases of newspaper production the tax, in any form, would produce, I shudder to contemplate.

Mr. President, an examination of the brief life history of this astonishing proposal offers an unparalleled example of executive arrogance. The first public notice of his intention to sponsor a manufacturer's excise tax was given by Governor Leader on Thursday, November 17. The proposal was introduced in skeleton form in the House on Monday, November 21, as House Bill No. 1878. A few hours thereafter, it was superseded by a later draft in the form of House Bill No. 1879. This bill, the one before us today, was given first reading on Monday, the 21st, and was debated a few hours on Tuesday, November 22. At this time a number of amendments were adopted, among them the exemptions for coal, electricity and gasoline. The amendments adopted were rushed under police escort to the printer. Late in the evening of the 22nd, the amended bill was steamrolled through the House by the majority party, in wanton disregard both of established rules of procedure and Republican protests. It was passed on third reading at 2:00 a.m., on Wednesday, November 23, just forty hours after it was introduced. Every Republican member and two Democrats voted against the bill. Testimony presented at our Senate hearings convinces me that at the time of passage of House Bill No. 1879 in its present amended form in the early hours of the morning of Wednesday, November 23, no Member of the House, the Governor, the Secretary of Revenue nor the Attorney General understood the administrative, fiscal, or economic implications and consequences of this destructive tax proposal. Never in the history of this Commonwealth has there been a more unseemly display of haste in drafting, presenting and passing legislation of this magnitude and consequence.

Even before the House steamroller hissed its last, public outcry against the bill had begun to reach Members of this Senate. Mr. President, we have all received a tremendous volume of mail, and practically none of it has favored approval of House Bill No. 1879. In letters and telegrams, our constituents have instead urged passage of a retail sales tax. Just last evening, I received this telegram from Pittsburgh which I would like to read:

"Urge you to vote no on the excise tax bill. It is still a basically unsound and untried tax that may well undermine the economy of the Commonwealth. Collection of the tax will be costly and difficult. Bookkeeping and accounting procedures enormously complicated. Amendments while well intentioned and alleviate will further complicate an already complex tax bill. Please vote no."



Signed by "I. D. Wolf, President, of the Golden Triangle Association."

I would like to point out that this is the same Mr. Wolf who is a former State Chairman of the Finance Committee of the Democratic Party, and who I believe was a National Delegate of the Democratic Party to the National Convention.

I am sure that the Democratic Senators have been deluged with the same kind of mail. Even if the thousands of letters and telegrams from all classes of citizens were to be callously disregarded, we face the evidence of the comprehensive cross section of Pennsylvania, people who left their work to appeal against this tax in the Finance Committee hearings a week or so ago. These letters and these petitions are of the thinking people of this State. Finally, we have our own consciences and our own constitutional duties to guide us in our judgment.

Believe me, Mr. President, when I say that I have studied this measure more intently than I have studied any other in my experience as a State Senator. I have searched it, Mr. President; searched it not for obscure points on which to condemn it, or for sly devices which could be used in partisan jockeying, but for ways and means of doing an honest and effective job on getting money to run the State of Pennsylvania. This tax simply does not lend itself to such an objective without wholesale revision. It would be excessively costly and practically impossible to administer, and its impact upon the business, industrial, agricultural and domestic economy of this Commonwealth would be such that any child, reading the history of this State in years to come, would condemn as despoilers of this Commonwealth the legislators who permitted it to become law.

The things I have said I can address to both sides of the aisle.

Now Mr. President, I speak particularly to the men who sit with me on the Republican side of the Senate. I must ask them to remember, even in their urgent wish to close this Session of the Legislature and return to their homes, that they must not permit either that personal urgency or the beckoning finger of political expediency to enter into their decision on the bill before us or the situation which must follow.

Only one consideration, the welfare of the people of this Commonwealth, protected within the sheltering fold of our Constitution, must be our concern. I submit, gentlemen, that the welfare of our people and the economy of our Commonwealth are jeopardized by the manufacturers' excise tax in the form in which it was originally submitted and I, therefore, urge my colleagues to defeat this bill.

Mr. WEINER. Mr. President, I desire to interrogate the gentleman from Lancaster, Senator Kessler.

The PRESIDENT. Will the gentleman from Lancaster, Mr. Kessler, permit himself to be interrogated?

Mr. KESSLER. I will, Mr. President.

Mr. WEINER. Senator Kessler, would you inform the Senate, and for my edification, if the bill today were a sales tax, would you vote for it?

Mr. KESSLER. Do you mean if the present manufacturers' excise tax were a sales tax?

Mr. WEINER. No, sir, I mean if we had a bill here today that was a sales tax, would you vote for it without any exemptions in it?

Mr. KESSLER. That is a pretty broad statement. I am ready to vote for a sales tax that is fair and reasonable. I cannot, however, commit myself to vote for a tax unseen.

Mr. WEINER. Senator Kessler, in order for us not to get into the problem of semantics, would you tell me what you mean by fair and reasonable?

Mr. KESSLER. That is a little difficult. If you will submit the bill, I will be glad to tell you whether I can vote for it or not.

Mr. WEINER. Senator Kessler, were you here during the 1953 Session?

Mr. KESSLER. I was.

Mr. WEINER. Did you vote for Governor Fine's sales tax?

Mr. KESSLER. I did.

Mr. WEINER. Was there ever a tax in the State of Pennsylvania that was known as a sales tax prior to that tax?

Mr. KESSLER. I cannot answer that. They tell me that there was.

Mr. WEINER. If it is within your knowledge, can you tell me?

Mr. KESSLER. I cannot answer that question.

Mr. WEINER. Did you consider that tax, when you voted for it, to be a new tax or one that covered unchartered waters?

Mr. KESSLER. I did not.

Mr. WEINER. In other words, there was no hesitancy on your part to vote for that tax?

Mr. KESSLER. None, because it had been used in many other States in the United States long before Pennsylvania tried it.

Mr. WEINER. Would you explain to me why there was difficulty in getting that tax bill passed and over to the Senate?

Mr. KESSLER. I do not recall, sir.

Mr. WEINER. You do not recall whether there was any difficulty?

Mr. KESSLER. I assume there was; I do not recall why or what difficulty.

Mr. WEINER. Did you consider that tax a fair and equitable tax?

Mr. KESSLER. It is as fair as most any tax is. Nobody likes taxes.

Mr. WEINER. Would you please answer my question? Did you consider that a fair and equitable tax?

Mr. KESSLER. I do.

Mr. WEINER. And you felt that tax was good for the housewives, the farmers and the general working people in this State?

Mr. KESSLER. As fair as any tax.

Mr. WEINER. Thank you.

Mr. President and Members of the Senate, I had not intended to speak on this bill today because there are some things in life that are inevitable and this is one of them. The votes are on the other side. There is no question in my mind that when this bill is called for a vote, and some of the Members are looking at the clock to see when they can disappear from here as soon as they have cast their proper ballot, and some of the gentlemen sitting around this Chamber are most anxious to get to a telephone so they can record the result to those people who are interested in it—I am sorry if I must keep them



here a little while. I would be a little remiss in my duty if I did not say a few words on what Senator Kessler has just stated. Unfortunately, I do not have a prepared speech and, therefore, I will try to be both brief and I will try to also cover some of the points that he made in this speech.

I believe that it was certainly in keeping with the season that Senator Kessler spoke about Christmas cheer and the spirit of Christmas. Unfortunately, that is missing from this body today and has been missing from this body, I think, since the inception of this State, and a careful study will show this. I made a careful study of it, having at one time been a schoolteacher where we took up the history of Pennsylvania. One of the things which was very clear to me, and is very clear to anybody who takes the trouble to study it, is that everything which has ever been done in this state has been done on a political basis and what it can do for this or that political party and the people be damned.

Unfortunately, also, this Christmas spirit will never get through to quite a number of our citizens in this State who happen to be in mental institutions and who happen to be in some of our hospitals; some of the youngsters who are not as fortunate as some of us here and who will never receive some of the benefits that will accrue to other persons who are in good health and are able to get along on their own power and do not have to depend upon the State either giving them a stipend or looking out for their welfare.

Mr. President, I am interested in Senator Kessler's remarks about his being interested in the housewives, the farmers and some of these other small people. I sat here for a full day when the hearings were going on by the Finance Committee and unfortunately, or maybe I was not listening very carefully, nobody appeared for the people. The only people who appeared here and are still here, and are still waiting to hear what the vote is, are the manufacturers and those people who are allied to those industries.

Mr. President, I would like to take exception to the Senator's remark that if this tax is passed, these industries will move out of here. That not only is not true, but there are certain surveys that have been made—one of them by the Metropolitan Life Insurance Company, which certainly is not for the Democratic Party—which stated that no industry has ever moved anywhere due to an unfavorable tax situation. They will never get into the position where they will find that their manpower, their railroad facilities, their shipping facilities, their raw material setup is as adequate as where they are now. The other part of it is that if they do move out of a certain area and even if they get a benefit—some of them have even moved to the South and some have even moved to Puerto Rico to avoid the tax situation—they find that after a very short time, the very problems that plagued them here in Pennsylvania begin to plague them there. Children do grow up. You must have schools; you must have institutions to take care of them. They place the tax load where those who are best able to share it can do so. They will find themselves in the position of building new schools, and taking care of those citizens within their population who are no longer able to take care of themselves. Therefore, they are right back where they started.

As to the position of the unions and all the working people, all the telegrams I have received are from the manufacturers, from people with special interests. I have yet to receive one from a wage earner where he said that he was against this tax program, because it really does not affect him at all. The letters, and some of the telegrams, I have received are from people who live in my District, which is true. I have checked with those people and not one of them has either written a telegram, a letter or a post card. One of the people who wrote to me against this tax, I think, had the unmitigated gall to have the people who work for him sign their names to a typewritten letter on his stationery. I certainly do not think that expresses their sentiments or their opinions. I think that is really used for a window dressing to show where he stands and by having these people who do live in my District sign it, it makes it appear as if they are the ones who really have expressed an opinion.

I doubt, Mr. President, if there are more than five or ten Members sitting in this body today who have thoroughly read this bill and who are familiar with the amendments and can speak with any kind of caution or with any kind of free wordage on this bill. Most of the Members who have come in contact with this bill have received letters either from the Chamber of Commerce or some other special interest which wants out of this bill. A number of them have called me at my office and I told them I would be very happy to discuss this matter with them at great length. When they went into the details of the bill, I found they were not only sadly lacking in understanding but had to go on to say that they would have their attorney call me and that he would discuss the bill with me further," but I am against the bill, period."

One of the Senators here related to me, after speaking to one of the manufacturers, that if we do not get the money from some place, we would have to close these institutions. He said, "Go ahead and close them. I do not care anything about it. I do not want to be taxed." It is all very well for anybody in this Senate to vote for appropriations. You can do so with impunity. People will even love you for doing it. However, when you get to a tax program, any kind of a tax program, nobody wants to vote for it and everybody wants to be excluded. If you tax the other fellow, then it becomes a good tax program. If you tax me, it is no good.

Mr. President, all the amendments, about which Senator Kessler spoke that were put in by the house, if you will review them very carefully, were all amendments that were inserted at the insistence of the special groups who said, "If you take me out of it, I think I can get you a certain number of votes for this bill or I think we can put this bill across, or we will stop the machines of public opinion against it."

Since Governor Leader has been in office, I have never seen any newspaper article that was favorable to him, much less the editorials. If he happened to do anything that, in their opinion, they felt was good, they sort of went at it in a backhanded manner by saying that it had bipartisan support or that it is a good measure and all the people in Pennsylvania should be for it. They never said that it was the Governor's own idea or that the Governor did a good job in getting it across.

Mr. President, we will not only be here this month,



next month, the following month, but we will continue to sit here until we can work out this tax problem and our budget. We have asked for public hearings on the budget. We have never gotten them. We have asked for public hearings on some of the waste that we have had in government. We have never received those either. All we can do is sit here and criticize one program after another. At that rate, all we can do is take political advantage of the situation we are now in.

This bill, whether it is acted on favorably or unfavorably today, will just lie here. Over in the House, they will take the position that there is a tax program up and if we come up with something new, we will work on that and so on, ad infinitum, ad nauseam, until all of us not only have heart attacks, but we will not be able to do any of the work that needs to be done other than just sitting up here two or three days a week.

Mr. WADE. Mr. President, unlike my predecessor who has just spoken, I was prepared to speak briefly on this very important legislation which is before us. I do not suppose there has been a measure before this body in many years that I consider as important as this one. I invite you, my colleagues, to take a walk with me. I do not mean the kind of walk the Communists take when the negotiating gets tough. I mean the kind that gives all of us a better look at the people back home who elected us, the people who depend on us to protect their futures by wise legislation and frugal fiscal policies, the people—all 11,000,000 of them—who make up this wonderful Keystone State, our own Commonwealth of Pennsylvania.

Mr. President, sometimes we get too close to the trees to see the forest. So, we had better go out to our people once in awhile and learn what they expect of us. It is not too much of a stroll. Every corner in our State has many similarities, some farms, many industrial plants and warehouses, little, medium-sized and big, in every corner of Pennsylvania. Invariably, we see workers, millions of them, good, honest, salt of the earth men and women who look to continued industrial employment for their food, clothing and shelter their families expect them to provide. We see many white collar men and women, sincere devoted, many of them physically handicapped, who earn less than the average industrial manual worker. We see schoolteachers and nurses and sales girls made secretaries, hundred of thousands of them, whose incomes well up from the industrial payrolls at the bedrock of our economic foundations. We see farmers who must sell the fruits of their long day's labor, dairy, dairy products, poultry, grain, vegetables and so on, to the families who are sustained entirely by industrial payrolls. We find tens of thousand of small businessmen who must gamble all their meager resources on continued industrial employment for their millions of customers. We find uncoun- ted thousands of retired people, in the sunset years of their lives, who often live from rents collected, in the main, from industrial workers and on the return from small industrial investments. Then we see that long, long line of housewives who have that hardest of all jobs, keeping house, making a home, raising the children and balancing the household budget more often than not on a pay check from their husbands' industrial employment and we must see the hopeful smiles of those millions and millions of future citizens who are not yet employable,

the babes in arms, the tiny toddler, the lusty grade school crowd, the hopeful but not yet sophisticated high school boys and girls, all of whose fathers and often their mothers, too, earn the family income directly or indirectly from Pennsylvania's economic bedrock, industry.

It is an inescapable fact that our great Commonwealth is, above all, an industrial State, a unit of 11,000,000 people with a common economic base, the base of industrial employment and industrial production.

We are all, everyone of us, part of this great industrial complex, the farmers, the doctors and lawyers, even the ministers, if you will, all, without exception, are linked together in this industrially sustained whole. We are 11,000,000 of God's children, all in the same boat.

When we look out over this vast expanse of humanity who people our great Commonwealth, we see them as millions of fine, hard-working, law-abiding, community-serving, sincere people. And we see the profound truth in Abraham Lincoln's immortal expression, "God must have loved the common people; he made so many of them."

Well, Mr. President and gentlemen of the Senate, these are the voters who have elected us because they had confidence and trust in us. I say that kind of confidence, that kind of trust is a sacred thing to me. I am sure it is to you, too. Well, then, the very least we can do for those who have been referred to so aptly in the collective sense as "the earning man," I say, the very least we owe them is absolute honesty. I mean absolute, uncompromising, red-blooded, one hundred per cent American honesty. Nothing less will do. That kind of honesty compels us to see things as they are. I sometimes think some legislative proposals drift away off into a fairyland, a land of make believe, where everything has its own irrational focus, like Alice in Wonderland. But we—you and I—have been elected by that earning man to keep our feet on the ground, to see things as they are, to call a spade a spade. So we must, in all honesty, see House Bill No. 1879 for what it actually is, an anti-employment bill. I repeat, House Bill No. 1879 is nothing more than an anti-employment bill. We must, in all honesty, strip it of that fairytale cloak that would try to make it appear as a cleverly contrived soak-the-rich industry scheme, a theory of government that has its very well springs in the class hatreds and the dark suspicions that have made Europe and Asia run thick with blood for uncoun- ted centuries, a theory that the avowed doctrine of today's world-wide cancer, Communism.

No, my good colleagues, our Pennsylvania people know better. They know what is beneath that cloak. They are not going to be fooled by a gold wrapper on a bale of hay. They know it is still hay. Well, then, let us not try to fool ourselves, either.

With the enactment of this anti-employment bill, we would not be providing added revenues, as it is our duty to do; we would be killing the goose that lays the golden egg, killing the very base of all our revenues. We would not be acting in the best interests of the common man or the earning man, as it is our duty to do. We would be hitting him hardest where it hurts him most, in the pay check that means bread and butter and housing and clothing and, occasionally, some of the pleasures of life for the family he loves, the family to whose well being



all his working hours are dedicated. I want to point specifically to one of the many glaring inequities in this thoughtless bill. "Company A" has three plants in Pennsylvania and two in neighboring State. All five plants are in similar production. Do you think the management of that company would be silly enough to voluntarily price themselves out of a legitimate market by paying this absurd three and one-half per cent industrial penalty when they need only to channel their production out of Pennsylvania to escape it? Would you not do the same things? Would not that action in itself reduce employment for the 15,000 present employees of that company in their Pennsylvania plants? If we face that problem like men, if we do not ostrich-like bury our heads in the sands of confusion, then there can be only one answer to those questions. That answer proves beyond any possible doubt that not only "Company A," but hundreds more in similar circumstances will inevitably pass production schedules along to out-of-Pennsylvania plants.

Let me tell you that no party pride, no political leader's ego, no preconceived notion of easy fiscal solution is worth the awful price that would be paid by the earning man, the earning man who is your boss and mine.

I repeat, House Bill No. 1879 is, in fact, an anti-employment bill. It will inevitably reduce employment, cut payrolls, stop pay increases and force a decreased value on everything that is for sale in Pennsylvania, made in Pennsylvania by the people of Pennsylvania.

When the industrial laborer—and he is the same hard working family man in your district as he is in mine—goes home to break the sad news to his wife and kiddies, the news that his plant is closing down, his job is abolished and his company is moving out of Pennsylvania, then we will have some tall explaining to do. I tell you now, that is going to happen if this anti-employment bill should pass.

I am not especially concerned about industry, itself. The self-preservation instinct is very much alive in industry. It will continue to live and prosper and give employment in some neighboring State where taxes are not nearly so burdensome, where an unfair encumbrance is not placed on industry by a politically inspired and a treacherously dishonest industrial employment penalty. Yes, industry, itself, will survive somewhere. However, I am thinking of the earning man, all six odd million of them, most of whom do not have the means to move, to sacrifice their home purchase investments in a depressed market in order to move away with their employers. The earning man with a home, with community ties, is surely going to be the unintended victim of this ruinous anti-employment bill. You have a right to ask for proof of this assertion. I tell you the proof is all around us. If we are not afraid to face it, we will see vigorous industrial growth, far greater than ours, in every one of the surrounding States and all at the expense of our own people. Ohio enjoys increased population, increased wealth and increased industrial activity and their industrial or corporate taxes are lower than ours. But then, they have a "terrible" sales tax under a Democratic administration. New York enjoys increased population, increased wealth, increased and increasing industrial employment and their industrial and corporate taxes are

lower than ours. However, they, too, have, in their largest single governmental subdivision, a sales tax encompassing more than half the State population and they have a Democratic Administration, too. Maryland, our small neighbor to the south, has been fattening up on the industry Pennsylvania seeks to discourage with still another industrial penalty, this anti-employment bill. Maryland has a fast-growing population, increasing per capita wealth and a vastly expanding industrial employment level. But then, Maryland as one of those nasty sales taxes, too. Tiny Delaware and even poor, mountainous West Virginia, both are booming with new industrial employment for the simple reason that they encourage industrial employment with industrial and corporate taxes that are already lower than ours. All those surrounding States, with fewer personal and natural advantages than we enjoy, have an industrial rate of growth far in excess of our modest gains. However, they all encourage industrial employment. In short, they do not have anything remotely resembling this proposed anti-employment bill.

Furthermore, I must warn you that the people who elected you can have no reliable estimate of the cost they must pay through increased costs of the industry that does remain here. I challenge anyone here to give an honest, reliable estimate of the out-of-pocket cost to the earning man. You cannot do it. None of you can do it, on the Democratic side or on the Republican side, because there is no precedent for it. Such a burden has never before been foisted on a free American citizen in any of the forty-eight States. You have no way of estimating what it will really cost the earning man, the man who knows he ultimately pays every tax bill.

Now, I ask you to face still another hard and unpleasant fact. Many communities in my district and yours as well are united in a valiant effort to bring in new industrial employment. I am sure most of you have similar or identical situations. These hard working people are trying to protect the future of their communities for their children. They spend time, money and an untold amount of civic effort trying to locate new industrial employment for their people. Now, I ask you to answer this soberly and honestly. Could you face those public-spirited citizens and say you are helping them when, by your vote for this vicious anti-employment bill, you would frustrate all their efforts? I could not and I will not support any legislation that runs in complete opposition to the welfare of the earning man, his wife and his children.

Let me say, however, that while I cannot and will not support this administration-sponsored anti-employment bill, I still like Governor Leader's pre-election proposal of substantially reduced expenditures with no sales taxes or other new revenues.

My record, through the tenures of six different administrations, has always shown complete agreement with sound principles of economy. I say that I like the Governor's pre-election proposal even though it sounds too much like a fairyland story to suit our hard needs for revenues to operate a soundly drawn State budget. Gentlemen, we have our work cut out for us. I do not and most of us do not want to embarrass the good people of Pennsylvania by a financial impasse that cuts deep into the many public institutions and the many services that



derive total incomes or partial financial support from our Commonwealth treasury. We have a serious obligation we must face. We must not only face it, we must act on it. But that action must be honest; that action must be courageous; and that action must be intelligently planned in the total good—present and future—of the earning man of Pennsylvania. He, the earning man, asks no sleight-of-hand tricks; he asks no special favors; he asks only for our most honest, most courageous, most intelligent efforts in putting our State back on its financial feet, a situation made doubly acute by the short-sighted, precipitous action of last August when the education tax was allowed to die, cutting off our financial nose to spite the opposing Party's face.

Mr. President, our job is simple and inescapable. We must find an honest and equitable form of education and welfare tax and we must do it without further delay as those who spoke previously have said. Let us forget about those dreamy-eyed, clever contrivances, those fancy-dan schemes of trying to put a wolf in sheep's clothing. Let us, in the words of Saint Paul the apostle, "put away childish things" and "see face to face" in this pivotal legislative session.

However, in the process of developing such an honest and equitable form of education and welfare tax, we must kill this dishonest, unequitable, anti-employment bill. Our people expect it of us. We dare not kill off their primary form of family income. We dare not drive industrial employment out of our State. We dare not pass this bill which would say, in big, bold, flashing letters, "Industrial employment not wanted here. Please take your jobs and your Mr. earning man's income elsewhere."

Mr. President, faced with such an emergency we are neither Republicans nor Democrats. We are true Pennsylvanians through and through. I appeal to you, every man, both Republicans and Democrats, to vote as true Pennsylvanians and to earn the everlasting gratitude of the earning man of our Commonwealth by defeating unanimously, if you please, this reckless, dangerous, un-American, anti-employment tax.

Mr. HALUSKA. Mr. President, I am going to make an humble request, to expedite the work of this Session, that those Members who must prepare their speeches have them prepared, hand them to the Clerk, have them printed in the Journal and in that way they can give their constituents notice of what they think about. Why should we sit here all afternoon and listen to prepared speeches? If they cannot remember long enough to give them to us, how can we remember them afterwards? It is just impossible.

I, therefore, suggest, Mr. President, to Senator Wade and my other good friends, that from now on if they have to give a prepared speech, they should prepare it and hand it in and give somebody else the floor.

Mr. WADE. Mr. President, the gentleman's request may be in order. However, over the years that I have been a Member of this Senate, I have listened to Senator Haluska very long, loud, impassionate, and very often uninteresting, but I have patiently tried to listen to him even though he had very little to offer. I do not mean to say that this discourse which I have just given is so enlightening or anything of that kind, but I do consider it a personal affront when the gentleman suggests that

we do not have the privilege of the floor of the Senate.

Mr. HALUSKA. Mr. President, the gentleman must be under a misapprehension, because I never said, and shall never say, that any person should be denied the privilege of the floor. In spite of the fact that he referred to my talks, he nor anyone else ever saw me with a written speech. My speeches come from my heart and I prepare them myself, within my own system, and not with somebody else. Evidently the speech which the gentleman from Cumberland read was not his wording. He prepared his speech with somebody else, and that is why I object so much.

Mr. President, when Senator Wade gets up to the microphone and speaks from the heart, I enjoy him very much for he is natural. This afternoon he was very unnatural.

Mr. WADE. Mr. President, may I just say very briefly that I had hoped many times that Senator Haluska had prepared his talk because he very frequently rambled around over the land surface and when he was through, I again repeat, he had said very little or anything.

I want to again say this. I would like to say, too, to the gentleman, and I am sorry the rules of our Senate do not permit me to talk directly to him, that he is absolutely wrong and that he is the bearer of a falsehood when he said that I did not prepare the talk which I just delivered to the Senate. I want him to clearly understand that; that this talk which I delivered was of my own preparation.

Mr. HALUSKA. Mr. President, although the gentleman from Cumberland does not enjoy my speeches, believe me they are mine. I speak the words and I believe in what I have said. I still insist that he had a lot of help on the speech he just read, because he was very unnatural. He was not the same George Wade whom I have known for a great many years.

Mr. WADE. Mr. President, I certainly do not want to continue this discussion because it is absolutely not on the important subject before us, but let me assure the gentleman that he is absolutely wrong when he said I did not prepare my own speech. I have no copywriter and I prepared that myself, for his information.

Mr. SILVERT. Mr. President, are we in order to revert our discussion to the bill?

The PRESIDENT. Will the gentleman yield for a moment?

Mr. MAHANY. Mr. President, I would like to go along with Senator Haluska's suggestion, but I so enjoy the presence of my friend, George Pennington, that I am afraid if we adopted his suggestion, George would not have any more work to do around the Capitol and, therefore, I cannot go along with Senator Haluska's suggestion.

Mr. SILVERT. Mr. President, is it out of order to revert to discussion of the bill on the calendar, which is House Bill No. 1879?

The PRESIDENT. I think that would be in order.

Mr. SILVERT. Mr. President, I should like to make a few brief remarks in answer to Senator Wade on this bill being an anti-employment bill.

If I felt this were an anti-employment bill, I would vote against it. There is one feature that I would like to call to the attention of this Senate and that is this. We hear



a lot of generalities that this bill is bad, that it is good and it will drive out employment. Some of the Senators received a terrific amount of mail. I have myself, for I have a lot of manufacturers in my District who tell me the bill is bad. I am told that the bill is good by my side. When you reach a situation like that, you try to do some of your own thinking in order to figure things out.

Mr. President, here is a tax on manufacturers which is supposed to drive them out of the State of Pennsylvania and I want to think concretely and not generally. I do not want to talk about General Motors or Bethlehem Steel or any of the other big corporations. I want to take, as a concrete example, the average manufacturers in the State of Pennsylvania who does approximately \$1,000,000 worth of business a year. I would like Senator Wade to hear this because he called this an anti-employment bill.

The manufacturer who sells \$1,000,000 worth of merchandise pays a three and one-half per cent tax, which would amount to \$35,000. Let us assume that in 1955 he did \$1,000,000 worth of business and that he had a reasonable net profit of \$50,000. He comes to 1956 and this bill, which is not going to pass, is presumably passed. He does his \$1,000,000 worth of business, he makes his \$50,000 and then he comes to make his Federal income tax return. Lo and behold, his accountant tells him that he made \$50,000 net on which you pay taxes, but remember this. This year, 1956, you have a tax deduction of \$35,000. You, being in the fifty per cent bracket, will, therefore, receive a saving of \$17,500 on your taxes so that instead of making \$50,000 net, you are going to make \$67,500 net. Now where is that man hurt if he passes on part of his tax saving to the consumer?

I would like one more minute to answer Senator Wade on the three manufacturing plants; one in Ohio, one in New Jersey and one in Pennsylvania. This will not hurt Pennsylvania because if he ships any of his products into Pennsylvania from New Jersey or Ohio, somebody will have to pay the tax of three and one-half per cent. If the plant in Pennsylvania ships outside of Pennsylvania, he is not subject to the tax.

Mr. President, I believe that the misconceptions of this bill are so great, and the hobgoblins built up against it have no basis. I say again that if I felt this to be an anti-employment bill, I would vote against it regardless of Caucus action.

Mr. YOSKO. Mr. President, I have a radio program every Sunday afternoon and I am going to try this Sunday to untangle the confusion which I am sure exists in the minds of the people of Pennsylvania who have been reading the headlines and the stories which appeared in the public press this week. One day the excise tax bill was to pass, the next day there was a doubt and the next day the votes that were necessary to pass it were to be provided. Even the people who were going to provide the votes were named. When I get all through, I am going to sum it up in this way. The alleged "sacrificial lambs," Senators Pecan and Mahany, were scared by the big bad wolves, Mr. Reiter and Mr. Davis, who represent the special interests here at the State Capitol. That is just the way I am going to sum it up, and that is just the situation as it is right now.

I would like to say to Senator Wade that I have been here for seven years now, or three Sessions. I think I

got to know you pretty well. I know when you write a speech and I know when you read somebody else's. I am not going to accuse you, Senator, of not writing that speech, but if you did you must have taken the sum total of those canned speeches which were presented here by the special interests at the public hearings, because the sum total of everything that you said was incorporated in the series of telegrams which I got from the people who testified here and who tried to scare me with a lot of things which were going to happen in Pennsylvania. By your statement that it was an anti-employment bill, you assumed, for those special interests, the character of an alarmist and a fear-monger. Not one single person, in my opinion, will lose their job if this bill would be passed, and not one single industry would move out of Pennsylvania, not so long as Pennsylvania can offer the economic advantages that other States cannot offer.

Mr. President, industry is here for a reason; not because our State is named "Pennsylvania," but it is here because it has water, some of the finest water that could be found anywhere in the United States. It has transportation facilities, more so than perhaps any other State. We are just a short distance from the greatest seaports in the world; New York, Philadelphia and Baltimore where the goods and the natural resources which must be brought into the State can be brought in pretty cheap. We have a great outlet here for the products which are manufactured here. This is fertile soil for industry, and that is why they are here and they are not going to move.

Your plea today, I will tell you what it was, George. It was a plea for higher, bigger and juicier profits for the special interests who do not want to pay their share of the responsibility of maintaining our schools, our hospitals and our institutions. Mr. President, that is about the size of it. George, when you talk about a sales tax, what you are trying to do is hog-tie the little guy, the little fellow, and lead them to the tax market for slaughter.

If Senator Wade or anybody else can prove to me that a sales tax at three, four or five per cent can benefit the little fellow, you can also prove to me that the Confederate Army won the Civil War. What you said, Senator was not sincere because everytime you came to something which was not embedded and a part of you, you almost choked on it and you stuttered because you did not believe it yourself. You were just reading something that the Chamber of Commerce and the special interests prepared, and you did not believe it so you choked all over it.

I only know one thing, George, that the State is in bankruptcy; it is broke. I know that a good many schools are just about ready to close. There are a lot of school-teachers who are worrying about getting their Christmas pay. I know that the State-aided institutions and hospitals have not received their quarterly payments for the end of August and the end of November, and they will not receive them for the end of February. Those are the things which are facing us. If you refuse to face up to what confronts us, I suppose there is not too much that can be done about it.

Mr. President, I was certainly sorry and sympathized with Senator Wade as I sat here and listened to him



fumble all over that speech which he prepared from something else or which somebody else prepared for you. There is something I want to tell you before I quit.

You know, we have a Republican county chairman down in our county whose name I will not mention, but he finally, after a few setbacks, decided to resign as county chairman and this is what he said in the statement which he issued. Keep this in mind, because next year is election year. The year before last, you got a terrific licking because of this sales tax which you are fighting for. You got a terrific licking, with a 1,000,000 Republican registered majority, George, by 285,000. Just imagine that. Now that is all from lousy government and people just did not go to the polls and vote the way they did without cause; there was cause for it. You are asking us now to re-enact a tax which the people repudiated and that is plain silly. The people did not want the sales tax and we do not need a sales tax in Pennsylvania. A sales tax is a tax against those least able to pay and you know it. I do not have to tell you that. To get back to the point, this is what that Republican county chairman said in his letter of resignation:

"Unless we find a way from a national and State level to appeal to the average working man, over the heads of the union leaders, to support our great party, the future looks black."

Right now, the future looks black for you. Mr. President, this man implied that because labor leaders are for some one party, the people just flock to the polls and they vote in accordance with the union's wishes, but that is not true. Who is labor, George? He is the fellow who earns his bread and butter by the sweat of his brow.

Mr. President, what this statement means, in reality, is that it you, the Republican Party and Republican leadership, do not soon start to do something which appeals to the average guy, the little fellow whom Duff always talks about but never does anything for, the situation and the future look black for you. You took a good beating last year; you got a good licking this year and you will get a good licking next year at the election that are—

#### POINT OF ORDER

Mr. MAHANY. Mr. President, I rise to a point of order.

The PRESIDENT. The gentleman from Crawford, Mr. Mahany, will state his point of order.

Mr. MAHANY. Mr. President, I think the gentleman from Northampton knows he is out of order.

I think it is very much in order that I request, at least, a five minute recess of the Senate for the purpose of gathering together certain information.

Mr. President, I withdraw my request because Senator Berger would like to say something.

Mr. BERGER. Mr. President, I desire to interrogate the gentleman from Northampton, Senator Yosko.

The PRESIDENT. Will the gentleman from Northampton, Mr. Yosko, permit himself to be interrogated?

Mr. YOSKO. I will, Mr. President.

Mr. BERGER. Mr. President, I ask the Senator from Northampton whether he has ever been invited to be present at any of the conferences in discussing the tax program on a bipartisan basis?

Mr. YOSKO. I have not.

Mr. BERGER. Mr. President, by what knowledge or authority does the Senator from Northampton County say that my vote on this tax program has been influenced, or will be, by either of the people he mentioned? Do you want me to repeat the question?

Mr. YOSKO. Yes, please.

Mr. BERGER. I think you understood it. By what knowledge or authority do you state that my vote on this tax measure will be influenced by either of the persons mentioned in your remarks?

Mr. YOSKO. Senator Berger, I just know this. I know that the newspapers named you as one of the three Senators who was going to vote for this bill. You had a chance, if you wanted to, to stand on this floor and deny whatever appeared in the newspapers. I learned from a reliable source, and it was so stated on the floor of this Senate today, that the lobbyists determined the course of the other side and that no votes would be forthcoming from the other side for this bill. If you put two and two together, you can only come to one conclusion and that is that the gentleman on the other side, especially the three who were named and never denied that they were the ones who were going to give us the votes, were also influenced by the lobbyists who marched on Harrisburg over the week end. I saw a few of them down at the Penn-Harris Hotel, myself—

Mr. BERGER. Mr. President, may I have the floor? The gentleman is not being responsive to the interrogation.

The PRESIDENT. Does the gentleman from Potter, Mr. Berger, wish the gentleman from Northampton, Mr. Yosko, to proceed in answering the questions?

Mr. BERGER. I thank the gentleman. I appreciate the fact that his additions of two and two usually come up to an odd number. Thank you.

Mr. President, I desire to interrogate the gentleman from Westmoreland, Senator Dent.

The PRESIDENT. Will the gentleman from Westmoreland, Mr. Dent, permit himself to be interrogated?

Mr. DENT. I will, Mr. President.

Mr. BERGER. Mr. President, I would ask the gentleman whether at any of the conferences, at which he and I were both present, did I at any time say that I would furnish a vote for the manufacturers' excise tax?

Mr. DENT. A man would have to be wiser than Solomon to answer that question.

Mr. BERGER. Thank you, Senator.

Mr. President, I ask the Senator whether or not I did say that I believed the specter of the sales tax should be removed before he asked me or any other Republican Senator to commit a vote for the manufacturers' excise tax.

Mr. DENT. Yes, that is true. I will say, in behalf of Senator Berger, without any restriction whatsoever, that he was forthright in his position in the matter. He said—and if he will allow me, I would like to quote what he said and if I am wrong, he can correct me.

Mr. BERGER. Mr. President, I trust that the gentleman is not reading from a newspaper.

Mr. DENT. Having only attended the eighth grade, I have an awful time reading reading, let alone reading writing. However, if the gentleman will permit me, I will say this.

Senator Berger stated in our conference, in a very



emphatic manner, that so long as the entire tax picture was muddled up by the undetermined result of a vote on the sales tax, he believed it best, in the interest of trying to reach a compromise, that the House ought to vote on the sales tax before we come to a final determination on this particular bill. Am I right or wrong?

Mr. BERGER. I thank the gentleman for an accurate statement.

Mr. DENT. Mr. President, I do not want to inject myself, but I would like to just make a few short remarks at this time.

Mr. MAHANY. I thought we were going to take a recess.

#### RECESS

Mr. DENT. All right. I move, then, with the cooperation of the other side, that the Senate recess for a period of five minutes to at least give the girl a finger break.

Mr. MAHANY. Mr. President, I second the motion.,

The motion was agreed to.

#### ARTER RECESS

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

And the question recurring,

Shall the bill pass finally?

Mr. MALLERY. Mr. President, it would be an understatement for me to say that I was amazed when I read in this morning's Philadelphia Inquirer the statement that a railroad representative had been successful in "killing this tax measure." As the elected Senatorial representative of the largest railroad area in the Commonwealth of Pennsylvania, I should like at this time not only to refute that statement with all the sincerity in my power to generate, but also to make my position on this measure clear, once and for all.

In the first place. Mr. President, when this bill first was proposed, I was among those who failed to understand completely all its varied meanings and applications at a tax on industry. I, therefore, joined with other Republicans in a request for a public hearing at which scores of representatives of business, both large and small, appeared to testify against this measure. Let me say further, Mr. President, that after all the public testimony was in and after all the more than one hundred administration amendments were placed in the bill as it now stands, I confess that I still cannot understand the full impact of this tax program.

Yet, Mr. President, as the elected Senatorial representative of the largest railroad area in the Commonwealth of Pennsylvania, I was bound to do more. I was charged by the people who elected me to find out, if I could, just what affect this bill would have on my people back home, the shopmen and railroaders, on their incomes, their livelihood and, in fact, their jobs.

This attitude, Mr. President, was in line with the general thinking that has prevailed on the Republican side in this dispute throughout the past three weeks; the thinking that we in Pennsylvania are, in truth, faced with a financial crisis; that we do have before us a bill to end that crisis and that, perhaps, we could consider that bill and amend it to guard against its inequities and, finally, pass it and go home. Parenthetically, I wish to state that I was elected at the same time that Governor Earle was elected. If my memory serves me right, I voted for most of the tax measures that were proposed to operate the State Government at that time.

It was with those things in mind, then, that I personally went to Mr. William Reiter and asked his opinion, as a railroad man, on what affect this manufacturers' excise tax bill would have upon the operation of the railroad and its affect upon those people who work for the railroad. What I found out was not good.

Let me say at the outset, Mr. President, that at no time did Mr. Reiter ask me to vote to kill this measure. I do not know what he may have said to anyone else, but I do know that at no time—I repeat—did he ask me to vote to kill the manufacturers' excise tax bill. Mr. Reiter did ask, however, that an amendment be inserted to protect the jobs of the nearly 13,000 railroad workers now employed in Altoona and vicinity, plus the thousands of other railroaders employed not only by the Pennsylvania Railroad, but by all other railroads throughout the Commonwealth of Pennsylvania.

Therefore, Mr. President, I asked Mr. Reiter to prepare for my sponsorship an amendment to this bill which would exempt materials and machinery used in railroad repair and in the construction of new railroad cars and locomotives. The same amendment, I understand, also was presented to the gentlemen on the other side of the aisle and it fell on deaf ears.

Railroads, Mr. President, are subject to the regulations of both the Interstate Commerce Commission and the Public Utility Commission. The basic duties to shippers and receivers of freight, which are now enjoined upon railroads by the Interstate Commerce Act, have come down almost unchanged from the original Act to regulate commerce which became law in 1887. These include, principally, the obligation to charge no more than a reasonable rate on fares and the duty not to discriminate in rates as between shippers, and the more general rule of equality which forbids undue prejudice and preference as between persons and localities.

Mr. President, as everyone in this room should know, it sometimes takes months and sometimes it takes years before a change in rate or a change in fares can be acted upon finally by the Interstate Commerce Commission.

There are employed in the Altoona shops, as of today, 9,300 workers with a monthly payroll of more than \$4,000,000. That was the payroll of the shopmen for the month of November. In addition, Mr. President, there are on the Pennsylvania Railroad's Altoona payroll, as of today, an additional 3,500 operating employees, with a monthly payroll of more than \$1,250,000. That was the payroll for the month of November. Totaling these figures, Mr. President, we have a total annual payroll from the Pennsylvania Railroad, alone, in the Altoona area of more than \$51,000,000 now being distributed among 12,800 workers.

It is my considered opinion, Mr. President, that passage of this manufacturers' excise tax bill would place in jeopardy the jobs of these 12,800 railroad employees because of the simple fact that a tax on materials and machinery, going into the repair or manufacturing of new railroad cars or locomotives, could not be passed on. They are the ultimate consumer. The company manufacturers its own cars. As I stated, their rates are fixed so that it would certainly work a great hardship on the railroad shopmen and railroaders in my Senatorial District.

It is my further considered opinion, Mr. President, that passage of this tax program would make a railroad ghost



town of Altoona and scores of other railroad centers throughout the Commonwealth of Pennsylvania. We all know, by past experience, that when the railroad shops are down, merchants and all other lines of business are hard hit and the entire local economy of my Senatorial District would be drastically impaired.

Mr. President, it is my final opinion that passage of this tax program would return the payless pay days, about which Senator Dent referred to yesterday, to thousands of railroad workers in my Senatorial District, as well as to workers in all sorts of industrial endeavors in my Senatorial District.

Mr. SEYLER. Mr. President, if there are other Republican Senators who desire to get up and disclaim undue influence on the part of their own personal lobbyist, I will be glad to yield. If not, I would like to make a brief statement of my own point of view on this tax measure. It is inevitable that one who is so junior should have to sit and wait until some of his elders have had their say. I have been sitting here long enough, I think, to have written a speech as long as that which Senator Wade delivered. I have not, however, and I think I can present my point of view very briefly.

Mr. President, I was impressed and intrigued by the point made by the Senator from Lancaster, when he spoke of a tendency to go out on a special type of fantasy peculiar to this Hill and seldom to look out and take a look at the realities which lie all around us. I believe that is true. As I take an occasional peek outside, I have seen some realities which have impressed me very strongly.

First of all, I have seen thousands of indigent patients in the Commonwealth who are depending on free services from the hospitals. I have seen hospital staffs and administrators who are trying to meet their budgets and who cannot do it unless they get the compensation they are entitled to from the Commonwealth. I have seen thousands of mentally ill people who will not be given an opportunity for treatment unless the appropriation can be passed to make that program possible. I know there are thousands of retarded children. I belong to an organization which has in mind the improvement of their lot. I know that they will not be able to receive the attention they need unless money is forthcoming in appropriations and in taxes to take care of them. I know there are millions of school children, and I know there are thousands of parents, who want to see those school children continue in school without a break, due to the closing of schools because of lack of finances. There are thousands of teachers who are worrying about their next pay check. I know there are thousands of administrators and board members of those school districts in the Commonwealth who are worrying at this time about having sufficient money to carry on their school programs.

Mr. President, all these realities that I have seen impress me very strongly. Other realities may impress other gentlemen. However, these impressed me. I know it is a reality, also, that in order to accomplish this, in order to take care of these needs, a tax program must be passed. Certainly this tax program that we are voting on is not the only one which can supply the money. However, earlier in the Session, we had another tax bill. I will be quite frank. That tax bill appealed to me more than this one. This is certainly a second choice as far as I am

concerned. I think so far as the Democratic Party is concerned, it is not a first choice. Perhaps it is not a first choice of the gentlemen across the aisle. I think, however, that perhaps we must all recognize that the time for first choices is past. We have reached an impasse where we can no longer expect other gentlemen in this Senate to yield to their own particular whims. Therefore, we have a tax program here, as a practical matter before us, which will help to raise the money necessary to take care of these needs.

I oppose the cutting of appropriations in the figure of \$131,000,000, or any other large figure, which will make it impossible to carry out these needed programs. That has been suggested by Members from the other side. I am opposed to it, and I shall continue to be opposed to it. I voted for one appropriation bill and as soon as I get an opportunity, I will vote for the appropriation bills that came from the House and which contain the program necessary to take care of these cases.

Therefore, Mr. President, I feel I have an obligation to vote for a tax program. I have already voted for one. I am ready to vote for this one. I want it to be very clear that I do not want the responsibility for seeing mental institutions unable to carry on, for seeing hospitals unable to carry on indigent care, for seeing the retarded children program fall and for seeing schools closed. I do not want that responsibility. If other gentlemen care to take it, that, of course, is up to them.

Mr. LANE. Mr. President and Members of the Senate, I realize that the hour is getting late and quite a number of us want to have our dinner. However, we are at a crucial point here today. None of us like taxes, but we must face realities. I know that anything I might say here today is not going to change one vote. However, I have listened to the other side in their explanations here today and I hear one Member on the Republican side say that he believes this is an anti-job piece of legislation. I heard another Member say that it is going to cause pyramiding. I heard another Member say that it is going to drive industry out of Pennsylvania, because industry cannot absorb this tax. To make a long story short, I believe that the Republican Party, on the other side, have arrived at a decision and that decision is to kill off this tax program.

Senator Dent named a few pallbearers, and I would say that we have some speakers on the other side who are going to do the embalming as far as this bill is concerned. Particularly does this apply to Senator Wade, when he shed those crocodile tears. As a matter of fact, it almost moved me to tears when Senator Wade was talking about the plight of the poor wage earner. I am wondering if he took that same position when we had a sales tax before us. You all talk about being for a sales tax. I am wondering whether if a sales tax comes over here, just how many on the other side would vote for it. Probably, as Senator Dent has said, you are going to vote for a sales tax whereby everyone is exempted except the people. If that is the case, we are penalizing ourselves.

When we look at this thing from what I would say an over-all point of view, we must pass some sort of revenue. It is up to us, as Members of the Senate, to do the job. It was mentioned here that we were elected by the people. Thank God that we are. I am glad to face



my electorate any time on this tax program. Frankly, I cannot see too much wrong with it. I would say, first, that it could be enforced. I would say, too, Mr. President, that we could probably enforce this program more than we can our tax on cigarettes or the sales tax, if you pleas. Senator Dent mentioned a little while ago about one of the most vociferous members of the opposition, Sun Ship Building. They owe the Commonwealth of Pennsylvania around \$400,000 as far as the sales tax is concerned.

Mr. President, they come here in poor grace to oppose this type of legislation, because they have not paid their obligations to the Commonwealth. Yet, they come up here and lobby against this legislation. I do not know what we are going to do, but I can tell you this. The activities of yesterday are not enhancing any of us in the eyes of all the people. We passed this legislation borrowing another \$110,000,000 and, of course, we are going to be stuck with the interest, too. I think it has been recommended by the Chairman of the Republican Caucus that probably the sales tax problem should be eliminated over in the House. I think that perhaps that would be the thing to do. However, what are we going to do in the meantime? Are we going to leave here? After you gentlemen defeat this bill, are you going to adjourn us or recess us until January 16th and during that time just loaf? Then, we will come back and be deeper in debt.

I, for one, have arrived at the definite conclusion that I am not going to put myself on the spot any more. I am not going to ask our House Members to go on the spot until they receive a definite commitment from the Majority Party as to what they are going to do in regard to a tax program. I think it is definitely unfair, as far as the rules of politics go, for you gentlemen on the other side to take the position you are taking. I was under the impression, frankly and honestly, as of a couple of days ago, that we were going to pass this tax bill. I was under that impression because I read it in the newspapers. It was imparted to us on the floor of the Senate. I was told it down in the lobby of the hotel. I was told it in our Caucus; I heard the rumors. Here we are today; I think you fellows have twenty-six votes against it. We do not have the votes and, therefore, we cannot pass it. I heard the argument on the other side, "Well, back in 1951 and 1953, you fellows did not vote for our taxes." You know, gentlemen, you did not need our votes because we were very much in the minority. If you will check the record, you will find that I voted for every tax program outside of the sales tax.

Mr. President, I am going to tell you here today that if a sales tax comes over to the Senate of Pennsylvania, I will not be able, in good conscience, to vote for it. If ever there was legislation which penalizes the small man, it is the sales tax. Even at one per cent, he was penalized. I happened to serve on the Tax Study Committee, with Members on the other side. If you look through the reports, you will find that even the Department of Labor in Washington, D. C., set forth that a sales tax penalized the small income earner because of the fact that he made the largest purchases. I know you talk about excluding food, and you talk about excluding clothing and all that sort of thing. At the same time, a three per cent sales tax is going to take a terrific hunk out of the pocket of the ordinary individual who works for a living.

I want you gentlemen to know that I receive a lot of support from people from labor. I am happy to receive that support. I feel that I receive the support of the small businessmen, because I have had the good fortune to be elected and re-elected time and time again. I feel the people of my Senatorial District have confidence in my integrity. I know that my people do not want a sales tax.

Mr. President, all this arguing about this three and one-half per cent excise tax putting business out of Pennsylvania, to my way of thinking, is a lot of tommyrot. I think that you fellows on the other side of the aisle are thinking on the other side of the street. You are probably figuring on the dividends which might be earned, due to investments. That is all true and I think of those things, too, but at the same time we have to think of the common good and what is best for the most people in this great State of ours.

Mr. President, I am not going to take up any more time because I know I am wasting my breath. It has often been said that no one reads the Legislative Journal, and I am inclined to agree. However, I want you to know that you have not sold me a bill of goods when you take this floor and one of you says that this tax is going to drive industry out as they cannot absorb it and another of you bleeds for the common man because he is going to have to pay some costs which are going to be pyramided. This just is not so. I was thinking, while one of the Members was talking, in the event industry would happen to increase wages, that, too, would cause pyramiding. In the event that the Federal Government would increase our income taxes, that would cause pyramiding too, would it not? Did you ever stop to think about competition?

You know, Mr. President, we have a Nation of free enterprise and we all want to thank God for that. Competition would take care of pyramiding, and your excuse in opposition does not hold water. As someone said before, your actions today are going to work a hardship on a lot of people.

Mr. President, I wonder how many Members on the other side ever visited Polk State School. How many Members on the other side have visited some of our overcrowded mental institutions? I wonder how many have visited some of our State hospitals. I know that those of you who have are going to sort of not sleep too well tonight. We are going to have to raise this money whether you like it or not. Your action today is going to work a hardship on the school teachers. Even though you pass this bill, which we passed yesterday, it is not going to help too much for Christmas for a lot of school teachers because lots of them are not going to have any Christmas pay.

Mr. President, who is to blame? Surely you cannot blame our side, because this is the second tax program we have placed before you. The school teachers are not doing to have any Christmas pay because there are schools in western Pennsylvania that will not be able to borrow sufficient money to pay all their teachers. They are supposed to be public servants, these school teachers, and we are supposed to respect them. As a matter of fact, we all agree that they should have an increase, but at the same time we do not have the intestinal fortitude to stand up here and actually vote our convictions.

Mr. President and gentlemen of this Senate, in my



humble opinion there is nothing wrong with this tax program that a few rules and regulations will not straighten out. I do not say that it is perfect; no, it could not be. However, in my humble opinion there is not too much wrong with it. I think if we were to pass it, we would be doing a good job for the people as a whole and I think all of us could probably spend a happy holiday. I know that when we leave here, I am going to be rather concerned because when I go back home I am going to be confronted with trustees from different hospitals, I am going to be confronted with a number of school teachers, I am going to be confronted with organizations that are interested in cerebral palsy children, and I am going to be confronted with people who have tried to get their children in Polk State School for the past five years, and what am I going to say? I will tell you what I am going to say. I am going to tell them that the Republican Party in Pennsylvania has not recognized the fact there was an election last year and that the Democrats won the election. When we won the election, do you not think, too, since it was in our platform that we would abolish the sales tax, that it is a mandate of the people? After all, the Republican Party in Pennsylvania had almost, I believe, a 1,000,000 majority and we won the election.

While I am on the floor, let me remind you of one thing. Remember in 1953, and I know most of you gentlemen remember this, when the sales tax was over in the House and a very able Republican leader from the Blue Bell district opposed it. That man I think was Fred Peters, who is a County Commissioner in Montgomery County and I believe he still holds that position; I am not sure. I always respected Fred Peters as an able politician because he used to bring a huge majority in his area for your party. At that time, he said that he would not be a party to the liquidation of the Republican Party in Pennsylvania by allowing his delegation to vote for a sales tax. If you will recall, it was his delegation in the House that held that bill up for quite some time.

Fred Peters spoke the truth. He had the foresight to see what could happen. Someone talked about the State of Maryland and their sales tax. Let me tell you gentlemen something. That sales tax happened to be the cause of the defeat of a relative of mine who was Governor of Maryland. He passed that sales tax and he was retired to private life. Remember that, when all you gentlemen on the other side argue about this sales tax feature, the political repercussions are going to be terrific.

Mr. President, I have only spoken a short time but I am going to close, and I hope that my plea has not fallen on deaf ears. However, I suppose it has. No one will read the Journal and probably the newspapers will distort my speech to suit their thinking, which they generally always do. I might as well be frank about the situation, but I have this to say. If you do not vote for this bill, you will have a tough time getting a sales tax.

Mr. YOSKO. Mr. President, I desire to interrogate the gentleman from Potter, Senator Berger.

The PRESIDENT. Will the gentleman from Potter, Mr. Berger, permit himself to be interrogated?

Mr. BERGER. I will, Mr. President.

Mr. YOSKO. Senator Berger, during the course of my remarks, based on newspaper accounts which used your name, may I ask you now whether you had made a

statement to any newspaperman or to any Member of this Senate or to any person outside the Senate that would lead the newspapers to use your name as one of the three persons who would give a vote for this tax in order to make it possible to pass it?

Mr. BERGER. Mr. President, I believe my statement to the newspapers was that I had understood that such a rumor was current, and I suggested that they permit it to remain a rumor. Otherwise, Mr. President, I did not make such a public statement.

#### REMARKS EXPUNGED FROM RECORD

Mr. YOSKO. If you did not make such a statement and your name was used in the newspapers incorrectly, and because I respect you and everybody else in this Senate, I ask that my reference to you as one of the three be stricken from the record.

(Prior remarks of the gentleman from Northampton, Mr. YOSKO, were accordingly withdrawn from the record.)

Mr. BERGER. Does that complete the interrogation, Mr. President?

Mr. YOSKO. Yes, sir.

Mr. BERGER. Mr. President, may I say this, that any remarks I might make publicly, or any statements I make publicly, have no bearing upon any statements I might have made privately and they are not the subject of interrogation.

Mr. YOSKO. Mr. President, my statement, however, still applies to those who publicly permitted their names to be used or otherwise as providing the votes and changed their minds.

While I am on my feet, Mr. President, I just want to say this about lobbyistst.

Mr. MAHANY. Mr. President—

Mr. YOSKO. It will just take me one second, Mr. President.

Mr. MAHANY. Mr. President—

Mr. YOSKO. It has something to do with the bill. It is about time, Mr. President, that we adopt some rules on the liberties of lobbyists in this Chamber. There are many of them here who do good work and are here in the interest of good legislation. However, there are two in particular who take the liberty of the same privileges that we Senators are—

Mr. MAHANY. Mr. President—

The PRESIDENT. The Chair recognizes the gentleman from Crawford, Mr. Mahany.

#### POINT OF ORDER

Mr. MAHANY. Mr. President, I rise to a point of order.

The PRESIDENT. The gentleman from Crawford, Mr. Mahany, will state his point of order.

Mr. MAHANY. Mr. President, this certainly has nothing to do with the bill. Next Monday, under Petitions and Remonstrances if the Senator wants to talk about any lobbyists or anything else that he has in mind, we will be glad to hear him, but the hour is growing late and we have several others who want to talk about this bill.

Therefore, I rise to the point of order that the gentleman is out of order as he is not talking on the bill.

The PRESIDENT. The point of order is well taken. The gentleman from Northampton will confine his remarks to the bill before the Senate.



## PARLIAMENTARY INQUIRY

Mr. MAHANY. Mr. President, I rise to a question of parliamentary inquiry.

The PRESIDENT. The gentleman from Crawford, Mr. Mahany, will state his question of parliamentary inquiry.

Mr. MAHANY. Mr. President, how many times may a Member of the Senate talk on a bill?

The PRESIDENT. The rule provides that two times will be the limit, although many, many times in this Senate I have seen that rule broken by many, many Members.

Mr. MAHANY. I just wanted to call it to the Senator's attention.

And the question recurring,  
Shall the bill pass finally?

Mr. YOSKO. Mr. President, I just want to state one sentence which has to do with the bill.

A lobbyist made a bet of a quart of whiskey that the excise tax bill would not get one vote from the other side and would be defeated. Anytime a lobbyist can make that kind of a bet, you can bet all the tea in China that he had his fingers in it and he knew exactly what was going to happen because he helped to influence the final outcome.

Mr. WATKINS. Mr. President, I do not have a prepared speech, and I will not ask to talk a second time but I would ask the privilege of maybe getting a little off from the subject of this bill, which I know is not just according to Hoyle. I also made a bet today. I bet on "Mrs. G. R." and she is out of the money, so I was informed.

Mr. President, I have been quoted on House Bill No. 1879, Printer's No. 1228, as being for this bill and also against it. I would like to say to the gentleman of the Senate that I have been against this bill from its very inception. From the first day when I spent five hours at my home reading the bill, I have been against it. Senator Pechan very reluctantly does not like to go along with a fellow who did not have a complete high school education. I am like Senator Dent. I went to the first year in high school and then I wound up in the steel mills. I have no college education, but I read this bill for five hours and when I got through with it, I knew just as much as when I had started. I did not know whether my own company would be subject to taxation under this bill. I realized that if this bill passed, I would have to call the Secretary of Revenue and ask him whether the Blue Line Transfer Company, Incorporated, came under this tax program. That, certainly, I would do reluctantly. This bill, in my opinion, is a bill that no one could vote for under its present wording. It is unreadable, and how in the world any person even with a one year high school education could vote for it, I would not know.

Mr. President, I find that this bill was drafted by people who do have college educations and certainly I am not opposed to people who have them, but I like them to display their learning so that we laymen can read the bills.

Mr. President and gentleman of the Senate, I feel as though we will be here very probably in April, May, June and July. I have a suggestion to make which, with your permission, I will make. I suggest that Senator Dent, Senator Lane and some of his other chosen leaders over there sit down with Senator Taylor, Senator Mahany,

Senator Berger and Senator Pechan and draft a bill which someone can understand and which the Members of this Senate can vote for.

Certainly, Mr. President, I feel that my county must have money for its hospitals, it must have money for its institutions and I will vote for this money when I can vote for a bill which I can read.

We are all Republicans in Delaware County, and I am very happy of that fact, just as Senator Dent's county of Westmoreland is all Democratic. It looks like it would take an avalanche out there to move him out, and it looks like it would take the same avalanche to move us out of control in my county. God knows, I always hope there will be a two party system. I always hope there will only be a Democratic Party and a Republican Party, and maybe I should say the Republican Party first.

Mr. President, we can never expect people who are conscientious to vote for this type of legislation. I have listened to a lot of oratory here today and much of it was very well phrased. I enjoyed Senator Wade's speech, even though Senator Yosko did not enjoy it. I read his speech before he made it. He might have stumbled on a word or two, but what difference is that to me? He is a college graduate.

I feel as though we have wasted the time of this Senate and perhaps I may be wasting it. Senator Watson felt that I should not talk on the bill and said to me, "Sit down, you will get nowhere anyway." Certainly, Mr. President, we know what is going to happen to this bill when we vote. We know the answer over here on the Republican side and the Democrats know it, too.

Mr. President, what I am about to say may be a little removed from the merits of the bill, but I ask your permission to go along with me. I heard a relative of mine abused. Bill Reiter is a forty-second cousin and do not ask me to explain that. As far as I am concerned, the Pennsylvania Railroad has been in the hair of the Blue Line Transfer Company since 1930. I have had to defend myself in the Superior Court of the State of Pennsylvania on several occasions. I had to borrow money to pay the lawyers. If I voted for this bill, Mr. President, I again would have to borrow money to pay the lawyers to explain to me what is in it.

Bill Reiter has never influenced me and he will never influence me as to how to vote. I respect him and I like him as a relative and as a gentleman. I have never found him to be anything other than a gentleman. It certainly is unfair to spend the time of this Senate talking about Bill Reiter influencing this delegation of twenty-six Republican over here and telling them how to vote. Yes, I will eat his food whenever he wants to buy it and I have taken food from other lobbyists, but I did not vote for their bills. What is wrong with that? I have bought dinners for him, too. I very possibly spent more on him than he ever spent on me, because he has been a little slow in picking up the check a couple of times.

Mr. President, I did not mean to be funny, but it is the truth. When my good friend, Senator Dent—and God knows I respect him for I will never go against a man who does not have a college education. I respect the things he says about his father because I loved my father, too, and he had a lot of wisdom. The things which my father taught me were good, and I remember them



today even though I am getting down the road, but not too far down the road.

I can say this, Mr. President, when he spoke of the Sun Ship Building and Dry Dock Company, I do not think he did it with malice in his heart, but I think Senator Yosko did for he always speaks with malice. He always speaks with the attitude that he wants to cut somebody apart, but I do not think Senator Dent did. Senator Dent—

#### POINT OF ORDER

Mr. HOLLAND. Mr. President, I rise to a point of order.

The PRESIDENT. The gentleman from Allegheny, Mr. Holland, will state his point of order.

Mr. HOLLAND. Mr. President, the gentleman's comments are getting very personal and he is making personal attacks.

The PRESIDENT. The point of order is well taken. The gentleman will confine his remarks to the bill before the Senate.

Mr. WATKINS. Certainly, Mr. President, you will give me the privilege of answering Senator Dent if I refrain from talking about Senator Yosko and some of his oratory, which you permitted. Do I have that privilege, Mr. President?

The PRESIDENT. The gentleman will proceed.

Mr. WATKINS. Mr. President, Senator Dent spoke of the Sun Ship Building and Dry Dock Company in the city of Chester, which is in my Senatorial District. I say to you that the County of Delaware is the finest. We have the finest manufacturers in Delaware County, that supply employment to the people of Delaware County, and we want to keep them there. I say to you that the Sun Ship Building and Dry Dock Company has been in the red for years. I understand that at the present time they are employing approximately 4,000 people. Why they employ them, I do not know. If the Watkins money had to run the Sun Ship Building yards, they would have been closed years ago because I cannot operate without a profit. They have operated at a loss for a number of years, to my knowledge, and I was informed of this by one of the stockholders of my company, a man by the name of John D. Baer, Jr., who is also a stockholder of the Sun Ship Building and Dry Dock Company and I was never informed by Harry Princeton Davis.

Mr. President, I say to you that the Sun Ship Building and Dry Dock Company would be in a bad position if House Bill No. 1879 were passed. Right across the river in Camden, New Jersey, is the Camden Ship Building and Dry Dock Company. If they can repair ships at three and one-half per cent less than the Sun Ship Building Company can repair them, then it will be their job. Today, Mr. President, maybe it would be interesting to the gentlemen of the Senate to know that in all of the whole world, as of October the 31st, there were 1879 ships under construction; ocean-going vessels. In America, how many would you guess we have? You could not guess, I know. We are building twelve of those 1879 vessels. The Sun Ship Building and Dry Dock Company, operating at a loss, did only repair work and maybe a few little paltry contracts which they can bid on, and lose money to operate, and keep people working.

Mr. President, I say to you that it would be unfair and

unjust, and I have in my desk amendments to this bill which I would insist on being adopted to take the Sun Ship Building and Dry Dock Company out if this bill were ever brought up for passage and I thought it was going to pass. I say to you, Mr. President, that it was most unfair to criticize the Sun Ship Building and Dry Dock Company because they are a credit to Pennsylvania, and to my county, by employing people which is so necessary if the Commonwealth of Pennsylvania is to continue to thrive and to be the great Commonwealth that it is.

The good Senator, and God knows I love him, John Dent; I listened to him talk. He will always be a friend of mine and I do not care what he says about me when I get through. It will not make any difference and I will not even answer him. However, the great Senator is noted for pulling figures out of the sky. He has a wealth of figures at his fingertip at all times. I do not intend to question whether the Sun Ship Building and Dry Dock Company owes \$400,000 to the State of Pennsylvania. I have no figures to argue about, and I say to the Senator that maybe it is more. If I know the Secretary of Revenue, he will charge them interest on every dollar that they owe. I can say this to the Senator, God knows I wish they owed that amount of money to me. The Commonwealth will get every dollar that is coming to them, provided it is legal and right. With their attorneys, if it is not legal and right, I can say to you that they very probably will not get five cents. I do not think Senator Dent would want them to pay the money if it was not legal and right. They certainly are good people and if they owe the money to the State, they will pay it.

Mr. President, I would like to go back and talk about Harry Davis. I will tell you how much he controls me. I called my office today to find out how much business I had done with the Sun Oil Company. I found that I have spent \$69,000 with the Sun Oil Company up to this date, and they have given me \$357 worth of business.

I say to you, Mr. President and Members of this Senate, I am going to talk to Harry Davis or I am going to talk to President Dunlop to know what is going on. Otherwise, there is going to be a new gas company for Blue Line. Harry Davis has never in his life told me how to vote and I just hope that he never dares to ever tell me how I should vote on a bill. He can talk to me and say that he would like me to do this or that and that he hopes I will do it, but Harry Davis has never told me how to vote and I hope he never dares to make that step. When he tells me what I must do, that will be the end of a great friendship between a Texan, whom I enjoy being with and respect, and myself. I shall continue to enjoy that friendship until he makes the fatal mistake.

Mr. President, I ask the gentleman on this side to vote "no" on this bill and I ask the Democrats, and my friends who I hope will always be my friends, to also join in and vote "no" and I further hope that Senator Taylor, Senator Mahany, Senator Dent, Senator Lane, Senator Haluska and your leadership soon meets to give us a bill that we can vote for.

Mr. MALLERY. Mr. President, I desire to interrogate the gentleman from Washington, Senator Lane.

The PRESIDENT. Will the gentleman from Washington, Mr. Lane, permit himself to be interrogated?

Mr. LANE. I will, Mr. President.

Mr. MALLERY. I have already asked Senator Lane



this question when he was up at my seat, in order for him to have time to get the answer.

Senator LANE, is there any prohibition in this bill against any intermediaries, such as the distributor or the manufacturer, passing on the three per cent excise tax on the manufactured price, as I understand it, to the ultimate consumer?

Mr. LANE. No, there is not, Senator Mallery. That should satisfy you because then it would be a sales tax.

Mr. MALLERY. Mr. President, I think that all of the denunciation of the sales tax is simply a hoax. The arguments have been made that they are protecting the little man. Evidently, the little man is going to pay three and one-half per cent of the cost of manufacturing on whatever he buys. Let us be frank and honest and state that while I know that every Senator here today is concerned about the poor man, however, it comes out at this late time that the poor man will have to pay the three and one-half per cent tax on the cost of manufacturing.

Mr. LANE. Mr. President, I desire to interrogate the gentleman from Blair, Senator Mallery.

The PRESIDENT. Will the gentleman from Blair, Mr. Mallery, permit himself to be interrogated?

Mr. MALLERY. I will, Mr. President.

Mr. LANE. Senator Mallery, in your statement on the floor today, I believe that you predicated your statement by saying that in view of the number of railroaders employed in the Pennsylvania Railroad shops at Altoona, you felt forced to vote against this legislation. Is that correct?

Mr. MALLERY. That is correct.

Mr. LANE. If I am not mistaken, I believe you also inferred that there was going to be a terrific tax placed upon the Pennsylvania Railroad. Is that correct?

Mr. MALLERY. As I understand the bill, and I do not pretend to understand it thoroughly, I understand that there will be a tax on every article that goes into the manufacturing of a car, whether it is a boxcar or any kind of a car, pullman car or locomotive, which the company manufactures.

Mr. LANE. Senator Mallery, under the sales tax was the Pennsylvania Railroad forced to pay a tax on the product?

Mr. MALLERY. I do not know that.

Mr. LANE. I wish to thank the gentleman.

I talked with my lawyer here, Senator Dent, who did not graduate from high school as someone has inferred on the other side, and he advises me that there will not be any tax upon the Pennsylvania Railroad; it is not a manufacturer, it is a service. I wish to also advise Senator Mallery that when you place a three per cent sales tax upon the retail price of a product, you will find that you are taking into consideration the markup of the middle man, the markup of the retailer. That would be, in most cases, around thirty or thirty-five per cent. Therefore, the three per cent sales tax would be paid upon the retail price and not the manufactured price.

Mr. PROPERT. Mr. President, I certainly did not intend to get into this discussion about House Bill No. 1879. However, my good friend, Senator Lane, from Washington County, did mention the name of a highly respected citizen from Montgomery County. I refer to Fred C. Peters.

I think if Senator Lane will check the record, he will

find that the remarks which he attributed to Mr. Peters were made in reference to a State income tax and not a sales tax. For the information of Senator Lane, I would like to inform him that a majority of the House delegation and myself, as State Senator from Montgomery County, voted for the sales tax in 1953.

Mr. PECHAN. Mr. President, I am going to try to confine my remarks to the interrogation by Senator Dent and some remarks that have been made by others.

First of all, Mr. President, while it is clear in my mind, I would like to inform Senator Lane that the Pennsylvania Railroad is a manufacturer. They have car shops, as you know, in Altoona and I read in the Philadelphia newspaper yesterday where in Hollidaysburg they are opening the largest plant in the world to make freight cars, I believe. They manufacture them. Under the old sales tax, we did collect one per cent from all manufacturers for buildings, for their machinery. I think Senator Dent knows that, because as I remarked a little while ago, on Friday, July 10, 1953, Senator Dent made an impassioned plea that we exempt machinery. I do not want to read his quotes, but he knows. He is familiar with it. It is the very same thing that I want to do. However, I want to inform Senator Lane all manufacturers in Pennsylvania paid the one per cent sales tax.

Mr. President, machinery is exempted in Ohio, but the buildings that house these machines are not exempt. They are taxable at the rate of three per cent. Pennsylvania industry did not complain too much because of the one per cent tax that they had to pay on everything in Pennsylvania, whereas in Ohio, they had to pay three per cent on the buildings but were exempt for the machinery.

Senator Dent says that Senator Pechan has changed. I want to go into the history of where Pechan said he was going to vote for this bill, whether we do it jokingly or whether we do it seriously.

I was a patient in the hospital and had a lot of time on my hands. I read the newspapers and read where Senator Dent and the Democratic Party were about to come out with a bill that sounded, according to press reports, very, very favorable to me. I thought that it was a hidden sales tax. If the gentlemen on the other side of the aisle will admit it, there was a bill prepared over that week end. It was printed on Sunday and discarded and a new bill was prepared. House Bill No. 1878 was the bill which was never presented. However, it was all drawn up and thrown away. Then, House Bill No. 1879 came out Monday. As you will recall, I was not here. I believed in the principle of the bill, as I told Senator Dent. I know and am deeply conscious—not because I am part of the so-called team, the leadership over here—that before the Democratic administration can get a tax measure passed, they must have at least three Republican votes. I am willing and ready, as I was then, to furnish one of those votes. As I understand since yesterday, they do not now only need three but they need five. However, that is beside the point. It is not Pechan who has changed; it is the bill that has changed.

Now the Pittsburgh Press has quoted me as saying something the night before last. That was before Senator Dent offered his amendments. I gave Senator Dent a lot of amendments and had they been accepted, I could have been one of the gentlemen who would have voted for this



bill. They were not accepted and, consequently, I cannot vote for the bill.

Senator Dent also made a remark about the Pennsylvania Chamber of Commerce. I do not have the privilege of belonging to the Chamber of Commerce and I receive the same literature that Senator Dent gets. I want to say this, however. The Chambers of Commerce of Ohio, West Virginia, New Jersey and Delaware are doing a mighty swell job of lobbying over on that side, because this is the type of bill they want so that they can take Pennsylvania industry out of Pennsylvania and woo it into the other States.

Another thing, Mr. President, Senator Lane and others have mentioned something about this tax. We do not realize that if this excise tax were passed, it is part of a package. It still does not provide the money that they want. They are going to come up, as I understand it, with an income tax. We are going to get our brains beat out again because we do not go for it. I have said time and time again that I will not vote for an income tax. I would not vote for an income tax under John Fine, and I am sure not going to vote for it under Governor George Leader.

Also I want to say something that has been said time and time again. One of the reasons, the most important reason that we have Governor Leader as our Governor today is because he went out and told the people of Pennsylvania that he was going to cut down on spending, that there would be no sales tax, that there would be no income tax. He just fooled the people. Now, the picture has changed. In my county, when we campaign, we campaigned on the premise—this is another thing that I want to bring up—that we are going to need at least \$100,000,000 more than we had during the last biennium because other Legislatures had mandated it. We might as well be honest and tell the people right now that come the next biennium, they are going to need 132,000,000 more dollars than mandated and more than was spent during this last biennium, mind you; not any new appropriations but mandated.

Yesterday, an argument was brought up about the Republicans because of Senate Bill No. 899, where we are trying to give the schoolteachers their just dues and the school districts their subsidies. The argument was advanced that we, because of our tactics over here, are forcing the State to pay \$1,500,000 in interest. Just stop to think what you gentlemen on the other side have done. We had the machinery all set up for the sales tax. All of the people are still working and the sales tax has been out since September. Since September, October, November and December, at the rate of one per cent—

#### POINT OF ORDER

Mr. BARR. Mr. President, I rise to a point of order.

The PRESIDENT. The gentleman from Allegheny, Mr. Barr, will state his point of order.

Mr. BARR. Mr. President, I do not think the gentleman from Armstrong, Senator Pechan, understand the bill. I am sure of that because of his actions within the last few days. Will he confine his remarks to the bill that we are debating tonight and not make a speech on what happened in Armstrong County last November? We just do not care.

Mr. PECHAN. I am not saying what happened in

Armstrong County, Senator Barr. I am trying to say that yesterday you were accusing us of costing, in interest rates, \$1,500,000. I am today accusing you people of not collecting \$7,000,000 from the sales tax. We wanted to extend it until such time as we could resolve our tax differences. No, you people said, "No, no, no, no." At one per cent, on \$7,000,000 a month, you would have had \$28,000,000.

It is not our fault. Eventually, we are going to sit down and work out a compromise.

#### POINT OF ORDER

Mr. BARR. Mr. President, I rise to a point of order.

The PRESIDENT. The gentleman from Allegheny, Mr. Barr, will state his point of order.

Mr. BARR. Mr. President, I wish the gentleman from Armstrong, Senator Pechan, if he does not understand the bill, would either sit down or confine his remarks to the bill.

The PRESIDENT. The gentleman's point of order is well taken. The gentleman from Armstrong, Mr. Pechan, will confine his remarks to the bill.

Mr. PECHAN. Mr. President, I will admit that I do not understand the bill and I do not think the other forty-eight Senators do either. There are at least twenty errors in this bill. However, that is beside the point.

Another thing Senator Dent talked about was shoes; the poor fellow. I want to say that when the sales tax comes over here, I may vote for it at the rate of three per cent, but I am going to see that the little fellow, for whom I fought two years ago—that clothing, shoes and food were exempt. I am going to see that they are exempt again before I vote for a sales tax. I never said that I would vote for a three per cent sales tax without these exemptions.

#### POINT OF ORDER

Mr. BARR. Mr. President, I persist in my point of order.

The PRESIDENT. The gentleman from Allegheny, Mr. Barr, will state his point of order.

Mr. BARR. Mr. President, if the gentleman does not understand the bill about which he is talking, he should sit down. I will be happy to get up and explain House Bill No. 1879 to him. He has taken so many positions that I am positive he has never read the bill.

Mr. PECHAN. Yes, I have.

Mr. BARR. If he has read the bill, please tell us your objections to the bill. We are not tonight debating the sales tax.

The PRESIDENT. The gentleman from Armstrong will confine his remarks to the bill before the Senate.

Mr. PECHAN. Well, let us make it very brief. I have stated two or three times my objections to the bill. They have not been removed. Pechan has not changed, but the bill has. Amen.

Mr. DENT. Mr. President, I just do not want to leave Senator Lane under any cloud in this Senate. Just as I would protect any other Members of the Senate, I would protect Senator Lane.

When Senator Lane made the remark about Fred Peters, he was quoting from a newspaper. I happened to be present at one of the conferences, and I think that it is proper for all the people to know this. Fred Peters, on the first go-round on the sales tax, did say that he



was not going to be present at the liquilation of the Republican Party and that he would not support a sales tax. The record will show that the entire delegation from Montgomery County voted "no" on the first vote in the House of Representatives on the sales tax.

I am not one to say that something happened between then and the next time they voted that convinced Fred Peters to go along. I have known Fred Peters since our early days in the House of Representatives together. I have had a great deal of respect for Fred, his word and his judgment. To prove that his judgment was right, in the following election, the Republican Party was liquidated at the polls.

Mr. President, I do not want Senator Proport to get excited over the situation, and he knows that I do not. I think he honestly believes that it was in reference to the income tax that Fred Peters made that statement. However, we happen to have in the archives the newspaper reports. If it becomes necessary, I will be glad to present them to the Senate and read the dates and the datelines. However, I do not think that is important at this point.

I want to leave now because I think most of us are tired. We know how the vote is going to go. Senator Mahany has not yet earned his fee as the Majority Leader, and he will have to get up and make some statements. However, little Senator Pechan, whom I like very much as a person, and off of the floor I think we are very close friends, has done a nice job of getting in and out. He should do that. As far as his remarks about how he has told me this and told me that, I think Senator Pechan knows, and most of the people in Pennsylvania know by now, that when they read what he says from now on, they are going to wait and see tomorrow's issue.

Mr. MAHANY. Mr. President, I am not going to take up very much time. Senator Dent said that I should say something because, after all, I am the Majority Leader over here and I probably should earn my fee.

Mr. President, we have been arguing for a long time about this bill and perhaps anything that I might say may be repetitious. There has been a lot said here that perhaps was not germane to the issue before us. I would like to try to keep on the track.

One time an old lawyer told a young lawyer, who was about to try his first case and he asked the old lawyer what he should do. He said, "Well, I will give you advice on every case you ever try. If you have the law on your side, you pound like the Devil on the law. If you have the facts on your side, you pound like the Devil on the facts. If you do not have either the law or the facts on your side, you pound like the Devil on the table." That probably is what has been happening here pretty much all afternoon.

I still have not seen any of the speakers hold up the bill and say very much about the bill, itself. I do want to go to that point because I believe that there are very few of us who have actually read the bill. The bill has changed considerably since it was first introduced in the House back on November 21st. You will notice that by looking at all the previous printer's numbers on it. I think it has gone through about five changes since it was first introduced.

Over in the House it was given hurried treatment. I think it was in print before it was even introduced. It was

introduced on November 21st and passed finally on November 23rd. Then it came over to the Senate, and Senator Kessler held a hearing. Senator Kessler and his committee held a public hearing on it. At least, we saw many, many persons from all over the State appear against this bill. Before the hearing was held, Governor Leader called upon various groups to appear before this hearing in support of the bill. Governor Leader said, "Unless this bill is passed, various groups throughout the State are going to be the next targets for subsequent legislation." He, therefore, called upon the various people interested, I presume the pop manufacturers and others, to come here and appear for this bill. However, as I remember it, there were only two people in all of Pennsylvania who came to this hearing on behalf of this bill. One was the Governor's brother and assistant, Henry Leader. He made a very nice appearance here, too, Mr. President. I want to compliment Henry. I never thought he had so much intelligence, poise and all the rest of the things that go with a proper presentation of an argument. I remember reading in John Cummings' column, in the Philadelphia Inquirer, a very complimentary editorial about Mr. Leader's appearance before this committee. The other person who appeared before the committee was Senator Dent. Of course, we all know Senator Dent and we all know that he always makes a very fine presentation and when he appeared before this Committee, he, I believe, was at his best. However, he did not talk very much about the bill. I think he took a great deal of time to lambast those people who came here against it. I think we should welcome people, throughout the State, who come here either for or against legislation. It is the only way we have of knowing, other than by their letters and communications, what they want us to do.

Now, as against those two people, we have this great number of persons representing industry, representing labor. There was a president of a C.I.O. labor union here before this committee. There were various people representing merchants, representing Chambers of Commerce and so forth. You cannot look down your nose at Chambers of Commerce. I have been a member of my local Chamber of Commerce for years, and I have been on the board and various retailers are members. Why do they belong to it? They belong because they feel the Chamber of Commerce will give them more business in their communities and in that way they will be able to do a better business in their stores and so forth.

However, Mr. President, to get to this bill, it is very ambiguous. I think if we would all go down to the University of Pennsylvania Law School and go into that center rotunda, and look up on the wall we would find engraved in stone, I believe, a statement which was made by Lord Coke. I suppose tomorrow, someone will tell me it was made by someone else. However, as I remember it, it was Lord Coke. I still remember that engraving up there which said, "The known certainty of the law is the safety of all." I believe that statement is as true today as it was when the gentleman made it. We should try, at all times, to pass laws which are not ambiguous. Let us find out, for instance, whether or not this law is ambiguous.

Also, in connection with that, Mr. President, I want to state that Adam Smith, in his monumental work in con-



nection with system of taxation, which is called "The Wealth of Nations," said, "The tax which each individual is bound to pay ought to be certain and not arbitrary. The time of payment, the manner of payment, the quantity to be paid should all be clear and plain to the contributor and to every other person."

If you gentlemen will get out your bill—it is House Bill No. 1879—and turn to page 9 of the bill, line 7, you will find that it says:

"Upon the use within the Commonwealth of all manufactured tangible personal property purchased or otherwise acquired by the taxpayer after the effective date of this Act payable by the person who uses such property at the time of his first use of such property within the Commonwealth after the effective date of this Act except where a tax imposed under this Act and computed on a basis other than rental value has been paid with respect to such property and credit has not been determined pursuant to Section Two Hundred Three (D)"

That was under subsection (A) of Section 201, which is titled, "Imposition of Tax." In order to find out what Section 203 (D) is, we have to turn to page 20, line 6, where we find section 203 (D): so let us turn over to page 20, line 6, and we find under (D)

"Actual credit in filing the return required by section four hundred twenty (b) a licensee shall be allowed the credit provided for in sections (A) and/or (B) of this section"

Therefore, in order to find out what those are, Section (A) and/or (B) of this section, we have to turn to page 17, line 10. When we turn to that place we find under (a):

"Allowance of credit there shall be allowed to a licensee a credit equal to the tax paid under subsection two hundred three (A) of this act with respect to manufactured tangible personal property"

Evidently, they do not mean "two hundred three (A)", because that has nothing to do with the subject and it must be a misprint. What they do mean is subsection two hundred and one (A), which appears back on page 8. Now when we turn to page 8, lo and behold, we have made the circuit and we are right back where we started from, under "Section 201 Imposition of Tax (A)." We have gone on the merry-go-round, and I defy any lawyer in Pennsylvania to tell me what that means.

Mr. President, it has also been stated here that this bill would be a blow against the industrial growth of our state. I can show you hundreds and hundreds of telegrams and communications which bear witness to that. Mr. President, I hold up here a box containing the communications received on this one bill alone. I presume there are a couple thousand communications in this box and every one of them is against this bill. I will just take time to read one, which is typical of the number that I have received. The letter is from the C. H. Wheeler Manufacturing Company, of Philadelphia, addressed to myself and states:

"Sir:

"The proposed manufacturers' excise tax will work a hardship on us and other medium sized manufacturers.

"Over the next five years we had planned expenditures of \$1,600,000 to cover new equipment and plant improvements to meet the growing market to our steam electric generating customers.

"The amount contemplated is almost twice the value of

our present plant. If the proposed tax is enacted we will be compelled to review our plans and to consider relocation across State lines."

Mr. President, we do not want to do anything that will injure Pennsylvania industry. We do not take this stand because we happen to love Pennsylvania industry for itself. It has been alleged that we are captives of Pennsylvania manufacturers and so forth, and the Democrats are for the little fellow and we, on this side, are for the big fellows. That does not follow at all and I believe the Democrats know that. Both the manufacturers and the people have to prosper in order for this State to prosper. You must have a healthy atmosphere for industry, in which they may hire individuals to work there and if you have a healthy atmosphere for industry, then labor is going to prosper and progress.

Without industry in Pennsylvania, we all know we would not need all these schools and hospitals which we are so worried about. Certainly, if industry moves out, then you might as well close these places because they will be ghost towns. I do not say that idly; I say that because I feel it myself and this type of legislation would be very detrimental to the industrial growth of Pennsylvania.

Mr. President, I think that if all had been fair here, we would have saved all of this time. When this bill was called up, I believe Senator Dent should have gotten up and said, "Senator Mahany, I am sorry; we are not able to keep our part of the bargain. I agreed that we would deliver twenty-three votes and we are not able to do so." From the papers, I understand that Senator Bane, in a very rough Democratic caucus yesterday, stated that he could not be fore the bill and that he was either invited out of the Caucus or left voluntarily and went home. They could not deliver their end of it in the final analysis, so there was no use of going further in connection with this thing and they could have very well obviated the necessity for all of this debate. We could have just called the roll and that would have been it.

However, Mr. President, I am glad that we did go into the details about this piece of legislation, because I believe that when the people understand what this type of legislation will do, they will be very thankful to the Republican and Democratic Senators who saw fit to vote against it. I want to say also, in that connection, that we probably are giving the nicest Christmas gift to Governor Leader that he has ever received in his life by not passing this piece of legislation. I believe that it would come to haunt him in years to come.

When I was home a couple of weeks ago, I had occasion to talk to one of my friends who runs a stationery store. He said to me, "What about that manufacturers' tax?" He seemed to be more or less for it at the time. He said, "That will be very nice for me because the manufacturers will pay the tax and I will not have to worry about it, like I did the sales tax." "Well," I said, "now just wait a minute. They only pay the tax on the manufactured items which you buy from Pennsylvania manufacturers. What about the manufacturers in the other States that you buy directly from, who do not pay this tax, and when it comes to settle in your store, if it has not been paid before it gets there, you will have to make a separate inventory of all those items and then



you will have to make a return to the State on all the items which you receive from out-of-State manufacturers and remit to the State on each of those items, and keep them all separate so that the State will know which have been paid on and which have not been paid on?" When I told him that, he threw up his hands. I do not believe that many merchants understand they would have to do that.

I think it would be impossible to police this. I do not understand, no matter how many employees you might have, how they could go into these various stores and tell what items the tax has been paid on and what items it had not been paid on.

For those reasons, Senator Yosko and others, I feel that I cannot support this tax. Now it is true, and I want to be honest with you, that since this bill came from the House, there have been those who have tried to get the Republican Caucus to give three votes for this tax, not because the bill was good but because it was not good. They felt that if we saddled Governor Leader with this tax program, the Democrats would never again get into office. For that reason, they were thinking a little bit political and you cannot blame them because after all, the Republicans are out now and they would kind of like to get back in. They feel the only way they will get back in is by some mistakes which the Democrats are making. They felt that if we gave Governor Leader this tax and come January the 1st, if it became effective, under the terms of this bill every manufactured item and every store in Pennsylvania would be subject to the tax so that when Mrs. Jones, in Titusville, went into the five and ten cent store like she used to, after January 1st, and the clerk would sell her an item, he would say, "One cent tax, please." She would say, "Why, Governor Leader told me in his campaign when I voted for him, and in his inaugural address, that I would not have to pay a sales tax anymore." She, therefore, I can imagine, would be very astounded when the clerk would say, "One cent tax, please," when she bought this merchandise.

Therefore, it was thought that the people would rise up against the man who, after he said he would not put a sales tax on them, had really done so and it was a Democratic bill. There was a temptation to do that, and we knew there would have to be three in our Republican Caucus who would have to vote for this bill. My original statement was that I thought perhaps we could go along with this, but at that time I had not seen the bill and I thought that out-of-State manufacturers could be licensed so that they would have to pay it no matter whether the thing was manufactured in California, Ohio or Pennsylvania. However, I found that this could not be done. I then stated that if the Republican Caucus decided they should give three votes for this particular measure, I would offer myself as one of those who could be called upon to give the vote. I more or less felt it was my obligation to do that, being that I was in a position of leadership. I felt that when a captain says, "Charge," he should be the first one over the trench and so I was number one. It was all, however, contingent, first, upon the fact that it would not imperil industry in Pennsylvania, that it would not pyramid the tax to the consumer and that the Republican Caucus would see fit to give three votes for this tax.

Mr. President, since I made that position known, I have

received many complaints and many communications from the people who sent me down here and they said, "We did not send you down to be just a tool of the Republican Caucus; we sent you down there because we thought you knew right from wrong. We feel that you know that this bill is wrong and regardless of who instructs you to be for it, why we want you to be against it." Those are the people who, after all, we have to listen to.

I am glad that Senator Yosko did not remove my name from those he is going to mention on his radio program as being two lambs. I guess we are down to two instead of three; he has now eliminated Senator Berger. He is going to say, as I understand, next Sunday that I changed my position because I was scared or was instructed to do so by the wolves of the Pennsylvania Railroad, Mr. Reiter, and the Sun Oil Company representative, Mr. Davis. I want to advise him right now that if he makes that statement on his radio program Sunday night, the radio station and he will have a law suit on their hands come the next day, because I hope to be able to establish that that certainly is not true. I believe it would be libelous and unless he can prove it, I hope that he either has a pretty good insurance policy to cover him on his statements over the radio or that he has dug up sufficient money that he will be able to pay me off on whatever verdict I may be able to obtain in his court down there.

Mr. President, I am finished with what I have to say about this bill. I believe I have shown that the bill is not good for Pennsylvania industry; it is not desired. Certainly we need money and I am the first to admit that Pennsylvania definitely needs money. I said it also last year when those who were running for office on the other ticket said that we did not need money. I am saying now that we do need money, but this is not the type of tax program to give the people of Pennsylvania to raise that money. I hope that sometime soon the Governor and his advisors, and the Members of the House who have charge of originating tax programs, will send over to the Senate a tax program which will be good for the people of Pennsylvania. I assure them then that I will be happy to vote for it.

Mr. DENT. Mr. President, I do not intend to take any more time this evening trying to justify the position of the Democratic contingent here in the Senate. I just want to state that I understand from the remarks of the gentleman on the other side, Senator Mahany, that he has some inside information which I am not aware of and I would like to ask a few questions.

Mr. President, I desire to interrogate the gentleman from Crawford, Senator Mahany.

The PRESIDENT. Will the gentleman from Crawford, Mr. Mahany, permit himself to be interrogated?

Mr. MAHANY. I will, Mr. President.

Mr. DENT. Senator Mahany, I understood from your remarks that you mentioned the name of Senator Bane. Will you tell us now that you had a definite assurance that Senator Bane was going to vote with the Republicans?

Mr. MAHANY. I did not say that, Senator. I read in this morning's Pittsburgh Post-Gazette the following:

"Bane told the Caucus that he could not favor the excise tax because it would be injurious to the industrial health of the Uniontown-Connellsville area. Particularly affected, it was testified at public hearings on the tax, would be an Anchor Hocking Glass expansion plan in



Connellsville. Minority Leader Dent, hotly angry because the Republicans have pulled the rug from under his tax hopes, said tonight that he will not offer anymore amendments to the excise tax in the hope of winning G.O.P. aid in passage."

I took it from that, Senator, that whoever wrote the article, and it was a man by the name of Frank M. Matthews, knew what he was talking about. In looking over there, I do not see Senator Bane here so evidently you do not expect him to show up before the roll call and, therefore, you would not have twenty-three Democratic votes over there.

Mr. DENT. Do you believe what you read in the Post-Gazette?

Mr. MAHANY. Well, some of the time.

Mr. DENT. Is this one of the times you believe it?

Mr. MAHANY. I have no reason to doubt it.

Mr. DENT. Will you consult with Senator Pechan and find out when you believe what they say and when you do not believe what they say?

Mr. MAHANY. Do you expect Senator Bane to be here and vote on this measure?

Mr. DENT. I am going to make a motion right now that we postpone the vote on this bill until Senator Bane can get here. That is how much I believe what I am talking about. I am going to make a motion, when I get through talking to you, that we postpone the vote on this bill until Senator Bane can get here. Will your three votes still be here?

Mr. MAHANY. Mr. President, the motion is not before us.

Mr. DENT. I will make the motion, but I am interrogating you, sir. Will the three Republican votes be here when we want them?

Mr. MAHANY. I do not know about that, Senator. There certainly are not three here for this bill now.

Mr. DENT. Then, sir, if there are not three Republican votes, what difference does it make how Senator Bane votes?

Mr. MAHANY. It would not have, Senator. I did not say that it would have made any difference. I said that you could have saved us by just stating that you could not deliver what you agreed to.

Mr. DENT. Who said that I cannot deliver?

Mr. MAHANY. Well, up until now, and I do not think it is going to—

#### MOTION TO POSTPONE VOTE ON HOUSE BILL No. 1879

Mr. DENT. Mr. President, I move that the vote on House Bill No. 1879, Printer's No. 1228, on final passage, be postponed until Monday, December 19, 1955.

Mr. HOLLAND. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. MAHANY. Mr. President, I ask that only those answering to their name shall be counted.

Mr. DENT. Mr. President, I do not mind the names of only those answering to their names being recorded. That is perfectly all right. There are a couple of Members of the Senate within the confines of the Capitol and if you would rather that they all be here, we will just recess until we get them.

And the question recurring,

Will the Senate agree to the motion?

Mr. DENT. I ask for a roll call, Mr. President.

Mr. BARR. I ask for a roll call, Mr. President.

#### POINT OF ORDER

Mr. BARR. Mr. President, I rise to a point of order.

The PRESIDENT. The gentleman from Allegheny, Mr. Barr, will state his point of order.

Mr. BARR. Mr. President, if Senator Bane is in good health, is he not bound to be here unless he has a leave of absence to vote on the bill?

The PRESIDENT. There is a quorum present and unless the question would be raised, he is not bound to be present even though he did not ask for a leave of absence.

Mr. BARR. Mr. President, I have a further question.

The PRESIDENT. The gentleman will state his question.

Mr. BARR. I yield to my floor leader.

Mr. DENT. Mr. President, Senator McMenamin is ill and he has a very serious eye injury. I consulted with the Republican Leader and he told me there would be no votes on their side and so in deference to Senator McMenamin's health, I called him and said, "You do not have to come down." As we all know, and I think I can honestly say, Senator Derk and Senator McMenamin would vote with the Democratic group if they were here. I think Senator Mahany will approve that statement.

The question seems to be as to whether Senator Bane has told the Republicans something that he has not told us. If Senator Bane has advised the Republicans that he is against this bill and is going to vote against it, then Senator Bane ought to be present here to vote that way.

Mr. MAHANY. Mr. President, as I understand it, we have no way of getting Senator Bane here either now or next Monday.

Mr. DENT. Mr. President, he will be here on Monday. Do you want to postpone it? He will be here on Monday.

Mr. MAHANY. Mr. President, we have been here a long time and I think the Members are now ready to vote on this bill, Senator.

Mr. DENT. Will you state to this Senate that you had no knowledge whatsoever that Senator Bane was going to vote with the Republican Party?

Mr. MAHANY. I had no knowledge that he was going to vote with the Republican Party.

Mr. DENT. Thank you very kindly.

Mr. President, I think it is an injustice to Senator Bane, after being rewarded for his participation as a Democrat over the years by being elected as a Member of the House of Representatives, by being elected as a Member of the State Senate, as a Member of the Democratic Party, and being elected a judge as a Member of the Democratic Party, that any aspersions whatsoever should be cast upon him that he would leave the friends of long standing, the party in which he has believed in principle and has voted for, and because he is not here tonight that he would vote other than the way he has voted over the years. I do not believe it is fair to Senator Bane, in any way or any manner, to cast aspersions upon his character as a politician, as a statesman and as an American, because you belong to a political party because of the things you believe and feel in. I do not believe that Senator Bane has left the Democratic Party. If anybody questions that, I would be glad to put my motion to a



test and allow Senator Bane the opportunity of returning here.

The last word I had with Senator Bane was that he was entering into a new field, a field on the side of law which was different than the field of legislative law; it was in the judicial field, and he felt that he needed as much time as he could have before he took office to be a good judge. He said to me, "Senator, are we or are we not going to vote upon this bill?" The last word I had from the Republican leadership was that the vote was not going to be moved up yesterday, and that we would not vote finally this week. I said to Senator Bane, "Well, as far as I know, you may leave."

That is the only remark I have heard from him, and until he, himself, stands on this Senate floor, which right he has both as a Senator and as an American to vote anyway that he desires, I do not believe that we ought to insinuate that he has voluntarily or in any other method left the Democratic Party at this stage of a vote on a serious measure. Therefore, Senator Mahany, I am awfully sorry that you brought up the subject. It seems to me that he should be respected for whatever position he takes. None of us ought to say whether he would vote "yes" or "no." I do not know how any man is going to vote in here, particularly, until they vote on the floor. To Senator Mahany I will say that unless he agrees on this floor that Senator Bane has made no commitment to the Republican Party to vote with them, I am going to insist that this vote be held up tonight until Senator Bane can be brought back to vote.

Mr. MAHANY. Mr. President, in the first place, the Senator knows that what he has just said is untrue because yesterday, on interrogation, he asked me when we were going to vote on this bill and I told him then that we would vote on it today. I told him that right on the floor of this Senate yesterday when he asked me about the vote. He certainly is following the advice which the older lawyer gave to the young fellow, "If you have neither the facts nor the law on your side, you pound like the Devil on the table," and I think that is what he is doing now.

Mr. President, I did not, at any time, say that Senator Bane was going to vote with the Republicans. All I said was that I understood Senator Bane was not going to be here and vote with the Democrats, and I got that information from the Pittsburgh papers. I see it here in the Evening News which is a Harrisburg paper, and just about every paper I pick up shows it. There is a very nice editorial, I understand, in the Pittsburgh Press, commending Senator Bane for putting the welfare of his State above party politics. I do not know where they got the information, but it is one of those very fine editorials.

Senator Dent, you and I have been talking back and forth, we have talked privately at times, but at no time have I ever divulged on this floor anything that you ever stated to me in private. Let us not go off the deep end here. Let us keep our heads and after this long debate, let us put this bill to a vote and vote it according to the way we said we would before.

Mr. DENT. Mr. President, it is true that Senator Mahany, under interrogation, said that they would vote today. It is also true that Senator Mahany advised me, to the best of his knowledge, yesterday afternoon that there would be no Republican votes. However, if he will remember,

Senator Bane left before this Session started. Inasmuch as he advised me that there would be no Republican votes, I did not feel that I should inconvenience Senator Bane to come back to the Senate to vote. However, if the Pittsburgh Press wrote a nice editorial about Senator Bane, I just want to advise all of you here now, I probably have received more lines of condemnation in the Pittsburgh Press than any man since Abraham Lincoln. I am sure that if tonight I were to stand on this floor and say or even insinuate that I was willing to kick my benefactors in the face, the Democratic people whom I have known over the years, they would write a beautiful epitaph for me, too. I am sure that I could receive very fine lines.

I remember a man by the name of General "Iron Pants" Johnson, who was the head of the original N.R.A., the Blue Eagle. During the days that "Iron Pants" Johnson was the head of that organization, he received more Devil and more criticism than any man in the same length of time in America. After he left the N.R.A. and started to condemn the N.R.A., he suddenly became the finest American that you ever knew. So, I say to Senator Mahany, do not read too many newspapers because if I believed the newspapers, I would believe that you and Senator Pechan were going to vote for the bill.

And the question recurring,

Will the Senate agree to the motion?

#### MOTION TO POSTPONE VOTE ON HOUSE BILL No. 1879 WITHDRAWN

Mr. DENT. Mr. President, in order to expedite matters, since I realize that no showdown will be had, I would like to withdraw my motion and let the Republicans completely destroy their Party.

Mr. HOLLAND. Mr. President, I wish to withdraw my second to the motion.

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

#### YEAS—21

Barr,	Hays,	McMenamin,	Seyler,
Camiel,	Holland,	Miller,	Silver,
Dent,	Lane,	Mullin,	Stiefel,
DiSilvestro,	McCreesh,	Ruth,	Weiner,
Donolow,	McGinnis,	Schmidt,	Yosko,
Haluska,			

#### NAYS—26

Berger,	Kessler,	Peelor,	Wade,
Blass,	Koprivier, Jr.	Probert,	Wagner,
Chapman,	Madigan,	Scott,	Watkins,
Diehm,	Mahany,	Stevenson,	Watson,
Flack,	Mallery,	Taylor,	Whalley,
Fleming,	McPherson, Jr.	Van Sant,	Wolfe,
Harney,	Pechan,		

Less than a Constitutional majority of all the Senators having voted "aye," the question was determined in the negative.

### SECOND READING CALENDAR

#### BILLS OVER IN ORDER

Mr. MAHANY. Mr. President, I ask unanimous consent that the following bills, on second reading, go over in their order:



Senate Bill No. 317, Printer's No. 394;  
 Senate Bill No. 318, Printer's No. 388;  
 Senate Bill No. 335, Printer's No. 425;  
 Senate Bill No. 446, Printer's No. 376;  
 Senate Bill No. 512, Printer's No. 396;  
 Senate Bill No. 513, Printer's No. 397;  
 Senate Bill No. 598, Printer's No. 399;  
 Senate Bill No. 599, Printer's No. 400;  
 House Bill No. 641, Printer's No. 1238;  
 House Bill No. 655, Printer's No. 258;  
 House Bill No. 756, Printer's No. 1208;  
 Senate Bill No. 820, Printer's No. 421;  
 Senate Bill No. 828, Printer's No. 389;  
 Senate Bill No. 830, Printer's No. 324;  
 Senate Bill No. 831, Printer's No. 325;  
 Senate Bill No. 832, Printer's No. 326;  
 Senate Bill No. 854, Printer's No. 415;  
 Senate Bill No. 855, Printer's No. 416;  
 Senate Bill No. 856, Printer's No. 417;  
 House Bill No. 856, Printer's No. 248;  
 Senate Bill No. 857, Printer's No. 383;  
 Senate Bill No. 881, Printer's No. 434;  
 Senate Bill No. 889, Printer's No. 404;  
 Senate Bill No. 890, Printer's No. 405;  
 Senate Bill No. 891, Printer's No. 406;  
 Senate Bill No. 892, Printer's No. 414;  
 Senate Bill No. 893, Printer's No. 407;  
 Senate Bill No. 894, Printer's No. 408;  
 Senate Bill No. 895, Printer's No. 409; and  
 Senate Bill No. 896, Printer's No. 410.

The PRESIDENT. Is there objection? The Chair hears none.

### BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 900, entitled:

An Act amending the act of July 7 1947 (P. L. 1368) entitled "Real Estate Tax Sale Law" clarifying the provisions of the act relating to private sales of certain properties by the Tax Claim Bureau

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 901, entitled:

An Act amending the act of August 9 1955 (Act No 130) entitled "The County Code" fixing the time for the annual report by the county auditors to the court of common pleas and changing the provisions relating to the appointment of depositories of county funds.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

REMAINING BILLS ON SECOND READING CALENDAR  
OVER IN ORDER

Mr. MAHANY. Mr. President, I ask unanimous consent that the remaining bills, on second reading, go over in their order:

Senate Bill No. 906, Printer's No. 430;  
 House Bill No. 1222, Printer's No. 1161;  
 House Bill No. 1223, Printer's No. 1163;  
 House Bill No. 1294, Printer's No. 1210;  
 House Bill No. 1330, Printer's No. 800; and  
 House Bill No. 1736, Printer's No. 956.

The PRESIDENT. Is there objection? The Chair hears none.

### REPORT FROM COMMITTEE

Mr. BLASS. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. BLASS, from the Committee on State Government, reported as committed, House Bill No. 1129, entitled:

An Act amending the act of May 17, 1929 (P. L. 1798) entitled "An act providing a fixed charge payable by the Commonwealth on lands acquired by the State and the Federal Government for forest reserves" requiring the Commonwealth for a limited time to pay charges to counties on certain federal forest reserves.

### HOUSE MESSAGES

#### SENATE BILL No. 813 RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives being introduced, returned to the Senate, Senate Bill No. 813, entitled:

An Act amending the "F.E.P.C." act of October 27 one thousand nine hundred fifty-five (Act No. 222) by providing that termination of employment under a bona fide retirement pension plan shall not constitute an unfair employment practice

with the information that the House has passed the same with amendments in which the concurrence of the Senate is requested.

The PRESIDENT. The bill as amended, will appear on tomorrow's Calendar.

#### HOUSE CONCURS IN AMENDMENTS TO SENATE BILL No. 218, RECALLED FROM THE GOVERNOR

He also informed the Senate that the House has concurred in amendments made by the Senate to Senate Bill No. 218, entitled:

An Act to further amend Section 2 of the act approved the twentieth day of June one thousand nine hundred forty-seven (P. L. 733) entitled as amended "An act to provide revenue in school districts of the first class A by imposing a temporary tax upon certain classes of personal property providing for its levy and collection conferring and imposing powers and duties on the county assessing authority board of revision of taxes receiver of school taxes school treasurer board of public education in such districts and courts providing for compensation to certain officers and employees and imposing penalties" by providing for the method of valuation of taxable shares of stock in any regulated investment company

Said bill having been recalled from the Governor for the purpose of amendment. The votes had on final passage and third reading were reconsidered in the Senate and the bill amended.



# HOUSE CONCURS IN AMENDMENTS TO SENATE BILL No. 531, RECALLED FROM THE GOVERNOR

Ha also informed the Senate that the House has concurred in amendments made by the Senate to Senate Bill No. 531, entitled:

An Act amending the act of May 3, 1909 (P. L. 413) entitled "An act relating to the granting of titles by the Commonwealth of Pennsylvania to vacant or unappropriated land the price to be paid for the same the conveyance to the State Forestry Reservation Commission where desirable for forest culture or forest preservation preventing the granting of warrants for the beds of navigable rivers and providing for acceptance of returns of surveys without limitation as to excess or surplus" providing for and regulating the granting of warrants or other office rights and easements in across and under the beds of navigable rivers for sewer lines and other facilities of sewage treatment systems

Said bill having been recalled from the Governor for the purpose of amendment. The votes had on final passage and third reading were reconsidered in the Senate and the bill amended.

# HOUSE CONCURS IN AMENDMENTS TO HOUSE BILL No. 1172

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 1172, entitled:

An Act amending the act of June 14, 1923 (P. L. 710), entitled "Boxing and Wrestling Law," prohibiting the use of a fictitious or assumed name for the purpose of participating in any amateur boxing match or exhibition.

# HOUSE CONCURS IN SENATE CONCURRENT RESOLUTION

He also informed the Senate that the House has concurred in resolution from the Senate as follows:

# RECALLING SENATE BILL No. 722 FROM THE GOVERNOR

Resolved (if the House of Representatives concur), that Senate Bill No. 722, Printer's No. 265, entitled "An act amending the act of May 1 1929 (P L 905) entitled 'An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds' regulating issuance of registration plates to newspaper newsreel or television photographers," be recalled from the Governor for the purpose of amendment.

# BILLS SIGNED

The President (Lieutenant-Governor Roy E. Furman) announced that the Chief Clerk having reported that the following bills had passed both houses of the General Assembly and the same being correct, the titles were publicly read as follows:

Senate Bill No. 190, entitled:

An Act amending the act of March 10, 1949 (P. L. 30) entitled "An act relating to the public school system including certain provisions applicable as well to private and parochial schools amending revising consolidating and changing the laws relating thereto" further regulating the employment of teachers who are related to members of the board of school directors

Senate Bill No. 192, entitled:

An Act providing for and regulating the licensing and practice of practical nursing imposing duties on the State Board of Nurse Examiners and imposing penalties

Senate Bill No. 365, entitled:

An Act regulating the sale and possession of certain dangerous drugs in the interest of public health and imposing penalties

Whereupon,

The President (Lieutenant-Governor Roy E. Furman) in the presence of the Senate signed the same.

# BILLS ON FIRST READING

Mr. MAHANY. Mr. President, I move that the Senate do now proceed to the first reading of all bills reported from committees for the first time at today's session.

Mr. DIEHM. Mr. President, I second the motion, ,  
The motion was agreed to.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 78, entitled:

An Act amending the act of March twenty-seventh one thousand nine hundred and twenty-nine (P. L. 84) entitled "An act to fix the fees to be charged by coroners in counties of the second class" increasing fees to be charged.

And said bill having been read at length the first time.  
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 814, entitled:

An Act amending the act of June 11, 1915 (P. L. 938) entitled "An act to regulate and establish the fees to be charged and collected by the several clerks of the courts of oyer and terminer general jail delivery and quarter sessions of the peace in counties of this Commonwealth . . ." changing and fixing fees in counties of the second class.

And said bill having been read at length the first time.  
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 1129, entitled:

An Act amending the act of May 17, 1929 (P. L. 1798) entitled "An act providing a fixed charge payable by the Commonwealth on lands acquired by the State and the



Federal Government for forest reserves" requiring the Commonwealth for a limited time to pay charges to counties on certain federal forest reserves.

And said bill having been read at length the first time.  
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 1267, entitled:

An Act amending the act of July 28 1953 (P. L. 723) entitled "Second Class County Code," increasing the annual salaries of certain officers in counties of the second class.

And said bill having been read at length the first time.  
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 1923, entitled:

An Act making an appropriation to the Department of Public Assistance and providing for certain allocations therefrom for the purpose of carrying out the Public Assistance Law for the two fiscal years beginning June first one thousand nine hundred fifty-five.

And said bill having been read at length the first time.  
Ordered, To be laid aside for second reading.

### ADJOURNMENT

Mr. MAHANY. Mr. President, I move that the Senate do now adjourn until Monday, December 19, 1955, at 3:00 o'clock, p. m., Eastern Standard Time.

Mr. HAYS. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 7:55 o'clock, p. m., Eastern Standard Time, until Monday, December 19, 1955, at 3:00 o'clock, p. m., Eastern Standard Time.

## HOUSE OF REPRESENTATIVES

WEDNESDAY, December 14, 1955.

The House met at 1:00 p. m.

The CHIEF CLERK. The Speaker has instructed the Chief Clerk to announce that he has designated Representative Rubin of Philadelphia as Speaker pro tempore for the purpose of today's session.

The gentleman will come to the rostrum.

Mr. RUBIN IN THE CHAIR

### JOURNAL APPROVAL POSTPONED

The SPEAKER pro tempore. If there is no objection, the approval of the Journal for Tuesday, December 13, 1955, will be postponed until printed. The Chair hears none

### BILLS INTRODUCED AND REFERRED

By Messrs. TOMPKINS and McCANN

HOUSE BILL No. 1934.

An Act amending the "Vital Statistics Law of 1953," approved June 29, 1953, making it unlawful for unauthorized persons to copy, duplicate or issue certificates of birth, death or fetal death.

Referred to the Committee on Judiciary.

By Mrs. REIBMAN and Mr. FOSTER.

HOUSE BILL No. 1935.

An Act amending the act of May 31, 1947 (P. L. 377), a supplement to the State Employees' Retirement Law, providing for credit for time spent by employees of the Bureau of Unemployment Security in the Department of Labor and Industry as employees of the United States Government.

Referred to the Committee on Appropriations.

By Messrs. CIOFFI, McCANN, HELM and McINROY.

HOUSE BILL No. 1936.

An Act amending the "Public School Code of 1949," approved March 10, 1949, (P. L. 30), authorizing expanded audio-visual education programs and matching of State and district moneys for payment of costs thereof.

Referred to the Committee on Education.

By Mr. TOMPKINS.

HOUSE BILL No. 1937.

An Act authorizing the Department of Forests and Waters, the Game Commission and the Fish Commission, to grant permits for prospecting for minerals on lands of the Commonwealth, and to lease such lands on a royalty basis to permittees having discovered valuable deposits.

Referred to the Committee on Conservation and Wild Life.

By Mr. TOMPKINS.

HOUSE BILL No. 1938.

An Act amending "The Fiscal Code" approved April 9, 1929 (P. L. 343), authorizing payment by the Commonwealth of compensation to informers who give or in certain cases have heretofore given notice that the Commonwealth is the owner and entitled to possession of certain real property.

Referred to the Committee on Rules.

By Messrs. BRETH, William B. SMITH and WILT.

HOUSE BILL No. 1939.

An Act amending "The Game Law," approved June 3, 1937 (P. L. 1225), authorizing use of money from resident hunter's fees for controlled burning of marginal and sub-marginal game land.

Referred to the Committee on Conservation and Wild Life.

By Messrs. BRETH, William B. SMITH and WILT.

HOUSE BILL No. 1940.

An Act amending "The Game Law," approved June 3, 1937 (P. L. 1225), requiring use of certain fees for removing overshadowing tree growth to produce underbrush, sprouts and saplings for deer food and cover.

Referred to the Committee on Conservation and Wild Life.

### RESOLUTIONS INTRODUCED AND REFERRED

By Messrs. NEEDHAM and BELL.

RESOLUTION No. 138.

In the House of Representatives, December 13, 1955.

The magnificent grants totalling a half billion dollars made by the Ford Foundation to self-supporting hospitals and colleges throughout the nation establishes a new high in generosity.

Fifty seven colleges located in Pennsylvania will be enabled to further their efforts to prepare students to assume leadership in the industrial and commercial endeavors of Pennsylvania and her sister states. Forty



hospitals in Central Pennsylvania have received aid in their efforts to combat the ills of humanity. Throughout the United States educational and medical activities of schools and hospitals will be aided. The benefits to be derived from the far sighted generosity of the Ford Foundation will be enjoyed throughout this nation, and will go far to help it maintain its high standards of education and medical research and practice; therefore be it

Resolved, That this House of Representatives extends its sincere thanks to the Ford Foundation for the material aid given to the vital fields of higher education and hospitalization; and be it further

Resolved, That this House of Representatives congratulates the Ford Foundation on the fine example which it has set in demonstrating that the heart and mind of America is ever bent on improving the lot of humanity through providing educational and material opportunities for those who seek and deserve the chance to be of service; and be it further

Resolved, That a copy of this resolution be sent to the Ford Foundation.

Referred to the Committee on Rules.

By Messrs. BOWER and CHARLES C. SMITH.

RESOLUTION (Not Printed).

In the House of Representatives, December 13, 1955.

Whereas, President Eisenhower, in recently congratulating the first convention of the merged AFL and CIO, said, "labor relations will be managed best when worked out in honest negotiation between employees and unions, without Government's unwarranted interference," and

Whereas, the President said labor "in your new national organization, as well as in your many constituent organizations, you have a great opportunity of making your meetings the world's most effective exhibit of democratic processes," and

Whereas, James P. Mitchell, Secretary of Labor, stated that "the merger of the American Federation of Labor and the Congress of Industrial Organizations is a high moment in American history," and "will be a great force for good in the land," and

Whereas, Secretary Mitchell also said, "I congratulate all America which will benefit from the statesmanship of George Meany and Walter Reuther and the others who made the dream of unity come alive," and

Whereas, Pennsylvania is a great industrial state which has prospered fabulously in bygone decades from its industries, its mining and its commerce, and

Whereas, the more than 4,000,000 persons employed in non-farm pursuits have contributed mightily to this prosperity and this industrial growth, and

Whereas, the AFL and CIO have been in the forefront in attaining the common goal of better wages, better working conditions and protection of the security of working men and women, and

Whereas, the merger of these two great labor organizations will enhance their opportunities to help the public correct the faulty, fortify the good, build stoutly for the future and reinforce the most cherished freedoms of each individual citizen,

Therefore be it resolved That the House of Representatives congratulate the Pennsylvania Federation of Labor and the Pennsylvania Council of Industrial Organizations, their officers and their members, for their part in this great forward step in the American labor movement.

Referred to the Committee on Rules.

## COMMUNICATION FROM GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILLS NOS. 748, 749, 820, 1473, 1512, 1613, 1620, 1626 and 1690.

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, December 13, 1955.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 748, Printer's No. 585, entitled "An Act amending the act of June 17, 1913 (P. L. 507) entitled 'An act to provide revenue for State and county purposes and in cities coextensive with counties for city and county purposes imposing taxes upon certain classes of personal property providing for the assessment and collection of the same providing for the duties and compensation of prothonotaries and recorders in connection therewith and modifying existing legislation which provided for raising revenue for State purposes' by making said act applicable to all taxes heretofore and hereafter levied and remaining uncollected."

GEORGE M. LEADER.

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, December 13, 1955.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 749, Printer's No. 525, entitled "An Act amending the act of June 17, 1913 (P. L. 507) entitled 'An act to provide revenue for State and county purposes and in cities coextensive with counties for city and county purposes imposing taxes upon certain classes of personal property providing for the assessment and collection of the same providing for the duties and compensation of prothonotaries and recorders in connection therewith and modifying existing legislation which provided for raising revenue for State purposes' by allowing appeals in certain cases to be taken to the County Court of Allegheny County."

GEORGE M. LEADER.

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, December 13, 1955.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 820, Printer's No. 1089, entitled "An act amending the Act of July 28, 1953 (P. L. 723) entitled 'An Act relating to counties of the second class amending revising consolidating and changing the laws relating thereto' further regulating the repayment of money collected upon forfeited recognizances and the satisfaction of judgment liens against real property arising therefrom."

GEORGE M. LEADER.

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, December 13, 1955.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 1473, Printer's No. 699, entitled "An Act amending the act of March 10, 1949 (P. L. 30) entitled 'An act relating to the public school system including certain provisions applicable as well to private and parochial schools amending revising consolidating and changing the laws relating thereto' clarifying the taxing power of school districts of the second third and fourth classes to pay the minimum salaries and increments of the teaching and supervisory staff."

GEORGE M. LEADER.

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, December 13, 1955.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 1512, Printer's No. 599, entitled "An Act authorizing cooperative return of



parole and probation violators and the making of contracts or deputization of persons pursuant thereto."

GEORGE M. LEADER.

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, December 13, 1955.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 1613, Printer's No. 945, entitled "An act to further amend section 1 of the act approved the thirteenth day of June one thousand nine hundred seven (P. L. 640) entitled 'An act to provide revenue by levying a tax upon the shares of stock of companies incorporated under the provisions of section twenty-nine of an act entitled "An act to provide for the incorporation and regulation of certain corporations" approved April twenty-ninth one thousand eight hundred and seventy-four and the supplements thereto for the insurance of owners of real estate mortgages and others interested in real estate from loss by reason of defective titles liens and encumbrances and of companies entitled to the benefits of and of companies having any of the powers of companies entitled to the benefits of an act entitled "An act conferring upon certain fidelity insurance safety deposit trust and savings companies the powers and privileges of companies incorporated under the provisions of section twenty-nine of an act entitled 'An act to provide for the incorporation and regulation of certain corporations' approved April twenty-ninth Anno Domini one thousand eight hundred and seventy-four and of the supplements thereto" approved June twenty-seventh one thousand eight hundred and ninety-five commonly known as title insurance or trust companies' by requiring every title insurance or trust company bank and trust company or trust company to compute and pay the State tax on shares of capital stock when making reports and extending the date for making such reports."

GEORGE M. LEADER.

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, December 13, 1955.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 1620, Printer's No. 768, entitled "An act amending the act of June 11, 1935 (P. L. 326) entitled 'An act relating to counties of the first class defining deceased service persons providing for contributions by the county to the funeral expenses for such persons and their widows providing for the erection and care of markers headstones and flags and for the compilation of war records' extending the definition of 'deceased service persons' to include service personnel serving in an armed conflict."

GEORGE M. LEADER.

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, December 13, 1955.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 1626, Printer's No. 784, entitled "An act amending the act of May 21, 1943 (P. L. 302) entitled as amended 'An act providing for the admission of children to and their education and maintenance in and their discharge from the Scotland School for Veterans' Children prohibiting discharging children or taking children from said school or children from leaving the same without an order of the Board of Trustees of the Scotland School for Veterans' Children and prescribing penalties' extending its provisions to children of veterans of armed conflicts."

GEORGE M. LEADER.

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, December 13, 1955.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 1690, Printer's No. 777, entitled "An Act amending the act of May 21, 1943 (P. L. 322) entitled 'An act providing for the issuance of certified copies of death birth and marriage certificates and divorce decrees by county officers free of charge to disabled war veterans and their dependents in death and compensation cases and prescribing penalties' extending its provisions to veterans of armed conflicts."

GEORGE M. LEADER.

## SENATE MESSAGE

### SENATE BILLS FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence, bills numbered and entitled as follows:

#### SENATE BILL No. 772.

An Act to amend the act approved the third day of June one thousand nine hundred forty-three (P. L. 818) entitled "An act for the extension of Capitol Park in the City of Harrisburg and for the acquisition of real estate in connection therewith and for the demolition of the buildings and structures thereon \*\*\*\*" by empowering and directing the Department of Property and Supplies to acquire by purchase or condemnation all lands buildings and property which will permit the construction by said Department of an extension of East Street (Commonwealth Avenue) northwardly from Forster Street to connect with Sixth Street and making an appropriation.

Referred to the Committee on State Government.

#### SENATE BILL No. 841.

An Act to promote the welfare of the people of this Commonwealth creating Port Authorities to function in counties of the second class as bodies corporate and politic with power to plan acquire construct maintain and operate facilities and projects for the improvement and development of the port district and to borrow money and issue bonds therefor providing for the payment of such bonds and prescribing the rights of the holders thereof authorizing the authorities to enter into contracts with and to accept grants from the Federal government or any agency thereof and conferring exclusive jurisdiction on certain courts over rates and services and authorizing the authorities to collect tolls fare fees rentals and charges for the use of facilities defining the authorities' powers and duties and defining the port districts.

Referred to the Committee on Cities—Counties Second and Second Class A.

#### SENATE BILL No. 899.

An Act making an appropriation to the Department of Public Instruction for the payment of certain overdue reimbursements to school districts and authorizing temporary loans for the immediate payment thereof

Referred to the Committee on Appropriations.

## SENATE MESSAGE

### RECALLING SENATE BILL 475 FROM GOVERNOR

The Clerk of the Senate being introduced presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, December 8, 1955.

Resolved (if the House of Representatives concur) that Senate Bill No. 475, Printer's No. 145, entitled "An act amending the act of August 22, 1953 (P. L. 1344) entitled 'An act relating to marriage and amending revising



consolidating and changing the law relating thereto' further regulating the issuance of marriage licenses when applicants are infected with syphilis," be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

On the question,

Will the House concur in the resolution of the Senate?

It was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

### RESOLUTION

#### RECALLING HOUSE BILL No. 445 FROM THE GOVERNOR

Mr. READINGER offered the following resolution which was twice read, considered and adopted:

In the House of Representatives, December 14, 1955.

Resolved (if the Senate concur), that House Bill No. 445, Printer's No. 1132, entitled "An act amending the act of May 1, 1929 (P. L. 905) entitled 'An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds' further regulating passing school buses and eliminating school bus stop signs," be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk present the same to the Senate for concurrence.

### RESOLUTION

#### RECALLING HOUSE BILL No. 620 FROM THE GOVERNOR

Mr. READINGER offered the following resolution which was read, considered and adopted:

In the House of Representatives, December 14, 1955.

Resolved, (if the Senate concur), that House Bill No. 620, Printer's No. 1042, entitled:

An Act amending the act of May 1 1929 (P. L. 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates alder-

men justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" further regulating speed in certain political subdivisions further prescribing enforcement and penal provisions and imposing duties on certain pedestrians

be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk present the same to the Senate for concurrence.

### BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1349 entitled:

An Act making it unlawful for any person to carry on any business under an assumed or fictitious name, style or designation, corporate or otherwise, unless upon advertisement and the filing of an application to that effect in the office of the Secretary of the Commonwealth and of the prothonotary \*\*\*

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1395 entitled:

An Act amending the act of May 1, 1913 (P. L. 155) entitled "An act regulating the letting of certain contracts for the erection, construction and alteration of public buildings," further regulating the letting of such contracts

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1570 entitled:

An Act amending the "Jury Law Second Class County" approved May 11 1925 (P. L. 561) authorizing the president judge of the court of common pleas to transfer and assign jurors summoned to serve in any court civil and criminal of the county and changing form of venire and summons to comply therewith

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1846 entitled:

An Act relative to Commonwealth printing establishing requirements of responsible bidders prohibiting the award of contracts for such printing to other than responsible bidders as certified by the Secretary of Labor and Industry and prescribing penalties

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1894, entitled:



An Act amending "The Penal Code" of June 24 1939 (P. L. 872) making it unlawful to listen into deliberations of juries and for unauthorized persons to be present in grand jury room

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1911 entitled:

An Act amending the "Municipality Authorities Act of 1945" approved May 2 1945 (P. L. 382) further regulating the sale of Authority bonds

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1914 entitled:

An Act authorizing the Department of Property and Supplies with the approval of the Governor to sell and convey one acre and eighteen square perches more or less of land situate in Buckingham Township Bucks County

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1921 entitled:

An Act making certain warrants for the confession of judgment executed in connection with contracts relating to repairs alterations additions or improvements to buildings invalid and unenforceable and restricting the right to enter judgment by confession upon warrants executed in connection with contracts relating to repairs alterations additions or improvements to buildings

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of Senate Bill No. 442, entitled:

An Act amending "The Administrative Code of 1929" (P. L. 177) \*\*\* abolishing the State Osteopathic Surgeons' Examining Board

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of Senate Bill No. 460, entitled:

An Act amending the act of April 9 1929 (P. L. 343) entitled "An act relating to the finances of the State government \*\*\* changing provisions relating to the time for filing of certain petitions for refunds

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of Senate Bill No. 480, entitled:

An Act amending the act of May 25, 1951 (P. L. 415) entitled "An act relating to habeas corpus conferring jurisdiction upon the judges of the courts of common pleas \*\*\* extending jurisdiction as to habeas corpus to courts of quarter sessions

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of Senate Bill No. 574, entitled:

An Act authorizing the Pennsylvania Historical and Museum Commission to acquire by gift the Old Brown's Mill building and project in Antrim Township Franklin County and providing for its maintenance and control.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of Senate Bill No. 582, entitled:

An Act amending the act of August 19, 1953 (P. L. 1104) entitled "An act relating to the acknowledgement of instruments \* \* \* extending affidavit provisions to include the spouse of a member of the armed forces.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of Senate Bill No. 729, entitled:

A Joint Resolution proposing an amendment to article two section four of the Constitution of the Commonwealth of Pennsylvania by providing for annual sessions of the General Assembly.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of Senate Bill No. 767, entitled:

An Act amending the "County Code" approved August 9, 1955 (Act No. 130) \* \* \* changing technical provisions with respect to plans required to be submitted to the county planning commission.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of Senate Bill No. 780, entitled:

An Act amending the "Fire and Bankruptcy Sales etc Act" approved July 2, 1937 (P. L. 2821) \* \* \* making the provisions of the act effective in municipalities and townships further regulating statements of inventories further regulating the issuance renewal denial and refusal of licenses and the conduct of sales designating certain actions as violations of the act authorizing appeals from refusal or denial to issue licenses.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

## BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1898, entitled:

An Act amending the act of July 28, 1953 (P. L. 723) entitled "An act relating to counties of the second class amending revising consolidating and changing the laws relating thereto" further providing for and changing the



provisions of the act relating to employes' retirement system and the powers, duties and liabilities of the county, the county institution district and the retirement board relative thereto and the rights, privileges and limitations of employes and beneficiaries under the retirement system.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1915, entitled:

An Act amending the act of May 22, 1935 (P. L. 233) entitled "An act creating and establishing a fund for the care, maintenance and relief of aged, retired and disabled employes of the Bureau of Police in cities of the second class providing a pension fund for said employes and providing for the payment of certain dues, fees, assessments, fines and appropriations thereto regulating membership therein creating a board for the management thereof providing the amount, mode and manner of payment to beneficiaries thereof and for the care and disposition of said fund providing for the payment into the fund by cities of the second class of all monies heretofore payable into any other funds, organizations, corporations or associations having the same or similar purposes and of such additional monies as may be necessary to carry out the provisions of this act" changing the amount of payments to certain beneficiaries.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1916, entitled:

An Act amending the act of May 25, 1933 (P. L. 1050) entitled "An act creating and establishing a fund for the care, maintenance and relief of aged, retired and disabled employes of the bureaus of fire in cities of the second class creating a board for the management thereof providing the mode and manner of payment of beneficiaries and for the care and disposition of its funds and providing for the transfer and payment of all moneys and securities in existing funds in similar boards superseded by the fund and board herein created" changing the amounts of payments to certain beneficiaries.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1922, entitled:

An Act reenacting and amending section 4 of the act of May 28, 1915 (P. L. 596) entitled "An act requiring cities of the second class to establish a pension fund for employes of said cities and regulating the administration and the payment of such pensions" increasing the amount of pensions in certain cases.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate Bill No. 524, entitled:

An Act amending the act of May 1, 1929 (P. L. 905), entitled "An act for the protection of the public safety;

regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees and miscellaneous receipts; making an appropriation and providing for refunds," defining transit mix vehicles, and fixing registration fees and permissible weights therefor.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate Bill No. 835, entitled:

An Act amending the act of August 9, 1955 (Act No. 130) entitled "An act relating to counties of the third, fourth, fifth, sixth, seventh and eighth classes amending, revising, consolidating and changing the laws relating thereto" authorizing the appointment of solicitors by clerks of the court of quarter sessions and over and terminer in third, fourth and fifth class counties and prescribing their duties.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

## BILLS ON FINAL PASSAGE

### BILLS PASSED OVER

There being no objection

House Bill No. 323, Printer's No. 1239

House Bill No. 1311, Printer's No. 1102

House Bill No. 1314, Printer's No. 1240 and

House Bill No. 1750, Printer's No. 1221

were passed over at the request of the SPEAKER pro tempore.

## PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. POLEN requested permission for the Committee on Appropriations to meet during the session of the House.

Mr. JOHNSON. Mr. Speaker, I just heard you announce a meeting of the Appropriations Committee. I would like to interrogate the gentleman from Washington, Mr. Polen.

The SPEAKER pro tempore. Will the gentleman from Washington, Mr. Polen, permit himself to be interrogated?

Mr. POLEN. I shall, Mr. Speaker.

Mr. JOHNSON. Mr. Polen, I realize you are having a committee meeting for an express purpose, to get out a bill which we feel should be passed before we recess.

The thought has occurred to me that today there was referred to the Committee on Appropriations Senate Bill 899, Printer's No. 418, which has been greatly publicized



in the newspapers as a quick way for taking care of the desperate situation in our schools. As you know, that bill provides that the state can issue, if necessary, \$110 million worth of tax anticipation notes so that the schools can be paid approximately \$95 million in subsidy payments and \$14 million transportation payments.

My question is, Mr. Polen, realizing the fact that we may have only a two-day session next week, would you mind in your brief meeting bringing this bill up for consideration with the possibility of its being reported to the floor so that we Members will have a chance to look it over and possibly vote on it next week?

Mr. POLEN. Mr. Speaker, in reply to the question of the gentleman from McKean, Mr. Johnson, I would say that we have not yet received the bill in the Appropriations Committee.

Mr. JOHNSON. Mr. Speaker, would it not be possible for the gentleman to go downstairs, sign the book and get the bill, it having been referred to the Appropriations Committee within the last 15 or 20 minutes from the desk?

Mr. POLEN. If the bill is there, I presume we could do that, but I think for a matter as important as this will be, we should have the full membership of the Committee present and I also feel that we should have some expression from the Department of Public Instruction and the other departments affected so we would know whether this would be the proper thing to do.

I personally have not read the bill, all I know is what I have seen in the newspapers.

Mr. JOHNSON. Do you know how many days' session is contemplated for next week?

Mr. POLEN. I believe the Majority Leader stated that we would have a two-day session.

Mr. JOHNSON. If consideration is not given to that bill today, it could not possibly pass the House and be placed on the Governor's desk. Then we will go out of session until the 16th of January and nothing will be done for our schools until the 16th of January or later, isn't that true?

Mr. POLEN. Mr. Speaker, I believe we are subject to recall by the Speaker at any time, and furthermore the bill could be properly considered on Monday, given first reading, passed on Tuesday and even at a session after midnight Tuesday it could be passed.

The mechanics of it are such that I do not think the funds would be immediately available in any event, it takes a considerable period of time.

So far as I am personally concerned, I want to see the schools get their money as soon as they can, but I believe this is a new departure in legislation by making piecemeal appropriations and I think that is a phase that should be given some consideration.

Mr. JOHNSON. Yes, but don't you think, Mr. Polen, in view of the tax impasse that both Republicans and Democrats should put aside any past traditions? If a piecemeal appropriation bill is necessary for education, don't you think that it ought to be passed right now and put on the Governor's desk so that the schools can at least have a token payment on their appropriations?

Mr. POLEN. If the legislation is good, I think it should be placed on the Governor's desk as soon as possible.

Mr. JOHNSON. For your information, the bill I believe is only a page and a half long and it merely

says that there is appropriated to the Department of Public Instruction approximately \$90 million for school subsidies that are due and then approximately \$14 million for transportation payments. Then it goes on to say if the state does not have the money they can proceed and issue, I believe, temporary tax anticipation notes.

Personally it seems to me it is a very salutary piece of legislation right now, particularly in view of the fact that on our calendar a Department of Public Assistance stopgap appropriation of \$15 million is going to be passed today, which must be passed in order to keep that function going. Don't you think that this afternoon you should get that bill out of there, look it over and make a call to the Department of Public Instruction, or maybe the Governor's office, and report that bill out on the floor today, so if you want to pass it we can pass it by next Tuesday.

Mr. POLEN. Mr. Speaker, I would say in connection with the bill the gentleman is discussing that in my opinion one of the important things that should be paid, and should have been included in this bill, is not in it.

The oldest appropriation due, as I understand it, is the reimbursement for the municipal authorities and the Public School Building Authority. The reimbursements that go to the school districts for those purposes are the oldest amounts that are due, and the districts are required to pay on or before December 31st those payments.

It would seem to me that the financial stability of the bonds which have been issued is important and that is one of the things I wanted to go into more fully so that, if that is correct, as I understand it to be, the bill could be amended to include those amounts which certainly reflect upon the credit of the districts.

Mr. JOHNSON. Mr. Polen, cannot you report the bill out and read it for the first time today and you can have those amendments ready to put in second reading on Monday, if necessary. Could you not do that?

Mr. POLEN. Well, I believe, as I stated in the beginning, that a bill of this importance should have the full membership and all the information available for the members of the Committee when it is being considered. I read in the papers of the discussion in the Senate. It would seem to me that there are some questions raised over there that certainly we should have answered before we act hastily on it.

Mr. JOHNSON. Does the gentleman realize, Mr. Speaker, that if this appropriation bill passes, whether the money be readily available or not, that the school district would be able to go to a bank and borrow money on that appropriation, even though the school district might have exceeded their present borrowing capacity, at a local bank, or the ceiling on their borrowing capacity?

Mr. POLEN. It is my understanding that that is contained in the bill.

Mr. JOHNSON. Mr. Polen, I didn't get your answer.

Mr. POLEN. I say it is my understanding that that is in the bill.

Mr. JOHNSON. Yes, if that's true, if this \$110 million appropriation bill passes next Tuesday and even though the state will not have the money to pay the school boards they will be able to go out and borrow money on this anticipated appropriation, so that the school teachers will get their salaries now for Christmas. Isn't that right?



Mr. POLEN. I do not believe that that would be correct.

Mr. JOHNSON. Does the gentleman mean to say that a school board could not borrow on an appropriation made, to which they are entitled, but they haven't yet received it and give an assignment of it, and send the assignment down here to the Department of Public Instruction to be honored?

Mr. POLEN. I again would say that I am not an attorney and I could not answer whether that could be done. I would say, however, that if the legal borrowing power of the district has not been used up that they could at any time borrow.

Mr. JOHNSON. Supposing, Mr. Speaker, that a tax bill was passed this week or next week, and you know it takes time for the machinery of taxation to get rolling, and you believe there wouldn't be any money coming in to the state treasury much before March or April, no matter what kind of a tax bill we passed. Isn't that true?

Mr. POLEN. Not necessarily so, I wouldn't say the amount could come in, but I would say this, Mr. Speaker, that if we had our tax program passed the faith and credit of the Commonwealth would be such with the proper tax program we could sell tax anticipation notes at a much more favorable interest rate than we could under the present conditions. I think that it would be the real solution to the problem of financing the schools and the governmental expenditures of the Commonwealth. I think the first thing we should do is pass the tax program.

Mr. JOHNSON. Then, Mr. Speaker, is that the reason why the gentleman was reluctant to take this bill up and report it to the floor today, because it is Democratic policy that a tax program must pass before we can consider any appropriation to our schools?

Mr. POLEN. No, that is not correct, Mr. Speaker. I was just simply expressing my own thought as to the importance of having a tax program, which I think would alleviate the situation that we are now faced with.

Mr. JOHNSON. I thank the gentleman, Mr. Speaker.

### PERMISSION TO ADDRESS HOUSE

Mr. JOHNSON asked and obtained unanimous consent to address the House.

Mr. Speaker, two weeks ago I took the microphone and reiterated the fact that there will be over \$900 million in taxes coming into this state of ours whether we pass a tax program or not.

I have pointed out repeatedly the plight of our schools. I have pointed out how we have suggested the way in which we could give money to our schools. We could have given it to them at 12:01 midnight on October 15th when Senate Bill 785 was before us. But no, for some reason word came to the other side, load that bill down with amendments so it will have to go back to the Senate. They are out of session, they won't be able to concur on amendments."

So here we are, Senate 785 has not become a law and the schools have not gotten their money.

There has been referred to Appropriations Committee this morning Senate Bill 899, which would not do the big job that Senate Bill 785 will do, but it would at

least appropriate \$110 million immediately and provide a certain amount of money within the next month or so so that the schools could be paid.

I say we should do it. We must do it. We should not go out of here next week without passing that bill and putting it on the Governor's desk. I think that we are creating a chaotic situation in our educational system. I want to repeat that we Republicans have been ready and willing to go along on these bills, we have been insisting on them and pleading with you to do it.

We pick up the newspapers day after day and see where word is coming out of departments on Capitol Hill that if it were not for the Republicans the schools would be paid. I say that is a falsehood. We feel that Senate Bill 785 should have been passed on October 15th. We feel that this morning Senate Bill 899 should be released from Committee so that we can vote for it next Tuesday, if necessary.

I think we are creating a false impression amongst our schools that the state is facing virtual bankruptcy, which is a lot of baloney. This is a rich state and we have vast, untouched resources that can be tapped. It is just a matter of agreeing on a tax program. This state is not broke and it never will be broke. We have the greatest natural resources, the greatest manufacturing plants and great systems of transportation. There is nothing wrong with Pennsylvania, it is just that we have not been able to get together on a program. You can still pass this stopgap appropriation for the schools next Tuesday, so that we will give some hope, and faith, and comfort to the school teachers, the school boards and the members of the P.T.A. throughout Pennsylvania.

I think you are playing with a very dangerous thing and you should report that bill to the floor and then give the schools their money. Goodness knows when a tax program will be passed. I know that as for you, you feel the more chaotic it becomes the better off you will be. I say that is not true, because we are making a record here that we have been ready to put the appropriation on the Governor's desk so that the schools, if they cannot have all their money, can have a token payment.

The State Treasury could sell \$44 million, or a portion, of the U. S. Government securities that they have. \$15 million of those securities would go a long way to relieve the situation between now and the time we can pass another appropriation bill or get a tax program.

That is all I have to say, Mr. Speaker. I plead with you to get that bill out of committee today so that it will be in shape for us to at least look it over on the calendar next week and make up our minds what should be done.

### PERMISSION TO ADDRESS HOUSE

Mr. POLEN asked and obtained unanimous consent to address the House.

Mr. Speaker, since interrogation by Mr. Johnson I have secured a copy of Senate Bill 899 and I took from his remarks, and I agreed that it was probably correct, because I had not read the bill, he stated that if this bill was passed the school districts could assign their appropriations and borrow money on them and be able to pay their teachers and other expenses.

After reading the bill I find there is no such provision



in the bill and I would again say that if we had passed House Bill 1599 or the Senate had concurred in the amendments to 785, those appropriations would be available to the districts to borrow. This bill does not give them any authority to do that as I see it. There is no specific provision in it to that effect. However, if that is what we are looking for, for appropriations against which the school districts could borrow, that problem could long ago have been solved. We sent 1599 over to the Senate in September, September 15th or 16th, I believe, and we sent over 785 as amended. If those bills had been passed by the Senate the appropriations would have been on the books and it would establish credit to the school districts where they could have gone to the banks and borrowed money. But there is nothing in this bill that gives them any authority to assign their appropriations and secure funds through the banks. They would have the right on open credit if they had the borrowing power to do that and no doubt some of them have.

The gentleman also stated that if 785 would have been passed by this House on the 14th of November and placed on the Governor's desk, the funds would have been available and the schools would have received their money.

Now, Mr. Speaker, that is not correct. It would not have happened. They might have been able by liquidating the short term investments that the gentleman speaks of, which I understand would take possibly up to 30 days, possibly it would have been possible to have made token payments. But it seems to me that if we are going to resort to piecemeal legislation, such as 785 did, and then this bill Senate Bill 899, printer's No. 418, it even further goes into piecemeal, it takes out the instruction and transportation and makes an appropriation for only a part of the fiscal year. As a matter of fact, it only makes it for part of the school year. So I believe that that is a very inadequate way to pass appropriation bills.

Now, I certainly don't subscribe to what the gentleman said that we have,—he didn't use the word conspiracy, but, in effect I believe that is what he meant—we have any conspiracy or any desire to hold up appropriations to make the situation worse. I think that the shoe is on the other foot as far as that is concerned. What we need is a tax program, a tax program that will pay these bills, a tax program that will give us the borrowing power that is necessary to borrow funds. It would seem to me we have borrowed \$60 million against a possible \$90 million. I understand the first \$60 million will be due in May and we are not solving the situation or solving the crisis, we are only postponing it until the time comes when it will be so acute that such a chaotic financial situation is created that it will not be readily solved.

Every day that goes by without a tax program means there are less funds that can be raised in the biennium. I think everyone knows the amount of time that has gone by. It seems to me instead of we on this side, wanting to delay the question of taxes and the question of payments to the districts and to other functions of government that will be made from the taxes, we are not delaying them, we want them. It would seem to me that the shoe is on the other foot, and it is the intention of someone—and this is only my personal opinion—to try and create such a condition. Whether or not it is the intention of anyone, that in effect is what is happening.

Every day we postpone action on a tax program we are laying the seed for a financial crisis.

I agree that Pennsylvania is a great and powerful state with all its vast resources, but you do not pay your bills to the schools and to others out of the natural resources or any other resources of the Commonwealth, you pay them out of tax funds.

I think what we need here in Pennsylvania is a solution of the tax problem. We sent two tax programs over to the Senate, one was rejected and, according to the newspapers, the other one will be. Perhaps we will try another program. In fact, we will have to. What it will be, I do not know. So far as I personally am concerned, I feel that the thing we need more than anything else, more than borrowing however, is to put a tax program on the books of this Commonwealth which will provide the funds to pay for the school appropriations that are due now and for those that will become due.

Mr. JOHNSON. I just want to make a short reply, I believe I am right, Mr. Speaker, that the right to borrow money on appropriations is in the School Code and would not necessarily have to be in this particular bill. It is a standard provision in the School Code and unless this bill would specifically deny the right of the school board to borrow against the anticipated appropriation it would be my opinion that they could borrow on this appropriation if it were made.

The SPEAKER pro tempore. Will the House give its unanimous consent for the Committee on Appropriations to meet during the session of the House? Is there objection? The Chair hears none, and consent is granted.

## BILLS ON THIRD READING

### BILLS PASSED OVER

There being no objection

House Bill No. 118, Printer's No. 1215 and

House Bill No. 119, Printer's No. 1216

were passed over at the request of the SPEAKER pro tempore.

There being no objection

House Bill No. 272, Printer's No. 1193

was passed over at the request of Mr. READINGER

There being no objection

House Bill No. 322, Printer's No. 255

House Bill No. 667, Printer's No. 1194

House Bill No. 926, Printer's No. 1190

House Bill No. 1080, Printer's No. 1191

House Bill No. 1367, Printer's No. 1099

House Bill No. 1368, Printer's No. 1100

House Bill No. 1644, Printer's No. 1198

House Bill No. 1755, Printer's No. 1070

House Bill No. 1765, Printer's No. 1219

House Bill No. 1793, Printer's No. 1181 and

House Bill No. 1797, Printer's No. 1199

were passed over at the request of the SPEAKER pro tempore.

Agreeably to order.

The House proceeded to the third reading and consideration of House Bill No. 1804, as follows:

An Act authorizing photostating photographing microphotographing microfilming or other mechanical process-



ing of court records on file ten years or more making such copies and copies thereof admissible in evidence and providing for the disposition destruction or transfer of custody of certain originals

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The court having jurisdiction over original papers forming the record in the office of any prothonotary clerk of court clerk of the orphans' court or register of wills may from time to time direct that all of such papers or any part of them that have been on file for a period of ten years or more may be reproduced by any photostatic photographic microphotographic microfilm or other mechanical process which produces a clear accurate and permanent copy microcopy or reproduction of the original in accordance with standards not less than those approved for permanent records by the National Bureau of Standards The court order may direct that the originals thereof except original papers which determine ownership or establish title to real property be disposed of or destroyed and the reproductions substituted therefor as public records

Section 2 The photostatic photographic microphotographic or microfilmed copy of any court record destroyed or disposed of as herein authorized or a certified copy thereof shall be admissible in evidence in any court or proceeding and shall have the same force and effect as though the original court record had been produced and proved It shall be the duty of the custodian of the records to prepare enlarged typed or photographic copies of the records whenever their production in court is required

Section 3 No prothonotary clerk of any court register of wills or other officer of any court shall be held liable on his official bond or in the way of damages for loss or in any other manner civil or criminal because of the destruction of records as herein authorized

Section 4 Each roll of microfilm bearing official copies of records shall begin with a separate photographic image showing on a title target the name and location of the office holding the records copied the name and title of the officer having custody of the records at the date of copying a brief but clear title for the particular series of records copied and such term volume numbers inclusive dates and serial numbers as shall make identification of the records filmed clear and positive Each roll shall end with a separate photographic image repeating in substance the information given on the title target together with the signature of the camera operator appended to a certificate which shall state the day month and year on which the records were copied and affirm that the copying was performed in accordance with procedures prescribed by the custodian It shall be the responsibility of the custodian of the records copied to regulate and supervise the copying process and to inspect the resulting microcopies so as to satisfy himself that all copies are complete accurate and clearly legible When any enlarged reproduction of a negative or positive film is to be used as evidence the reproduction shall contain or have attached thereto the signed and sealed attestation of the officer having the official custody of the negative or positive film that the same is a true and correct copy thereof

Section 5 In order to provide insurance for the more actively used film copies against damage or loss through wear or disaster duplicate rolls of all microfilmed records shall be maintained at such locations as shall be approved by the court having jurisdiction of the records

Section 6 If in the opinion of the officer having custody of an original record such original possesses sufficient value that it merits special care he shall make a photographic or microphotographic copy of the record which shall be officially certified and placed on file in lieu of the original record and with the approval of the court he shall transfer the original to the custody of the county commissioners for permanent preservation

Section 7 This act shall take effect immediately

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

#### YEAS—196

Adam,	Frost,	Lovett,	Rosen,
Agnew,	Gaffney,	Lutty,	Rudisill,
Amarando,	Garlock,	Magee,	Rubin,
Anderson, M. S.,	Gelfand,	Mahan,	Sarra,
Anderson, S. A.,	Gibb,	Markley,	Scarcelli,
Ashton,	Gibson,	McCann,	Schuster,
Auker,	Goldstein,	McCormack,	Sherman,
Banker,	Gramlich,	McGee,	Sigman,
Barnatovich,	Greenwood,	McInroy,	Smith, C. C.,
Bazin,	Guss,	McKeever,	Smith, Wm. B.,
Bell,	Guthrie,	McLaughlin,	Snider,
Blair,	Hamilton, R. K.,	McWherter,	Stank,
Boles,	Hamilton, W. H.,	Meholchick,	Stebbins,
Bonner,	Haas,	Metz,	Steckel,
Boory,	Haudenshield,	Mihm,	Stevenson,
Bower,	Heavey,	Mikula,	Stone,
Brance,	Helm,	Miller,	Stoner,
Breisch,	Henzel,	Mills,	Strausser,
Brennan, A. P.,	Hewitt,	Monroe,	Stroup,
Brennan, J. J.,	Hooker,	Moody,	Swartz,
Breth,	Holt,	Moran,	Taylor,
Brown,	Horst,	Muldowney,	Thomas,
Bucchin,	Houk,	Mullen,	Thompson,
Bullen,	Isaacs,	Munley,	Toll,
Capano,	Jenkins,	Murphy,	Tompkins,
Cianfrani,	Johnson,	Murray, H. P.,	Toomey,
Cioffi,	Jones, G. E.,	Murray, J. J.,	Varallo,
Cochran,	Jones, T. H. W.,	Murray, P. G.,	Varnar,
Comer,	Jump,	Musto,	Vaughan,
Connelly,	Kamysk,	Naugle,	Verona,
Cooper,	Kehler,	Needham,	Wall,
Courwood,	Keller,	Ogilvie,	Wallace,
Davis,	Kent,	Olsen,	Walsh,
Donabue,	Kline,	O'Neill,	Wargo,
Donaldson,	Knecht,	Pacchioli,	Waterhouse,
Dougherty,	Kolankiewicz,	Parry,	Weidner,
Ehrgood,	Kooker,	Pashley,	Welsh,
Ellberg,	Kornick,	Paulhamus,	Wescott,
Erb,	Kromer,	Petrosky,	Wheeler,
Eshleman,	Kubacki,	Pettigrew,	Whitenight,
Ewing,	Lawyer,	Polaski,	Williams,
Farabaugh,	Leiby,	Polen,	Wilt,
Filo,	Leisey,	Pomeroy,	Wood,
Fineman,	Leonard,	Price,	Worley,
Flint,	Leven,	Pursley,	Yetter,
Floyd,	Light,	Readinger,	Yetzer,
Flynn,	Limper,	Reibman,	Ziegler,
Foster,	Lippincott,	Renwick,	Andrews,
Frank,	Lopresti,	Rigby,	Speaker
Frascella,			

#### NAYS—0

#### NOT VOTING—13

Brenninger,	Lafore,	Reidenbach,	Stephens,
Down,	Maxwell,	Rovansek,	Willaredt,
George,	Moscrip,	Royer,	Young,
Kratz,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

#### BILLS PASSED OVER

There being no objection

House Bill No. 1827, Printer's No. 1201

House Bill No. 1828, Printer's No. 1202

House Bill No. 1829, Printer's No. 1203

House Bill No. 1839, Printer's No. 1120

House Bill No. 1849, Printer's No. 1173

House Bill No. 1864, Printer's No. 1125 and

House Bill No. 1889, Printer's No. 1204

were passed over at the request of the SPEAKER pro tempore.



## BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1923 as follows:

An Act making an appropriation to the Department of Public Assistance and providing for certain allocations therefrom for the purpose of carrying out the Public Assistance Law for the two fiscal years beginning June first one thousand nine hundred fifty-five

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of fifteen million dollars (\$15,000,000) or as much thereof as may be necessary is hereby specifically appropriated to the Department of Public Assistance for the payment of assistance and administrative expenses as provided by the Public Assistance Law and for the payment of attorneys' fees and court costs necessary for the proper conduct of the work of the Department of Public Assistance for the two fiscal years beginning June first one thousand nine hundred fifty-five and for the payment of assistance and administrative expense attorneys' fees and court costs accrued or incurred prior to and remaining unpaid on May thirty-first one thousand nine hundred fifty-five

Section 2 Out of the moneys appropriated by Section One of this Act the Department of Public Assistance shall allocate funds from time to time for the several assistance programs (old age assistance aid to dependent children pensions for the blind general assistance and other programs provided by the Public Assistance Law) for administrative expenses of the several county boards of assistance for such administrative expenses incurred by the department which are chargeable to such boards and for the payment of attorneys' fees and court costs necessary for the proper conduct of the work of the department

Section 3 Out of the moneys appropriated by Section One of this Act there is hereby allocated to the Treasury Department the sum of one hundred fifty-seven thousand five hundred dollars (\$157,500) and to the Department of the Auditor General the sum of eighty-four thousand dollars (\$84,000) to pay the administrative expenses of said departments in auditing and disbursing the appropriation made by this Act

Section 4 The amount of money expended out of the appropriation made hereby shall be deducted from the general biennial appropriation to the Department of Public Assistance

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

## YEAS—196

Adam,	Frost,	Lovett,	Rosen,
Agnew,	Gaffney,	Lutty,	Rubin,
Amarando,	Garlock,	Magee,	Rudisill,
Anderson, M. S.,	Gelfand,	Mahan,	Sarraf,
Anderson, S. A.,	Gibb,	Markley,	Scarcelll,
Ashton,	Gibson,	McCann,	Schuster,
Auker,	Goldstein,	McCormack,	Sherman,
Banker,	Gramlich,	McGee,	Sigman,
Barnatovich,	Greenwood,	McInroy,	Smith, C. C.,
Bazin,	Guss,	McKeever,	Smith, Wm. B.,
Bell,	Guthrie,	McLaughlin,	Snider,
Blair,	Hamilton, R. K.,	McWherter,	Stank,
Boles,	Hamilton, W. H.,	Meholchick,	Stebbins,
Bonner,	Hass,	Metz,	Steckel,
Boory,	Haudenahfield,	Mihm,	Stevenson,
Bower,	Heavey,	Mikula,	Stone,
Branca,	Helm,	Millis,	Stoner,
Breisch,	Henzel,	Monroe,	Strausser,
Brennan, A. P.,	Hewitt,	Moody,	Stroup,
Brennan, J. J.,	Hocker,	Moody,	Swartz,
Breth,	Holt,	Moran,	Taylor,

Brown,	Horst,	Muldowney,	Thomas,
Buechlin,	Houk,	Mullen,	Thompson,
Bullen,	Isaacs,	Munley,	Toll,
Capano,	Jenkins,	Murphy,	Tompkins,
Cianfrani,	Johnson,	Murray, H. P.,	Toomey,
Cioffi,	Jones, G. E.,	Murray, J. J.,	Varallo,
Cochran,	Jones, T. H. W.,	Murray, P. G.,	Varner,
Comer,	Jump,	Musto,	Verona,
Connelly,	Kamyk,	Naugle,	Vaughan,
Cooper,	Kehler,	Needham,	Wall,
Curwood,	Keller,	Oglvie,	Wallace,
Davis,	Kent,	Olsen,	Walsh,
Donahue,	Kilne,	O'Neil,	Wargo,
Donaldson,	Knecht,	Pacchioli,	Waterhouse,
Dougherty,	Kolankiewicz,	Parry,	Weidner,
Ehrgood,	Kooker,	Pashley,	Welsh,
Ellberg,	Kornick,	Paulhamus,	Wescott,
Erb,	Kromer,	Petrosky,	Wheeler,
Eshleman,	Kubacki,	Pettigrew,	Whitenight,
Ewing,	Lawyer,	Polaski,	Williams,
Farabaugh,	Leiby,	Polen,	Wilt,
Filo,	Lelsey,	Pomeroy,	Wood,
Fineman,	Leonard,	Price,	Worley,
Flint,	Leven,	Pursley,	Yetter,
Floyd,	Light,	Readinger,	Yetzer,
Flynn,	Limper,	Reibman,	Ziegler,
Foster,	Lippincott,	Ranwick,	Andrews,
Frank,	Lopresti,	Rigby,	Speaker
Frascella,			

## NAYS—0

## NOT VOTING—13

Brenninger,	Lafore,	Reldenbach,	Stephens,
Down,	Maxwell,	Rovansek,	Willaredt,
George,	Moscrip,	Royer,	Young,
Kratz,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

## BILLS PASSED OVER

There being no objection

Senate Bill No. 467, Printer's No. 412,

Senate Bill No. 523, Printer's No. 169,

Senate Bill No. 543, Printer's No. 231,

Senate Bill No. 757, Printer's No. 276 and

Senate Bill No. 758, Printer's No. 277,

were passed over at the request of the SPEAKER pro tempore.

Agreeably to order,

The House proceeded to the third reading and consideration of Senate Bill No. 813 as follows:

An Act amending the act of October 27 one thousand nine hundred fifty-five (Act No. 222) entitled "An act prohibiting certain practices of discrimination because of race color religious creed ancestry age or national origin by employers employment agencies labor organizations and others as herein defined creating the Pennsylvania Fair Employment Practice Commission in the Department of Labor and Industry defining its functions powers and duties providing for procedure and enforcement providing for formulation of an educational program to prevent prejudice providing for judicial review and enforcement and imposing penalties" providing that termination of employment or the operation of provisions having the effect of a minimum service requirement under a bona fide retirement or pension plan shall not constitute an unfair employment practice changing certain restrictions relative to age and requiring that attorneys appointed by the commission be approved by the attorney general

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Subsections (a) and (b) of section 5 and



subsection (c) of section 7 act of October 27 one thousand nine hundred fifty-five (Act No. 222) known as the "Pennsylvania Fair Employment Practice Act" are amended to read

(b) For any employer employment agency or labor organization prior to the employment or admission to membership to

(1) Elicit any information or make or keep a record of or use any form of application or application blank containing questions or entries concerning the race color religious creed ancestry [age] or national origin of any applicant for employment or membership

(2) Print or publish or cause to be printed or published any notice or advertisement relating to employment or membership indicating any preference limitation specification or discrimination based upon race color religious creed ancestry age or national origin

(3) Deny or limit through a quota system employment or membership because of race color religious creed ancestry age national origin or place of birth

(4) Substantially confine or limit recruitment or hiring of individuals with intent to circumvent the spirit and purpose of this act to any employment agency employment service labor organization training school or training center or any other employee-referring source which services individuals who are predominately of the same race color religious creed ancestry age or national origin

\* \* \*

Section 7 Powers and duties of the commission the commission shall have the following powers and duties

\* \* \*

(c) To appoint such attorneys with the approval of the attorney general and other employes and agents as it may deem necessary fix their compensation within the limitations provided by law and prescribe their duties

\* \* \*

Section 5 Unlawful Employment Practices It shall be an unlawful employment practice unless based upon a bonafide occupational qualification or except where based upon applicable security regulations established by the United States or the Commonwealth of Pennsylvania

(a) For any employer because of the race color religious creed ancestry age or national origin of any individual to refuse to hire or employ or to bar or to discharge from employment such individual or to otherwise discriminate against such individual with respect to compensation hire tenure terms conditions or privileges of employment If the individual is the best able and most competent to perform the services required The provision of this paragraph shall not apply to (1) termination of employment because of the terms or conditions of any bona fide retirement or pension plan (2) operation of the terms or conditions of any bona fide retirement or pension plan which have the effect of a minimum service requirement

Section 2 This act shall take effect immediately

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

#### YEAS—196

Adam,	Frost.	Lovett,	Rosen,
Agnew,	Gaffney,	Lutty,	Rubin,
Amarando,	Garlock,	Magee,	Rudisill,
Anderson, M. S.,	Gelfand,	Mahan,	Sarra,
Anderson, S. A.,	Gibb,	Markley,	Scarcell,
Ashton,	Gibson,	McCann,	Schuster,
Auker,	Goldstein,	McCormack,	Sherman,
Banker,	Gramlich,	McGee,	Sigman,
Barnatovich,	Greenwood,	McInroy,	Smith, C. C.,
Bazin,	Guss,	McKeever,	Smith, Wm. B.,
Bell,	Guthrie,	McLaughlin,	Snider,
Blair,	Hamilton, R. K.,	McWherter,	Stank,
Boles,	Hamilton, W. H.,	Meholchick,	Stebbins,
Bonner,	Hass,	Metz,	Steckel,

Boory,	Haudensfield,
Bower,	Heavy,
Branca,	Helm,
Breisch,	Henzel,
Brennan, A. P.,	Hewitt,
Brennan, J. J.,	Hocker,
Breth,	Holt,
Brown,	Horst,
Bucchin,	Houk,
Bullen,	Isaacs,
Capano,	Jenkins,
Cianfrani,	Johnson,
Cloff,	Jones, G. E.,
Cochran,	Jones, T. H. W.,
Comer,	Jump,
Connelly,	Kamyk,
Cooper,	Kehler,
Curwood,	Keller,
Davis,	Kent,
Donahue,	Kline,
Donaldson,	Knecht,
Dougherty,	Kolankiewicz,
Ehrgood,	Kooker,
Elberg,	Kornick,
Erb,	Kromer,
Eshleman,	Kubacki,
Ewing,	Lawyer,
Farabaugh,	Leiby,
Filo,	Leisey,
Fineman,	Leonard,
Flint,	Leven,
Floyd,	Light,
Flynn,	Limper,
Foster,	Lippincott,
Frank,	Lopresti,
Frascella,	

Mihm,	Stevenson,
Mikula,	Stone,
Miller,	Stoner,
Mills,	Strausser,
Monroe,	Stroup,
Moody,	Swarts,
Moran,	Taylor,
Muldowney,	Thomas,
Mullen,	Thompson,
Munley,	Toll,
Murphy,	Tompkins,
Murray, H. P.,	Toomey,
Murray, J. J.,	Varallo,
Murray, F. G.,	Varnier,
Musto,	Vaughan,
Naugle,	Verona,
Needham,	Wall,
Ogilvie,	Wallace,
Olsen,	Walsh,
O'Neil,	Wargo,
Pacchioni,	Waterhouse,
Parry,	Weidner,
Pashley,	Welsh,
Paulhamus,	Wescott,
Petrosky,	Wheeler,
Pettigrew,	Whitenight,
Polaski,	Williams,
Polen,	Wilt,
Pomeroy,	Wood,
Price,	Worley,
Pursley,	Yetter,
Readinger,	Yetzer,
Reibman,	Ziegler,
Renwick,	Andrews,
Rigby,	Speaker

#### NAYS—0

#### NOT VOTING—13

Brenninger,	Lafore,	Reidenbach,	Stephens,
Down,	Maxwell,	Rovansek,	Willaredt,
George,	Moscrip,	Royer,	Young,
Kratz,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed the same with amendments in which the concurrence of the Senate is requested.

#### RESOLUTION

#### RECALLING HOUSE BILL No. 1625 FROM THE GOVERNOR

Mr. READINGER offered the following resolution which was read, considered and adopted:

In the House of Representatives, December 12, 1955.  
Resolved (if the Senate concur) that House Bill No. 1625, Printer's No. 771, entitled "An act amending the act of May 22, 1945 (P. L. 837) entitled as amended 'An act providing for and requiring in certain cases preference in appointments to and retention in public position or on public works for honorable discharged persons who served in the military or naval service during any war in which the United States engaged and in certain cases for the widows and wives of such persons' extending civil service preference to veterans of armed conflicts,"

be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk present the same to the Senate for concurrence.

#### CONCURRENT RESOLUTION NO. 76

Mr. READINGER. Mr. Speaker, I call up on page 15 of today's calendar, House Resolution No. 76.



The resolution was read, considered and adopted as follows:

In the House of Representatives, May 10, 1955.

The act of May 1, 1929 (P. L. 905) known as "The Vehicle Code" is a very important piece of legislation affecting the daily lives of millions of our citizens.

No revision of the Vehicle Code has been made since 1929 but more than a hundred amendments have been enacted and many highly controversial subjects relating thereto are before the General Assembly at each session concerning which the General Assembly needs factual information therefore be it

Resolved That the Joint State Government Commission is hereby requested to make a careful thorough and impartial study of and to revise and prepare for reenactment the Vehicle Code and laws on subjects related thereto and to present the revision for the consideration of the General Assembly at its next session. In making its study the Commission shall hear and consider the advice and counsel of representatives of the various State associations and of officers of local governments who have jurisdiction over the local roads and highways

Ordered, That the Clerk present the same to the Senate for concurrence.

### RESOLUTION SERIAL NO. 152

Mr. READINGER. Mr. Speaker, I call up on page 15 of today's calendar, House Resolution, Serial No. 152.

The resolution was read, considered and adopted as follows:

House Serial No. 152:

In the House of Representatives, December 7, 1955.

The history of St. Nicholas Parish, Wilkes-Barre, Pennsylvania, dates back one hundred years ago when the parish was first organized in 1855 under the administration of Reverend Fathers Schneider and Sommer, of Ponesdale, Pennsylvania. In 1858 Reverend Peter C. Nagle was appointed the first resident pastor.

The first church structure was located at the corner of South Washington and East South Streets, Wilkes-Barre. The parochial school was built in 1868 on East South Street and in 1873 Mother Pauline and the Christian Charity Sisters came to Wilkes-Barre at the request of Father Nagle and established their Motherhouse at the present St. Ann's Academy while teaching at the school and which they continue to do at the present.

Meanwhile it became evident that the first church building was not large enough and in 1882 the present church was erected in Gothic architecture, of red sandstone, measuring 67 feet by 265 feet, with a steeple rising 90 feet and a seating capacity of 1200. For the building and drive, Father Nagle appealed to each parishioner or a contribution of \$1.50 per month for fifty months and at the end of the drive contributions varied from \$75.00 to \$1,000, with Father Nagle contributing the first \$1,000. On May 8, 1883 the corner stone was laid.

After 53 years of priesthood, Monsignor Peter C. Nagle passed away on March 12, 1911.

Reverend Charles J. Goeckel was appointed the second pastor on April 1, 1911 and his first assignment was the erection of the present school building which was dedicated by Bishop Hoban on January 2, 1916. On September 10, 1928 St. Nicholas High School was opened, while the present parish hall was completed on July 12, 1931.

Monsignor Charles J. Gieckel, while on a cruise on the Mediterranean Sea to regain his health, passed away on March 11, 1935.

The present pastor, Reverend Father Cyriac A. Staib was appointed immediately and he has faithfully, diligently and untiringly carried on the tremendous progress of the parish in cooperation with the parishioners for the past twenty years. During his tenure as pastor the parish has purchased some 35 acres of land for a cemetery at havertown, Pennsylvania, repainted and redecorated the church, made major improvements to the rectory and the

Sisters convent and raised the standards of education at St. Nicholas school comparable to the best in the State.

The one hundred years of history of St. Nicholas parish was rightfully and proudly celebrated by a Centennial Celebration held from October 15 to the 30th and climaxed by a parish banquet attended by 550 parishioners; therefore be it

Resolved, That the House of Representatives congratulate Reverend Father Cyriac A. Staib, his predecessors, and all the parishioners of St. Nicholas parish on their One Hundredth Anniversary and for their charitable, industrious, faithful, tireless actions and deeds in fulfilling their obligations as servants of God, and be it further

Resolved, That a copy of the Resolution be forwarded to Reverend Father Cyriac A. Staib, pastor of St. Nicholas parish.

### SENATE RESOLUTION SERIAL NO. 145

Mr. READINGER. Mr. Speaker, I call up on page 16 of today's calendar, Senate Resolution No. 145.

The resolution was read, considered and adopted as follows:

Serial No. 145.

In the Senate, September 12, 1955.

Whereas, the laws affecting domestic relations are many and varied, and

Whereas, No one court has jurisdiction to hear and determine the causes arising under such laws; but the parties involved are required to submit to the jurisdiction of several courts, and

Whereas, Such divided jurisdiction in matters of the family relationship leads to delay, expense, multiplicity of actions and confusion; therefore be it

Resolved (the House of Representatives concurring), That the Joint State Government Commission be directed to study and investigate.

The jurisdiction of the several courts of the Commonwealth concerning and arising out of the family relationship; and

The feasibility of establishing a Court of Domestic Relations in each judicial district with jurisdiction to hear and determine all such causes, and be it further

Resolved, That the Joint State Government Commission report to the next regular session of the General Assembly its findings and recommendations with drafts of legislation necessary to carry the recommendations into effect.

Ordered, That the Clerk inform the Senate accordingly.

### SENATE RESOLUTION SERIAL NO. 155

Mr. READINGER. Mr. Speaker, I call up on page 16 of today's calendar, Senate Resolution Serial No. 155.

The resolution was read, considered and adopted as follows:

Serial No. 155.

In the Senate, October 24, 1955.

Whereas, Millions of tons of silt deposits have been removed from the Schuylkill River since the Schuylkill River Desilting Project was initiated in 1945, and

Whereas, Silt impounding basins were constructed to facilitate continuous desilting, and

Whereas, The legislation which established the Schuylkill River Desilting Project provides for a return on the cost of the project through the sale of recovered materials; therefore be it

Resolved (the House of Representatives concurring), That the Joint State Government Commission be directed to ascertain the volume and value of marketable anthracite coal and other marketable materials recovered from the operations of the Schuylkill River Desilting Project; the amount realized by the Commonwealth from the sale of recovered materials; and the circumstances surrounding the sale of such recovered materials.



Ordered, That the Clerk inform the Senate accordingly.

### SENATE RESOLUTION SERIAL NO. 156

Mr. READINGER. Mr. Speaker, I call up on page 16 of today's calendar, Senate Resolution Serial No. 156.

The resolution was read, considered and adopted as follows:

Serial No. 156

In the Senate, November 14, 1955.

Whereas, August 30 to September 8, 1956, marks the 20th anniversary of the expedition led by Pennsylvania's own Colonel John Armstrong starting at Fort Shirley, Shirleysburg, Huntingdon County, and culminating in the attack and destruction of the Indian town at Kittanning, Armstrong County, and

Whereas, this expedition was the first organized retaliation of the Pennsylvania provincial forces against the French and Indians following General Braddock's disastrous defeat at the Monongahela crossings and gave new hope and protection to the harassed Pennsylvania frontier by inflicting a serious blow upon the hostile Indians, and

Whereas, this expedition was organized and conducted on Pennsylvania soil and was made up of Pennsylvania forces and was led by a noted Pennsylvania commander and constituted a decisive engagement in the French and Indian War which finally determined the fate of Anglo-Saxon civilization in North America; therefore be it

Resolved (the House of Representatives concurring), That the General Assembly congratulates the Pennsylvania Federation of Historical Societies and the historical societies of Huntingdon, Blair, Cambria, Indiana, and Armstrong counties upon the initiative taken in plans to commemorate this important anniversary in Pennsylvania's great history; and respectfully requests the Governor of the Commonwealth, The Honorable George M. Leader, to prepare and issue a suitable proclamation designating August 30 and September 8, 1956, as Armstrong Expedition Days and calling upon the public parochial, and private schools, and the civic, patriotic, and historical bodies of the Commonwealth to observe with suitable ceremonies and pageants the 200th anniversary of this decisive event in Pennsylvania's heroic past.

Ordered, That the Clerk inform the Senate accordingly.

### SENATE RESOLUTION SERIAL NO. 158

Mr. READINGER. Mr. Speaker, I call up on page 16 of today's calendar, Senate Resolution Serial No. 158.

The resolution was read, considered and adopted as follows:

Serial No. 158.

In the Senate, November 21, 1955.

Whereas, The nursing profession plays a vital role in the health care of the Commonwealth of Pennsylvania and

Whereas, A continued renewal and extension of its ranks through the attraction of young people to the profession is of the first importance to the Commonwealth's future health and welfare; and

Whereas, There are many problems facing the nursing profession which can only be solved through the aid of an informed and sympathetic public; and

Whereas, It is proper and fitting that public attention and recognition should be focused on the great contributions, past and present, that the nursing profession in all its branches has made to Pennsylvania's welfare and security; therefore, be it

Resolved (The House of Representatives concurring), That the General Assembly designate the week of May 12 in each year as Pennsylvania Nurse Week, in honor of the nurses of the state and in recognition of the vitally important service they have faithfully rendered in the promotion of health and welfare. The Governor is authorized and requested to issue annually a proclama-

tion calling upon all the people of the Commonwealth to cooperate in the observance of such week.

Ordered, That the Clerk inform the Senate accordingly.

### COMMUNICATION FROM GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

### APPROVAL OF HOUSE CONCURRENT RESOLUTION RECALLING HOUSE BILL No. 342 FROM GOVERNOR

Commonwealth of Pennsylvania,

Governor's Office, Harrisburg, December 6, 1955.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Concurrent Resolution recalling from the Governor House Bill No. 342, Printer's No. 637, for the purpose of amendment.

Accordingly, the original bill is herewith returned.

GEORGE M. LEADER.

### RECONSIDERATION OF VOTE

Mr. READINGER. Mr. Speaker, I move that the vote by which this bill passed finally be reconsidered.

Mr. McCANN. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from Berks, Mr. Readinger vote on the final passage of this bill?

Mr. READINGER. Mr. Speaker, I voted with the prevailing side.

The SPEAKER. How did the gentleman from Greene, Mr. McCann vote on the final passage of this bill?

Mr. McCANN. Mr. Speaker, I voted with the prevailing side.

On the question,

Will the House agree to the motion?

It was agreed to.

Mr. READINGER. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered.

The motion was agreed to.

On the question recurring,

Will the House agree to the bill on third reading?

Mr. READINGER. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

Amend Section 1, Section 722, page 3, line 20, by inserting after "ambulances" "Young Men's Christian Association and Young Women's Christian Association."

Amend Section 1, Section 722, page 4, by striking out "The Certificate" in line 8, all of line 9 and "Owned and used by any war amputee" in line 10 and inserting "one motor vehicle owned or used by any veteran who served in the armed forces of the United States during any period of war or armed conflict in which it was engaged and who lost a limb or became paralyzed as a result of such service."

The SPEAKER. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the bill on third reading as amended?



It was agreed to.

Ordered, that the bill as amended lie over for printing.

### COMMUNICATION FROM GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

#### APPROVAL OF HOUSE CONCURRENT RESOLUTION RECALLING HOUSE BILL No. 662 FROM GOVERNOR

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, December 7, 1955.  
To the Honorable, the House of Representatives of the  
Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Concurrent Resolution recalling from the Governor House Bill No. 662, Printer's No. 929, for the purpose of amendment.

Accordingly, the original bill is herewith returned.

GEORGE M. LEADER.

#### RECONSIDERATION OF VOTE

Mr. READINGER. Mr. Speaker, I move that the vote by which this bill passed finally be reconsidered.

Mr. McCANN. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from Berks, Mr. Readinger vote on the final passage of this bill?

Mr. READINGER. Mr. Speaker, I voted with the prevailing side.

The SPEAKER. How did the gentleman from Greene, Mr. McCann vote on the final passage of this bill?

Mr. McCANN. Mr. Speaker, I voted with the prevailing side.

On the question,

Will the House agree to the motion?

It was agreed to.

Mr. READINGER. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered.

The motion was agreed to.

On the question recurring,

Will the House agree to the bill on third reading?

Mr. READINGER. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

Amend Section 1 (Section 302) page 2, line 8, by striking out after the word "transfer" and before the word "any" the following: "revocably or irrevocably".

Amend Section 1 (Section 302) page 3, line 9, by inserting at the end of the line after the word "agreed" the following: "Provided however That such transfer in trust may at any time be revoked by action of the directors".

The SPEAKER. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

### COMMUNICATION FROM GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

#### APPROVAL OF HOUSE CONCURRENT RESOLUTION RECALLING HOUSE BILL No. 737 FROM GOVERNOR

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, December 6, 1955.  
To the Honorable, the House of Representatives of the  
Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Concurrent Resolution recalling from the Governor House Bill No. 737, Printer's No. 705, for the purpose of amendment.

Accordingly, the original bill is herewith returned.

GEORGE M. LEADER.

#### RECONSIDERATION OF VOTE

Mr. READINGER. Mr. Speaker, I move that the vote by which this bill passed finally be reconsidered.

Mr. McCANN. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from Berks, Mr. Readinger vote on the final passage of this bill?

Mr. READINGER. Mr. Speaker, I voted with the prevailing side.

The SPEAKER. How did the gentleman from Greene, Mr. McCann vote on the final passage of this bill?

Mr. McCANN. Mr. Speaker, I voted with the prevailing side.

On the question,

Will the House agree to the motion?

It was agreed to.

Mr. READINGER. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered.

The motion was agreed to.

On the question recurring,

Will the House agree to the bill on third reading?

Mr. READINGER. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

Amend page 1, line 1 of the title, by striking out "of May 2 1929 (P L 1278)" and inserting "approved the ninth day of August one thousand nine hundred fifty-five (Pamphlet Laws ) (Act No. 130)".

Amend page 1, line 2 of the title, by striking out "second".

Amend page 1, line 3 of the title, by striking out "and revising amending and consolidating" and inserting "amending revising consolidating and changing".

Amend the bill by striking out all of pages 2, 3 and 4, and inserting

Section 1. Sections two thousand three hundred thirty-nine and two thousand three hundred sixty-two of the act, approved the ninth day of August, one thousand nine hundred fifty-five (Pamphlet Laws ) (Act No. 130), entitled "An act relating to counties of the third fourth fifth sixth seventh and eighth classes amending revising consolidating and changing the laws relating thereto," are hereby amended to read as follows:

Section 2339. Furnishing Rooms for Meetings of Veterans of Certain [Veterans] Wars and [of Sons of Veterans] other organizations. The board of commissioners may in their discretion upon application therefor furnish to each organization composed of veterans of the Civil War Veterans of the Spanish-American War veterans of [World War I and of World War II or of any other war in which the United States engaged and Sons of Union Vet-



erans] the War with Germany and Austria veterans of any foreign war sons of veterans and to ladies' auxiliaries of each such organization and the American Gold Star Mothers, Inc. a room or rooms in any public building of such county sufficient for the meeting of each of such organizations at least once each month.

Section 2362. Plan of Hall Special Rooms to be Provided. (a) Such memorial hall shall be in honor of the soldiers sailors and marines from said county who served in the Army and Navy of the United States in any war in which the United States has been or may hereafter be engaged. Such memorial halls shall each contain one large assembly room or auditorium for public meetings of the soldiers sailors and marines of [the] such county which may be used also for other public meetings and patriotic gatherings [and civic purposes] by the consent of the board of control herein provided for.

(b) Such memorial hall shall also contain rooms for [meeting] meetings of [camps of the Sons of Union Veterans Women's Relief Corps Ladies] posts of the Grand Army of the Republic encampments of the Union Veteran Legion Commandaries of the Loyal Legion camps of the Sons of Veterans Women's Relief Corps Ladies of the Grand Army of the Republic chapters of the Daughters of the Revolution the American Gold Star Mothers, Inc. organizations of the Spanish-American War and Philippine insurrection the American Legion Veterans of Foreign Wars and organizations of veterans of all other wars in which the United States has or may be engaged and also rooms for meetings of ladies' auxiliaries of posts encampments camps and organizations for which rooms for meetings may be contained in the memorial hall and also rooms for such committees of public defense and welfare as may be created by the Commonwealth or as may be approved by the board of control hereinafter provided for.

(c) Such memorial halls shall also provide room for the display and preservation of relics and trophies of all wars in which the United States has been or may be engaged photographs paintings and portraits busts and statutes of the soldiers sailors and marines of the [county] said counties and mural tablets upon which shall be inscribed the names of such soldiers sailors and marines. Such memorial halls shall also contain waiting and rest rooms with lavatories attached.

The SPEAKER. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

### COMMUNICATION FROM GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows,

### APPROVAL OF HOUSE CONCURRENT RESOLUTION RECALLING HOUSE BILL No. 738 FROM GOVERNOR

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, December 6, 1955.  
To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Concurrent Resolution recalling from the Governor House Bill No. 738, Printer's No. 706, for the purpose of amendment.

Accordingly, the original bill is herewith returned.

GEORGE M. LEADER.

### RECONSIDERATION OF VOTE

Mr. READINGER. Mr. Speaker, I move that the vote by which this bill passed finally be reconsidered.

Mr. McCANN. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from Berks, Mr. Readings vote on the final passage of this bill?

Mr. READINGER. Mr. Speaker, I voted with the prevailing side.

The SPEAKER. How did the gentleman from Greene, Mr. McCann vote on the final passage of this bill?

Mr. McCANN. Mr. Speaker, I voted with the prevailing side.

On the question,

Will the House agree to the motion?

It was agreed to.

Mr. READINGER. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered.

The motion was agreed to.

On the question recurring,

Will the House agree to the bill on third reading?

Mr. READINGER. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

Amend Section 1, page 2, line 1, by striking out after the numeral "1" and before the numeral "1" the following: "The title and section" and inserting in lieu thereof the following "Section".

Amend Section 1, page 2, line 5, by striking out after the parenthesis and before the word "amended" the following: "are" and inserting in lieu thereof the following: "is".

Amend Section 1, page 2, by striking out lines 6 to 9 inclusive.

Amend Section 1, page 2, line 10, by striking out at the end of the line after the word "county" the following: "of the first class and".

Amend Section 1, page 2, line 11, by striking out at the beginning of the line before the word "city" the following: "each".

Amend Section 1, page 2, line 11, by striking out after the word "city" and before the word "and" the following: "I".

Amend Section 1, page 2, line 11, by striking out after the word "borough" and before the word "may" the following: "I of the first second and second class A".

Amend Section 1, page 2, line 17, by striking out after the word "county" and before the word "city" the following: "or".

Amend Section 1, page 2, line 17, by striking out after the word "city" and before the word "or" the following: "I".

Amend Section 1, page 2, line 18, by striking out after the word "borough" and before the word "sufficient" the following: "I".

The SPEAKER. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.



## SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR  
CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 114.

An Act to repeal Section 518 of and to add a new section 518.1 to the act approved the twenty-second day of May one thousand nine hundred thirty-three (P. L. 853) entitled "An act relating to taxation designating the subjects property and persons subject to and exempt from taxation for all local purposes providing for and regulating the assessment and valuation of persons property and subjects of taxation for county purposes and for the use of those municipal and quasi-municipal corporations which levy their taxes on county assessments and valuations amending revising and consolidating the law relating thereto and repealing existing laws" by eliminating all the provisions of the act which regulate the payment of the taxes pending appeals from assessments

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend title, page 2, by striking out after the word "assessments" line 3, the following: "and providing for the payment of refunds by taxing districts upon final adjudication".

Amend section 2, page 4, line 17 by inserting after the word "refund" the following: "appellant as a refund may at the election of the taxing district be set off or credited against any future taxes assessed against appellant in the same taxing district provided that where such taxing district is unable to thus credit all of such refund or any balance thereof in any one year the court may upon application of either party ascertain and determine how much of said refund shall be credited in that year the aforesaid proviso shall be construed to apply to all refunds that are now due or may hereafter become due as the result of appeals from assessments that have not been finally determined or adjusted at the time this act takes effect

page 5, line 10, by striking out after the word "effect" the following: "may at the election of the taxing district be set off or credited against any future taxes assessed against appellant in the same taxing district Provided That where such taxing district is unable to thus credit all of such refund or any balance thereof in any one year the court may upon application of either party ascertain and determine how much of said refund shall be credited in that year The aforesaid proviso shall be construed to apply to all refunds that are now due or may hereafter become due as the result of appeals from assessments that have not been finally determined or adjusted at the time this act takes effect shall be paid forthwith by the taxing district having collected the taxes".

On the question,

Will the House concur in the amendments made by the Senate?

## COMMUNICATION AND BILL LAID ON TABLE

Mr. READINGER. Mr. Speaker, I move that the communication from the Senate together with the bill be laid on the table.

The motion was agreed to.

## SENATE MESSAGE

AMENDED HOUSE BILL RETURNED  
FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 844.

An Act amending the act of May 1, 1929 (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," authorizing the use of warning figures, commonly known as "silent policemen" to be erected on highways and State highways by certain political subdivisions.

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend Section 1, page 3, line 10, by striking out after the word "towns" the word "and"; line 11, by inserting after the word "townships" the following: "and school districts"; line 16, by inserting after the word "direction" the following:

"The local authority responsible for the placing of such traffic signs signals and markings shall also be responsible for their removal within a reasonable period of time at the conclusion of the school day all such signs signals and markings shall have the approval of the Secretary of Highways prior to being put in use."

On the question,

Will the House concur in the amendments made by the Senate?

## COMMUNICATION AND BILL LAID ON TABLE

Mr. READINGER. Mr. Speaker, I move that the communication from the Senate together with the bill be laid on the table.

The motion was agreed to.

## SENATE MESSAGE

AMENDED HOUSE BILL RETURNED  
FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:



## HOUSE BILL No. 1501.

An Act authorizing the Department of Property and Supplies with the approval of the Governor to sell and convey real property situate in the township of West Goshen Chester County

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.  
The Clerk read the amendments as follows:

Amend Title, page 1, line 3, by striking out after the word "the" the words "Borough of West Chester" and inserting in lieu thereof the following: "Township of West Goshen".

Amend Section 1, page 2, line 1, by striking out after the word "the" the words "Borough of West Chester" and inserting in lieu thereof the words "Township of West Goshen".

On the question,

Will the House concur in the amendments made by the Senate?

## COMMUNICATION AND BILL LAID ON TABLE

Mr. READINGER. Mr. Speaker, I move that the communication from the Senate together with the bill be laid on the table.

The motion was agreed to.

## SENATE MESSAGE

## AMENDED SENATE BILL RECALLED FROM THE GOVERNOR RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence bill numbered and entitled as follows:

## SENATE BILL No. 218.

An Act to further amend Section 2 of the act approved the twentieth day of June one thousand nine hundred forty-seven (P. L. 733) entitled as amended "An act to provide revenue in school districts of the first class A by imposing a temporary tax upon certain classes of personal property providing for its levy and collection conferring and imposing powers and duties on the county assessing authority board of revision of taxes receiver of school taxes, school treasurer, board of public education in such districts and courts providing for compensation to certain officers and employes and imposing penalties" by providing for the method of validation of taxable shares of stock in any regulated investment company.

Said bill having been recalled from the Governor for the purpose of amendment. The vote had on final passage and third reading on said bill was reconsidered in the Senate and the bill amended, in which amendments the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend Section 1, page 3, line 12, by striking out after the word "or" the word "individual" and inserting in lieu thereof the word "individuals"; page 4, line 11, by striking out after the letter "A" the word "school" and inserting in lieu thereof the word "shall"; page 4, line 20, by striking out after the word "Code" the following: "of 1948" and inserting in lieu thereof the following: "in effect during the year for which the tax return is filed."

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

## YEAS—196

Adam,	Frascella,	Lopresti,	Rigby,
Agnew,	Frost,	Lovett,	Rosen,
Amarando,	Gaffney,	Lutty,	Rubin,
Anderson, M. S.,	Garlock,	Magee,	Rudisill,
Anderson, S. A.,	Gelfand,	Mahan,	Sarra,
Ashton,	Gibb,	Markley,	Scarcelli,
Auker,	Gibson,	McCann,	Schuster,
Banker,	Goldstein,	McCormack,	Sherman,
Barnatovich,	Gramlich,	McGee,	Sigman,
Bazin,	Greenwood,	McInroy,	Smith, C. C.,
Bell,	Guss,	McKeever,	Smith, Wm. B.,
Blair,	Guthrie,	McLaughlin,	Snider,
Boles,	Hamilton, R. K.,	McWherter,	Stank,
Bonner,	Hamilton, W. H.,	Meholchick,	Stebbins,
Boory,	Hass,	Metz,	Steckel,
Bower,	Haudenschild,	Mihm,	Stevenson,
Branca,	Heavey,	Mikula,	Stone,
Breisch,	Helm,	Miller,	Stoner,
Brennan, A. P.,	Henzel,	Mills,	Strausser,
Brennan, J. J.,	Hewitt,	Monroe,	Stroup,
Breth,	Hocker,	Moody,	Swartz,
Brown,	Holt,	Moran,	Taylor,
Buchin,	Horst,	Muldowney,	Thomas,
Bullen,	Houk,	Mullen,	Thompson,
Capano,	Issacs,	Munley,	Toll,
Cianfrani,	Jenkins,	Murphy,	Tompkins,
Cioffi,	Johnson,	Murray, H. P.,	Toomey,
Cochran,	Jones, G. E.,	Murray, J. J.,	Varallo,
Comer,	Jones, T. H. W.,	Murray, P. G.,	Varnier,
Connelly,	Jump,	Musto,	Vaughan,
Cooper,	Kamyk,	Naugle,	Verona,
Curwood,	Kehler,	Needham,	Wall,
Davis,	Keller,	Ogilvie,	Wallace,
Donahue,	Kent,	Olsen,	Walsh,
Donaldson,	Kline,	O'Neill,	Wargo,
Dougherty,	Knecht,	Pacchioli,	Waterhouse,
Ehrgood,	Kolankiewicz,	Parry,	Weidner,
Ellberg,	Kooker,	Pashley,	Welsh,
Erb,	Kornick,	Paulhamus,	Wescott,
Eshleman,	Kromer,	Petrosky,	Wheeler,
Ewing,	Kubacki,	Pettigrew,	Whitenight,
Farabaugh,	Lawyer,	Polaski,	Williams,
Filo,	Leiby,	Polen,	Wilt,
Fineman,	Lelsey,	Pomeroy,	Wood,
Flint,	Leonard,	Price,	Worley,
Floyd,	Leven,	Pursley,	Yetter,
Flynn,	Light,	Readinger,	Yetzer,
Foster,	Lamper,	Reibman,	Ziegler,
Frank,	Lippincott,	Renwick,	Andrews,

Speaker

## NAYS—0

## NOT VOTING—13

Brenninger,	Kratz,	Moscip,	Royer,
Down,	Lafore,	Reidenbach,	Stephens,
George,	Maxwell,	Rovansek,	Willaredt,
			Young,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

## SENATE MESSAGE

## AMENDED SENATE BILL RECALLED FROM THE GOVERNOR RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence bill numbered and entitled as follows:

## SENATE BILL No. 531.

An Act amending the act of May 3, 1909 (P. L. 413), entitled "An act relating to the granting of titles by the Commonwealth of Pennsylvania to vacant or unappro-



appropriated land, the price to be paid for the same, the conveyance to the State Forestry Reservation Commission, where desirable for forest culture or forest preservation, preventing the granting of warrants for the beds of navigable rivers, and providing for acceptance of returns of surveys without limitation as to excess or surplus," providing for and regulating the granting of warrants or other office rights and easements in across and under the beds of navigable rivers for sewer lines and other facilities of sewage treatments systems.

Said bill having been recalled from the Governor for the purpose of amendment. The vote had on final passage and third reading on said bill was reconsidered in the Senate and the bill amended, in which amendments the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend Title, page 2, line 1, by inserting after the word "of" the following: "warrants or other office rights and".

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

#### YEAS—196

Adam,	Frost,	Lovett,	Rosen,
Agnew,	Gaffney,	Lutty,	Rubin,
Amarando,	Garlock,	Magee,	Rudisill,
Anderson, M. S.,	Gelfand,	Mahan,	Sarra,
Anderson, S. A.,	Gibb,	Markley,	Scarcell,
Ashton,	Gibson,	McCann,	Schuster,
Auker,	Goldstein,	McCormack,	Sherman,
Banker,	Gramlich,	McGee,	Sigman,
Barnatovich,	Greenwood,	McInroy,	Smith, C. C.,
Bazin,	Guss,	McKeever,	Smith, Wm. B.,
Bell,	Guthrie,	McLaughlin,	Snider,
Blair,	Hamilton, R. K.,	McWherter,	Stank,
Boles,	Hamilton, W. H.,	Meholchick,	Stebbins,
Bonner,	Hass,	Metz,	Steckel,
Boory,	Haudenschild,	Mihm,	Stevenson,
Bower,	Heavey,	Mikula,	Stone,
Branca,	Helm,	Miller,	Stoner,
Brelschi,	Henzel,	Mills,	Strausser,
Brennan, A. P.,	Hewitt,	Monroe,	Stroup,
Brennan, J. J.,	Hocker,	Moody,	Swartz,
Breth,	Holt,	Moran,	Taylor,
Brown,	Horst,	Muldowney,	Thomas,
Bucchin,	Houk,	Mullen,	Thompson,
Bullen,	Isaacs,	Munley,	Toll,
Capano,	Jenkins,	Murphy,	Tompkins,
Cianfrani,	Johnson,	Murray, H. P.,	Toomey,
Cloffi,	Jones, G. E.,	Murray, J. J.,	Varallo,
Cochran,	Jones, T. H. W.,	Murray, P. G.,	Varnier,
Comer,	Jump,	Musto,	Vaughan,
Connelly,	Kamyk,	Naugle,	Verona,
Cooper,	Kehler,	Needham,	Wall,
Jurwood,	Keller,	Ogilvie,	Wallace,
Davis,	Kent,	Olsen,	Walsh,
Donahue,	Kline,	O'Neill,	Wargo,
Donaldson,	Knecht,	Pacchioli,	Waterhouse,
Dougherty,	Kolankiewicz,	Parry,	Weidner,
Ergood,	Kooker,	Pashley,	Welsh,
Elberg,	Kornick,	Paulhamus,	Wescott,
Er,	Kromer,	Petrosky,	Wheeler,
Esleman,	Kubacki,	Pettigrew,	Whitnigh,
Evig,	Lawyer,	Polaski,	Williams,
Farabaugh,	Leiby,	Polan,	Wilt,
Flo,	Leisey,	Pomeroy,	Wood,
Fineman,	Leonard,	Price,	Worley,
Flint,	Leven,	Pursley,	Yetter,
Floyd,	Light,	Readinger,	Yetter,
Fynn,	Limper,	Reibman,	Ziegler,
Foster,	Lippincott,	Renwick,	Andrews,
Frank,	Lopresti,	Rigby,	Speaker
Francella,			

#### NAYS—0

#### NOT VOTING—13

renninger,	Lafore,	Reidenbach,	Stephens,
own,	Maxwell,	Rovansek,	Willaredt,
George,	Moscip,	Royer,	Young,
rats,			

The majority required by the Constiution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

#### COMMUNICATION AND BILL TAKEN FROM TABLE

Mr. READINGER. Mr. Speaker, I move that House Bill No. 1172, Printer's No. 1092 together with the communication from the Senate be taken from the table.

The motion was agreed to.

#### SENATE MESSAGE

#### AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

#### HOUSE BILL No. 1172.

An Act amending the act of June 14, 1923 (P. L. 710) entitled "An act allowing and regulating boxing sparring and wrestling matches and exhibitions establishing a State Athletic Commission making an appropriation therefor and appropriating moneys received for monument and memorial purposes and prescribing penalties" prohibiting the use of a fictitious or assumed name for the purpose of participating in any amateur boxing match or exhibition.

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend Section 1, page 2, line 18, by inserting after the word "exhibition" the following: "unless such fictitious or assumed name is first registered with the Pennsylvania Boxing Commission."

On the question,

Will the House concur in the amendments made by the Senate?

Mr. READINGER. Mr. Speaker, I request that the House concur in the amendments made by the Senate.

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

#### YEAS—196

Adam,	Frost,	Lovett,	Rosen,
Agnew,	Gaffney,	Lutty,	Rubin,
Amarando,	Garlock,	Magee,	Rudisill,
Anderson, M. S.,	Gelfand,	Mahan,	Sarra,
Anderson, S. A.,	Gibb,	Markley,	Scarcell,
Ashton,	Gibson,	McCann,	Schuster,
Auker,	Goldstein,	McCormack,	Sherman,
Banker,	Gramlich,	McGee,	Sigman,
Barnatovich,	Greenwood,	McInroy,	Smith, C. C.,
Bazin,	Guss,	McKeever,	Smith, Wm. B.,
Bell,	Guthrie,	McLaughlin,	Snider,
Blair,	Hamilton, R. K.,	McWherter,	Stank,
Boles,	Hamilton, W. H.,	Meholchick,	Stebbins,
Bonner,	Hass,	Metz,	Steckel,
Boory,	Haudenschild,	Mihm,	Stevenson,
Bower,	Heavey,	Mikula,	Stone,
Branca,	Helm,	Miller,	Stoner,
Brelschi,	Henzel,	Mills,	Strausser,
Brennan, A. P.,	Hewitt,	Monroe,	Stroup,
Brennan, J. J.,	Hocker,	Moody,	Swartz,
Breth,	Holt,	Moran,	Taylor,
Brown,	Horst,	Muldowney,	Thomas,
Bucchin,	Houk,	Mullen,	Thompson,



Bullen,  
Capano,  
Cianfrani,  
Ciomi,  
Cochran,  
Comer,  
Connelly,  
Cooper,  
Curwood,  
Davis,  
Donahue,  
Donaldson,  
Dougherty,  
Ehrgood,  
Ellberg,  
Erb,  
Eshleman,  
Ewing,  
Farabaugh,  
Filo,  
Fineman,  
Flint,  
Floyd,  
Flynn,  
Foster,  
Frank,  
Frascella,

Isaacs,  
Jenkins,  
Johnson,  
Jones, G. E.,  
Jones, T. H. W.,  
Jump,  
Kamyk,  
Kehler,  
Keller,  
Kent,  
Kline,  
Knecht,  
Kolankiewicz,  
Kooker,  
Kornick,  
Kromer,  
Kubacki,  
Lawyer,  
Leiby,  
Lelsey,  
Leonard,  
Leven,  
Light,  
Limper,  
Lippincott,  
Lopresti,

Munley,  
Murphy,  
Murray, H. P.,  
Murray, J. J.,  
Murray, P. G.,  
Musto,  
Naugle,  
Needham,  
Ogilvie,  
Olsen,  
O'Neill,  
Pacchioni,  
Parry,  
Pashley,  
Paulhamus,  
Petrosky,  
Pettigrew,  
Polaski,  
Polen,  
Pomeroy,  
Price,  
Pursley,  
Readinger,  
Reibman,  
Renwick,  
Rigby,

Toll,  
Tompkins,  
Toomey,  
Varallo,  
Varner,  
Vaughan,  
Verona,  
Wall,  
Wallace,  
Walsh,  
Wargo,  
Waterhouse,  
Weidner,  
Welsh,  
Wescott,  
Wheeler,  
Whitenight,  
Williams,  
Wilt,  
Wood,  
Worley,  
Yetter,  
Yetzer,  
Ziegler,  
Andrews,  
Speaker

## NAYS—0

## NOT VOTING—13

Brenninger,  
Down,  
George,  
Kratz,

Lafore,  
Maxwell,  
Moscrip,

Reidenbach,  
Rovanssek,  
Royer,

Stephens,  
Willardt,  
Young,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

## SENATE MESSAGE

SENATE INSISTS ON AMENDMENTS NON-  
CONCURRED IN BY HOUSE

The Clerk of the Senate being introduced, informed that the Senate has insisted upon its amendments, non-concurred in by the House of Representatives, to House Bill No. 1104, entitled:

An Act amending the act of April 21 1949 (P. L. 665) entitled "An act to carry into effect section one of article fifteen of the Constitution giving cities of the first class the right and power to frame adopt and amend their own charters and to exercise the powers and authority of local self-government and providing the procedure therefore imposing certain restrictions limitations and regulations imposing duties upon city councils city officers county boards of elections courts and the Secretary of the Commonwealth and providing for the payment of certain expenses by such cities and imposing penalties" providing for the revision of home rule charters providing for the establishment of a charter revision commission for the purpose of making revisions and imposing duties upon city councils city officers boards of election courts and the Secretary of the Commonwealth.

## COMMUNICATION AND BILL LAID ON TABLE

Mr. READINGER. Mr. Speaker, I move that the communication from the Senate together with the bill be laid on the table.

The motion was agreed to.

## BILLS INTRODUCED AND REFERRED

The SPEAKER pro tempore. The Speaker has referred the following House Bills:

By Mr. READINGER.

HOUSE BILL No. 1941.

An Act to further amend the "Liquid Fuels Tax Act," approved the twenty-first day of May, one thousand nine hundred thirty-one (P. L. 149)\*\*\* by reducing the amount of tax on fuels used for the generation of power in aircraft and aircraft engines; further regulating the collection, disposition and refund thereof, and licensing of distributors.

Referred to the Committee on Ways and Means.

By Mr. READINGER.

HOUSE BILL No. 1942.

An Act to amend the title and sections two and four of the "Fuel Use Tax Act" approved the fourteenth day of January, one thousand nine hundred fifty-two (1951-1952 P. L. 1965)\*\*\* by imposing a tax on fuels used in aircraft or aircraft engines; fixing the amount thereof; and changing definitions of dealer-users, fuels and use.

Referred to the Committee on Ways and Means.

By Mr. READINGER.

HOUSE BILL No. 1943.

An Act to add section six hundred thirty-five point one to "The Penal Code" approved the twenty-fourth day of June, one thousand nine hundred thirty-nine (P. L. 872)\*\*\* by regulating the serving and selling of milk in which chocolate, cocoa or cacao products are used as an ingredient and prescribing penalties.

Referred to the Committee on Agriculture and Dairy Industries.

By Mr. READINGER.

HOUSE BILL No. 1944.

An Act to amend the "State Council of Civil Defense Act of 1951" approved the nineteenth day of March, one thousand nine hundred fifty-one (1951-52 P. L. 28)\*\*\* by authorizing the State Council of Civil Defense to make rules and regulations.

Referred to the Committee on State Government.

By Mr. READINGER.

HOUSE BILL No. 1945.

An Act amending "The Administrative Code of 1929" approved April 9, 1929 (P. L. 177) changing requirements in promulgating rules and regulations by the Department of Health.

Referred to the Committee on Public Health and Sanitation.

By Mr. READINGER.

HOUSE BILL No. 1946.

An Act amending the act of May 5, 1921 (P. L. 374) entitled "An act providing for the licensing and regulation of corporations, co-partnerships, associations, and individuals, engaged in the business of receiving payments or contributions to be held or used in any plan of accumulation or investment, \*\*\*" authorizing deposit of bonds of authorities created by the State or political subdivisions as security for licensure.

Referred to the Committee on Judiciary.

## RESOLUTIONS INTRODUCED AND REFERRED

By Mr. KOLANKIEWICZ. (Concurrent)

RESOLUTION No. 13

In the House of Representatives, December 14, 1955.

A grim Christmas and a sad New Year is in prospect for some 2,692 families in the Delaware Valley area, which includes a great number of Philadelphians. The wage earners of those families are going to be fired, many of them before the holidays arrive. The Federal Government is dismissing all these people—U.S. Civilian employees.



ployes—in the name of economy. And before it is too late, before the bad effects of these needless and untimely layoffs spread, it is hoped that the Federal agencies concerned will take swift steps to halt this planned layoff or unemployment.

The firing program lines up as follows: 600 to be dismissed at the Naval Air Materiel Center, 476 at the Naval Shipyard, 1500 affected by plans to move the Army clothing manufacturing plant to the south, and 116 handed dismissal notices at the Philadelphia Ordnance District.

These mass firings would come at a time when employment in this area has lagged. On the basis of latest available figures, unemployment in this area is approximately 6 percent of the total available labor force as compared with the national average of about 3.5 percent. This situation is partially attributable to previous cuts in defense activity in this area which have been far out of proportion to the nation-wide reduction. Thus, there can only be a harmful effect on the Delaware Valley, and, in turn, on the Nation. Loss of income to these families, loss of purchasing power to the region—both will set a grave pattern and a worse precedent.

This is not real Federal economy. As the Chamber of Commerce of Great Philadelphia points out, we all support efforts at real economy, halting needless expenditures, wasteful practices and unnecessary jobs. But many workers affected here have been on the job for thirty years and their work has been considered of major value up to now. What's more, hasty efforts to find jobs for these fired Federal employees elsewhere in the area overlook the fact that many of them may find that by sticking with the Federal Government over the years they are now too old to get the kind of jobs for which their skill and experience qualify them.

Firing or laying off of these workers, who are defense workers, would not only aggravate unemployment in critical areas but also would adversely affect the national defense effort. As an example the Naval Air Materiel Center is engaged in research, designs, manufacture, etc. of naval aviation equipment. It has been earned that private industry has expressed no desire to perform the type of work performed, because of its experimental nature and the small manufacturing quantities involved. Layoffs thus will result in the failure to meet military time schedules, delay in important projects, increase costs and inefficiency; therefore be it

Resolved (the Senate concurring), That the House of Representatives of the General Assembly of the Commonwealth of Pennsylvania memorialize the Congress of the United States, and more specifically members of the Congress representing the Delaware Valley, U. S. A., to take such steps as are necessary to cancel these firings or layoffs, and to reinstate those employees affected thereby or the better of the Delaware Valley and for the United States of America, and be it further

Resolved, That copies of this resolution be transmitted to the presiding officers of each House of the Congress of the United States, to each Senator and Representative from Pennsylvania and New Jersey in the Congress of the United States and to Secretary of Defense, Charles E. Wilson.

Referred to the Committee on Rules.

By Messrs. RUBIN and SIGMAN.

#### RESOLUTION No. 140.

In the House of Representatives, December 13, 1955.

Whereas, 6,000 employes of the Westinghouse Electric Corporation of Lester, Philadelphia, who are members of Local 107, United Electric Workers, Independent, have been idle and out of work for many weeks, and

Whereas, Officers of Local 107, United Electric Workers, have claimed that their members are idle because of a "lockout," and

Whereas, Congressman William Green of Philadelphia, who is Democratic City Chairman, and four other Democratic Congressmen of Philadelphia, have publicly

stated their belief that the 6,000 Westinghouse workers have been "locked-out" from their jobs, and

Whereas, Pennsylvania's Unemployment Compensation Law provides for the payment of benefits to workers who have become idle through no fault of their own, including "lock-outs" in labor disputes, and

Whereas, the families of these 6,000 Westinghouse workers have been suffering because the bread winners have been unemployed for a long period,

Therefore be it

Resolved, That this House of Representatives request that John Torquato, Secretary of Labor and Industry, determine at once whether or not it is a fact that these Westinghouse workers are the victims of a "lock-out," and if he finds that they are, immediately declare them eligible for unemployment compensation benefits as the law provides.

Referred to the Committee on Rules

#### SENATE MESSAGE

#### CONCURRENCE IN HOUSE RESOLUTION

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives as follows:

In the House of Representatives, December 14, 1955.

Resolved (if the Senate concur), that House Bill No. 445, Printer's No. 1132, entitled "An act amending the act of May 1, 1929 (P. L. 905) entitled 'An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds' further regulating passing school buses and eliminating school bus stop signs," be recalled from the Governor for the purpose of amendment.

#### SENATE MESSAGE

#### CONCURRENCE IN HOUSE RESOLUTION

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives as follows:

In the House of Representatives, December 14, 1955.

Resolved (if the Senate concur), that House Bill No. 620, Printer's No. 1042, entitled "An Act amending the act of May 1, 1929 (P. L. 905) entitled 'An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the De-



partment of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds further regulating speed in certain political subdivisions further prescribing enforcement and penal provisions and imposing duties on certain pedestrians", be recalled from the Governor for the purpose of amendment.

### SENATE MESSAGE

#### CONCURRENCE IN HOUSE RESOLUTION

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives as follows:

In the House of Representatives, December 13, 1955.

Resolved (if the Senate concur), that House Bill No. 1621, Printer's No. 769, entitled "An act amending the act of May 2, 1929 (P. L. 1278) entitled 'An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto' authorizing collection of data concerning deceased veterans of armed conflicts authorizing the erection of monuments for and giving retirement benefits to veterans of armed conflicts", be recalled from the Governor for the purpose of amendment.

### SENATE MESSAGE

#### CONCURRENCE IN HOUSE RESOLUTION

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives as follows:

In the House of Representatives, December 13, 1955.

Resolved (if the Senate concur), that House Bill No. 1622, Printer's No. 770, entitled "An act amending the act of May 2, 1929 (P. L. 1278) entitled 'An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto' extending the definition of 'deceased service persons' to include service personnel serving in an armed conflict", be recalled from the Governor for the purpose of amendment.

### SENATE MESSAGE

#### CONCURRENCE IN HOUSE RESOLUTION

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives as follows:

In the House of Representatives, December 12, 1955.

Resolved (if the Senate concur), that House Bill No. 1623, Printer's No. 783, entitled "An act amending the act of May 2, 1929 (P. L. 1278) entitled 'An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto' extending retirement benefits to veterans of armed conflicts", be recalled from the Governor for the purpose of amendment.

### SENATE MESSAGE

#### CONCURRENCE IN HOUSE RESOLUTION

The Clerk of the Senate being introduced, informed that

the Senate has concurred in the resolution from the House of Representatives as follows:

In the House of Representatives, December 12, 1955.

Resolved (if the Senate concur) that House Bill No. 1625, Printer's No. 771, entitled "An act amending the act of May 22, 1945 (P. L. 837) entitled as amended 'An act providing for and requiring in certain cases preference in appointments to and retention in public position or on public works for honorably discharged persons who served in the military or naval service during any war in which the United States engaged and in certain cases for the widows and wives of such persons' extending civil service preference to veterans of armed conflicts", be recalled from the Governor for the purpose of amendment.

### COMMITTEE MEETING NOT HELD

Mr. READINGER. Mr. Speaker, I yield to the Chairman of the Appropriations Committee who desires to make an announcement.

The Chair recognizes the gentleman from Washington, Mr. Polen.

Mr. POLEN. Mr. Speaker, as to the meeting called by the Appropriations Committee Chairman to hold a meeting of the Appropriations Committee, I would like to advise the House that the meeting was not held because of the lack of a quorum.

### SENATE MESSAGE

#### RECALLING SENATE BILL No. 722 FROM GOVERNOR

The Clerk of the Senate being introduced presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, December 13, 1955.

Resolved (if the House of Representatives concur), that Senate Bill No. 722, Printer's No. 265, entitled:

An Act amending the act of May 1, 1929 (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposed penalties, imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," regulating issuance of registration plates to newspaper, newsreel or television photographers.

be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

On the question,

Will the House concur in the resolution of the Senate?

It was concurred in.

Ordered, That the Clerk inform the Senate accordingly



REORGANIZATION PLANS Nos. 2 and 5 SIGNED  
BY SPEAKER

The SPEAKER pro tempore. The Speaker signed the following Reorganization Plans:

Reorganization Plans Nos. 2 and 5 having been prepared for presentation to the Governor, and the same being correct, they were publicly read as follows:

REORGANIZATION PLAN No. 2

Resolved that Reorganization Plan No. 2 of 1955 transmitted to the General Assembly under date of November 14, 1955, which is incorporated herein by reference, be approved

REORGANIZATION PLAN No. 5

Resolved that Reorganization Plan No. 5 of 1955 transmitted to the General Assembly under date of November 14, 1955 which is incorporated herein by reference, be approved

ADJOURNMENT

Mr. STRAUSSER. Mr. Speaker, I move that this House do now adjourn until Monday, December 19, 1955 at 3:00 p. m.

The motion was agreed to, and (at 3:31 p. m.) the House adjourned.







# Legislative Journal.

Session 1955.

141st of the General Assembly.

Vol. 34.

HARRISBURG, PA., MONDAY, DECEMBER 19, 1955.

No. 120.

## SENATE

MONDAY, December 19, 1955.

The Senate met at 3:00 o'clock, p. m., Eastern Standard Time.

The PRESIDENT (Lieutenant-Governor Roy E. Furman) in the Chair.

### PRAYER

The Chaplain, Rev. L. J. KAUFMAN, Pastor of Fayetteville Lutheran Parish, Fayetteville, offered the following prayer:

Almighty and eternal God, Who alone knowest what lies before us this day, grant that in every hour we may stay close to Thee, and that in every phase of our governing power, we will be aware of our sacred duty and our solemn obligation. We pray that in the physical, moral and spiritual welfare of our great Commonwealth, Thy mighty hand moves each one of us to act and do according to the best of our ability, for the personal and general welfare of all concerned.

We ask Thy blessing, we pray Thee, upon all those who are incapacitated here and we pray for their speedy recovery. We ask Thee for Thy blessing upon our Honorable President of the United States and all his servants, in progress and health according to Thy will and way.

Bestow Thy peace upon the Presiding Officer, the Members and servants of this Body here assembled. Direct our thinking, our thoughts and our actions ever to merit Thy blessing through God, our Father, God, Thy Son, and the Holy Ghost within us. May Thy special blessing abide with Thy servants everywhere, Amen.

### JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. FLEMING and Mr. McPHERSON, JR., further reading was dispensed with, and the Journal was approved.

### LEAVES OF ABSENCE

Mr. FLEMING asked and obtained leave of absence for Mr. PECHAN, who is hospitalized in the University of Pennsylvania Hospital in Philadelphia.

Mr. RUTH asked and obtained leave of absence for Mr. DERK, due to illness.

Mr. LANE asked and obtained leave of absence for Mr. YOSKO, due to illness.

## HOUSE MESSAGES

### HOUSE CONCURS IN SENATE CONCURRENT RESOLUTION, SERIAL No. 145

The Clerk of the House of Representatives being introduced, informed the Senate that the House has concurred in resolution from the Senate as follows:

#### JOINT STATE GOVERNMENT COMMISSION TO STUDY AND INVESTIGATE LAWS AFFECTING DOMESTIC RELATIONS

In the Senate, September 12, 1955.

Whereas, the laws affecting domestic relations are many and varied, and

Whereas, No one court has jurisdiction to hear and determine the causes arising under such laws; but the parties involved are required to submit to the jurisdiction of several courts, and

Whereas, Such divided jurisdiction in matters of the family relationship leads to delay, expense, multiplicity of actions and confusion; therefore be it

Resolved (the House of Representatives concerning), That the Joint State Government Commission be directed to study and investigate

The jurisdiction of the several courts of the Commonwealth concerning and arising out of the family relationship; and

The feasibility of establishing a Court of Domestic Relations in each judicial district with jurisdiction to hear and determine all such causes, and be it further

Resolved, That the Joint State Government Commission report to the next regular session of the General Assembly its findings and recommendations with drafts of legislation necessary to carry the recommendations into effect.

### HOUSE CONCURS IN SENATE CONCURRENT RESOLUTION, SERIAL No. 156

He also informed the Senate that the House has concurred in resolution from the Senate as follows:

#### DIRECTING THE JOINT STATE GOVERNMENT COMMISSION TO ASCERTAIN CERTAIN INFORMATION REGARDING THE SCHUYLKILL RIVER DESILTING PROJECT

In the Senate, October 24, 1955.

Whereas, Millions of tons of silt deposits have been removed from the Schuylkill River since the Schuylkill River Desilting Project was initiated in 1945, and

Whereas, Silt impounding basins were constructed to facilitate continuous desilting, and

Whereas, The legislation which established the Schuylkill River Desilting Project provides for a return on the



cost of the project through the sale of recovered materials; therefore be it

Resolved (the House of Representatives concurring), That the Joint State Government Commission be directed to ascertain the volume and value of marketable anthracite coal and other marketable materials recovered from the operations of the Schuylkill River Desilting Project; the amount realized by the Commonwealth from the sale of recovered materials; and the circumstances surrounding the sale of such recovered materials.

**HOUSE CONCURS IN SENATE CONCURRENT  
RESOLUTION, SERIAL No. 157**

He also informed the Senate that the House has concurred in resolution from the Senate as follows:

**COMMEMORATING THE 200TH ANNIVERSARY OF  
THE ARMSTRONG EXPEDITION AND CON-  
GRATULATING THE PENNSYLVANIA FED-  
ERATION OF HISTORICAL SOCIETIES AND  
CERTAIN COUNTY HISTORICAL SO-  
CITIES**

In the Senate, November 14, 1955.

Whereas, August 30 to September 8, 1956, marks the 200th anniversary of the expedition led by Pennsylvania's own Colonel John Armstrong starting at Fort Shirley, Shirleysburg, Huntingdon County, and culminating in the attack and destruction of the Indian town at Kittanning, Armstrong County, and

Whereas, this expedition was the first organized retaliation of the Pennsylvania provincial forces against the French and Indians following General Braddock's disastrous defeat at the Monongahela crossings and gave new hope and protection to the harassed Pennsylvania frontier by inflicting a serious blow upon the hostile Indians, and

Whereas, this expedition was organized and conducted on Pennsylvania soil and was made up of Pennsylvania forces and was led by a noted Pennsylvania commander and constituted a decisive engagement in the French and Indian War which finally determined the fate of Anglo-Saxon civilization in North America; therefore be it

Resolved (the House of Representative concurring), That the General Assembly congratulates the Pennsylvania Federation of Historical Societies and the historical societies of Huntingdon, Blair, Cambria, Indiana, and Armstrong counties upon the initiative taken in plans to commemorate this important anniversary in Pennsylvania's great history; and respectfully requests the Governor of the Commonwealth, The Honorable George M. Leader, to prepare and issue a suitable proclamation designating August 30 and September 8, 1956, as Armstrong Expedition Days and calling upon the public, parochial, and private schools, and the civic, patriotic, and historical bodies of the Commonwealth to observe with suitable ceremonies and pageants the 200th anniversary of this decisive event in Pennsylvania's heroic past.

**HOUSE CONCURS IN SENATE CONCURRENT  
RESOLUTION, SERIAL No. 159**

He also informed the Senate that the House has concurred in resolution from the Senate as follows:

**DESIGNATING THE WEEK OF MAY 12 AS  
PENNSYLVANIA NURSE WEEK**

In the Senate, November 21, 1955.

Whereas, The nursing profession plays a vital role in the health care of the Commonwealth of Pennsylvania and

Whereas, A continued renewal and extension of its ranks through the attraction of young people to the profession is of the first importance to the Commonwealth's future health and welfare; and

Whereas, There are many problems facing the nursing profession which can only be solved through the aid of an informed and sympathetic public; and

Whereas, It is proper and fitting that public attention and recognition should be focused on the great contributions, past and present, that the nursing profession in all its branches has made to Pennsylvania's welfare and security; therefore, be it

Resolved (The House of Representatives concurring), That the General Assembly designate the week of May 12 in each year as Pennsylvania Nurse Week, in honor of the nurses of the state and in recognition of the vitally important service they have faithfully rendered in the promotion of health and welfare. The Governor is authorized and requested to issue annually a proclamation calling upon all the people of the Commonwealth to cooperate in the observance of such week.

**BILLS SIGNED**

The PRESIDENT (Lieutenant-Governor Roy E. Furman) announced that the Chief Clerk having reported that the following bills had passed both houses of the General Assembly and the same being correct, the titles were publicly read as follows:

Senate Bill No. 218, entitled:

"An Act to further amend Section 2 of the act approved the twentieth day of June one thousand nine hundred forty-seven (P. L. 733) entitled as amended 'An act to provide revenue in school districts of the first class A by imposing a temporary tax upon certain classes of personal property providing for its levy and collection conferring and imposing powers and duties on the county assessing authority board of revision of taxes receiver of school taxes, school treasurer, board of public education in such districts and courts providing for compensation to certain officers and employes and imposing penalties' by providing for the method of validation of taxable shares of stock in any regulated investment company.

Senate Bill No. 520, entitled:

An Act amending the act of May 4, 1927 (P. L. 519), entitled "An act concerning boroughs, and revising, amending, and consolidating the law relating to boroughs," further regulating the procedure to be followed in enacting necessary ordinances in the course of preparing a consolidation, codification or revision of ordinances.

Senate Bill No. 531, entitled:

An Act amending the act of May 3, 1909 (P. L. 413), entitled "An act relating to the granting of titles by the Commonwealth of Pennsylvania to vacant or unappropriated land, the price to be paid for the same, the conveyance to the State Forestry Reservation Commission, where desirable for forest culture or forest preservation, preventing the granting of warrants for the beds of navigable rivers, and providing for acceptance of returns of surveys without limitation as to excess or surplus," providing for and regulating the granting of warrants or other office rights and easements in, across and under the beds of navigable rivers for sewer lines and other facilities of sewage treatment systems.

Whereupon,

The PRESIDENT (Lieutenant-Governor Roy E. Furman) in the presence of the Senate signed the same.

**COMMITTEE APPOINTED TO ESCORT GOVERNOR**

The PRESIDENT. The Chair wishes to announce that the President pro tempore of the Senate has appointed the following committee to escort the Governor to the Joint Session this afternoon:



The Senator from Philadelphia, Mr. DiSilvestro; the Senator from Philadelphia, Mr. Mullin; and the Senator from Schuylkill, Mr. Wagner.

REPORTS FROM COMMITTEES

Mr. CHAPMAN, from the Committee on Appropriations reported as amended, House Bill No. 1674, entitled:

An Act making an appropriation to the Department of Welfare for the two fiscal years beginning June 1, 1955, to assist in the payment of the operation and maintenance by the Trustees of Mercy-Douglass Hospital of the addition to Philadelphia State Hospital constructed by The General Assembly.

Mr. HARNEY, from the Committee on Constitutional Changes and Federal Relations, reported as committed House Bill No. 499, entitled:

A Joint Resolution proposing an amendment to article eight of the Constitution of the Commonwealth of Pennsylvania enabling the Legislature to enact legislation providing for absentee voting.

BILLS INTRODUCED AND REFERRED

Mr. WHALLEY, on behalf of Mr. PECHAN, read in his place and presented to the Chair Senate Bill No. 921, entitled:

An Act amending the act of May 11, 1949 (P. L. 1210), entitled "An act relating to group life insurance . . ." authorizing the insuring of spouse and children of employees and members, and fixing requirements.

Which was committed to the Committee on Insurance.

Mr. SEYLER, on behalf of Mr. DENT, read in his place and presented to the Chair Senate Bill No. 922, entitled:

An Act amending the act of July 2, 1935 (P. L. 599), entitled "An act relating to motion picture exhibitions and sound motion picture exhibitions, together with orchestral or other instrumental musical or mechanical musical accompaniment, prelude, playing, or selection in connection with or incidental thereto on Sunday; . . ." further regulating referendums and petitions therefor and dispensing with referendums in townships.

Which was committed to the Committee on Law and Order.

Messrs. SCHMIDT, SEYLER, HAYS and SILVERT read in place and presented to the Chair Senate Bill No. 923, entitled:

An Act amending the act of October 27, 1955 (P. L. Act No. 222), entitled "Pennsylvania Fair Employment Practice Act," removing age from coverage of the act.

Which was committe to the Committee on Education.

SENATE RESOLUTION

EXPRESSING THE APPRECIATION OF THE SENATE OF PENNSYLVANIA TO THE FORD FOUNDATION

Mr. FLEMING, on behalf of the Republican Membership, offered the following resolution which was twice read, considered and agreed to:

In the Senate, December 19, 1955.

The Ford Foundation, established in 1936 for receiving and administering funds for scientific, educational and charitable purposes, all for the public welfare, has recently made available a huge sum of money for the use of private hospitals and institutions of higher learn-

ing of which a number of Pennsylvania colleges and hospitals receive a generous amount; therefore be it

Resolved, That the Senate of Pennsylvania express its appreciation of the largess of the Ford Foundation, and of the wisdom of its judgment and discretion in administering and applying the funds under its control; and be it further

Resolved, That a copy of this resolution be transmitted to the Ford Foundation, 477 Madison Avenue, New York 22, New York.

PERMISSION TO ADDRESS SENATE

Mr. STIEFEL asked and obtained unanimous consent to address the Senate.

Mr. STIEFEL. Mr. President and gentleman of the Senate, we are about a month from the opening of the Congress of the United States and, again, the question of a deeper Delaware Channel will come up. The purpose of this resolution, which I am about to introduce on behalf of my colleagues, Senator Watkins, Senator Watson and myself, urges the Director of the Budget not to forget to include adequate amounts for the deepening of the channel.

SENATE CONCURRENT RESOLUTIONS

REQUESTING FAVORABLE ACTION OF THE UNITED STATES BUREAU OF THE BUDGET CONCERNING THE RECOMMENDATION OF AN APPROPRIATION FOR DEEPENING AND IMPROVEMENT OF THE DELAWARE RIVER CHANNEL PHILADELPHIA, PA., TO TRENTON, N. J.

Messrs. STIEFEL, WATKINS and WATSON offered the following resolution, which was twice read as follows:

In the Senate, December 19, 1955.

Whereas, the Congress of the United States has authorized deepening and widening the channel of the Delaware River from Philadelphia, Pa., to Trenton, N. J.; and

Whereas, the President of the United States has heretofore requested an appropriation to commerce this improvement of the Delaware River channel; and

Whereas, the immediate initiation of this channel improvement is vital to the continuing economic well-being of commerce and industry and the people of the Delaware Valley area; now therefore be it

Resolved, that the Senate and House of Representatives of the Commonwealth of Pennsylvania petition the United States Bureau of the Budget to include in the Budget for the fiscal year 1956-57 sufficient monies so that the congressionally-authorized improvement of the Delaware River can be started promptly—and thereby assure its earliest completion—in the interests of our national defense, industry, commerce, and for the welfare of all the people residing in Delaware Valley; and be it further

Resolved, that the Secretary of the Senate be directed upon the passage of the instant Resolution to forward copies hereof to His Excellency, the President of the United States; to the Vice President of the United States, in his capacity as Presiding Officer of the Senate of the United States; to the Speaker of the House of Representatives of the Congress of the United States to the two United States Senators from Pennsylvania, the Honorable Edward Martin and James H. Duff; to each one of the Members of the Pennsylvania Delegation to the House of Representatives of the Congress of the United States; to the Director of the Bureau of the Budget; and to the Chief of Engineers, United States Corps of Engineers.

RULE 39 SUSPENDED

Mr. STIEFEL. Mr. President, I ask unanimous consent that Rule 39, which requires resolutions be referred to



an appropriate committee, be suspended and the Senate do now proceed to the consideration of the resolution just read.

The PRESIDENT. Is there objection?

The Chair hears none.

On the question,

Will the Senate agree to the resolution?

It was agreed to.

Ordered, That the Clerk present the same to the House of Representatives for concurrence.

#### TIME OF NEXT MEETING

Mr. WHALLEY offered the following resolution which was twice read, considered and agreed to:

In the Senate, December 19, 1955.

Resolved (the House of Representatives concurring), That when the Senate adjourns this week, it reconvene on Monday, January 16, 1956, at a time to be fixed by the Senate, unless sooner recalled by the President pro tempore, and when the House of Representatives adjourns this week, it reconvene on Monday, January 16, 1956, at a time to be fixed by the House of Representatives, unless sooner recalled by the Speaker of the House of Representatives.

Ordered, That the Clerk present the same to the House of Representatives for concurrence.

#### SENATE BILL No. 603, RECALLED FROM THE GOVERNOR, TAKEN FROM TABLE

Mr. STEVENSON. Mr. President, I call up from the table at this time Senate Bill No. 603, Printer's No. 220, which was recalled from the Governor for the purpose of amendment.

#### RECONSIDERATION OF SENATE BILL No. 603

Mr. STEVENSON. Mr. President, I move that the Senate do now reconsider the vote by which Senate Bill No. 603, entitled:

An Act amending the act of June 24, 1937 (P. L. 2017), entitled "An act creating in each county (except of the first class) as a separate corporation, and in each city of the first and second class as a part of the city government, an institution district for the care and maintenance of certain indigent persons and children; prescribing the powers and duties of county commissioners, county treasurers, city departments of public welfare, the State Department of Welfare and the State Department of Public Assistance in respect thereto; abolishing certain poor districts and terminating the terms of directors, overseers, guardians and managers of the poor and poor district auditors, and providing for the temporary employment of certain of them; providing for the transfer, vesting, sale and disposition of the property of poor districts and the payment of their obligations; imposing certain existing obligations; imposing certain existing obligations on institution districts and on the Commonwealth; regulating the affairs of poor districts until abolished; revising, amending, changing and consolidating the law relating to the care of the poor; and repealing existing laws," authorizing the sale of surplus farm products and other personal property.

passed finally.

The PRESIDENT. How did the Senator vote?

Mr. STEVENSON. Mr. President, I voted with the prevailing side.

Mr. FLEMING. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. FLEMING. Mr. President, I voted with the prevailing side.

The motion was agreed to.

And the question recurring,

Shall the bill pass finally?

Mr. STEVENSON. Mr. President, I move to reconsider the vote by which the bill passed third reading.

The PRESIDENT. How did the Senator vote?

Mr. STEVENSON. Mr. President, I voted with the prevailing side.

Mr. FLEMING. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. FLEMING. Mr. President, I voted with the prevailing side.

The motion was agreed to.

And the question recurring,

Will the Senate agree to the bill on third reading?

Mr. STEVENSON. Mr. President, I ask unanimous consent to offer amendments at this time.

The PRESIDENT. Is there objection? The Chair hears none.

The Clerk read the amendments as follows:

Amend Section 1 (Section 305), page 3, line 18, by inserting after the word "approve" and before the article "a" the following: "by resolution or ordinance"; Amend Section 1 (Section 305), page 3, line 20, by striking out after the word "at" and before the word "or" the following: "five hundred dollars (\$500)" and inserting in lieu thereof the following: "two hundred dollars (\$200)"; Amend Section 1 (Section 305), page 4, line 7, by striking out after the word "than" and before the word "advertising" the following: "five hundred dollars (\$500)" and inserting in lieu thereof the following: "two hundred dollars (\$200)".

On the question,

Will the Senate agree to the amendments?

They were agreed to.

Ordered, That the bill, as amended, lie over for printing.

#### COMMUNICATIONS FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows:

#### SENATE BILL No. 723, PRINTER'S No. 266, RETURNED WITHOUT APPROVAL

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, December 15, 1955.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I return herewith, without my approval, Senate Bill No. 723, Printer's No. 266, entitled "An Act amending the act of March 10, 1949 (P. L. 30) entitled 'An act relating to the public school system including certain provisions applicable as well to private and parochial schools amending revising consolidating and changing the laws relating thereto' authorizing joint school committees to manage designated functions of joint schools or departments."

This bill would amend Section 1707 of the School Code of 1949, the Act of March 10, 1949, P. L. 30, by further providing that the management of a joint school may be done by several joint committees instead of one such committee to perform the functions specifically delegated to it.

The addition of this provision could divest the existing



joint committee of control over the several various functions and place such control in one of several joint committees. This would result in a complete lack of uniformity as to the circumstances under which certain functions would be delegated.

The fundamental policy of the Constitution of Pennsylvania and the Public School system is to obtain as much uniformity as is feasible for the government and conduct of the schools to obtain education for the children.

It might also prove to be an opening wedge to demands of some school directors to create separate committees because of an existing grievance or disagreement.

In such delegation of functions there is always the circumstance of overlapping of jurisdiction without a clear line of demarcation on the firing activities which could only result in confusion and defeat the object to be attained.

I do not believe that the amendment proposed by this bill affords a solution to benefit the existing system. Furthermore, the possible abuses that may result may far outweigh any advantage that may be gained by the amendment proposed in this bill.

For these reasons, the bill is not approved.

GEORGE M. LEADER.

He also presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows:

APPROVED AND SIGNED SENATE BILL No. 121,  
PRINTER'S No. 112

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, December 15, 1955.  
To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed Senate Bill No. 121, Printer's No. 112, entitled "An Act requiring rents and royalties from oil and gas leases of Commonwealth land to be placed in a special fund to be used for conservation recreation dams and flood control authorizing the secretary of Forests and Waters to determine the need for and location of such projects and to acquire the necessary land."

GEORGE M. LEADER.

APPROVED AND SIGNED SENATE BILL No. 165,  
PRINTER'S No. 263

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, December 15, 1955.  
To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed Senate Bill No. 165, Printer's No. 263, entitled "An Act amending the act of June 30, 1947 (P. L. 1183) entitled 'An act relating to strikes by public employes prohibiting such strikes providing that such employes by striking terminate their employment providing for reinstatement under certain conditions providing for a grievance procedure and providing for hearings before civil service and tenure authorities and in certain cases before the Pennsylvania Labor Relations Board' changing the method of selecting panels for the adjustment of grievances of certain school district employes and imposing additional duties on such panels."

GEORGE M. LEADER.

APPROVED AND SIGNED SENATE BILL No. 325,  
PRINTER'S No. 86

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, December 15, 1955.  
To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed Senate Bill No. 325, Printer's No. 86, entitled "An Act amending the act of May 4, 1927 (P. L. 519) entitled 'An act concerning boroughs and revising amending and consolidating the law relating to boroughs' further regulating the incorporation of boroughs changing certain penalties and making such changes retroactive fixing the expense allowance for delegates to the meetings of the State Association of Boroughs providing for the creation of capital reserve funds for capital expenditures and the advertising of notices relative to land subdivision ordinances."

GEORGE M. LEADER.

APPROVED AND SIGNED SENATE BILL No. 400,  
PRINTER'S No. 156

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, December 15, 1955.  
To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed Senate Bill No. 400, Printer's No. 156, entitled "An Act amending the act of May 23, 1907 (P. L. 227) entitled 'An act relating to husband and wife and to enlarge the rights and remedies of married women in case of desertion or non-support by husbands' including desertion of children and extending the right of action."

GEORGE M. LEADER.

He also presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows:

APPROVED AND SIGNED SENATE CONCURRENT  
RESOLUTION RECALLING SENATE BILL No. 475,  
PRINTER'S No. 145

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, December 15, 1955.  
To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed Senate Concurrent Resolution recalling from the Governor Senate Bill No. 475, Printer's No. 145, for the purpose of amendment.

Accordingly, the original bill is herewith returned.

GEORGE M. LEADER.

The PRESIDENT. The bill will lie upon the table.

APPROVED AND SIGNED SENATE CONCURRENT  
RESOLUTION RECALLING SENATE BILL No. 722,  
PRINTER'S No. 265

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, December 15, 1955.  
To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed Senate Concurrent Resolution recalling from the Governor Senate Bill No. 722, Printer's No. 265, for the purpose of amendment.

Accordingly, the original bill is herewith returned.

GEORGE M. LEADER.

The PRESIDENT. The bill will lie upon the table.

## HOUSE MESSAGES

AMENDMENT TO HOUSE BILL No. 342, RECALLED  
FROM THE GOVERNOR

The Clerk of the House of Representatives being introduced, presented for concurrence, House Bill No. 342, entitled:



An Act amending the act of May 1, 1929 (P. L. 905), entitled "Vehicle Code," exempting motor vehicles of war amputees from the payment of title or registration fees.

Said bill having been recalled from the Governor for amendment, the votes had on final passage and third reading were reconsidered in the House and the bill amended, in which amendments the concurrence of the Senate is requested.

The PRESIDENT. The bill, as amended, will appear on tomorrow's Calendar.

#### AMENDMENT TO HOUSE BILL No. 662, RECALLED FROM THE GOVERNOR

He also presented for concurrence, House Bill No. 662, entitled:

An Act amending the act of May 5, 1933 (P. L. 289), entitled "Nonprofit Corporation Law" empowering non-profit corporations to transfer their property and assets in trust.

Said bill having been recalled from the Governor for amendment, the votes had on final passage and third reading were reconsidered in the House and the bill amended, in which amendments the concurrence of the Senate is requested.

The PRESIDENT. The bill, as amended, will appear on tomorrow's Calendar.

#### AMENDMENT TO HOUSE BILL No. 737, RECALLED FROM THE GOVERNOR

He also presented for concurrence, House Bill No. 737, entitled:

An Act amending the act of May 2, 1929 (P. L. 1278), entitled "General County Law" providing rooms for use of the American God Star Mothers, Inc.

Said bill having been recalled from the Governor for amendment, the votes had on final passage and third reading were reconsidered in the House and the bill amended, in which amendments the concurrence of the Senate is requested.

The PRESIDENT. The bill, as amended, will appear on tomorrow's Calendar.

#### AMENDMENT TO HOUSE BILL No. 738, RECALLED FROM THE GOVERNOR

He also presented for concurrence, House Bill No. 738, entitled:

An Act amending the act of July 8, 1919 (P. L. 784, No. 321), entitled "An act authorizing counties, cities, and boroughs to furnish rooms in public buildings for meeting places for certain organizations," including the American Gold Star Mothers, Inc., within provisions of act.

Said bill having been recalled from the Governor for amendment, the votes had on final passage and third reading were reconsidered in the House and the bill amended, in which amendments the concurrence of the Senate is requested.

The PRESIDENT. The bill, as amended, will appear on tomorrow's Calendar.

### CALENDAR

#### BILL ON CONCURRENCE IN HOUSE AMENDMENTS

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 511, as follows:

An Act amending the act of April 12, 1951 (P. L. 90) entitled "An act relating to alcoholic liquors alcohol and malt and brewed beverages amending revising consolidating and changing the laws relating thereto regulating and restricting the manufacture purchase sale possession consumption importation transportation furnishing holding in bond holding in storage traffic in and use of alcoholic liquors alcohol and malt and brewed beverages and the persons engaged or employed therein defining the powers and duties of the Pennsylvania Liquor Control Board providing for the establishment and operation of State liquor stores for the payment of certain license fees to the respective municipalities and townships for the abatement of certain nuisances and in certain cases for search and seizure without warrant prescribing penalties and forfeitures providing for local option and repealing existing laws" regulating the exchange of and further limiting the transfer of licenses permitting transfer of distributor's and importing distributor's licenses anywhere within the same county

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Subsection (a) of section 468 act of April 12, 1951 (P. L. 90) known as the "Liquor Code" amended August 22, 1953 (P. L. 1340) is amended to read

#### Section 468 Licenses Not Assignable Transfers

(a) Licenses issued under this article may not be assigned The board upon payment of the transfer filing fee and the execution of a new bond is hereby authorized to transfer any license issued by it under the provisions of this article from one person to another or from one place to another or both within the same municipality as the board may determine provided however that in the case of distributor and importing distributor licenses the board may transfer any such license from its place in a municipality to a place in any other municipality within the same county or from one place to another place within the same municipality or exchange a distributor license for an importing distributor license or an importing distributor license for a distributor license if the building for which the license is to be issued has in the case of an importing distributor license an area under one roof of two thousand five hundred square feet and in the case of a distributor license an area under one roof of one thousand square feet and provided that in the case of all transfers of distributor or importing distributor licenses whether from a place within the same municipality to another place within the same municipality or from a place in a municipality to a place in any other municipality within the same county and in the case of an exchange of a distributor license for an importing distributor license or an importing distributor license for a distributor license the premises to be affected by the transfer or exchange shall contain an office separate and apart from the remainder of the premises to be licensed for the purpose of keeping records required by the board adequate toilet facilities for employees of the licensee and an entrance on a public thoroughfare Provided however That in the event that the majority of the voting electors of a municipality at an election held under the provisions of any law so empowering them to do shall vote against the issuance of distributor or importing distributor licenses in such municipality the board is hereby authorized to transfer any such distributor or importing distributor license from its place in such municipality to a place in any other municipality within the same county upon application prior to the expiration of any such license and upon payment of the transfer filing fee and the execution of a new bond but no transfer shall be made to a person who would not have been eligible to receive the license originally nor for the transaction of business at a place for which the license could not lawfully have been issued originally nor except as herein



provided to a place as to which a license has been revoked No license shall be transferred to any place or property upon which is located as a business the sale of liquid fuels and oil Except in cases of emergency such as death serious illness or circumstances beyond the control of the licensee as the board may determine such circumstances to justify its action transfers of licenses may be made only at times fixed by the board In the case of the death of a licensee the board may transfer the license to the surviving spouse or personal representative or to a person designated by him From any refusal to grant a transfer or upon the grant of any transfer the party aggrieved shall have the right of appeal to the proper court and therefrom to the Superior Court in the manner hereinbefore provided

\* \* \*  
Section 2 This act shall take effect immediately.

which was returned from the House of Representatives with amendments.

Said amendments having been twice read, and printed as required by the Constitution,

On the question,

Will the Senate concur in the same?

SENATE CONCURS IN AMENDMENTS MADE BY THE HOUSE TO SENATE BILL No. 511

Mr. FLEMING. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 511.

Mr. LANE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

#### YEAS—46

Bane,	Haluska,	McGinnis,	McMenamin,
Barr,	Harney,	McPherson, Jr.,	Stevenson,
Berger,	Hays,	Miller,	Stiefel,
Blass,	Holland,	Mullin,	Taylor,
Camel,	Kessler,	Peelor,	Van Sant,
Chapman,	Koprivier, Jr.,	Propert,	Wade,
Dent,	Lane,	Ruth,	Wagner,
Diehm,	Madigan,	Schmidt,	Watkins,
DiSilvestro,	Mahany,	Scott,	Watson,
Donolow,	Mallery,	Seyler,	Weiner,
Flack,	McCreesh,	Silvert,	Whalley,
Fleming,			Wolfe,

#### NAYS—0

A majority of all the Senators having voted "aye", the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

#### BILL ON CONCURRENCE IN HOUSE AMENDMENTS

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 773, as follows:

An Act amending the act of May 1, 1929 (P. L. 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highway peace officers

mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" prohibiting the operation of motor vehicles with certain types of mufflers and changing penalties

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 819 act of May 1 1929 (P. L. 905) known as "The Vehicle Code" amended June 22 1931 (P. L. 751) is amended to read

#### Section 819 Prevention of Noise

(a) No person shall operate a motor vehicle except fire department and fire patrol apparatus on a highway unless such motor vehicle is equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise

(b) It shall be unlawful to use a muffler cut-out or a bi-pass in a muffler on any motor vehicle except fire department and fire patrol apparatus

(c) No person shall operate a motor vehicle on any highway (1) equipped with a muffler from which the baffles plates screens or other original internal parts have been removed and not replaced or (2) equipped with a muffler commonly known as a "Hollywood muffler" or any other similar type muffler which does not have baffles plates or screens

Penalty Any person violating any of the provisions of this section shall upon summary conviction before a magistrate be sentenced to pay a fine [of ten (\$10) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than five (5) days] not to exceed twenty-five (\$25) dollars or to undergo imprisonment not to exceed fifteen (15) days or both

which was returned from the House of Representatives with amendments.

Said amendments having been twice read, and printed as required by the Constitution,

On the question,

Will the Senate concur in the same?

SENATE CONCURS IN AMENDMENTS MADE BY THE HOUSE TO SENATE BILL No. 773

Mr. FLEMING. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 773.

Mr. LANE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

#### YEAS—46

Bane,	Haluska,	McGinnis,	Silvert,
Barr,	Harney,	McMenamin,	Stevenson,
Berger,	Hays,	McPherson, Jr.,	Stiefel,
Blass,	Holland,	Miller,	Taylor,
Camel,	Kessler,	Mullin,	Van Sant,
Chapman,	Koprivier, Jr.,	Peelor,	Wade,
Dent,	Lane,	Propert,	Wagner,
Diehm,	Madigan,	Ruth,	Watkins,
DiSilvestro,	Mahany,	Schmidt,	Watson,
Donolow,	Mallery,	Scott,	Weiner,
Flack,	McCreesh,	Seyler,	Whalley,
Fleming,			Wolfe,

#### NAYS—0



A majority of all the Senators having voted "aye", the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

#### BILL ON CONCURRENCE IN HOUSE AMENDMENTS

##### BILL OVER IN ORDER

Mr. FLEMING. Mr. President, I ask unanimous consent that Senate Bill No. 813, on concurrence in House amendments, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

##### FINAL PASSAGE CALENDAR

##### RECONSIDERATION OF HOUSE BILL No. 8

Mr. LANE. Mr. President, I move that the Senate do now reconsider the vote by which House Bill No. 8, entitled:

An Act authorizing and directing the Department of Highways with the approval of the Governor to erect and maintain a toll bridge over the Ohio River in Beaver County between a point in the general area of Monaca-Shippinport to the general area of Beaver-Midland on the opposite side of the Ohio River and to provide the necessary approaches and connections with State highways empowering counties to pay certain damages.

passed third reading.

The PRESIDENT. How did the Senator vote?

Mr. LANE. Mr. President, I voted with the majority.

Mr. HALUSKA. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. HALUSKA. Mr. President, I voted with the majority.

The motion was agreed to.

And the question recurring,

Will the Senate agree to the bill on third reading?

Mr. LANE. Mr. President, I ask unanimous consent to offer amendments at this time.

The PRESIDENT. Is there objection? The Chair hears none.

The Clerk read the amendments as follows:

Amend Title, page 1, lines 4 and 5 of Titles, by striking out "the general area of" in line 4, and all of line 5, and inserting in lieu thereof: "or near the Borough of Shippinport to a point in or near the Borough of Midland on"; Amend Sec. 1, page 2, line 4, by striking out "the general area of Monaca-" and inserting in lieu thereof: "or near the Borough of"; Amend Sec. 1, page 2, line 5, by striking out "the general area of Beaver-Midland" and inserting in lieu thereof: "a point in or near the Borough of Midland".

On the question,

Will the Senate agree to the amendments?

They were agreed to.

On the question,

Will the Senate agree to the bill on third reading, as amended?

##### BILL OVER IN ORDER

Mr. LANE. Mr. President, I ask unanimous consent that House Bill No. 8, Printer's No. 1242, on third reading, go over in its order, as amended.

The PRESIDENT. Is there objection? The Chair hears none.

#### THIRD READING CALENDAR

##### BILLS OVER IN ORDER

Mr. FLEMING. Mr. President, I ask unanimous consent that the following bills, on third reading, go over in their order:

Senate Bill No. 188, Printer's No. 370; and

Senate Bill No. 316, Printer's No. 372.

The PRESIDENT. Is there objection? The Chair hears none.

#### BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 842, as follows:

An Act amending the act of May 15, 1939 (P. L. 134) entitled as amended "An act relating to fireworks defining fireworks prohibiting the sale offering or exposing for sale and use of fireworks except in certain cases authorizing cities boroughs towns and townships to issue permits for fireworks displays and to regulate the same imposing duties on the Pennsylvania State Police sheriffs police officers and constables and providing penalties" authorizing the issuance of permits for and the use of fire works in connection with raising and protecting crops

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 4 act of May 15, 1939 (P. L. 134) entitled as amended "An act relating to fireworks defining fireworks prohibiting the sale offering or exposing for sale and use of fireworks except in certain cases authorizing cities boroughs towns and townships to issue permits for fireworks displays and to regulate the same imposing duties on the Pennsylvania State Police sheriffs police officers and constables and providing penalties" is amended to read

Section 4 Nothing in this act shall be construed to prohibit any resident wholesaler dealer or jobber to sell at wholesale such fireworks as are not herein prohibited or the sale of any kind of fireworks provided the same are to be shipped directly out of state or are to be used by a person holding a permit from any municipality at the display covered by such permit or when used as authorized by a permit for agricultural purposes in connection with the raising of crops and the protection of crops from bird and animal damage or the use of fireworks by railroads or other transportation agencies for signal purposes or illumination or when used in quarrying or for blasting or other industrial use or the sale or use of blank cartridges for a show or theatre or for signal or ceremonial purposes in athletics or sports or for use by military organizations or organizations composed of veterans of the United States Army or Navy

Section 2 The act is amended by adding after section 4 a new section to read

Section 4.1 The governing body of any city borough town or township shall have the power under reasonable rules and regulations adopted by it to grant permits for the use of suitable fireworks for agricultural purposes in connection with the raising of crops and the protection of crops from bird and animal damage such permits shall be good for the calendar year in which issued after such permit has been granted sales possession and use of fireworks of the type and for the purpose mentioned in the permit shall be lawful for that purpose only

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,



On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

## YEAS—46

Bane,	Haluska,	McGinnis,	Silvert,
Barr,	Harney,	McMenamin,	Stevenson,
Berger,	Hays,	McPherson, Jr.,	Stiefel,
Blass,	Holland,	Miller,	Taylor,
Camiel,	Kessler,	Mullin,	Van Sant,
Chapman,	Koprivier, Jr.,	Peelor,	Wade,
Dent,	Lane,	Probert,	Wagner,
Diehm,	Madigan,	Ruth,	Watkins,
DiSilvestro,	Mahany,	Schmidt,	Watson,
Donolow,	Mallery,	Scott,	Weiner,
Flack,	McCreesh,	Seyler,	Whalley,
Fleming,			Wolfe,

## NAYS—0

A majority of all the Senators having vote "aye," the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence:

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 900, as follows:

An Act amending the act of July 7, 1947 (P. L. 1368) entitled "An act amending revising and consolidating the laws relating to delinquent county city except of the first and second class and second class A borough town township school district except of the first class and school districts within cities of the second class A and institution district taxes providing when how and upon what property and to what extent liens shall be allowed for such taxes the return and entering of claims therefor the collection and adjudication of such claims sales of real property including seated and unseated lands subject to the lien of such tax claims the disposition of the proceeds thereof including State taxes and municipal claims recovered and the redemption of property providing for the discharge and divestiture by certain tax sales of all estates in property and of mortgages and liens on such property and the proceedings therefor creating a Tax Claim Bureau in each county except a county of the first class to act as agent for taxing districts defining its powers and duties including sales of property the management of property taken in sequestration and the management sale and disposition of property heretofore sold to the county commissioners taxing districts and trustees at tax sales providing a method for the service of process and notices imposing duties on taxing districts and their officers and on tax collectors and certain expenses on counties and for their reimbursement by taxing districts and repealing existing laws" clarifying the provisions of the act relating to private sales of certain properties by the Tax Claim Bureau

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 702 act of July 7, 1947 (P. L. 1368) known as the "Real Estate Tax Sale Law" amended January 18, 1952 (P. L. 2098) is amended to read

Section 702 Powers and Duties of Bureau as Agent The property turned over to it as provided in the preceding section shall not be subject to redemption and until finally sold as hereinafter provided the bureau shall manage and control the property for the trustee county with power (a) to lease the property for a period not exceeding one (1) year with the usual privilege of renewal on termination thereof upon three (3) months' notice and any such lease may be on a royalty basis for the purpose of extracting any minerals or oil or the cutting of timber (b) to make such repairs to the property as may be reasonably necessary to restore and maintain it in a tenable condition and to carry insurance on such

property (c) to advertise the property for sale or for rent (d) to appoint an agent or agents who shall be a licensed real estate broker or agent to collect the rentals and pay such agents the customary commissions for rent collection (e) to harvest and sell the crops or produce of the property (f) to sell any scrap or salvage resulting from repairs or alterations to buildings on the property or from the demolition of buildings no longer safe for occupancy (g) to recover the cost of advertising repairs alterations or demolition of buildings the harvesting of crops and the commissions of rental agents from the rental or sale of the property or any crops or salvage therefrom and (h) to sell the property at private sale to give options thereon and receive option money and to make deeds for such property when sold in the [same manner as provided in Article VII] manner provided by and subject to the provisions of sections 613 614 and 615 in so far as they may be applicable

The bureau shall not in any case incur any expense for the maintenance repair or alteration of any such property in excess of eighty per centum (80%) of the amount of rental to be received for such property within a period of one (1) year under a lease entered into at or before the time such expense is incurred

And said bill having been read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

## YEAS—46

Bane,	Haluska,	McGinnis,	Silvert,
Barr,	Harney,	McMenamin,	Stevenson,
Berger,	Hays,	McPherson, Jr.,	Stiefel,
Blass,	Holland,	Miller,	Taylor,
Camiel,	Kessler,	Mullin,	Van Sant,
Chapman,	Koprivier, Jr.,	Peelor,	Wade,
Dent,	Lane,	Probert,	Wagner,
Diehm,	Madigan,	Ruth,	Watkins,
DiSilvestro,	Mahany,	Schmidt,	Watson,
Donolow,	Mallery,	Scott,	Weiner,
Flack,	McCreesh,	Seyler,	Whalley,
Fleming,			Wolfe,

## NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present the said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 901, as follows:

An Act amending the act of August 9, 1955 (Act No. 130) entitled "An act relating to counties of the third fourth fifth sixth seventh and eighth classes amending revising consolidating and changing the laws relating thereto" fixing the time for the annual report by the county auditors to the court of common pleas and changing the provisions relating to the appointment of depositaries of county funds

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Subsection (a) section 1721 act of August 9 1955 (Act No. 130) known as "The County Code" is amended to read

Section 1721 Audit of Accounts by Auditors Report to Common Pleas Publications Financial Report to Department of Internal Affairs (a) The auditors shall audit settle and adjust the accounts of all county officers of the county and make an annual report thereof on or before the first Monday of [March] April to the court of common pleas unless upon due cause shown the court shall grant an extension of time therefor Said report shall be in detail showing distinctly and separately all re-



ceipts and expenditures of the several offices and all debts and accounts due and the amount raised from each source of revenue and the expenditures in detail and classified by reference to the object thereof together with a full statement of the financial conditions of the county and a statement of the balance due from or to such county officers

\* \* \*

Section 2 Sections 1763 and 1764 of the act are repealed

And said bill having been read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

#### YEAS—46

Bane,	Haluska,	McGinnis,	Silvert,
Barr,	Harney,	McMenamin,	Stevenson,
Berger,	Hays,	McPherson, Jr.,	Stiefel,
Blass,	Holland,	Miller,	Taylor,
Camel,	Kessler,	Mullin,	Van Sant,
Chapman,	Koprivier, Jr.,	Peelior,	Wade,
Dent,	Lane,	Proper,	Wagner,
Diehm,	Madigan,	Ruth,	Watkins,
DiSilvestro,	Mahany,	Schmidt,	Watson,
Donolow,	Mallery,	Scott,	Weiner,
Flack,	McCreesh,	Seyler,	Whalley,
Fleming,			Wolfe,

#### NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present the said bill to the House of Representatives for concurrence.

### SECOND READING CALENDAR

#### BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 78, entitled:

An Act amending the act of March twenty-seventh one thousand nine hundred and twenty-nine (P. L. 84) entitled "An act to fix the fees to be charged by coroners in counties of the second class" increasing fees to be charged

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

#### BILLS OVER IN ORDER

Mr. FLEMING. Mr. President, I ask unanimous consent that the following bills, on second reading, go over in their order:

House Bill No. 173, Printer's No. 1247;  
Senate Bill No. 317, Printer's No. 394; and  
Senate Bill No. 318, Printer's No. 388.

The PRESIDENT. Is there objection? The Chair hears none.

#### BILL POSTPONED

Mr. FLEMING. Mr. President, I move that Senate Bill No. 335, on second reading, entitled:

An Act amending the act of June 22, 1937 (P. L. 1987) entitled as amended "An act to preserve and improve the

purity of the waters of the Commonwealth for the protection of public health animal and aquatic life and for industrial consumption and recreation . . ." authorizing certain corporations to acquire interests in land by eminent domain

be placed on the Second Reading Postponed Calendar.

Mr. LANE. Mr. President, I second the motion.

The motion was agreed to.

#### BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 446, entitled:

An Act providing for examination by the Workmen's Compensation Board of persons prior to appointment or reappointment as workmen's compensation referees

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

#### BILLS POSTPONED

Mr. FLEMING. Mr. President, I move that Senate Bill No. 512, on second reading, entitled:

An Act amending the act of April 9, 1929 (P. L. 177) entitled "The Administrative Code of 1929" establishing the Department and office of the State Comptroller and defining their powers and duties changing certain powers and duties of the Governor and of the various departments boards commissions and officers and providing for the transfer of certain employes from the Department of the Auditor General to the Department of the State Comptroller

be placed on the Second Reading Postponed Calendar.

Mr. LANE. Mr. President, I second the motion.

The motion was agreed to.

Mr. FLEMING. Mr. President, I move that Senate Bill No. 513, on second reading, entitled:

An Act amending the act of April 9, 1929 (P. L. 343) entitled "The Fiscal Code" defining the powers and duties of the Department of the State Comptroller and the State Comptroller providing for the installation and maintenance of a uniform system of accounts of Commonwealth finances and of accounting reports based thereon imposing duties on every Commonwealth agency receiving or disbursing moneys from or on behalf of the Commonwealth and further regulating the disbursement of moneys from the State Treasury

be placed on the Second Reading Postponed Calendar.

Mr. LANE. Mr. President, I second the motion.

The motion was agreed to.

Mr. FLEMING. Mr. President, I move that Senate Bill No. 598, on second reading, entitled:

An Act amending the act of April 9, 1929 (P. L. 177) entitled "The Administrative Code of 1929" increasing amount of money available for aids and services to blind persons and persons of impaired vision

be placed on the Second Reading Postponed Calendar.

Mr. LANE. Mr. President, I second the motion.

The motion was agreed to.

Mr. FLEMING. Mr. President, I move that Senate Bill No. 599, on second reading, entitled:



An Act amending the act of April 9, 1929 (P. L. 177) entitled "The administrative Code of 1929" authorizing the State Council for the Blind to accept certain payments and donations and increasing the services which may be given by it to certain blind persons

be placed on the Second Reading Postponed Calendar.

Mr. LANE. Mr. President, I second the motion.

The motion was agreed to.

### BILL OVER IN ORDER

Mr. FLEMING. Mr. President, I ask unanimous consent that House Bill No. 641, Printer's No. 1238, on second reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

### MOTION TO RECOMMIT BILL

Mr. FLEMING. Mr. President, I move that House Bill No. 655, on second reading, entitled:

An Act amending the act of August 24, 1951 (P. L. 1304) entitled "Local Health Administration Law" extending the provisions thereof to counties of the first class and to municipalities located in counties of the first class

be recommitted to the Committee on Local Government for further study.

Mr. BLASS. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

### MOTION TO RECOMMIT BILL WITHDRAWN

Mr. FLEMING. Mr. President, I wish to withdraw my motion to recommit House Bill No. 655, to the Committee on Local Government.

Mr. BLASS. Mr. President, I wish to withdraw my second to the motion.

### BILLS OVER IN ORDER

Mr. FLEMING. Mr. President, I now ask unanimous consent that House Bill No. 655, Printer's No. 258, on second reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. FLEMING. Mr. President, I ask unanimous consent that House Bill No. 756, Printer's No. 1208, on second reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

### HOUSE NOTIFIES SENATE IT IS READY TO CONVENE IN JOINT SESSION

The PRESIDENT. The Chair recognizes the Sergeant-at Arms.

The SERGEANT-AT-ARMS. Mr. President, I have the honor of presenting a committee on behalf of the House of Representatives.

Mr. BOIES. Mr. President, we are a committee appointed by the House of Representatives to inform the Senate that the House is ready to receive the Officers and Members of the Senate in Joint Session, and to escort them to the Hall of the House.

The PRESIDENT. The Chair thanks the committee on the part of the House of Representatives.

### JOINT SESSION

The hour of four-fifty o'clock p. m., having arrived, Messrs. BOIES and HELM, a committee on the part of the House of Representatives, being introduced, informed the Senate that the House of Representatives was ready for the reception of the President and Members of the Senate for the purpose of hearing an address by His Excellency, the Governor. Whereupon,

The President and Members of the Senate proceeded to the Hall of the House of Representatives.

### SENATE RETURNS FROM HOUSE

After some time, the President and Members of the Senate returned to the Senate Chamber.

### NOMINATIONS BY THE GOVERNOR

#### REFERRED TO COMMITTEE

The Secretary to the Governor being introduced, presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Executive Nominations:

#### CORONER IN AND FOR THE COUNTY OF WESTMORELAND

Commonwealth of Pennsylvania,

Governor's Office, Harrisburg, December 19, 1955.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Stephen D. Yoney, 155 Schoonmaker Avenue, Monessen, Westmoreland County, for appointment as Coroner in and for the County of Westmoreland, until the first day of January 1958, vice Joseph R. Check, deceased, to compute from January 3, 1956.

GEORGE M. LEADER.

#### CLERK OF COURT OF QUARTER SESSIONS OF THE PEACE AND CLERK OF COURT OF OYER AND TERMINER

Commonwealth of Pennsylvania,

Governor's Office, Harrisburg, December 19, 1955.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Raymond H. Turner, 300 Donner Avenue, Monessen, Westmoreland County, for appointment as Clerk of the Court of Quarter Session of the Peace and Clerk of the Court of Oyer and Terminer, until the first Monday of January 1958, vice Jay W. Kromer, resigned, to compute from January 3, 1956.

GEORGE M. LEADER.

#### SECRETARY OF PROPERTY AND SUPPLIES

Commonwealth of Pennsylvania,

Governor's Office, Harrisburg, December 19, 1955.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate John S. Rice, 60 West Broadway, Gettysburg, Adams County, for appointment as Secretary of Property and Supplies, to serve until the third Tuesday of January 1959, and until his successor shall have been appointed and qualified, vice William D. Thomas, Sharon, resigned, to compute from January 3, 1956.

GEORGE M. LEADER.



## MEMBER OF MILK CONTROL COMMISSION

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, December 19, 1955.  
To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate John A. Smith, Dickinson, Cumberland County, for appointment as a member of the Milk Control Commission, to serve until May 1, 1961, and until his successor shall have been appointed and qualified, vice Benjamin H. Welty, Waynesboro, whose term expired.

GEORGE M. LEADER.

## MEMBERS OF STATE TAX EQUALIZATION BOARD

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, December 19, 1955.  
To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as members of the State Tax Equalization Board:

John Bevec, Washington, Washington County, to serve until November 14, 1959, and until his successor shall be duly appointed and shall have qualified, vice Walter J. Kress, Johnstown, whose term expired, to compute from January 3, 1956.

Herbert J. McGlinchey, 596 East Geneva Avenue, Philadelphia 20, Philadelphia County, to serve until November 14, 1959, and until his successor shall be duly appointed and shall have qualified, vice Cornelius S. Deegan, Jr., Philadelphia, whose term expired.

GEORGE M. LEADER.

## JUSTICE OF THE PEACE

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, December 19, 1955.  
To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Worman H. Kurtz, Donegal, Westmoreland County, for appointment as Justice of the Peace in and for the Township of Donegal, Westmoreland County, to serve until the first Monday of January 1958, vice Evelyn Kurtz, deceased.

GEORGE M. LEADER.

## TREASURER IN AND FOR THE COUNTY OF BERKS

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, December 19, 1955.  
To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Ira P. Leh, Star Route, Bally, Berks County, for appointment as Treasurer in and for the County of Berks, until the first Monday of January 1958, vice Treasurer-elect Robert W. Wahl, Jr., deceased, to compute from January 3, 1956.

GEORGE M. LEADER.

## COMMUNICATION FROM THE GOVERNOR

He also presented communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows:

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, Pa., December 19, 1955.  
To the Honorable, the Members of the General Assembly of the Commonwealth of Pennsylvania:

I am compelled by conscience to address you about an obligation you and I share as representatives of the people who elected us. This obligation is the most excruciating issue in Pennsylvania today.

The decision is ours, and it is upon us. We must provide for the care and the treatment of the most helpless of our fellow human beings—the mentally ill and the feeble-minded citizens of Pennsylvania.

You and I represent the people. To do so is our duty and also our opportunity. In our hearts we know that this duty and opportunity carry with them a heavy responsibility. We must not permit petty partisan politics to stand in the way of discharging this responsibility.

Some things, as we all know, are above and beyond politicking. The wretched plight of fifty thousand of our fellow citizens is certainly one of these things. I feel we must think about this matter together.

Our decision—yours and mine—about taxes and appropriations and budgets and allocations will shape the life of all our people now locked up in mental institutions. We will either solve their situation or we will block solution to the mounting crisis in our mental hospitals.

I have submitted a mental health program and a request for funds. Yours is the decision to create a future for fifty thousand people who are patients in the Commonwealth's mental hospitals.

No group of citizens is so directly and intimately affected by your actions as this group, whose sorry situation makes them the complete responsibility and the wards of the State of Pennsylvania.

Because I believe this with all my heart, I am here to plead their case. In a most particular sense, I ask that all of you take unto yourself this special constituency. Unless you do so, few voices will speak in their behalf.

Most of our citizens speak for themselves. Labor and management have voices you hear in this very Chamber. Spokesmen appear before your committees. Legislative decisions usually follow whenever these voices accent their purposes to you. Social agencies and organizations are articulate for their own goals. The educational groups of Pennsylvania present their recommendations for laws which they think will make life more worth-while.

All this is to the good. A people's government must respond to the sentiments of the people it serves. But there is one group which needs special advocates. It does not send from among its own members any spokesmen to this Chamber. These people do not walk in the cloakrooms and halls. They have never buttonholed a single one of you in their own behalf. They have no effective voice. They do not constitute an organized vote. They have no votes. They are no bloc. Their own actions are used to condemn them. They are counted among their own enemies. They are the speedily ignored and casually dismissed. They are the dispossessed in the forums of public action. They are the unaided and neglected—if you won't help them.

Most of us have a horror of mental illness. It is irrational. We cannot understand it. Almost always we take the easy way out. We shrug uneasily, and we say "There but for the grace of God, go I." Then we turn and look the other way.

For too long authorities have accepted an apparent hopelessness about mental illness. No matter how fast



State hospitals have been built or how many attendants and doctors have been sought, it seems the waiting list of patients never gets any shorter. What is more, mental hospitals actually are put out in the country. Physically, they are removed from the society of rational men. They are rejected; they are even despised. Out of sight, out of mind—the problems of mental illness are simply ignored.

Mental illness is no personal responsibility for which a human being must be ashamed. It is society's responsibility—and in most cases society's utter shame.

As I have said, intensive treatment which will cure our mentally ill is not a political issue for Pennsylvania. I ask you today to lift your sights to those people locked behind institutional walls. Pledge them the support they deserve. Specifically, I ask you to avoid any impulsive curtailment in the \$26,000,000 additional allocation I have asked this year for the Welfare Department to carry out its program. These funds are desperately required to get help for people who need it—for more doctors more nurses, more attendants, more therapy and drugs. With this help, some of our mentally ill may walk again as human beings among their fellows.

The passage of House Bill No. 670 by the General Assembly demonstrated your interest in this non-political objective. You have said, "yes" to the reorganization of our system in dealing with the mentally ill. Now, you cannot hamstring what you have accomplished by withholding the funds to put the flesh of accomplishment upon the framework of purpose. Mental illness is the number one health problem of the United States. It is also the number one health problem of Pennsylvania. In the Nation and in this State we are not making much progress in abating insanity and in taking care of our fellow citizens who are afflicted.

This afternoon, seven hundred thousand Americans are in mental hospitals. They occupy 54% of all available hospital beds in the entire Nation.

In 1934 the chance of being hospitalized for mental illness was one in twenty. Today it is one in ten.

About one in every four families now living in the United States will know some time during this generation the shattering effects of mental illness.

Although recent improvements in drugs have brought about remarkable advances in treating patients, the problems of mental illness persist in getting larger. They do not diminish. A recent report of the Model Reporting Area disclosed that mental hospital populations are growing at the rate of 15.2% every six years. While the total population of our country jumped only 20% in the last ten years, the number of mental patients in our hospitals leaped 44%.

Translated into concrete terms for Pennsylvania, this means that 5% of the current population will need psychiatric service and some kind of institutional care one day before they die.

What do you and I have to do about Pennsylvania's mentally ill?

We must anticipate, during our generation, a potential case-load of half a million mental patients. We must face up to the fact that eight thousand retarded children, who now need institutional care, will not get it because institutions are disgracefully overcrowded and meagre profes-

sional staffs are unreasonably overworked. If we continue only to give custody without treatment, the Commonwealth will have to build additional hospital beds that cost anywhere from five thousand to twenty thousand dollars each.

This is the reason we must embark upon an intensive curative program. Pennsylvania must work not only to overcome overcrowding, but to prevent it.

Today our mental hospitals handle fifty thousand patients in twenty-two institutions. This is only one-tenth of the potential population we may have to handle in the near future. Yet, today institutions are obsolete, overcrowded, overstrained in facilities, and undermanned with professional staff. The Commonwealth will most certainly need more mental hospitals in another ten years; but if we continue to handle patients just as sub-human creatures who have to be locked up, the demand will be unmeetable.

We must not delude ourselves that there is salvation from this responsibility in private institutions. Of the seven hundred thousand human beings who now live in the hideous twilight world of mental derangement, 96% are in public hospitals supported by the taxpayer. And 90% of all mental patients are in State institutions.

To maintain this colossal program of custody, the 48 states spend more than a billion dollars every year. Pennsylvania allocated one penny out of every tax dime during the last biennium to mental health—just as a holding proposition.

For every patient who does not leave the institution during the early stages of his illness, the average hospital stay becomes not a matter of a few days, but a horrifying twenty-six years. The average patient during the lifetime of hospitalization costs the State of Pennsylvania \$28,000.00. Suppose for a moment that the maximum patient population in our institutions were to stabilize at our present figure of fifty thousand, that would mean that the Commonwealth would spend for a program of mere stagnant custody at least one billion four hundred million dollars during the lifetime of this group alone.

These facts are not pleasant. They are grim and they are disturbing. But they are the basic argument for the appropriations the Welfare Department is asking. The money sought is a sound investment to prevent greater taxation in years to come. More money now means less taxes then. Only when the necessary funds are expended now for increased professional staff, can be avoid the inevitable conclusions that hospitals will grow and grow in patient census. Only when patients are intensively treated—immediately upon admission—can we hope to decrease the forlorn cargo of human beings confined to a lifetime of hopelessness.

Every state that has embarked on such a program has soon acknowledged that the best treatment turns out to be the cheapest. The initial cost is offset by a soaring rate of patient discharge.

But statistics aren't really the point. I came to understand this more than ever when last month, I toured the mental institutions in Pennsylvania. Then I learned, firsthand, the quandry of our superintendents who have to tell distraught parents that their retarded child cannot be taken into an institution because, under present condi-



tions, it will take twenty years just to exhaust the waiting list.

I saw collapsing auditoriums, corroded beams, and buckled kitchen floors. I looked at parts of overcrowded institutions abandoned because repairs couldn't be paid for. I learned unpasteurized milk was given children. I learned that in one institution, orange juice is so precious that it is literally spooned out only to those children who need it most.

I am not asking you today to make the comfortable more comfortable. I am not asking for extravagance. I plead for justice. There is no possibility of extravagance when the daily cost of a patient's full maintenance is less than \$3.00. There is no fancy meals, when food is budgeted at fifty cents a day.

In Pennsylvania there are institutions for the mentally ill in which there are no psychiatrists. There are wards in one of our institutions built for 118 patients, now housing a motley crowd of 260. There are cots in the corridors and alcoves and in dayrooms—just to provide a place to lie down. There are deficiencies in staff. The American Psychiatric Association allots one physician to every ninety-five patients. In one institution I visited, there was one physician for 290 patients; and in another, there was no psychiatrist for 1400 patients.

Human dignity is not for sale. But the things that permit human dignity are for sale if the funds are at hand. I have seen overcrowding, understaffing, obsolescence, and unimaginative custodial care.

I now believe that if the facts are known, the people of Pennsylvania will demand improvement. I believe, further, that if the funds are not provided to carry out a reasonable program for our mentally ill, the people of Pennsylvania will vote out of office any public official who shirks this cause.

What I have seen, what the committee leaders who traveled with me saw, is what you will now see. I am submitting as part of my message to you a documentary film that was taken when I made this tour. It will show you, I hope, what Pennsylvania can do and should do and must do if we are to give to our citizens who have lost touch with reality some element of care and cure. Somehow, we must restore to them some aspect of the worth they as human beings have in the eyes of God and deserve in the eyes of their fellowman.

GEORGE M. LEADER,  
Governor of Pennsylvania.

The PRESIDENT. This communication will be spread upon the Legislative Journal.

#### SENATE BILL No. 475, RECALLED FROM THE GOVERNOR, TAKEN FROM TABLE

Mr. SILVERT. Mr. President, at this time I call from the table Senate Bill No. 475, Printer's No. 145, which was recalled from the Governor for the purpose of amendment.

#### RECONSIDERATION OF SENATE BILL No. 475

Mr. SILVERT. Mr. President, I move that the Senate do now reconsider the vote by which Senate Bill No. 475, entitled:

An Act amending the act of August 22, 1953 (P. L. 1344), entitled "An act relating to marriage and amending revising consolidating and changing the law relating thereto" further regulating the issuance of marriage licenses when applicants are infected with syphilis.

passed finally.

The PRESIDENT. How did the Senator vote?

Mr. SILVERT. Mr. President, I voted with the majority.

Mr. SCHMIDT. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. SCHMIDT. Mr. President, I voted with the majority.

The motion was agreed to.

And the question recurring,

Shall the bill pass finally?

Mr. SILVERT. Mr. President, I move to reconsider the vote by which the bill passed third reading.

The PRESIDENT. How did the Senator vote?

Mr. SILVERT. Mr. President, I voted with the majority.

Mr. SCHMIDT. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. SCHMIDT. Mr. President, I voted with the majority.

The motion was agreed to.

And the question recurring,

Will the Senate agree to the bill on third reading?

Mr. SILVERT. Mr. President, I ask unanimous consent to offer amendments at this time.

The PRESIDENT. Is there objection? The Chair hears none.

The Clerk read the amendments as follows:

Amend Section 1, page 2, line 1, by striking out "Section and inserting: "Subsection (a) of section"; Amend Section 1, page 2, lines 2 and 3, by striking out "by adding a new subsection at the" in line 2, and "end thereof" in line 3; Amend Section 1, page 2, by striking out lines 6 to 18 and inserting: "(a) Until there shall be in the possession of the clerk of the orphans' court a statement or statements, signed by a duly licensed physician of the Commonwealth of Pennsylvania, or any commissioned medical officer in the United States Army or Navy, or any physician of the Public Health Service of the Federal Government, that each applicant, within thirty days of the application for the marriage license, has submitted to an examination to determine the existence or non-existence of syphilis, which examination has included a standard serological test or tests for syphilis, and that, in the opinion of the examining physician, the applicant is not infected with syphilis [ , or if so infected, is not in a stage of the disease which is likely to become communicable]. The physician's statement shall be accompanied by a statement from the person in charge of the laboratory making the test, or from some other person authorized to make such statement, setting forth the name of the test, the date it was made, the exact name and address of the physician to whom a report was sent and the exact name and address of the person whose blood was tested, but not setting for the result of the test, and such other facts as the Department of Health may deem necessary to determine whether the applicant is infected with syphilis in a stage of that disease likely to become communicable."

On the question,

Will the Senate agree to the amendments?

They were agreed to.



Ordered, That the bill as amended lie over for printing.

## CALENDAR

### SECOND READING CALENDAR

#### BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 814, entitled:

An Act amending the act of June 11, 1915 (P. L. 938) entitled "An act to regulate and establish the fees to be charged and collected by the several clerks of the courts of oyer and terminer general jail delivery and quarter sessions of the peace in counties of this Commonwealth . . ." changing and fixing fees in counties of the second class

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

#### BILL OVER IN ORDER

Mr. FLEMING. Mr. President, I ask unanimous consent that Senate Bill No. 820, Printer's No. 421, on second reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

#### BILL POSTPONED

Mr. FLEMING. Mr. President, I move that Senate Bill No. 828, on second reading, entitled:

An Act requiring owners and lessees of land on which there are certain abandoned excavations to fill in or fence the same to prevent persons falling therein prescribing penalties imposing duties on cities boroughs towns and townships

be placed on the Second Reading Postponed Calendar.

Mr. LANE. Mr. President, I second the motion.

The motion was agreed to.

#### RECESS

Mr. FLEMING. Mr. President, I move that the Senate do now take a recess for two minutes, for the purpose of holding a meeting of the Committee on Executive Nominations.

Mr. WOLFE. Mr. President, I second the motion.

The motion was agreed to.

#### AFTER RECESS

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

#### REPORT FROM COMMITTEE ON EXECUTIVE NOMINATIONS

Mr. WOLFE. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. WOLFE, from the Committee on Executive Nominations, reported with a favorable recommendation the following nominations, made by His Excellency, the Governor of the Commonwealth:

#### CLERK OF COURT OF QUARTER SESSIONS OF THE PEACE AND CLERK OF COURT OF OYER AND TERMINER

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, December 19, 1955.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Raymond H. Turner, 300 Donner Avenue, Monessen, Westmoreland County, for appointment as Clerk of the Court of Quarter Sessions of the Peace and Clerk of the Court of Oyer and Terminer, until the first Monday of January 1958, vice Jay W. Kromer, resigned, to compute from January 3, 1956.

GEORGE M. LEADER.

#### CORONER IN AND FOR THE COUNTY OF WESTMORELAND

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, December 19, 1955.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Stephen D. Yoney, 155 Schoonmaker Avenue, Monessen, Westmoreland County, for appointment as Coroner in and for the County of Westmoreland, until the first Monday of January 1958, vice Joseph R. Check, deceased, to compute from January 3, 1956.

GEORGE M. LEADER.

#### CONSIDERATION OF EXECUTIVE NOMINATIONS

Mr. WOLFE asked and obtained unanimous consent for immediate consideration of the nominations read by the Clerk.

#### EXECUTIVE SESSION

A motion was made by Mr. WOLFE and Mr. LANE, That the Senate do now resolve itself into Executive Session, for the purpose of acting upon the nomination reported at today's Session.

Which was agreed to.

Whereupon,

A motion was made by Mr. WOLFE and Mr. LANE, That the Senate do advise and consent to the nominations reported.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

#### YEAS—46

Bane,	Haluska,	McGinnis,	Silvert,
Barr,	Harney,	McMenamin,	Stevenson,
Berger,	Hays,	McPherson, Jr.,	Stiefel,
Blass,	Holland,	Miller,	Taylor,
Camiel,	Kessler,	Mullin,	Van Sant,
Chapman,	Koprivier, Jr.,	Peelor,	Wade,
Dent,	Lane,	Propert,	Wagner,
Diehm,	Madigan,	Ruth,	Watkins,
DiSilvestro,	Mahany,	Schmidt,	Watson,
Donolow,	Mallery,	Scott,	Weiner,
Flack,	McCresah,	Seyler,	Whalley,
Fleming,			Wolfe,

#### NAYS—0

Two-thirds of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.



## EXECUTIVE SESSION RISES

Mr. WOLFE. Mr. President, I move that the Executive Session do now rise.

Mr. LANE. Mr. President, I second the motion.  
The motion was agreed to.

## CALENDAR

## SECOND READING CALENDAR

## BILL ON SECOND READING AMENDED

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 830, entitled:

An Act amending the act of May 21, 1943 (P. L. 571) entitled as amended "The Fourth to Eighth Class County Assessment Law" requiring notice of changes in property valuations be given to political subdivisions in which the properties are located

The first section was read.

On the question,

Will the Senate agree to the section?

Mr. STEVENSON offered the following amendments:

Amend Sec. 1 (Sec. 703.1), page 2, line 5, by inserting after "change": "in the amount of three hundred dollars (\$300) or more"; Amend Sec. 1 (Sec. 703.1), page 3, line 2, by striking out "valuations" and inserting: "valuation"; Amend Sec. 1 (Sec. 703.1), page 3, line 3, by striking out "such" where it appears the first time, and inserting: "by the"; Amend Sec. 1 (Sec. 703.1), page 3, line 3, by inserting after "board": "or the court of common pleas, the board"; Amend Sec. 1 (Sec. 703.1), page 3, line 9, by inserting after "board": "or from the decision of the court of common pleas."

They were agreed to.

The section was agreed to as amended.

The title was read.

On the question,

Will the Senate agree to the title?

Mr. STEVENSON offered the following amendment:

Amend Title, page 2, next to last line of title, by inserting after "of"; "certain."

It was agreed to.

The title was agreed to as amended.

And said bill having been read at length the second time, as amended.

On the question,

Will the Senate agree to the bill on second reading, as amended?

## BILL OVER IN ORDER

Mr. STEVENSON. Mr. President, I ask unanimous consent that Senate Bill No. 830, Printer's No. 324, on second reading, go over in its order, as amended.

The PRESIDENT. Is there objection? The Chair hears none.

## BILL ON SECOND READING AMENDED

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 831, entitled:

An Act amending the act of June 26, 1931 (P. L. 1379) entitled "An act creating in counties of the third class a board for the assessment and revision of taxes . . ." requiring notice of changes in property valuations be given to political subdivisions in which the properties are located

The first section was read.

On the question,

Will the Senate agree to the section?

Mr. STEVENSON offered the following amendments:

Amend Sec. 1 (Sec. 8.1), page 3, line 3, by inserting after "change": "in the amount of three hundred dollars (\$300) or more"; Amend Sec. 1 (Sec. 8.1), page 3, line 7, by inserting after "heard": "by"; Amend Sec. 1 (Sec. 8.1), page 3, line 7, by inserting after "board": "or by the court of common pleas, the board"; Amend Sec. 1 (Sec. 8.1), page 3, line 13, by inserting after "board": "or from the decision of the court of common pleas."

They were agreed to.

The section was agreed to as amended.

The title was read.

On the question,

Will the Senate agree to the title?

Mr. STEVENSON offered the following amendment:

Amend Title, page 2, next to last line of title, by inserting after "of"; "certain."

It was agreed to.

The title was agreed to as amended.

And said bill having been read at length the second time, as amended.

On the question,

Will the Senate agree to the bill on second reading, as amended?

## BILL OVER IN ORDER

Mr. STEVENSON. Mr. President, I ask unanimous consent that Senate Bill No. 831, Printer's No. 325, on second reading, go over in its order, as amended.

The PRESIDENT. Is there objection? The Chair hears none.

## BILL ON SECOND READING AMENDED

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 832, entitled:

An Act amending the act of May 22, 1933 (P. L. 853) entitled "The General County Assessment Law" requiring notice of changes in property valuations be given to political subdivisions in which the properties are located.

The first section was read.

On the question,

Will the Senate agree to the section?

Mr. STEVENSON offered the following amendments:

Amend Sec. 1 (Sec. 514.1), page 2, line 7, by inserting after "change": "in the amount of three hundred dollars (\$300) or more"; Amend Sec. 1 (Sec. 514.1), page 2, line 10, by striking out "such" and inserting: "by the"; Amend Sec. 1 (Sec. 514.1), page 2, line 10, by inserting



after "board": "or by the court of common pleas, the board"; Amend Sec. 1 (Sec. 514.1), page 3, line 1, by inserting after "board": "or from the decision of the court of common pleas".

They were agreed to.  
The section was agreed to as amended.  
The title was read.  
On the question,  
Will the Senate agree to the title?  
Mr. STEVENSON offered the following amendment:  
Amend Title, page 1, last line of title, by inserting after "of": "certain".  
It was agreed to.  
The title was agreed to as amended.  
And said bill having been read at length the second time, as amended,  
On the question,  
Will the Senate agree to the bill on second reading, as amended?

BILLS OVER IN ORDER

Mr. STEVENSON. Mr. President, I ask unanimous consent that Senate Bill No. 832, Printer's No. 326, on second reading, go over in its order, as amended.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. FLEMING. Mr. President, I ask unanimous consent that the following bills, on second reading, go over in their order:

- Senate Bill No. 854, Printer's No. 415;
- Senate Bill No. 855, Printer's No. 416; and
- Senate Bill No. 856, Printer's No. 417.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON SECOND READING

Agreeably to order,  
The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,  
The Senate proceeded to the second reading and consideration of House Bill No. 856, entitled:

An Act amending the act of March 30, 1917 (P. L. 21) entitled "An act defining optometry . . ." further regulating the refusal cancellation revocation and suspension of licenses providing for rules and regulations and eliminating repealed provisions.

And said bill having been read at length the second time and agreed to,  
Ordered, To be transcribed for a third reading.

BILLS OVER IN ORDER

Mr. FLEMING. Mr. President, I ask unanimous consent that the following bills, on second reading, go over in their order:

- Senate Bill No. 857, Printer's No. 383;
- Senate Bill No. 881, Printer's No. 434;
- Senate Bill No. 889, Printer's No. 404;
- Senate Bill No. 890, Printer's No. 405;
- Senate Bill No. 891, Printer's No. 406;
- Senate Bill No. 892, Printer's No. 414;

- Senate Bill No. 893, Printer's No. 407;
- Senate Bill No. 894, Printer's No. 408;
- Senate Bill No. 895, Printer's No. 409;
- Senate Bill No. 896, Printer's No. 410; and
- Senate Bill No. 906, Printer's No. 430.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. LANE. Mr. President, I ask unanimous consent that the following bills, on second reading, go over in their order:

- House Bill No. 1129, Printer's No. 1154; and
- House Bill No. 1222, Printer's No. 1161.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. FLEMING. Mr. President, I ask unanimous consent that House Bill No. 1223, Printer's No. 1163, on second reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON SECOND READING AMENDED

Agreeably to order,  
The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,  
The Senate proceeded to the second reading and consideration of House Bill No. 1267, entitled:

An Act amending the act of July 28, 1953 (P. L. 723) entitled "Second Class County Code" increasing the annual salaries of certain officers in counties of the second class.

The first section was read.  
On the question,  
Will the Senate agree to the section?  
Mr. WHALLEY offered the following amendments:  
Amend Sec. 1, (Sec. 1810), page 2, lines 5 and 6, by striking out "fifteen thousand dollars (\$15,000)," and inserting in lieu; "thirteen thousand five hundred dollars (\$13,500)"; Amend Sec. 1, (Sec. 1810), page 2, line 8, by striking out "fifteen thousand dollars (\$15,000)" and inserting in lieu: "thirteen thousand five hundred dollars (\$13,500)"; Amend Sec. 1, (Sec. 1810), page 2, line 10, by striking out "fifteen thousand dollars (\$15,000)" and inserting in lieu: "thirteen thousand five hundred dollars (\$13,500)"; Amend Sec. 1 (Sec. 1810), page 2, line 12, by striking out "eight thousand dollars (\$8,000)," and inserting in lieu: "six thousand five hundred dollars (\$6,500)"; Amend Sec. 1 (Sec. 1810), page 2, line 14, by striking out "fifteen thousand dollars (\$15,000)," and inserting in lieu: "thirteen thousand five hundred dollars (\$13,500)" Amend Sec. 1 (Sec. 1810), page 2, line 16, by striking out "fifteen thousand dollars (\$15,000)," and inserting in lieu: "thirteen thousand five hundred dollars (\$13,500)"; Amend Sec. 1, (Sec. 1810), page 2, line 18, by striking out "fifteen thousand dollars (\$15,000)," and inserting in lieu: "thirteen thousand five hundred dollars (\$13,500)"; Amend Sec. 1 (Sec. 1810), page 2, line 20, by striking out "fifteen thousand dollars (\$15,000)," and inserting in lieu: "thirteen thousand five hundred dollars (\$13,500)"; Amend Sec. 1 (Sec. 1810), page 3, line 1 and 2 by striking out "sixteen thousand five hundred dollars (\$16,500)" and inserting in lieu: "fifteen thousand dollars (\$15,000)"; Amend Sec. 1 (Sec. 1810), page 3, lines 4 and 5, by striking out "twenty-one thousand



dollars (\$21,000)," and inserting in lieu: "nineteen thousand five hundred dollars (\$19,500)"; Amend Sec. 1 (Sec. 1810), page 3, lines 6 and 7, by striking out "eighteen thousand dollars (\$18,000)" and inserting in lieu: "sixteen thousand five hundred dollars (\$16,500)."

They were agreed to.

The section was agreed to as amended.

The second and third sections and title were read and agreed to.

And said bill having been read at length the second time, and agreed to as amended,

Ordered, To be transcribed for a third reading.

### BILLS OVER IN ORDER

Mr. LANE. Mr. President, I ask unanimous consent that House Bill No. 1294, Printer's No. 1210, on second reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. FLEMING. Mr. President, I ask unanimous consent that House Bill No. 1330, Printer's No. 800, on second reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

### BILL ON SECOND READING AMENDED

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 1736, entitled:

An Act amending the act of May 5, 1933 (P. L. 457) entitled "Building and Loan Code" removing the right of appeal to the Governor in cases of incorporation merger consolidation and conversion of building and loan associations and Federal savings and loan associations and making the decision of the Department of Banking conclusive

The first section was read.

On the question,

Will the Senate agree to the section?

Messrs. LANE and SCHMIDT offered the following amendments:

Amend Sec. 1 (Sec. 306), page 3, line 3, by striking out the bracket after "Governor" and striking out the words "Department of Banking"; Amend Sec. 1 (Sec. 306), page 3, line 4, by striking out the bracket before "The"; Amend Sec. 1 (Sec. 306), page 3, line 5, by inserting after the bracket: "Department of Banking may be appealed to the Court of Common Pleas of of Dauphin County".

They were agreed to.

The section was agreed to as amended.

The second section was read.

On the question,

Will the Senate agree to the section?

Messrs. LANE and SCHMIDT offered the following amendments:

Amend Sec. 2 (Sec. 1006), page 4, line 3, by striking out the bracket after "Banking"; Amend Sec. 2 (Sec. 1006), page 4, line 3, by inserting a bracket after "The" where it appears the first time, and inserting immediately thereafter: "An appeal may be taken from the"; Amend Sec. 2 (Sec. 1006), page 4, lines 3 and 4, by striking out

the bracket after "Governor" and striking out the words "Department of Banking"; Amend Sec. 2 (Sec. 1006), page 4, line 4, by striking out the bracket before "The"; Amend Sec. 2 (Sec. 1006), page 4, line 5, by inserting after the bracket: "Department of Banking to the Court of Common Pleas of Dauphin County"

They were agreed to.

The section was agreed to as amended.

The third section was read and agreed to.

The title was read.

On the question,

Will the Senate agree to the title?

Messrs. LANE and SCHMIDT offered the following amendment:

Amend Title, page 2, lines 5 and 6 of Title, by striking out "making" in line 5, and all of line 6, and inserting in lieu thereof: "authorizing appeals to the Court of Common Pleas of Dauphin County".

It was agreed to.

The title was agreed to as amended.

And said bill having been read at length the second time, as amended,

On the question,

Will the Senate agree to the bill on second reading, as amended?

### BILL OVER IN ORDER

Mr. LANE. Mr. President, I ask unanimous consent that House Bill No. 1736, Printer's No. 956, on second reading, go over in its order as amended.

The PRESIDENT. Is there objection? The Chair hears none.

### BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 1923, entitled:

An Act making an appropriation to the Department of Public Assistance and providing for certain allocations therefrom for the purpose of carrying out the Public Assistance Law for the two fiscal years beginning June first one thousand nine hundred fifty-five.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

### BILL INTRODUCED AND REFERRED

Mr. WADE. Mr. President, I ask unanimous consent to introduce a bill at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Messrs. WADE, WEINER and CAMIEL read in place and presented to the Chair Senate Bill No. 924, entitled:

An Act amending the act of June 15, 1937 (P. L. 1743), entitled, as amended, "1937 Magistrates' Court Act," establishing a Traffic Court of Philadelphia and prescribing its powers and duties and jurisdiction and the magistrates assigned thereto; providing for a seal for the court and the costs taxable therein.

Which was committed to the Committee on Judiciary General.



## INTERROGATION

Mr. MAHANY. Mr. President, I desire to interrogate the gentleman from Cambria, Senator Haluska.

The PRESIDENT. Will the gentleman from Cambria, Mr. Haluska, permit himself to be interrogated?

Mr. HALUSKA. I will, Mr. President.

Mr. MAHANY. Senator Haluska, in a column which you write for the Johnstown Observer, under the date of December 15, 1955, you were quoted as saying, relative to the sales tax, the following:

"One can readily understand why the Republican Party and big business is definitely insisting upon a sales tax. Their past experience under Fine's administration has proven to them that such a program is money in the bank for big business.

"This was proven when big department and dime stores were charging 1% on every sale over a dime which on small items mounted as high as 8c on a dollar which is collected by them and they in turn file a complete report of their gross business and reported 1c on a dollar or made a clear profit of 7c on collecting the sales tax.

"Now, under this new proposal, if a sales tax was adopted, it would have to be at the rate of 4c and on the same basis of collection, big business would make 32c on a dollar sale if purchased in small lots and they would turn in the 4c rather than the 32c."

Is that a correct version of what you had in your column?

Mr. HALUSKA. That is what I wrote, Mr. President.

Mr. MAHANY. Would you mind telling us how, even under a four per cent tax, they would be able to collect thirty-two cents on a dollar sale?

Mr. HALUSKA. On the same basis as now, when they collect eight cents on a one cent sales tax. I stated in my column that I knew of merchants who were collecting a cent on every sale over ten cents. So far as the mercantile taxes were concerned, they reported their returns on the basis of one dollar.

Mr. MAHANY. Legally, they were not supposed to do that. For the purpose of argument, let us take for example that on a twelve cent sale, they collected a one cent tax. If you had eight twelve-cent sales in a dollar, they practically would have collected eight cents on a dollar. For the purpose of argument, let us say that you are going to have a four per cent sales tax and you had a twelve-cent sale. How much tax would you collect on a twelve-cent sale?

Mr. HALUSKA. On a twelve-cent sale?

Mr. MAHANY. Yes, at a four per cent tax.

Mr. HALUSKA. Four cents on each twelve cent sale.

Mr. MAHANY. Are you sure that four per cent of twelve cents is four cents?

Mr. HALUSKA. Eight cents on each twelve cent sale, at four per cent, would be thirty-two cents.

Mr. MAHANY. On a twelve-cent sale, at a four per cent sales tax, how much would the merchant collect from you?

Mr. HALUSKA. How much would he collect?

Mr. MAHANY. Yes.

Mr. HALUSKA. Sixteen cents.

Mr. MAHANY. On a twelve-cent sale?

Mr. HALUSKA. On a twelve-cent sale.

Mr. MAHANY. How much tax would you pay at four per cent? In other words, would you please tell us how much four per cent of twelve cents is?

Mr. HALUSKA. I based my story on the same basis that you had in your sales tax; a one cent sales tax on every twelve cents sold.

Mr. MAHANY. If you collected four cents on a twelve cent sale, that would be about a thirty-three and one-third per cent tax, would it not?

Mr. HALUSKA. I said thirty-two cents. If you want to break it down to a percentage basis, you might be right, yes.

Mr. MAHANY. Is not four percent of twelve cents even less than one cent?

Mr. HALUSKA. Four per cent?

Mr. MAHANY. Yes, four per cent of twelve cents would be less than a half a cent, would it not?

Mr. HALUSKA. I was not discussing it on a percentage basis. I was discussing it in my column by actual dollars and cents. If you read it all over again, on the same basis, they could collect thirty-two cents on eight separate sales.

Mr. MAHANY. Then, you would have a thirty-two per cent sales tax instead of a four per cent sales tax. Is that correct?

Mr. HALUSKA. I say they could collect thirty-two cents.

Mr. MAHANY. If they had a four per cent sales tax, Senator Haluska, and you bought an item for twelve cents, how much tax would you expect to pay the merchant on that twelve cent item, at four per cent?

Mr. HALUSKA. At four per cent?

Mr. MAHANY. Four per cent of twelve cents is how much?

Mr. HALUSKA. About one cent.

Mr. MAHANY. It is less than one cent.

Mr. HALUSKA. About a half of a cent.

Mr. MAHANY. Inasmuch as we do not have any coins which are less than a cent, you would probably pay one cent then on a twelve-cent item. Is that right?

Mr. HALUSKA. That is right.

Mr. MAHANY. If you had eight purchases of twelve cents, which would amount to less than a dollar, you would multiply that penny, then, by eight, would you not? You would pay eight cents then on eight twelve-cent sales.

Mr. HALUSKA. So what?

Mr. MAHANY. Is that right?

Mr. HALUSKA. I am asking you. I do not know what you are driving at.

Mr. MAHANY. If you paid one cent on a twelve-cent sale or purchase, eight twelve-cent sales would be eight times one cent or eight cents. Is that right?

Mr. HALUSKA. That is right.

Mr. MAHANY. Then, Senator, you were wrong in saying that thirty-two cents was going to be collected on a dollar.

Mr. LANE. Mr. President, will the gentleman yield for just a moment?

The PRESIDENT. Which gentleman?

Mr. LANE. Both of them.

Mr. President, I think this is a rather silly argument. In the first place, we have not passed a four per cent



sales tax. We do not know how it is going to work. We do not know whether there is going to be a four cent tax on every eleven-cent item. We do not know whether there is going to be a one cent tax. As a matter of fact, we do not know anything as far as the Majority Party is concerned.

I think, Mr. President, that both of these gentlemen are taking up the time of the Senate at a time when we have much more important business before us. I think we have a lot more important business than standing here listening to a couple of fellows arguing about something that is actually nonexistent today.

The PRESIDENT. The point of order is very well taken, considering the time of the evening.

#### PERMISSION TO ADDRESS SENATE

Mr. MAHANY asked and obtained unanimous consent to address the Senate.

Mr. MAHANY. Mr. President, I think it is very important that any items which are written in newspapers, by Senators, and which are clearly erroneous in arithmetic, should be pointed out to the Senator that he made an error so that he would have a chance to correct it.

I say that Senator Haluska's arithmetic is a little bad when he figures that a four per cent tax on eight twelve-cent purchases would amount to thirty-two cents. It would not amount to thirty-two cents even at four per cent. It would only amount to eight cents on eight twelve-cent purchases. When he says in his column that it would amount to thirty-two cents, then he is certainly in error. Thirty-two cents on a dollar sale would make it a thirty-two per cent sales tax, and not a four per cent sales tax.

#### PERMISSION TO ADDRESS SENATE

Mr. HALUSKA asked and obtained unanimous consent to address the Senate.

Mr. HALUSKA. Mr. President, I am not too free to admit that I made a mistake. I have no knowledge as to what basis may be used in collection if we have a sales tax. However, if I made a mistake, it is only because I read so much in the Pittsburgh newspapers about myself all year that I am confused as much as they are.

You cannot be here in the Senate and go back home and read about yourself and be confused and do otherwise. If I am confused, it is because of the Pittsburgh newspapers.

#### PERMISSION TO ADDRESS SENATE

Mr. LANE asked and obtained unanimous consent to address the Senate.

Mr. LANE. Mr. President and Members of the Senate, I think that all of use were impressed today by the Governor's speech and, also, the movies which were shown over there. We are now on the verge of going home and, most of us anyway, worshiping the birth of our Saviour. I think, too, that probably we should be charitable. I think we should take into consideration what we have seen today and that we should make one New Year's resolution. I think that when we come back here, we should resolve to try to discontinue this political bickering and get down to the business of taking care of these unfortunate children who are in Polk and these un-

fortunate persons who have lost their reasoning and who are in our State institutions.

After viewing that movie today, Mr. President, I was moved to the point of tears because I thought of the deplorable situation that exists in Polk. I am particularly interested in that, Mr. President, because in our county of Washington, we have a number of cerebral palsy cases. We have tried, throughout the years, to place these children in a proper institution. Our county has placed the small children up in St. Joseph's, in Scranton, until such time as they are three years of age. After they are three years of age, gentlemen of the Majority side, I want you to know that St. Joseph's demands that they be removed from that institution. They are then taken back home. Then, we try again to get the children into Polk.

If we ever do anything in our terms of office, as Members of the Senate, I think the thing to do would be to appropriate the proper money so that we can do something to help these unfortunates. At least, I think we should do something to help these poor unfortunate kids. I have been informed that if these children receive the proper medical attention in their youthful years, they might be rehabilitated.

Therefore, Mr. President, I say to the Members of the Senate that we should remember what we saw today. When we come back here, let us try to do a job, at least for the unfortunate who are in our mental institutions.

#### PERMISSION TO ADDRESS SENATE

Mr. MAHANY asked and obtained unanimous consent to address the Senate.

Mr. MAHANY. Mr. President, I heartily agree with the Senator when he says that we should do something for Polk or have another school such as Polk in the western part of the State of Pennsylvania. I know about this situation at Firsthand because I have visited the Polk State School on numerous occasions, and I know of the overcrowded conditions there. I know that every Senator in the western part of Pennsylvania has experienced difficulty in obtaining admission for youngsters who really need to go to Polk State School.

Mr. President, I personally, and I believe I can speak for every Republican Senator on this side, am willing to do two things before this Session adjourns sine die; first, that we are willing to increase the amount of the ceiling for the General State Authority in sufficient amount to take care of another school such as Polk, to be located in the western part of the State and also a sufficient increase to take care of equipping that school; and, secondly, that we are in favor of appropriating sufficient funds so that that school or institution may be conducted in the western part of the State. I think everyone of us over here are one hundred per cent for that program.

#### PERMISSION TO ADDRESS SENATE

Mr. LANE asked and obtained unanimous consent to address the Senate.

Mr. LANE. Mr. President, I wish to thank the Majority Leader for his statements. I hope that he is pledging the Members of the Republican Senate to go along with his program.

Mr. President, I would also suggest to the Majority



Leader that he make a New Year's resolution to make up his mind to vote for a tax program when we come back after the first of the year.

#### PERMISSION TO ADDRESS SENATE

Mr. MALLERY asked and obtained unanimous consent to address the Senate.

Mr. MALLERY. Mr. President, I have to disagree with the Majority Leader. I believe we passed a resolution calling for the construction of an institution, such as Polk, in central Pennsylvania. We have Polk in the western part of the State and Pennhurst in the eastern part of the State. I, therefore, think we should have another institution and locate it in the central part of the State where it would be much more accessible than Polk.

#### PERMISSION TO ADDRESS SENATE

Mr. HALUSKA asked and obtained unanimous consent to address the Senate.

Mr. HALUSKA. Mr. President, just to keep the record straight for now and for the future, I would like to state how I feel about the decision made by the Chair. The gentleman from Crawford rose in place to question me about one of my articles wherein I had mentioned his name. He had a perfect right to interrogate me because his name was mentioned in my column, and I had a perfect right to answer him. I resent deeply the remarks made by the gentleman from Washington County when he rose in place and stated that we were out of order, because there was more important business at hand. I recent the decision of the Chair in agreeing with the gentleman from Washington County.

I feel that if my name is mentioned in a newspaper, I have a perfect right to interrogate the gentleman who may have mentioned my name. Senator Mahany had a perfect right to question me about my column.

Mr. President, I know your action was not meant to insult anybody, but I think that in the future I shall insist that I be heard if I want to be heard.

#### PERMISSION TO ADDRESS SENATE

Mr. DENT asked and obtained unanimous consent to address the Senate.

Mr. DENT. Mr. President, I do not want to get into this private feud, but I just want to say to Senator Mallery that Senator Mahany has made his reservations and has been working very diligently for many years and now that he is an active member of the G.S.A., his efforts have been on behalf of a new institution in western Pennsylvania. However, I am sure that out where we come from, Senator

Mallery, we consider everything west of the Susquehanna as west, and your District is pretty much west in what we are thinking about.

The PRESIDENT. The Chair would like to reply to the Senator from Cambria, Mr. Haluska, that in agreeing with the gentleman from Washington, the Chair recognizes the right of a Member to speak or to interrogate or to be interrogated at any time. However, the Senator from Crawford did not ask for unanimous consent or a question of personal privilege, and that is the reason the Chair ruled as he did and also because it is getting rather late.

#### BILLS ON FIRST READING

Mr. MAHANY. Mr. President, I move that the Senate do no proceed to the first reading of all bills reported from committees for the first time at today's session.

Mr. HALUSKA. Mr. President, I second the motion. The motion was agreed to.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 499, entitled:

A Joint Resolution proposing an amendment to article eight of the Constitution of the Commonwealth of Pennsylvania enabling the Legislature to enact legislation providing for absentee voting.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 1674, entitled:

An Act making an appropriation to the Department of Welfare for the two fiscal years beginning June 1, 1955, to assist in the payment of the operation and maintenance by the Trustees of Mercy-Douglass Hospital of the addition to Philadelphia State Hospital constructed by The General Assembly.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

#### ADJOURNMENT

Mr. MAHANY. Mr. President, I move that the Senate do now adjourn until Tuesday, December 20, 1955, at 11:00 o'clock, a.m., Eastern Standard Time.

Mr. BERGER. Mr. President, I second the motion. The motion was agreed to.

The Senate adjourned at 6:36 o'clock, p.m., Eastern Standard Time, until Tuesday, December 20, 1955, at 11:00 o'clock, a.m., Eastern Standard Time.



## HOUSE OF REPRESENTATIVES

MONDAY, December 19, 1955.

The House met at 3:00 p. m.

The SPEAKER (Hiram G. Andrews) in the Chair.

## PRAYER

The Chaplin, Reverend Harold J. Crouse, Pastor of Trinity Lutheran Church, York, offered the following prayer:

O God, our Father, grant that as we enter the gateway of this Christmastide we shall experience a new thrill and joy because in Thy coming in Christ we see the breaking of the Divine into human history.

Teach us, Thou Gentle Christ, who art all compassion, pure unbounded love to look at humanity with new eyes of wonder and reverence. Take from us impatience, disdain, contempt, so that we do not look at our fellow-men through the eyes of criticism and see only drabness, mediocrity, commonplaceness and irritating stupidity. Open our eyes that we may see the hidden heroisms of Thy children.

Now do Thou make our Christmas truly blessed and happy. Give Thyself unto us without measure, and help us to give ourselves to Thee in complete surrender, and to our fellow men in unselfish devotion and charity. We ask it for Thy name's sake. Amen.

## JOURNAL APPROVED

The SPEAKER. Are there any corrections to the Journal of Friday, December 2, 1955? If not, and without objection, the Journal is approved.

## JOURNAL APPROVAL POSTPONED

The SPEAKER. If there is no objection, the approval of the Journal for Wednesday, December 14, 1955, will be postponed until printed. The Chair hears none.

## COMMUNICATION

## RESOLUTION—BOARD OF JUDGES OF COURTS OF COMMON PLEAS OF PHILADELPHIA COUNTY

The SPEAKER laid before the House a resolution adopted by the Judges of the Courts of Common Pleas of Philadelphia County opposing legislation giving the Orphans' Courts exclusive jurisdiction of incompetents estates.

Referred to the Committee on Judiciary.

## COMMUNICATIONS FROM GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILLS Nos. 10, 670, 985, 1144, 1212, 1723, 1751 and 1763.

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, December 15, 1955.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 10, Printer's No. 266, entitled "An Act amending the act of May 1, 1929

(P. L. 905) entitled 'An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds' authorizing incorporated towns to remove and impound vehicles."

GEORGE M. LEADER.

December 14, 1955.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 670, Printer's No. 1165, entitled "An Act amending the act of April 9, 1929 (P. L. 177) entitled 'An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain department boards and commissions shall be determined' revising and expanding the State Mental Health program providing for the appointment of a deputy to be known as Commissioner of Mental Health and creating an advisory council on Mental Health in the Department of Welfare prescribing their powers and duties and changing the powers and duties of the boards of trustees of the several State mental institutions and juvenile delinquent institutions and the terms of members of boards of trustees of certain state institutions."

GEORGE M. LEADER.

December 15, 1955.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 985, Printer's No. 365, entitled "An Act amending the act of May 26, 1949 (P. L. 1828) entitled 'An act concerning the investment powers and duties of guardians committees trustees and other fiduciaries except personal representatives and prescribing the nature and kind of investments which may be made and retained by such fiduciaries' further prescribing the nature and kind of investments which may be made and retained by fiduciaries."

GEORGE M. LEADER.



December 15, 1955.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 1144, Printer's No. 848, entitled "An Act amending the act of May 15, 1933 (P. L. 796) entitled as amended 'An act providing for the preservation of the records or photographic film reproductions or photographic copies thereof of banks bank and trust companies trust companies savings banks private banks and national banking associations providing that such photographic film reproductions or photographic or photostatic copies shall be admissible in evidence equally and with the same force and effect as the original records providing a means for the final adjustment and settlement of depositors' accounts saving certain parts of acts from repeal and imposing penalties for violations' providing further for the preservation of records and their admissibility in evidence."

GEORGE M. LEADER

December 15, 1955.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 1212, Printer's No. 342, entitled "An Act amending the act of May 4, 1927 (P. L. 519) entitled 'An act concerning boroughs and revising amending and consolidating the law relating to boroughs' authorizing the burgess of a borough to request that matters upon which the council has cast a tie or split vote be tabled until a special session of the council and to cast the deciding vote if necessary at that time."

GEORGE M. LEADER.

December 15, 1955.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day this day approved and signed House Bill No. 1723, Printer's No. 952, entitled "An Act to further amend section two hundred five of the act approved the ninth day of April one thousand nine hundred twenty-nine (P. L. 177) entitled 'An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employees in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employees of certain departments boards and commissions shall be determined' by providing that State policemen assigned to duty with the Pennsylvania Turnpike Commission shall not be counted against the total number of officers and men in the State Police Force."

GEORGE M. LEADER.

December 15, 1955.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day

approved and signed House Bill No. 1751, Printer's No. 898, entitled "An Act amending the act of July 28, 1953 (P. L. 723) entitled 'An act relating to counties of the second class amending revising consolidating and changing the laws relating thereto' conferring additional powers and duties on the county planning commission."

GEORGE M. LEADER.

December 15, 1955.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 1763, Printer's No. 996, entitled "An Act amending the act of May 4, 1927 (P. L. 519) entitled 'An act concerning boroughs and revising amending and consolidating the law relating to boroughs' extending the time for payment on purchases of borough property."

GEORGE M. LEADER.

## SENATE MESSAGE

## HOUSE BILLS CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bills from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1002.

An Act relating to conditional sales made prior to July 1, 1954.

HOUSE BILL No. 1089.

An Act amending the act of May 17, 1921 (P. L. 682), entitled "An act relating to insurance; amending, revising, and consolidating the law providing for the incorporation of insurance companies, and the regulation, supervision, and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations, and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing laws," defining and providing for the establishment, maintenance and the amount of and use of unearned premium reserves, the release of unearned premiums, reserve for unpaid losses and loss expense and the investment of reserve funds.

HOUSE BILL No. 1091.

An Act amending the act of May 17, 1921 (P. L. 682) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" providing for and regulating the investments of title insurance companies.

HOUSE BILL No. 1552.

An Act authorizing and directing the Governor on behalf of the Commonwealth of Pennsylvania to execute an interstate compact concerning juveniles and for related purposes

HOUSE BILL No. 1722.

An Act amending the act of May 15, 1933 (P. L. 624), entitled as amended "An act relating to the business of banking, and to the exercise of fiduciary powers by corporations; providing for the organization of corporations



with fiduciary powers, and of banking corporations, with or without fiduciary powers, including the conversion of National banks into State banks, and for the licensing of private bankers and employees' mutual banking associations; defining the rights, powers, duties, liabilities, and immunities of such corporations, of existent corporations authorized to engage in a banking business, with or without fiduciary powers, of private bankers and employees' mutual banking associations, and of the officers, directors, trustees, shareholders, attorneys, and other employees of all such corporations, employees' mutual banking associations or private bankers, or of affiliated corporations, associations, or persons; restricting the exercise of banking powers by any other corporation, association, or person, and of fiduciary powers by any other corporation; conferring powers and imposing duties upon the courts, prothonotaries, recorders of deeds and certain State departments, commissions, and officers; imposing penalties; and repealing certain acts and parts of acts," further regulating changes of places of business and establishment of branches.

#### HOUSE BILL No. 1737.

An Act amending the act of May 5, 1933 (P. L. 457), entitled "An act relating to the business of building and loan associations; providing for the organization and voluntary dissolution of such associations; defining the rights, powers, duties, liabilities, and immunities of such associations, and of their officers, directors, shareholders, solicitors, and other employees; prohibiting the transaction of business in this Commonwealth by foreign building and loan associations; conferring powers and imposing duties upon the courts, recorders of deeds, and certain State departments, commissions, and officers, establishing limitations of actions; imposing penalties; and repealing certain acts and parts of acts," regulating the establishment of business and changes in the places of business and the establishment and maintenance of branches.

With the information that the Senate has passed the same without amendment.

#### LEAVES OF ABSENCE

By unanimous consent leave of absence was granted as follows:

Mr. Gibb for Mr. DONALDSON for the week because of illness.

Mr. Eilberg for Mr. McKEEVER because of illness.

Mr. Filo for Mr. WALSH for today because of illness.

Mrs. Munley for Mr. REIDENBACH because of illness.

Mrs. Munley for Mr. NEEDHAM because of illness.

#### BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1349, entitled:

An Act making it unlawful for any person to carry on any business under an assumed or fictitious name, style or designation, corporate or otherwise, unless upon advertisement and the filing of an application to that effect in the office of the Secretary of the Commonwealth and of the prothonotary; requiring nonresident applicants to have a resident agent and certain corporations organized to have a resident agent and certain corporations organized under any laws other than those of this Commonwealth to be qualified to do business in this Commonwealth; prescribing the effect of failure to file an application; providing that certificates of the Secretary of the Commonwealth shall be admitted in evidence; requiring county commissioners, at the expense of the county, to provide boods or other means of reproduction for the entry of applications; requiring the cancellation of an application on the dissolution, disqualification, or the withdrawal from the business; providing methods therefor; fixing the fees of the Secretary of the Commonwealth and prothonotary; and providing penalties.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1395, entitled:

An Act amending the act of May 1, 1913 (P. L. 155) entitled "An act regulating the letting of certain contracts for the erection construction and alteration of public buildings" further regulating the letting of such contracts.

The first section was read.

On the question,

Will the House agree to the section?

#### BILL RECOMMITTED

Mr. POLASKI. Mr. Speaker, I move that this bill be recommitted to the Committee on State Government for the purpose of further study.

The motion was agreed to.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1570, entitled:

An Act amending the act of May 11, 1925 (P. L. 561), entitled "An act to provide for the selection of jurors to serve in the several courts, criminal and civil, of counties of the second class, and defining the qualifications of such jurors; providing for the organization of a commission for the selection of jurors in such counties, and prescribing its powers and duties, and authorizing it to investigate as to the qualifications of prospective jurors; imposing the expense of maintaining and operating said commission upon said counties, and requiring the county commissioners to provide suitable quarters, equipment, and supplies; authorizing the employment of the necessary clerks and other employees, and providing for salary board composed of the commission, the county commissioners, and the controller of said counties, to fix the number and compensation of such employees; requiring county officers and boards to furnish information to said commission concerning taxables resident in said county as to their eligibility for jury service; repealing inconsistent legislation; and prescribing punishment for the violation hereof," authorizing the president judge of the court of common pleas to transfer and assign jurors summoned to serve in any court, civil and criminal, of the county, and changing form of venire and summons to comply therewith.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1846, entitled:

An Act relative to Commonwealth printing establishing requirements of responsible bidders prohibiting the award of contracts for such printing to other than responsible bidders as certified by the Secretary of Labor and Industry and prescribing penalties.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1894, entitled:

An Act amending the act of June 24, 1939 (P. L. 872)



entitled "An act to consolidate amend and revise the penal laws of the Commonwealth" making it unlawful to listen into deliberations of juries and for unauthorized persons to be present in grand jury room.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1911, entitled:

An Act amending the act of May 2, 1945 (P. L. 382) entitled "An act providing for the incorporation as bodies corporate and politic of "Authorities" for municipalities counties and townships prescribing the rights powers and duties of such Authorities heretofore or hereafter incorporated authorizing such Authorities to acquire construct improve maintain and operate projects and to borrow money and issue bonds therefor providing for the payment of such bonds and prescribing the rights of the holders thereof conferring the right of eminent domain on such Authorities authorizing such Authorities to enter into contracts with and to accept grants from the Federal Government or any agency thereof and conferring exclusive jurisdiction on certain courts over rates" further regulating the sale of Authority bonds.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1914, entitled:

An Act authorizing the Department of Property and Supplies with the approval of the Governor to sell and convey one acre and eighteen square perches more or less of land situate in Buckingham Township Bucks County.

The first section was read.

On the question,

Will the House agree to the section?

#### BILL RECOMMITTED

Mr. READINGER. Mr. Speaker, I move that this bill be recommitted to the Committee on State Government.

The motion was agreed to.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1921, entitled:

An Act making certain warrants for the confession of judgment executed in connection with contracts relating to repairs alterations additions or improvements to buildings invalid and unenforceable and restricting the right to enter judgment by confession upon warrants executed in connection with contracts relating to repairs alterations additions or improvements to buildings

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

#### BILL PASSED OVER

There being no objection

Senate Bill No. 442, Printer's No. 190 was passed over at the request of the SPEAKER.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate Bill No. 460, entitled:

An Act amending the act of April 9, 1929 (P. L. 343), entitled "An act relating to the finances of the State government; providing for the settlement, assessment, collection, and lien of taxes, bonus, and all other accounts due the Commonwealth, the collection and recovery of fees and other money or property due or belonging to the Commonwealth, or any agency thereof, including escheated property and the proceeds of its sale, the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth, and the settlement of claims against the Commonwealth, the resettlement of accounts and appeals to the courts, refunds of moneys erroneously paid to the Commonwealth, auditing the accounts of the Commonwealth and all agencies thereof, of all public officers collecting moneys payable to the Commonwealth, or any agency thereof, and all receipts of appropriations from the Commonwealth and imposing penalties; affecting every department, board, commission, and officer of the State government, every political subdivision of the State, and certain officers of such subdivisions, every person, association, and corporation required to pay, assess, or collect taxes, or to make return or reports under the laws imposing taxes for State purposes, or to pay license fees or other moneys to the Commonwealth, or any agency thereof, every State depository and every debtor or creditor of the Commonwealth," changing provisions relating to the time for filing of certain petitions for refunds.

The first section was read.

On the question,

Will the House agree to the section?

#### BILL RECOMMITTED

Mr. POLEN. Mr. Speaker, I move that this bill be recommitted to the Committee on Appropriations.

The motion was agreed to.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate Bill No. 480, entitled:

An Act amending the act of May 25, 1951 (P. L. 415), entitled "An act relating to habeas corpus; conferring jurisdiction upon the judges of the courts of common pleas; prescribing venue; defining procedure in all cases; authorizing service to be made upon persons anywhere in the Commonwealth; providing for the imposition of costs; allowing appeals; specifying the appellate court to which appeals may be taken; and repealing inconsistent legislation, including that conferring jurisdiction on courts of quarter sessions," extending jurisdiction as to habeas corpus to courts of quarter sessions.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate Bill No. 574, entitled:

An Act authorizing the Pennsylvania Historical and Museum Commission to acquire by gift the Old Brown's Mill building and project in Antrim Township Franklin County and providing for its maintenance and control

The first section was read.

On the question,

Will the House agree to the section?



## BILL RECOMMITTED

Mr. POLEN. Mr. Speaker, I move that this bill be re-committed to the Committee on Appropriations.

The motion was agreed to.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate Bill No. 582, entitled:

An Act amending the act of August 19, 1953 (P. L. 1104), entitled "An act relating to the acknowledgement of instruments, the attestation of documents, the administration of oaths and affirmations, the execution of depositions and affidavits, and other notarial acts, heretofore or hereafter taken before any commissioned officer of the armed forces of the United States, and providing that such instruments and documents executed by any person who is a member of or actually present with the armed forces of the United States or is outside the United States for certain purposes shall be legal, valid and binding, and providing for the form of the instrument or document and what proof shall be sufficient of the authority of such commissioned officer so to act," extending affidavit provisions to include the spouse of a member of the armed forces.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate Bill No. 729, entitled:

A Joint Resolution proposing an amendment to article two section four of the Constitution of the Commonwealth of Pennsylvania by providing for annual sessions of the General Assembly

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate Bill No. 767, entitled:

An Act amending the act of August 9, 1955 (Act No. 130) entitled "An act relating to counties of the third fourth fifth sixth seventh and eighth classes amending revising consolidating and changing the laws relating thereto" changing technical provisions with respect to plans required to be submitted to the County Planning Commission

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate Bill No. 780, entitled:

An Act amending the act of July 2 1937 (P. L. 2821) entitled "An act to regulate the sale and advertising for sale of goods wares and merchandise purporting to be an insurance bankruptcy mortgage insolvent assignees receivers trustees removal or closing-out sale or sale of goods damaged by fire smoke or water in cities and certain boroughs of this Commonwealth and to prevent fraudulent practices in connection therewith and provid-

ing penalties for the violation thereof and for the imposition of licensee fees for permission to conduct the same" making the provisions of the act affective in municipalities and townships further regulating statements of inventories further regulating the issuance renewal denial revocation and refusal of licenses and the conduct of sales designating certain actions as violations of the act authorizing appeals from refusal or denial to issue licenses

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

## BILLS ON FINAL PASSAGE RECALLED FROM GOVERNOR

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 342, as follows:

An Act amending the act of May 1, 1929 (P. L. 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerk thereof owners of vehicles and garage keepers providing that records are admissible as evidence upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" exempting and limiting the number of motor vehicles of war amputees from the payment of title or registration fees

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Subsection (a) of section 722 act of May 1, 1929 (P. L. 905) known as "The Vehicle Code" amended August 17, 1951 (P. L. 1264) and August 24, 1951 (P. L. 1352) is amended to read

## Section 722 Exemptions from Fees

(a) No fee shall be charged for a certificate of title or registration of motor vehicles fire department equipment trailers and semi-trailers owned by and used exclusively in the performance of the duties of (a) the Federal Government (b) any state other than Pennsylvania which issues titles or registrations to this Commonwealth without charge (c) the Commonwealth of Pennsylvania (d) any city borough incorporated town township county poor or school district of this Commonwealth (e) any duly authorized volunteer fire force in the extinguishment and prevention of fires or in rescue work hospital humane society or anti-cruelty society in this Commonwealth (f) the American Red Cross (g) churches (h) Girl Scouts of America (i) Boy Scouts of America (j) Salvation Army (k) duly chartered post organization or combination of organizations of the American Legion Veterans of Foreign Wars Philippine Pacific War Veterans Navy Club of the United States United States Army Ambulance Corps Disabled American Veterans American Veterans of World War II (AMVETS) the Marine Corps League Military Order of the Purple Heart Jewish War Veterans Catholic War Veterans Inc or United Spanish War Veterans of this Commonwealth or La Societe Des Forty Hommes et



Eight Chevaux and organizations and units of the Pennsylvania National Guard (1) mine or industrial ambulances Young Men's Christian Association and Young Women's Christian Association (m) ambassadors ministers foreign consuls general consuls and vice consuls who are nationals of the country appointing them and who are assigned to foreign consulates in this Commonwealth Provided That American consular officers of equal rank who are citizens of the United States and who exercise their official functions at American consulates in such foreign country are granted reciprocal exemptions No fee shall be charged for [certificates of title or registration of motor vehicles owned and used by war amputees which were obtained through the Veterans' Administration] one motor vehicle owned or used by any veteran who served in the armed forces of the United States during any period of war or armed conflict in which it was engaged and who lost a limb or became paralyzed as a result of such service All such vehicles except those owned and used by the Federal Government shall be titled and registered and shall display registration plates as is now provided for privately owned motor vehicles trailers and semi-trailers

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

## YEAS—202

Adam,	Frost,	Lippincott,	Rovansek,
Agnew,	Gaffney,	Lopresti,	Royer,
Amarando,	Garlock,	Lovett,	Rubin,
Anderson, M. S.,	Gelfand,	Lutty,	Rudisill,
Anderson, S. A.,	George,	Magee,	Sarra,
Ashton,	Gibb,	Mahan,	Scarcell,
Auker,	Gibson,	Markley,	Schuster,
Banker,	Goldstein,	Maxwell,	Sherman,
Barnatovich,	Gramlich,	McCann,	Sigman,
Bazin,	Greenwood,	McCormack,	Smith, C. C.,
Bell,	Guss,	McGee,	Smith, Wm. B.,
Blair,	Guthrie,	McInroy,	Snider,
Boles,	Hamilton, R. K.,	McLaughlin,	Stank,
Bonner,	Hamilton, W. H.,	McWherter,	Stebbins,
Boory,	Hass,	Meholchick,	Steckel,
Bower,	Haudenschild,	Metz,	Stephens,
Branca,	Heavey,	Mihm,	Stevenson,
Brelsich,	Helm,	Mikula,	Stone,
Brennan, A. P.,	Henzel,	Milner,	Stoner,
Brennan, J. J.,	Hewitt,	Mills,	Strausser,
Brenninger,	Hocker,	Monroe,	Stroup,
Breth,	Holt,	Moody,	Swartz,
Brown,	Horst,	Moran,	Taylor,
Bucchin,	Houk,	Moscrip,	Thomas,
Bullen,	Isaacs,	Muldowney,	Thompson,
Capano,	Jenkins,	Mullen,	Toll,
Cianfrani,	Johnson,	Munley,	Tompkins,
Cioffi,	Jones, G. E.,	Murphy,	Toomey,
Cochran,	Jones, T. H. W.,	Murray, H. P.,	Varallo,
Comer,	Jump,	Murray, J. J.,	Varner,
Connelly,	Kamyk,	Murray, P. G.,	Verona,
Cooper,	Kehler,	Musto,	Wall,
Curwood,	Keller,	Naugle,	Wanace,
Davis,	Kent,	Ogilvie,	Wargo,
Donahue,	Kline,	Olsen,	Waterhouse,
Dougherty,	Knecht,	O'Neil,	Weidner,
Down,	Kolankiewicz,	Pacchioni,	Welsh,
Ehrgood,	Kooker,	Parry,	Wescott,
Elberg,	Kornick,	Pashley,	Wheeler,
Erb,	Kratz,	Paulhamus,	Whitenight,
Eshleman,	Kromer,	Petrosky,	Willaredt,
Ewing,	Kubacki,	Pettigrew,	Williams,
Farabaugh,	Lafore,	Polaski,	Wilt,
Filo,	Lawyer,	Polen,	Wood,
Fineman,	Leiby,	Pomeroy,	Worley,
Flint,	Leisey,	Price,	Yetter,
Floyd,	Leonard,	Pursley,	Yetzer,
Flynn,	Leven,	Readinger,	Young,
Foster,	Light,	Reibman,	Ziegler,
Frank,	Limper,	Renwick,	Andrews,
Frascella,		Rigby,	Speaker

NAYS—0

## NOT VOTING—7

Donaldson,  
McKeever,

Needham,  
Reidenbach,

Rosen,  
Vaughan,

Walsh,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 662, as follows:

An Act amending the act of May 5 1933 (P. L. 289) entitled "An act relating to nonprofit corporations defining and providing for the organization merger consolidation and dissolution of such corporations conferring certain rights powers duties and immunities upon them and their officers and members prescribing the conditions on which such corporations may exercise their powers providing for the inclusion of certain existing corporations of the first class within the provisions of this act prescribing the terms and conditions upon which foreign nonprofit corporations may be admitted or may continue to do business within the Commonwealth conferring powers and imposing duties on the courts of common pleas prothonotaries of such courts recorders of deeds and certain State departments commissions and officers authorizing certain local public officers and departments to collect fees for services required rendered by this act imposing penalties and repealing certain acts and parts of acts relating to corporations" empowering nonprofit corporations to transfer their property and assets in trust

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 302 act of May 5 1933 (P. L. 289) known as the "Nonprofit Corporation Law" is amended by adding at the end thereof a new clause to read

Section 302 General Powers Subject to the limitations and restrictions contained in this act or in its articles every nonprofit corporation shall have power

\* \* \*

(13) To transfer any part of its property and assets in trust to a corporate trustee which shall be a bank and trust company or trust company incorporated under the laws of Pennsylvania or a national banking association having fiduciary powers and having its principal office in Pennsylvania and to authorize such corporate trustee to invest and reinvest such property and assets subject to the same powers restrictions and obligations with respect to investment and reinvestment of such property and assets as are applicable to the nonprofit corporation itself and to pay over the net income therefrom to such nonprofit corporation at least semi-annually or at more frequent intervals if so agreed Provided however that such transfer in trust may at any time be revoked by action of the directors

Section 2 This act shall take effect immediately

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

## YEAS—202

Adam,	Frost,	Lippincott,	Rovansek,
Agnew,	Gaffney,	Lopresti,	Royer,
Amarando,	Garlock,	Lovett,	Rubin,
Anderson, M. S.,	Gelfand,	Lutty,	Rudisill,
Anderson, S. A.,	George,	Magee,	Sarra,
Ashton,	Gibb,	Mahan,	Scarcell,
Auker,	Gibson,	Markley,	Schuster,
Banker,	Goldstein,	Maxwell,	Sherman,



Barnatovich,	Gramlich,	McCann,	Sigman,
Bazin,	Greenwood,	McCormack,	Smith, C. C.,
Bell,	Guss,	McGee,	Smith, Wm. B.,
Blair,	Guthrie,	McInroy,	Snider,
Boles,	Hamilton, R. K.,	McLaughlin,	Stank,
Bonner,	Hamilton, W. H.,	McWherter,	Stebbins,
Boory,	Hass,	Meholchick,	Steckel,
Bower,	Haudenschild,	Metz,	Stephens,
Branca,	Heavey,	Mihm,	Stevenson,
Brelsch,	Helm,	Mikula,	Stone,
Brennan, A. P.,	Henzel,	Miller,	Stoner,
Brennan, J. J.,	Hewitt,	Mills,	Strausser,
Brenninger,	Hocker,	Monroe,	Stroup,
Breth,	Holt,	Moody,	Swartz,
Brown,	Horst,	Moran,	Taylor,
Bucchin,	Houk,	Moscrip,	Thomas,
Bullen,	Isaacs,	Muldowney,	Thompson,
Capano,	Jenkins,	Mullen,	Toll,
Cianfrani,	Johnson,	Munley,	Tompkins,
Cloffi,	Jones, G. E.,	Murphy,	Toomey,
Cochran,	Jones, T. H. W.,	Murray, H. P.,	Varallo,
Comer,	Jump,	Murray, J. J.,	Varner,
Connelly,	Kamyk,	Murray, P. G.,	Verona,
Cooper,	Kehler,	Musto,	Wall,
Curwood,	Keller,	Naugle,	Wallace,
Davis,	Kent,	Ogilvie,	Wargo,
Donahue,	Kline,	Olsen,	Waterhouse,
Dougherty,	Knecht,	O'Neill,	Weidner,
Down,	Kolankiewicz,	Pacchioli,	Welsh,
Ehrgood,	Kooker,	Parry,	Wescott,
Eilberg,	Kornick,	Pashley,	Wheeler,
Erb,	Kratz,	Paulhamus,	Whitenight,
Eshleman,	Kromer,	Petrosky,	Willaredt,
Ewing,	Kubacki,	Pettierew,	Williams,
Farabaugh,	Lafore,	Polaski,	Wilt,
Filo,	Lawyer,	Polen,	Wood,
Fineman,	Leiby,	Pomeroy,	Worley,
Flint,	Leisey,	Price,	Yetter,
Floyd,	Leonard,	Pursley,	Yetzer,
Flynn,	Leven,	Readinger,	Young,
Foster,	Light,	Reibman,	Ziegler,
Frank,	Limper,	Renwick,	Andrews,
Frascella,		Rigby,	Speaker

## NAYS—0

## NOT VOTING—7

Donaldson,	Needham,	Rosen,	Walsh,
McKeever,	Reidenbach,	Vaughan,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 737 as follows:

An Act amending the act approved the ninth day of August one thousand nine hundred fifty-five (P. L. ) (Act No. 130) entitled "An act relating to counties of the third fourth fifth sixth seventh and eighth classes amending revising consolidating and changing the laws relating thereto" providing rooms for use of the American Gold Star Mothers Inc. and for certain ladies' auxiliaries

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Sections two thousand three hundred thirty-nine and two thousand three hundred sixty-two of the act approved the ninth day of August one thousand nine hundred fifty-five (P. L. ) (Act No. 130) entitled "An act relating to counties of the third fourth fifth sixth seventh and eighth classes amending revising consolidating and changing the laws relating thereto" are hereby amended to read as follows

Section 2339 Furnishing rooms for meetings of veterans of certain [veterans] wars and [of sons of veterans] other organizations The board of commissioners may in

their discretion upon application thereof furnish to each organization composed of veterans of the Civil War veterans of the Spanish-American War veterans of [World War I and of World War II or of any other war in which the United States engaged and Sons of Union Veterans] the war with Germany and Austria veterans of any foreign war sons of veterans and to ladies' auxiliaries of each such organization and to the American Gold Star Mothers Inc a room or rooms in any public building of such county sufficient for the meeting of each of such organizations at least once each month

Section 2362 Plan of Hall Special rooms to be provided (a) such memorial hall shall be in honor of the soldiers sailors and marines from said county who served in the Army and Navy of the United States in any war in which the United States has been or may hereafter be engaged Such memorial halls shall each contain one large assembly room or auditorium for public meetings of the soldiers sailors and marines of [the] such county which may be used also for other public meetings and patriotic gatherings [and civic purposes] by the consent of the board of control herein provided for

(b) Such memorial hall shall also contain rooms for [meeting] meetings of [camps of the Sons of Union Veterans Women's Relief Corps Ladies] Posts of the Grand Army of the Republic Encampments of the Union Veteran Legion Commandaries of the Loyal Legion Camps of the Sons of Veterans Women's Relief Corps Ladies of the Grand Army of the Republic Chapters of the Daughters of the Revolution the American Gold Star Mothers Inc organizations of the Spanish-American War and Philippine Insurrection the American Legion Veterans of Foreign Wars and organizations of veterans of all other wars in which the United States has or may be engaged and also rooms for meetings of Ladies' Auxiliaries of Posts Encampments camps and organizations for which rooms for meetings may be contained in the memorial hall and also rooms for such committees of public defense and welfare as may be created by the Commonwealth or as may be approved by the board of control hereinafter provided for

(c) Such memorial halls shall also provide room for the display and preservation of relics and trophies of all wars in which the United States has been or may be engaged photographs paintings and portraits busts and statues of the soldiers sailors and marines of the [county] said counties and mural tablets upon which shall be inscribed the names of such soldiers sailors and marines such memorial halls shall also contain waiting and rest rooms with lavatories attached

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

## YEAS—202

Adam,	Frost,	Lippincott,	Rovansek.
Agnew,	Gaffney,	Lopresti,	Royer,
Amarando,	Garlock,	Lovett,	Rubin,
Anderson, M. S.,	Gelfand,	Lutty,	Rudisill,
Anderson, S. A.,	George,	Magee,	Sarra,
Ashton,	Gibb,	Mahan,	Scarcell,
Auker,	Gibson,	Markley,	Schuster,
Banker,	Goldstein,	Maxwell,	Sherman,
Barnatovich,	Gramlich,	McCann,	Sigman,
Bazin,	Greenwood,	McCormack,	Smith, C. C.,
Bell,	Guss,	McGee,	Smith, Wm. B.,
Blair,	Guthrie,	McInroy,	Snider,
Boles,	Hamilton, R. K.,	McLaughlin,	Stank,
Bonner,	Hamilton, W. H.,	McWherter,	Stebbins,
Boory,	Hass,	Meholchick,	Steckel,
Bower,	Haudenschild,	Metz,	Stephens,
Branca,	Heavey,	Mihm,	Stevenson,
Brelsch,	Helm,	Mikula,	Stone,
Brennan, A. P.,	Henzel,	Miller,	Stoner,
Brennan, J. J.,	Hewitt,	Mills,	Strausser,
Brenninger,	Hocker,	Monroe,	Stroup,
Breth,	Holt,	Moody,	Swartz,
Brown,	Houk,	Moran,	Taylor,
Bucchin,		Moscrip,	Thomas,



Bullen,	Horst,	Muldowney,	Thompson,
Capano,	Isaacs,	Mullen,	Toll,
Cianfrani,	Jenkins,	Munley,	Tompkins,
Cioffi,	Johnson,	Murphy,	Toomey,
Cochran,	Jones, G. E.,	Murray, H. P.,	Varallo,
Comer,	Jones, T. H. W.,	Murray, J. J.,	Varner,
Connelly,	Jump,	Murray, P. G.,	Verona,
Cooper,	Kamyk,	Musto,	Wall,
Curwood,	Kehler,	Naugle,	Wallace,
Davis,	Keller,	Ogilvie,	Wargo,
Donahue,	Kent,	Olsen,	Waterhouse,
Dougherty,	Kline,	O'Neill,	Weldner,
Down,	Knecht,	Pacchioli,	Welsh,
Ehrgood,	Kolankiewicz,	Parry,	Wescott,
Eilberg,	Kooker,	Pashley,	Wheeler,
Erb,	Kornick,	Paulhamus,	Whitenight,
Eshleman,	Kratz,	Petrosky,	Williams,
Ewing,	Kromer,	Pettigrew,	Willaredt,
Farabaugh,	Kubacki,	Polaski,	Wilt,
Filo,	Lafore,	Polen,	Wood,
Fineman,	Lawyer,	Pomeroy,	Worley,
Flint,	Leiby,	Price,	Yetter,
Floyd,	Leisey,	Pursley,	Yetzer,
Flynn,	Leonard,	Readinger,	Young,
Foster,	Leven,	Reibman,	Ziegler,
Frank,	Light,	Renwick,	Andrews,
Frascella,	Limper,	Rigby,	Speaker

## NAYS—0

## NOT VOTING—7

Donaldson,	Needham,	Rosen	Walsh,
McKeever,	Reidenbach,	Vaughan,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 738 as follows:

An Act amending the act of July 8 1919 (P. L. 784 No 321) entitled "An act authorizing counties cities and boroughs to furnish rooms in public buildings for meeting places for certain organizations" including certain ladies' auxiliaries and the American Gold Star Mothers Inc within provisions of act

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 1 act of July 8, 1919 (P. L. 784 No 321) entitled "An act authorizing counties cities and boroughs to furnish rooms in public buildings for meeting places for certain organizations" section 1 repealed in part May 4, 1927 (P. L. 519) May 2, 1929 (P. L. 1278) and June 23, 1931 (P. L. 932) is amended to read

Section 1 Be it enacted &c That each county city and borough may in their discretion upon application therefor furnish to each organization composed of veterans of the Civil War veterans of the Spanish-American War veterans of the War with Germany and Austria veterans of any foreign war [and] sons of Veterans to ladies' auxiliaries of each such organization and the American Gold Star Mothers Inc a room or rooms in any public building of such county city or borough sufficient for the meeting of each of such organization at least once each month

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

## YEAS—202

Adam,	Frost,	Lopresti,	Royer,
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Agnew,	Gaffney,	Lovett,	Rubin,
Amarando,	Garlock,	Lutty,	Rudisill,
Anderson, M. S.,	Gelfand,	Magee,	Sarraf,
Anderson, S. A.,	George,	Mahan,	Scarcell,
Ashton,	Gibb,	Markley,	Schuster,
Auker,	Gibson,	Maxwell,	Sherman,
Banker,	Goldstein,	McCann,	Sigman,
Barnatovich,	Gramlich,	McCormack,	Smith, O. O.
Bazin,	Greenwood,	McGee,	Smith, Wm. B.
Bell,	Guss,	McInroy,	Snider,
Blair,	Guthrie,	McLaughlin,	Stank,
Boles,	Hamilton, R. K.,	McWherter,	Stebbins,
Bonner,	Hamilton, W. H.,	Meholchick,	Steckel,
Boory,	Hass,	Metz,	Stephens,
Bower,	Haudenschild,	Mihm,	Stevenson,
Branca,	Heavey,	Mikula,	Stone,
Brelsch,	Helm,	Miller,	Stoner,
Brennan, A. P.,	Henzel,	Mills,	Strausser,
Brennan, J. J.,	Hewitt,	Monroe,	Stroup,
Brenninger,	Hocker,	Moody,	Swartz,
Breth,	Holt,	Moran,	Taylor,
Brown,	Horst,	Moscrip,	Thomas,
Bucchin,	Houk,	Muldowney,	Thompson,
Bullen,	Isaacs,	Mullen,	Toll,
Capano,	Jenkins,	Munley,	Tompkins,
Cianfrani,	Johnson,	Murphy,	Toomey,
Cioffi,	Jones, G. E.,	Murray, H. P.,	Varallo,
Cochran,	Jones, T. H. W.,	Murray, J. J.,	Varner,
Comer,	Jump,	Murray, P. G.,	Verona,
Connelly,	Kamyk,	Musto,	Wall,
Cooper,	Kehler,	Naugle,	Wallace,
Curwood,	Keller,	Ogilvie,	Wargo,
Davis,	Kent,	Olsen,	Waterhouse,
Donahue,	Kline,	O'Neill,	Weldner,
Dougherty,	Knecht,	Pacchioli,	Welsh,
Down,	Kolankiewicz,	Parry,	Wescott,
Ehrgood,	Kooker,	Pashley,	Wheeler,
Eshleman,	Kornick,	Paulhamus,	Whitenight,
Eilberg,	Kratz,	Petrosky,	Willaredt,
Erb,	Kromer,	Pettigrew,	Williams,
Ewing,	Kubacki,	Polaski,	Wilt,
Farabaugh,	Lafore,	Polen,	Wood,
Filo,	Lawyer,	Pomeroy,	Worley,
Fineman,	Leiby,	Price,	Yetter,
Flint,	Leisey,	Pursley,	Yetzer,
Floyd,	Leonard,	Readinger,	Young,
Flynn,	Leven,	Reibman,	Ziegler,
Foster,	Light,	Renwick,	Andrews,
Frank,	Limper,	Rigby,	Speaker
Frascella,	Lippincott,	Rovansek,	

## NAYS—0

## NOT VOTING—7

Donaldson,	Needham,	Rosen,	Walsh,
McKeever,	Reidenbach,	Vaughan,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

## STATEMENT BY SPEAKER

The SPEAKER. The House will for a time proceed on the basis of a consent calendar.

The Minority Leadership in the House has gone across to the other end of the chamber to instruct the statesmen there. The House will resume normal operations when the Minority Leadership, having accomplished its mission, returns to the House.

## BILLS ON FINAL PASSAGE

## BILLS PASSED OVER

There being no objection

House Bill No. 323, Printer's No. 1239 and

House Bill No. 1311, Printer's No. 1102

were passed over at the request of the SPEAKER.



Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 1314, as follows:

An Act amending the act of April 9, 1929 (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employees in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employees of certain departments boards and commissions shall be determined" changing the provisions relating to sick leaves for certain State employees

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 222 act of April 9, 1929 (P. L. 177) known as "The Administrative Code of 1929" amended June 14, 1947 (P. L. 609) is amended to read

Section 222 Work-Hours and Vacations (a) Each employe of an administrative department of an independent administrative board or commission or of a departmental administrative board or commission if employed for continuous service shall work during such hours as the head of the department or the board or commission shall require but not less than thirty-five hours per week [Such employe shall be entitled during each calendar year to fifteen days' leave of absence with full pay and in special and meritorious cases where to limit the annual leave to fifteen days in any one calendar year would work peculiar hardships the extent of such leave with pay may in the discretion of the head of the department or of the board or commission be extended but any such extension shall not be for more than fifteen days except with the approval of the Executive Board in the case of employees of departments or of independent administrative boards or commissions and in the case of employees of departmental administrative boards or commissions of the departments with which such boards or commissions are respectively connected

Each employe of an administrative department of an independent administrative board or commission or of a departmental administrative board or commission who receives an hourly or per diem wage shall be entitled to one day's leave of absence with pay for each two hundred (200) hours such employe shall work]

(b) Each employe of an administrative department of an independent administrative board or commission or of a departmental administrative board or commission shall be entitled during each calendar year to vacation leave with full pay in accordance with the following schedule

(1) Employees with less than ten years service shall earn fifteen days' leave or such portion of fifteen days as determined by the number of full calendar months employed

(2) Employees shall earn one day additional leave for every year of service in excess of fifteen years service but no employe shall earn more than twenty days leave or such portion of twenty days as determined by the number of full calendar months employed

(3) Unused vacation leave shall be cumulative from month to month and year to year but shall not exceed thirty days at the end of any calendar year

(C) Each employe shall be entitled to one day of sick leave with full pay for each full calendar month employed unused sick leave shall be cumulative from month to month but such cumulation shall not exceed sixty days at the end of any calendar year

(1) Sick leave in excess of three consecutive days shall be granted to any employe only upon presentation of a signed certification from the attending physician or practitioner upon a form provided by the Department of Property and Supplies

(2) When the head of any department board or commission finds that the certification provided for in this subsection is falsified he shall file his findings in written form in the employe's personnel file and the employe for the first offense shall receive sixty days' leave without pay

(3) The executive board shall when it finds that a falsified certification has been presented more than one time on account of an employe cause the employe to be dismissed the employe shall be given written notice of the board's findings and a copy of the notice shall be filed with and made a part of the employes permanent personnel file any employe dismissed as herein provided shall be ineligible for employment by the Commonwealth or any of its departments boards or commissions for a period of one year after dismissal

(4) In special and meritorious cases where to limit the annual sick leave allowed plus accumulated leave would work a hardship additional sick leave with pay may upon the recommendation of the head of the department board or commission be granted if approved by the executive board in the case of a department independent administrative board or commission and in the case of departmental administrative board or commission by the department with which the board or commission is connected provided however that this subsection (4) shall only be effective during the first calendar year from the effective date of this act

This section shall be construed to mean that the pay of such employe shall cease upon the expiration of the [granted] vacation or sick leave regardless of his or her continuation thereafter upon the rolls of the department board or commission The annual [leave of absence] vacation and sick leave with pay shall be exclusive of Saturdays Sundays and legal holidays

Section 2 This act shall take effect January 1, 1956

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—202

Adam,	Frost,	Lippincott,	Royer,
Agnew,	Gaffney,	Lopresti,	Rovansek.
Amarando,	Garlock,	Lovett,	Rubin,
Anderson, M. S.,	Gelfand,	Lutty,	Rudisill,
Anderson, S. A.,	George,	Magee,	Sarraf,
Ashton,	Gibb,	Mahan,	Scarcelli,
Auker,	Gibson,	Markley,	Schuster,
Banker,	Goldstein,	Maxwell,	Sherman,
Barnatovich,	Gramlich,	McCann,	Sigman,
Bazin,	Greenwood,	McCormack,	Smith, C. C.,
Bell,	Guss,	McGee,	Smith, Wm. B.,
Blair,	Guthrie,	McInroy,	Snider,
Botes,	Hamilton, W. H.,	McLaughlin,	Stank,
Bonner,	Hamilton, R. K.,	McWherter,	Stebbins,
Boory,	Hass,	Meholchick,	Steckel,
Bower,	Haudenschild,	Metz,	Stephens,
Branca,	Heavey,	Mihm,	Stevenson,
Brelsach,	Helm,	Mikula,	Stone,
Brennan, A. P.,	Henzel,	Miller,	Stoner,
Brennan, J. J.,	Hewitt,	Mills,	Strausser,
Brenninger,	Hocker,	Monroe,	Stroup,
Breth,	Holt,	Moody,	Swartz,
Brown,	Horst,	Moran,	Taylor,
Bucchin,	Houk,	Moscrip,	Thomas,
Bullen,	Isaacs,	Muldowney,	Thompson,
Capano,	Jenkins,	Mullen,	Toll,
Cianfrani,	Johnson,	Munley,	Tompkins,
Cioffi,	Jones, G. E.,	Murphy,	Toomey,
Cochran,	Jones, T. H. W.,	Murray, H. P.,	Varallo,
Comer,	Jump,	Murray, J. J.,	Varnier,
Connelly,	Kamyk,	Murray, P. G.,	Verona,
Cooper,	Kehler,	Musto,	Wall,



Curwood, Davis, Donahue, Dougherty, Down, Ehrgood, Elberg, Erb, Eshleman, Ewing, Farabaugh, Fllo, Fineman, Flint, Floyd, Flynn, Foster, Frank, Frascella,	Keller, Kent, Kline, Knecht, Kolankiewicz, Kooker, Kornick, Kratz, Kromer, Kubacki, Lafore, Lawyer, Leiby, Lelsey, Leonard, Leven, Light, Limper,	Naugle, Ogilvie, Olsen, O'Neill, Pacchioli, Parry, Pashley, Paulhamus, Petrosky, Pettigrew, Polaski, Polen, Pomeroy, Price, Pursley, Readinger, Reibman, Renwick, Rigby,	Wallace, Wargo, Waterhouse, Weidner, Welsh, Wescott, Wheeler, Whitenight, Williams, Willaredt, Wilt, Wood, Worley, Yetter, Yetzer, Young, Ziegler, Andrews, Speaker
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## NAYS—0

## NOT VOTING—7

Donaldson, McKeever,	Needham, Reidenbach,	Rosen, Vaughan,	Walsh,
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The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

## BILL PASSED OVER

There being no objection

House Bill No. 1750, Printer's No. 1221

was passed over at the request of the SPEAKER.

## BILLS ON FINAL PASSAGE POSTPONED

## TIME EXTENDED ON BILLS

Mr. READINGER asked and obtained unanimous consent to extend the time five days on House Bill No. 257, Printer's No. 679, on page 6 of today's calendar, bills on final passage postponed.

Mr. READINGER asked and obtained unanimous consent to extend the time five days on House Bill No. 1831, Printer's No. 1116, on page 7 of today's calendar, bills on final passage postponed.

## BILLS ON THIRD READING

## BILLS PASSED OVER

There being no objection

House Bill No. 118, Printer's No. 1215 and

House Bill No. 119, Printer's No. 1216

were passed over at the request of the SPEAKER.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 272, as follows:

An Act authorizing counties of the fourth class to regulate the production of smoke and other forms of air pollution from chimneys smokestacks or other sources including provisions for the payment of inspection and certificates of compliance fees incident thereto authorizing commissioners of such counties to create commissions to make studies authorizing the expenditure of money for the employment of persons and the acquisition of property for effectuating such regulations and providing penalties

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Counties of the fourth class shall have the

power by resolution or ordinance to regulate the production or emission of smoke and other form of air pollution from any chimney smokestack or other source within the county The regulations may include provisions for the payment of fees for examination of plans and issuing of permits for inspection of fuel-burning devices or other source of air pollution and issuing certificates of compliance with the regulations and providing for fines and penalties as hereinafter set forth for the violation of any of the regulations

Section 2 The commissioners of counties of the fourth class may create a commission to study the need for smoke and air pollution regulation within the county The commission so created shall investigate the need for smoke and air pollution regulation and make a report of its findings and recommendations to the county commissioners within one year from its creation If the report of the commission recommends such regulation and the county commissioners are satisfied that the recommendation is justified the county commissioners shall invoke the provisions of this act in a way which will make a program of smoke and air pollution regulation effective

Section 3 The county commissioners may borrow appropriate and expend money for the purpose of effectuating the foregoing power and may appoint inspectors and other persons for the enforcement of regulations and may authorize the employment of clerks stenographers and different assistants and fix their compensation and authorize the acquisition of equipment property and supplies incidental to the carrying into effect of such regulations

Section 4 Any person who violates any regulation adopted by the county if the regulation so provides shall upon summary conviction be sentenced to pay a fine not exceeding one hundred dollars (\$100) for the use of the county and in default of payment thereof the defendant or if the defendant is a corporation the responsible officers thereof shall undergo imprisonment for a period not exceeding thirty days

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

## YEAS—201

Adam, Agnew, Amarando, Anderson, M. S., Anderson, S. A., Ashton, Auker, Banker, Barnatovich, Bazin, Bell, Blair, Boles, Bonner, Boory, Bower, Branca, Breisch, Brennan, A. P., Brennan, J. J., Brenninger, Breth, Brown, Bucchin, Bullen, Capano, Cianfrani, Cioffi, Cochran, Comer, Connelly, Cooper, Curwood, Davis, Donahue,	Frost, Gaffney, Garlock, Gelfand, George, Gibb, Gibson, Goldstein, Gramlich, Greenwood, Guss, Guthrie, Hamilton, R. K., Hamilton, W. H., Hass, Haudenschild, Heavey, Helm, Henzel, Hewitt, Holt, Horst, Houk, Isaacs, Jenkins, Johnson, Jones, G. E., Jones, T. H. W., Jump, Kamyk, Kehler, Keller, Kent, Kline, Knecht,	Lopresti, Lovett, Lutty, Magee, Mahan, Markley, Maxwell, McCann, McCormack, McGee, McInroy, McLaughlin, McWherter, Meholchick, Metz, Mihm, Mikula, Miller, Mills, Monroe, Moody, Moran, Moscrip, Muldowney, Mullen, Munley, Murphy, Murray, H. P., Murray, J. J., Murray, P. G., Musto, Naugle, Ogilvie, Olsen, O'Neill, Pacchioli,	Rovansek, Rubin, Royer, Rudisill, Sarraf, Scarcelll, Schuster, Sherman, Sigman, Smith, C. C., Smith, Wm. B., Snider, Stank, Stebbins, Steckel, Stephens, Stevenson, Stone, Stoner, Strausser, Stroup, Swartz, Taylor, Thomas, Thompson, Toll, Tompkins, Toomey, Varallo, Varner, Verona, Wall, Wallace, Wargo, Waterhouse, Weidner,
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Dougherty,	Kolankiewicz,	Parry,	Welsh,
Down,	Kooker,	Pashley,	Wescott,
Ehrgood,	Kornick,	Paulhamus,	Wheeler,
Eilberg,	Kratz,	Petrosky,	Whitenight,
Erb,	Kromer,	Pettigrew,	Willaredt,
Eshleman,	Kubacki,	Polaski,	Williams,
Ewing,	Lafore,	Polen,	Wilt,
Farabaugh,	Lawyer,	Pomeroy,	Wood,
Filo,	Leiby,	Price,	Worley,
Fineman,	Leisey,	Pursley,	Yetter,
Flint,	Leonard,	Readinger,	Yetzer,
Floyd,	Leven,	Reibman,	Young,
Flynn,	Light,	Renwick,	Ziegler,
Foster,	Limper,	Rigby,	Andrews,
Frank,	Lippincott,		Speaker
Frascella,			

NAYS—1

Hocker,

NOT VOTING—7

Donaldson,	Needham,	Rosen,	Walsh,
McKeever,	Reidenbach,	Vaughan,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

## BILL PASSED OVER

There being no objection

House Bill No. 322, Printer's No. 255  
was passed over at the request of the SPEAKER.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 667, entitled:

An Act providing for the determination and effect of comparative negligence in actions of tort and providing that contributory negligence shall not bar recovery

On the question,

Will the House agree to the bill on third reading?

Mr. EILBERG. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

Amend Sec. 1, page 2, line 5 by inserting after "negligence" if any,

Amend Sec. 1, page 2, line 7 by inserting after "negligence" if any.

Amend Sec. 1, page 2, line 10 by striking out "the case" and inserting in lieu thereof "any case in which there has been contributory negligence".

The SPEAKER. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

## BILLS PASSED OVER

There being no objection

House Bill No. 926, Printer's No. 1190

House Bill No. 1080, Printer's No. 1191

House Bill No. 1367, Printer's No. 1099,

House Bill No. 1368, Printer's No. 1100 and  
House Bill No. 1644, Printer's No. 1198

were passed over at the request of the SPEAKER.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1755, entitled:

An Act amending the act of June 27, 1947 (P. L. 1095), entitled as amended "An act providing for the regulation of mining of anthracite coal of the open pit or strip mining method and for the conservation and improvement of lands affected directly or indirectly by such mining; requiring operators to register, pay a license fee and secure a permit to engage in strip mining and file a bond conditioned for compliance with this act; requiring backfilling of stripping pits and leveling and planting lands affected to prevent erosion and the pollution of waters and to protect public health, safety and welfare; conferring powers and imposing duties upon the Department of Mines; providing for appeals, and imposing penalties, and making appropriations," further regulating strip mining operations; making changes with respect to backfilling, restoration, accumulation of water, permits, bonds, penalties and fees; and providing for filing of maps.

On the question,

Will the House agree to the bill on third reading?

Mr. McCANN. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

Amend Sec. 5 (Sec. 11), page 11, lines 18 to 20, by striking out "The back" in line 18, all of line 19, and "safety" in line 20.

Amend Sec. 5 (Sec. 11), page 12, line 1, by inserting a bracket before "of" and after "highway."

Amend Sec. 5 (Sec. 11), page 12, line 2, by inserting a bracket after "shall" and inserting immediately thereafter: "The Department of Mines may."

Amend Sec. 5 (Sec. 11), page 12, line 4, by inserting a bracket before "and."

The SPEAKER. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1765, as follows:

An Act relating to services furnished to or performed for contractors and subcontractors regulating waivers releases receipts and other evidence of payment and their effect providing procedure for collecting certain claims The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1. As used in this act

(1) "Contractor" includes subcontractor

(2) "Receipt" includes release and waiver of mechanics' lien

Section 2. Whenever a contractor furnishes any person with a receipt or other evidence releasing a right to a mechanics' lien or evidencing payment for labor or materials furnished on any construction work the same shall be in writing signed by the contractor and shall include an affidavit setting forth the fact that all persons



who furnished and performed labor in the prosecution and for the completion of the work whether or not the labor entered into and became a component part of the work or improvement have been paid in full

Section 3. Failure or refusal of any contractor who furnished a receipt as provided in section 2 hereof to pay in full any person for labor furnished in the prosecution and for the completion of the work whether or not the labor entered into and became a component part of the work or improvement contemplated shall be prima facie evidence of a false representation as to an existing fact and the receipt shall be prima facie evidence that such representation was made knowingly and fraudulently and the person receiving the receipt shall be deemed to have relied upon it

Section 4. Any person who has furnished or performed labor on the work or improvement covered by a receipt and who is not paid therefor in full may sue the contractor who issued the receipt on the false representation in the name of the Commonwealth for his use and prosecute the action to final judgment for three times the amount of the unpaid claim and have execution thereon

Section 5. This act shall not apply with respect to any work or any amounts secured by a payment bond furnished by the contractor and filed with the owner having as surety thereon one or more surety companies legally authorized to do business in this Commonwealth conditioned upon the prompt payment of all labor furnished or performed in the prosecution of the work whether or not the labor enter into and become component parts of the work or improvement contemplated. The bond shall be held by the owner for the use of all persons furnishing or performing labor and shall provide that any person who has not been paid may sue therefor in assumpsit in his own name for his own use and prosecute the action to final judgment for any sum due him and have execution thereon. The contractor shall notify the person furnishing or performing the labor during his employment of the place of filing of the bond and the name of the surety thereon and shall offer him an opportunity to examine the bond.

Section 6. This act shall not apply to claims payment of which are specifically secured by the deposit of moneys or other security in an amount to a value sufficient to pay them.

And said bill having been read at length the third time, considered and agreed to.

On the question,  
Shall the bill pass finally?  
Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—193			
Adam,	Garlock,	Lopresti,	Rovansek,
Agnew,	Gelfand,	Lovett,	Royer,
Amarando,	George,	Lutty,	Rubin,
Anderson, M. S.,	Gibb,	Magee,	Rudisill,
Anderson, S. A.,	Gibson,	Mahan,	Sarraf,
Auter,	Goldstein,	Markley,	Scarcelli,
Barnatovich,	Gramlich,	Maxwell,	Schuster,
Bazin,	Greenwood,	McCann,	Sherman,
Bell,	Guas,	McCormack,	Sigman,
Blair,	Guthrie,	McGee,	Smith, C. C.,
Boles,	Hamilton, R. K.,	McInroy,	Smith, Wm. B.,
Bonner,	Hamilton, W. H.,	McLaughlin,	Snider,
Boory,	Hass,	McWherter,	Stank,
Bower,	Haudenschild,	Meholchick,	Stebbins,
Branca,	Heavey,	Metz,	Steckel,
Breisch,	Helm,	Mihm,	Stephens,
Brennan, A. P.,	Henzel,	Mikula,	Stevenson,
Brennan, J. J.,	Hewitt,	Miller,	Stone,
Brenninger,	Hocker,	Mills,	Stoner,
Breth,	Holt,	Monroe,	Strausser,
Buechin,	Horst,	Moody,	Stroup,
Bullen,	Houk,	Moran,	Swartz,
Capano,	Isaacs,	Moscip,	Taylor,
Olanfrani,	Jenkins,	Muldowney,	Thomas,
Oloff,	Johnson,	Mullen,	Thompson,
Cochran,	Jones, G. E.,	Munley,	Toll,

Comer,	Jones, T. H. W.,	Murphy,	Varallo,
Connelly,	Jump,	Murray, H. P.,	Varner,
Cooper,	Kamyk,	Murray, J. J.,	Verona,
Curwood,	Kehler,	Murray, P. G.,	Wall,
Davis,	Keller,	Musto,	Wallace,
Donahue,	Kent,	Naugle,	Wargo,
Dougherty,	Kline,	Ogilvie,	Waterhouse,
Down,	Knecht,	Olsen,	Welsh,
Ehrgood,	Kolankiewicz,	O'Neill,	Wescott,
Ellberg,	Kooker,	Pacchioli,	Wheeler,
Erb,	Kornick,	Parry,	Whitenight,
Eshleman,	Kratz,	Pashley,	Willaredt,
Ewing,	Kromer,	Paulhamus,	Williams,
Farabaugh,	Kubacki,	Petrosky,	Wilt,
Filo,	Lafore,	Pettigrew,	Wood,
Fineman,	Lawyer,	Polaski,	Worley,
Flint,	Leiby,	Polen,	Yetter,
Floyd,	Leonard,	Pomeroy,	Yetzer,
Flynn,	Leven,	Price,	Young,
Foster,	Light,	Pursley,	Ziegler,
Frank,	Limper,	Readinger,	Andrews,
Frascella,	Lippincott,	Reibman,	Speaker
Gaffney		Renwick,	

NAYS—9

Aalton,	Frost,	Rigby,	Toomey,
Banker,	Lelsey,	Tompkins,	Weidner,
Brown,			

NOT VOTING—7

Donaldson,	Needham,	Rosen,	Walsh,
McKeever,	Reidenbach,	Vaughan,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,  
The House proceeded to the third reading and consideration of House Bill No. 1793, as follows:

An Act amending the act of June 12, 1931 (P. L. 510) entitled "An act providing for the licensure and regulation of certain private nursing homes and private hospitals conferring certain powers and duties upon the Department of Welfare and providing penalties" extending the act to private convalescent homes conducted for profit requiring licensing under the act for treatment care or nursing by reason of pregnancy changing license fees requiring certain records to be kept by hospitals regulating the refusal to grant refuse or renew licenses and changing penalties.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1. The title of the act of June 12, 1931 (P. L. 510) entitled "An act providing for the licensure and regulation of certain private nursing homes and private hospitals conferring certain powers and duties upon the Department of Welfare and providing penalties" is amended to read

An Act providing for the licensure and regulation of certain nursing homes private convalescent homes and private hospitals conferring certain powers and duties upon the Department of Welfare and providing penalties.

Section 2. Section 1 of the act amended June 13, 1941 (P. L. 129) is amended to read

Section 1. Be it enacted &c That after the effective date of this act it shall be unlawful for any person copartnership association or corporation to operate for profit within this Commonwealth a private nursing home private convalescent home or private hospital for persons requiring care treatment or nursing by reason of sickness injury infirmity pregnancy or other disability without a license as hereinafter required but this act shall not be construed to apply to any State or State-aided institution or any institution licensed by the Department of Welfare under other statutes.

Section 3. Section 2 of the act amended June 13, 1941 (P. L. 129) is amended to read



Section 2. Every person copartnership association or corporation desiring to operate for profit such a private nursing home private convalescent home or private hospital shall file an application for a license with the Department of Welfare. The application shall be on a form prescribed prepared and furnished by the Department of Welfare and together with such other information as the department shall require shall state

(a) The name and address of the applicant and the person to be in charge of said home or hospital. If the applicant is a copartnership association or corporation the application shall state the names and addresses of all the partners and officers as the case may be.

(b) The location of the private nursing home [or] private convalescent home or private hospital and if the applicant is a corporation association or partnership the state of incorporation or organization.

(c) The facilities of the private nursing home [or] private convalescent home or private hospital for the care treatment or nursing of patients or inmates including sanitary and fire protection facilities.

Section 4. Section 4 of the act amended May 26, 1933 (P. L. 1075) is amended to read

Section 4. The Department of Welfare shall when satisfied that the applicant or applicants for such license are proper and responsible persons that the place sought to be used as a private nursing home [or] private convalescent home or private hospital is a suitable place for such purpose and is properly equipped therefor and when all the requirements of this act and the rules and regulations of the department have been complied with issue a license to the applicant upon the payment of a license fee [of fifteen dollars (\$15.00) which] as follows Hospitals one hundred dollars (\$100) nursing homes and convalescent homes under twenty-five beds twenty-five (\$25) twenty-five beds to and including forty-nine beds thirty-five (\$35) fifty beds to and including ninety-nine beds fifty dollars (\$50) one hundred beds and over seventy-five dollars (\$75). The fee shall be paid into the State Treasury through the Department of Revenue.

All licenses issued by the department under this act shall expire one year next following the day on which issued shall be on a form prescribed by the department shall not be transferable shall be issued only for the premises named in the application shall at all times be posted in a conspicuous place on the applicant's premises and may be renewed from year to year upon application investigation qualification and payment of license fee as in the procurement of an original license.

Section 5. Section 5 of the act is amended to read

Section 5. The Department of Welfare may with the approval of the State Welfare Commission make and enforce [reasonable] rules and regulations for the issuance and renewal of such licenses for the proper maintenance operation and conduct of such private nursing homes private convalescent homes or private hospitals and for the visitation examination and inspection of all such homes or hospitals. The [Department of Welfare or its] duly authorized [representative] representatives of the Department of Welfare shall have free and full access to the grounds premises and buildings and to the records of any home or hospital licensed under this act and full opportunity to interrogate or interview any [patient or inmate] patients thereof [and all].

All persons connected with any such home or hospital as officers or charged with the management thereof [are hereby directed to] must give to the [Department of Welfare or its] duly authorized representatives of the Department of Welfare such means facilities and opportunity for such visitation examination and interrogation as is hereby provided and required or as the department by its [duly ordained] rules or regulations may require.

Section 6. Section 5.1 of the act added January 14, 1952 (P. L. 1935) is amended to read

Section 5.1. No person who because of inability to satisfy the character requirements deemed necessary by the department has been refused a license shall thereafter be in any way connected with any private nursing home

private convalescent home or any private hospital licensed pursuant to the provisions of this act.

Section 7. The act is amended by adding after section 5.1 a new section to read

Section 5.2. Every licensee of a hospital with a maternity department shall keep a record in a form prescribed by the Department of Welfare of the name and address of every patient received of the date of admission of the date of birth and name of every infant born therein of the date of discharge of every patient and the names and addresses of the person or persons if other than the parent or parents of any infant to whose care said infant was discharged.

Section 8. Section 6 of the act amended January 13, 1952 (P. L. 1935) is amended to read:

Section 6. Whenever the Department of Welfare shall upon inspection investigation or sworn complaint learn of any violation of rules or regulations adopted by the department or any failure to establish provide or maintain standards and facilities required by the department it shall give written notice thereof to the offending licensee. The department [may revoke the license of said licensee if such violations do not cease or such standards and facilities are not established or brought in conformity with those prescribed by the department two months after such written notice] shall refuse to grant refuse to renew or revoke a license of any applicant or licensee whether originally granted under this act or any other act of Assembly for the following reasons

1 Violation of or noncompliance with the provisions of this act or the rules and regulations pursuant thereto.

2 The practice of any fraud or deceit in obtaining or attempting to obtain a license.

3 Gross incompetency negligence or misconduct in the carrying on of the business.

4 Loaning borrowing or using a license of another or knowingly aiding or abetting in any way the granting of improper licenses.

5 The use of misleading advertising.

6 Soliciting patronage other than by legitimate advertising.

Section 9 Section 7 of the act amended June 13, 1941 (P. L. 129) is amended to read

Section 7 Any person or any or all officers or partners of any partnership association or corporation maintaining or operating for profit within this Commonwealth a private nursing home private convalescent home or private hospital without a license required by this act shall [be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars (\$1,000.00) or to undergo imprisonment not exceeding one year or both] upon conviction thereof in a summary proceeding be sentenced to pay a fine of not less than twenty-five dollars (\$25) nor more than three hundred dollars (\$300) and costs of prosecution and in default of the payment thereof to undergo imprisonment for not less than ten days nor more than thirty days. Each day of maintaining or operating a private nursing home private convalescent home or private hospital without a license required by this act shall constitute a separate offense.

Section 10 The act of May 6, 1929 (P. L. 1561) entitled "An act regulating certain maternity hospitals in cities of the third class boroughs towns and townships providing for the licensing and supervision thereof by the Department of Welfare of this Commonwealth fixing penalties and placing the burden of proof as to certain facts on the persons prosecuted" and its amendments are repealed.

Section 11 This act shall take effect immediately

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:



YEAS—201

Adam,	Frost,	Lippincott,	Rovansek,
Agnew,	Gaffney,	Lopresti,	Royer,
Amarando,	Garlock,	Lovett,	Rubin,
Anderson, M. S.,	Gelfand,	Lutty,	Rudisill,
Anderson, S. A.,	George,	Magee,	Sarrafi,
Ashton,	Gibb,	Mahan,	Scarcelli,
Banker,	Gibson,	Markley,	Schuster,
Barnatovich,	Goldstein,	Maxwell,	Sherman,
Bazin,	Gramlich,	McCann,	Sigman,
Bell,	Greenwood,	McCormack,	Smith, C. O.,
Blair,	Guss,	McGee,	Smith, Wm. B.,
Boles,	Guthrie,	McInroy,	Snider,
Bonner,	Hamilton, R. K.,	McLaughlin,	Stank,
Boory,	Hamilton, W. H.,	McWherter,	Stebbins,
Bower,	Hass,	Meholchick,	Steckel,
Branca,	Haudenshield,	Metz,	Stephens,
Breisch,	Heaver,	Mihm,	Stevenson,
Brennan, A. P.,	Helm,	Mikula,	Stone,
Brennan, J. J.,	Henzel,	Miller,	Stoner,
Brenninger,	Hewitt,	Mills,	Strausser,
Breth,	Hocker,	Monroe,	Stroup,
Brown,	Holt,	Moody,	Swartz,
Bucchin,	Horst,	Moran,	Taylor,
Bullen,	Houk,	Moscrip,	Thomas,
Capano,	Isaacs,	Muldowney,	Thompson,
Cianfrani,	Jenkins,	Mullen,	Toll,
Cioffi,	Johnson,	Munley,	Tompkins,
Cochran,	Jones, G. E.,	Murphy,	Toomey,
Comer,	Jones, T. H. W.,	Murray, H. P.,	Varallo,
Connelly,	Jump,	Murray, J. J.,	Varnier,
Cooper,	Kamyk,	Murray, P. G.,	Verona,
Curwood,	Kehler,	Musto,	Wall,
Davis,	Keller,	Naugle,	Wallace,
Donahue,	Kent,	Ogilvie,	Wargo,
Dougherty,	Olsen,	O'Neill,	Waterhouse,
Down,	Kline,	O'Neill,	Weldner,
Ehrgood,	Knecht,	Pacchioli,	Welsh,
Elberg,	Kolankiewicz,	Parry,	Wescott,
Erb,	Kooker,	Pashley,	Wheeler,
Eshleman,	Kornick,	Paulhamus,	Whitenight,
Ewing,	Kratz,	Petrosky,	Williams,
Farabaugh,	Kromer,	Pettigrew,	Yetter,
Filo,	Kubacki,	Polaski,	Yetzer,
Fineman,	Lafore,	Polen,	Andrews,
Flint,	Lawyer,	Pomeroy,	
Floyd,	Leiby,	Price,	
Flynn,	Lelsey,	Pursley,	
Foster,	Leonard,	Readinger,	
Frank,	Leven,	Reibman,	
Frascella,	Light,	Renwick,	
	Limper,	Rigby,	

NAYS—1

NOT VOTING—7

Auker,			
Donaldson,	Needham,	Rosen,	Walsh,
McKeever,	Reidenbach,	Vaughan,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1797 as follows:

An Act amending the act of June 25, 1947 (P. L. 973) entitled "An act relating to the annual salaries of certain county officers of counties of the third class" increasing the salaries of prothonotaries of counties of the third class

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 As much as fixes the salary of the prothonotary of section 1 act of June 25, 1947 (P. L. 973) entitled "An act relating to the annual salaries of certain county officers of counties of the third class" amended October 11, 1951 (P. L. 1699) is amended to read

Section 1 The annual salaries of the following county officers of counties of the third class shall be as follows

\* \* \*

The prothonotary [seven thousand six hundred dollars (\$7,600)] nine thousand dollars (\$9,000)

\* \* \*

Section 2 This act shall take effect and apply to all prothonotaries who shall begin a term of office on or after the first Monday of January one thousand nine hundred fifty-six

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—106

Adam,	Floyd,	Lovett,	Rudisill,
Amarando,	Flynn,	Lutty,	Sarrafi,
Anderson, M. S.,	Frank,	Markley,	Scarcelli,
Barnatovich,	Frascella,	McCann,	Sherman,
Bazin,	Gaffney,	McGee,	Smith, Wm. B.,
Boles,	Garlock,	Guthrie,	Snider,
Bonner,	Gelfand,	Mihm,	Stank,
Boory,	Guss,	Mikula,	Stebbins,
Bower,	Hamilton, R. K.,	Monroe,	Stone,
Branca,	Hamilton, W. H.,	Moran,	Swartz,
Breisch,	Hass,	Muldowney,	Taylor,
Brennan, A. P.,	Helm,	Mullen,	Thomas,
Brennan, J. J.,	Hocker,	Olsen,	Toll,
Breth,	Jenkins,	O'Neill,	Tompkins,
Bucchin,	Jump,	Pacchioli,	Toomey,
Capano,	Kamyk,	Parry,	Varallo,
Cioffi,	Kline,	Pashley,	Varnier,
Cochran,	Kolankiewicz,	Paulhamus,	Waterhouse,
Comer,	Kornick,	Petrosky,	Welsh,
Davis,	Kratz,	Polaski,	Wheeler,
Dougherty,	Kubacki,	Polen,	Whitenight,
Elberg,	Lawyer,	Readinger,	Williams,
Ewing,	Leiby,	Reibman,	Yetter,
Farabaugh,	Leonard,	Renwick,	Yetzer,
Filo,	Leven,	Rigby,	
Fineman,	Limper,	Rovansek,	
Flint,	Lopresti,	Boyer,	Speaker

NAYS—58

Agnew,	Frost,	Light,	Ogilvie,
Ashton,	Gibb,	Magee,	Pursley,
Auker,	Goldstein,	Mahan,	Steckel,
Banker,	Gramlich,	McInroy,	Stephens,
Bell,	Guthrie,	Meholchick,	Stevenson,
Brenninger,	Henzel,	Metz,	Strausser,
Brown,	Hewitt,	Miller,	Stroup,
Cianfrani,	Horst,	Moody,	Wall,
Connelly,	Houk,	Moscrip,	Wargo,
Curwood,	Isaacs,	Munley,	Weldner,
Donahue,	Keller,	Murphy,	Willaredt,
Ehrgood,	Kooker,	Murray, H. P.,	Wilt,
Erb,	Kromer,	Musto,	Wood,
Eshleman,	Lelsey,	Naugle,	Worley,
Foster,			Ziegler,

NOT VOTING—45

Anderson, S. A.,	Holt,	McKeever,	Rubin,
Blair,	Johnson,	McWherter,	Schuster,
Bullen,	Jones, G. E.,	Mills,	Sigman,
Cooper,	Jones, T. H. W.,	Murray, J. J.,	Smith, C. O.,
Donaldson,	Kehler,	Murray, P. G.,	Stoner,
Down,	Kent,	Needham,	Thompson,
George,	Knecht,	Pettigrew,	Vaughan,
Gibson,	Lafore,	Pomeroy,	Verona,
Greenwood,	Lippincott,	Price,	Wallace,
Haudenshield,	Maxwell,	Reidenbach,	Walsh,
Heavy,	McCormack,	Rosen,	Wescott,
			Young,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

SUBSTITUTE COMMITTEE MEMBERS  
APPOINTED



The SPEAKER. The gentleman from McKean, Mr. Johnson was appointed a member of the Committee to wait upon the Senate to escort that body to the Hall of the House for the Joint Session. The gentleman is engaged in other duties at the present time and the Chair appoints in his place the gentleman from Armstrong, Mr. Helm.

The Committee on the part of the House to escort the Senate to the Hall of the House for the Joint Session will proceed upon its mission.

The Committee on the part of the House to escort the Governor to the Hall of the House for the Joint Session is the gentleman from Berks, Mr. Readinger, the gentleman from Allegheny, Mr. Sarraf and the gentleman from Philadelphia, Mr. Charles C. Smith, the Minority Leader.

The Chair appoints the gentleman from Lancaster, Mr. Wood, to serve in the place of the gentleman from Philadelphia, Mr. Smith, who is absent on other matters.

## BILLS ON THIRD READING

### BILLS PASSED OVER

There being no objection

House Bill No. 1827, Printer's No. 1201

House Bill No. 1828, Printer's No. 1202 and

House Bill No. 1829, Printer's No. 1203

were passed over at the request of the SPEAKER.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1839, entitled:

An Act amending the act of May 1, 1929 (P. L. 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" changing the definition of the word "chassis" to include a rear bumper and requiring passenger motor vehicles to be equipped with certain types of exhaust pipes

On the question,

Will the House agree to the bill on third reading?

### BILL RECOMMENDED

Mr. READINGER. Mr. Speaker, I move that this bill be recommitted to the Committee on Motor Vehicles.

The motion was agreed to.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1849, entitled:

An Act amending the act of May 31, 1945 (P. L. 1198) entitled "An act providing for the conservation and improvement of land affected in connection with the mining of bituminous coal by the open pit mining method regulating such mining and providing penalties" further regulating mining operations requiring the filing of maps changing provisions with respect to registration bonds backfill overburden enforcement of the act and penalties and providing for the payment of fines into a special fund

On the question,

Will the House agree to the bill on third reading?

Mr. WILLIAMS. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

Amend Sec. 3, (Sec. 5), page 8, line 6, by striking out the bracket before "The"

Amend Sec. 3, (Sec. 5), page 8, line 8, by inserting a bracket before "and"

Amend Sec. 3 (Sec. 5), page 8, lines 10 to 11, by striking out "and shall be completed immediately in order to protect the" in line 10 and all of line 11

The SPEAKER. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

### BILL PASSED OVER

There being no objection

House Bill No. 1864, Printer's No. 1125

was passed over at the request of the SPEAKER.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1889, as follows:

An Act amending the act of August 10, 1951 (P. L. 1182) entitled "An act relating to and defining chiropractic and the right to practice chiropractic requiring licensure conferring powers and imposing duties upon the State Board of Chiropractic Examiners and the Department of Public Instruction providing for the granting suspension and revocation of licenses issued by the board preserving the rights of existing licenses and giving them certain personnel choice as to jurisdiction conferring jurisdiction upon the court of common pleas of Dauphin County and prescribing penalties" further providing for the licensing of certain graduates of unincorporated schools or colleges of chiropractic  
The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Subsection (c.1) of section 5 act of August 10, 1951 (P. L. 1182) known as the "Chiropractic Registration Act of 1951" added July 22, 1955 (P. L. 272) is amended to read

Section 5 Licensing Present Practitioners \* \* \*

(c.1) Notwithstanding any other provisions of this act any applicant who is a person of good character and has been engaged in the fulltime practice of chiropractic for [thirty (30)] twenty-eight (28) years or more in this State prior to the effective date of this amending act and who was graduated from an unincorporated and reputable school or college of chiropractic shall receive a certificate of licensure without an examination Application for a certificate of licensure under the provisions of



this amending act shall be made by the applicant within thirty (30) days of the effective date of this amending act

\* \* \*

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

#### YEAS—186

Adam,	Frost,	Lovett,	Royer,
Agnew,	Garlock,	Lutty,	Rubin,
Amarando,	Gelfand,	Gaffney,	Rudisill,
Anderson, M. S.,	George,	Markley,	Sarra,
Anderson, S. A.,	Gibb,	Maxwell,	Scarcelli,
Auker,	Gibson,	McCann,	Schuster,
Banker,	Goldstein,	McCormack,	Sherman,
Barnatovich,	Greenwood,	McGee,	Sigman,
Bazin,	Guss,	McLaughlin,	Smith, C. C.,
Bell,	Guthrie,	McWherter,	Smith, Wm. B.,
Blair,	Hamilton, R. K.,	Meholchick,	Snider,
Boles,	Hamilton, W. H.,	Metz,	Stank,
Bonner,	Hass,	Mihm,	Stebbins,
Boory,	Haudenshield,	Mikula,	Steckel,
Bower,	Heavey,	Miller,	Stephens,
Branca,	Helm,	Mills,	Stone,
Brelsach,	Henzel,	Monroe,	Stoner,
Brennan, A. P.,	Hewitt,	Moody,	Swartz,
Brennan, J. J.,	Hocker,	Moran,	Taylor,
Brenninger,	Holt,	Moscrip,	Thomas,
Breth,	Horst,	Muldowney,	Thompson,
Bucchin,	Houk,	Mullen,	Toll,
Bullen,	Isaacs,	Munley,	Tompkins,
Capano,	Jenkins,	Murphy,	Toomey,
Cianfrani,	Johnson,	Murray, H. P.,	Vallo,
Cloffi,	Jones, G. E.,	Murray, J. J.,	Varnier,
Cochran,	Jones, T. H. W.,	Murray, P. G.,	Verona,
Comer,	Jump,	Musto,	Wall,
Connelly,	Kamyk,	Naugle,	Wallace,
Cooper,	Kehler,	Oglvie,	Wargo,
Curwood,	Kent,	Olsen,	Waterhouse,
Dougherty,	Kline,	O'Neill,	Weish,
Down,	Knecht,	Pacchioli,	Wescott,
Ehrgood,	Kolankiewicz,	Parry,	Wheeler,
Eilberg,	Kornick,	Pashley,	Whitenight,
Erb,	Krats,	Paulhamus,	Willaredt,
Ehleman,	Kromer,	Petrosky,	Williams,
Ewing,	Kubacki,	Pettigrew,	Wilt,
Farabaugh,	Lafors,	Polaski,	Wood,
Flo,	Lawyer,	Polen,	Worley,
Fineman,	Leiby,	Pomeroy,	Yetter,
Flint,	Leonard,	Price,	Yetzer,
Floyd,	Leven,	Readinger,	Young,
Flynn,	Light,	Reibman,	Ziegler,
Foster,	Lamper,	Renwick,	Andrews,
Frank,	Lippincott,	Rigby,	Speaker
Frascella,	Lopresti,	Rovansek,	

#### NAYS—16

Ashton,	Gramlich,	Magee,	Stevenson,
Brown,	Keller,	Mahan,	Strausser,
Davis,	Kooker,	McInroy,	Stroup,
Donahue,	Leisey,	Pursley,	Weldner,

#### NOT VOTING—7

Donaldson,	Needham,	Rosen,	Walsh,
McKeever,	Reidenbach,	Vaughan,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1898 as follows:

An Act amending the act of July 28, 1953 (P. L. 723) entitled "An act relating to counties of the second class amending revising consolidating and changing the laws relating thereto" further providing for and changing the provisions of the act relating to employes' retirement system and the powers duties and liabilities of the county the county institution district and the retirement board relative thereto and the rights privileges and limitations of employes and beneficiaries under the retirement system

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Subsection (c) of section 1710 and subsections (a) and (d) of section 1712 act of July 28, 1953 (P. L. 723) known as the "Second Class County Code" amended May 31, 1955 (P. L. 111) are amended to read

Section 1710 Employes Eligible for Retirement Allowances

\* \* \*

(c) A person who became a county employe through the consolidation of a city institution district with a county institution district may have the period of his or her city employment credited as a county employe for all purposes under this article Provided That said person between the twenty-second day of May one thousand nine hundred forty-five and the twenty-second day of May one thousand nine hundred forty-six shall have paid into the retirement fund the amount which he or she would have been required to pay into the said fund if such person had been a county employe from the date of his or her original employment with the city And further Provided That the city by which the said person was formerly employed shall have paid into the retirement fund an amount equal to that paid into the said fund by the said person in accordance with the provisions of this article Any present county institution district employe who prior to the twenty-second day of May one thousand nine hundred forty-five was a city institution district employe and who did not make payments for previous service credit as a county employe between the aforesaid period of time as herein provided may prior to the first day of April one thousand nine hundred fifty-six make application to the board and upon approval thereof shall pay into the retirement fund a sum equal to twice the payment which such person would have been required to pay into the said fund had such person been a county employe from the date of his or her original employment with the city In addition thereto interest at the legal rate shall be paid from the date when such monthly payment would have been made Both principal and interest shall be paid into the retirement fund at one time and in one amount or upon approval of the board both principal and interest shall be consolidated into one amount and paid in twelve or less equal monthly installments plus interest payment on monthly balances Full payment thereof shall be a condition precedent to the county employe being eligible to receive the benefits of the retirement allowances

No person shall be eligible to receive the benefits for prior service under this subsection who is a member of a retirement or pension system of any city of the second class

If such county employe leaves the employ of the county institution district before he or she shall be eligible to receive the benefit of the retirement allowances a refund of his or her contributions as paid into the retirement fund shall be made in accordance with the provisions of section 1714.

#### Section 1712 Amount of Retirement Allowances

(a) The retirement allowance paid under the provisions of this article shall equal fifty per centum of the amount which would constitute the average monthly compensation as received by the county employe during the last twenty-four months in which period of time the said county employe made monthly contributions into the retirement fund prior to his or her retirement No retirement allowance shall be computed on a monthly compensation in excess of five hundred dollars (\$500) nor shall a retirement allowance be paid for a fraction of a service year



After the effective date of this amendment certain former county employes who are now receiving a retirement allowance shall receive an increase of a certain per centum of such retirement allowance which sum shall be computed on the average monthly retirement allowance as heretofore authorized by the board

The per centum of increase in said monthly retirement allowance shall be as indicated in the following schedule to-wit

	Monthly Rate of increase
Persons receiving \$20.00 but less than \$40.00	50 per centum
Persons receiving 40.00 but less than 50.00	40 per centum
Persons receiving 50.00 but less than 60.00	30 per centum
Persons receiving 60.00 but less than 70.00	20 per centum
Persons receiving 70.00 but less than 80.00	10 per centum
Persons receiving 80.00 but less than 90.00	5 per centum

No person who is reemployed as a county employe shall be eligible to receive the benefit of a retirement allowance plus a service increment if any until he or she shall have made at least twelve monthly contributions into the retirement fund subsequent to his or her reemployment

(d) Retirement allowance plus a service increment if any shall be paid in monthly installments on warrants of the board No retirement allowance plus a service increment if any granted to any person who has heretofore retired or who shall hereafter retire shall be [increased] deceased or revoked during the life of any such person except as the board may decide in accordance with the provisions of subsection (b) of section 1711 as well as a suspension thereof in accordance with the provisions of subsection (c) of this section and subsection (b) of section 1716

Section 2 The provisions of this act shall take effect on the first day of the month next following its final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

#### YEAS—202

Adam, Frost, Lopresti,  
Agnew, Gaffney, Lovett,  
Amarando, Garlock, Luty,  
Anderson, M. S., Gelfand, Magee,  
Anderson, S. A., George, Mahan,  
Ashton, Gibb, Markley,  
Auker, Gibson, Maxwell,  
Banker, Goldstein, McCann,  
Barnatovich, Gramlich, McCormack,  
Bazin, Greenwood, McGee,  
Bell, Guss, McInroy,  
Blair, Guthrie, McLaughlin,  
Boles, Hamilton, R. K., McWherter,  
Bonner, Hamilton, W. H., Meholchick,  
Boory, Hass, Metz,  
Bower, Haudenschild, Mihm,  
Branca, Heavey, Mikula,  
Breisch, Helm, Miller,  
Brennan, A. P., Henzel, Mills,  
Brennan, J. J., Hewitt, Monroe,  
Brenninger, Hocker, Moody,  
Breth, Holt, Moran,  
Brown, Horst, Moscrip,  
Bucchin, Houk, Muldowney,  
Bullen, Isaacs, Mullen,  
Capano, Jenkins, Munley,  
Cianfrani, Johnson, Murphy,  
Cioffi, Jones, G. E., Murray, H. P.,  
Cochran, Jones, T. H. W., Murray, J. J.,  
Comer, Jump, Murray, P. G.,  
Connelly, Kamyk, Musto,  
Cooper, Kehler, Naugle,  
Curwood, Keller, Ogilvie,  
Davis, Kent, Olsen,  
Donahue, Kline, O'Neil,

Royer,  
Rubin,  
Rudisill,  
Sarraf,  
Scarcelli,  
Schuster,  
Sherman,  
Sigman,  
Smith, C. C.,  
Smith, Wm. B.,  
Snider,  
Stank,  
Stebbins,  
Steckel,  
Stephens,  
Stevenson,  
Stone,  
Stoner,  
Strausser,  
Stroup,  
Swartz,  
Taylor,  
Thomas,  
Thompson,  
Toll,  
Tompkins,  
Toomey,  
Varallo,  
Varnier,  
Verona,  
Wall,  
Wallace,  
Wargo,  
Waterhouse,  
Weldner,

Dougherty,  
Down,  
Ehrgood,  
Ellberg,  
Erb,  
Eshleman,  
Ewing,  
Farabaugn,  
Fllo,  
Fineman,  
Flint,  
Floyd,  
Flynn,  
Foster,  
Frank,  
Frascella,  
Knecht,  
Kolankiewicz,  
Kooker,  
Kornick,  
Kratz,  
Kromer,  
Kubacki,  
Lafore,  
Lawyer,  
Leiby,  
Lelsey,  
Leonard,  
Leven,  
Light,  
Limper,  
Lippincott,  
Pacchioli,  
Parry,  
Pashley,  
Paulhamus,  
Petrosky,  
Pettigrew,  
Polaski,  
Polen,  
Pomeroy,  
Price,  
Pursley,  
Readinger,  
Rebman,  
Renwick,  
Rigby,  
Rovaneck,

Welsh,  
Wescott,  
Wheeler,  
Whitenight,  
Willaredt,  
Williams,  
Wilt,  
Wood,  
Worley,  
Yetter,  
Yetzer,  
Young,  
Ziegler,  
Andrews,  
Speaker

#### NAYS—0

#### NOT VOTING—7

Donaldson, Needham, Rosen, Walsh,  
McKeever, Reidenbach, Vaughan,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1915, as follows:

An Act amending the act of May 22, 1935 (P. L. 233) entitled "An act creating and establishing a fund for the care maintenance and relief of aged retired and disabled employees of the Bureau of Police in cities of the second class providing a pension fund for said employees and providing for the payment of certain dues fees assessments fines and appropriations thereto regulating membership therein creating a board for the management thereof providing the amount mode and manner of payment to beneficiaries thereof and for the care and disposition of said fund providing for the payment into this fund by cities of the second class of all monies heretofore payable into any other funds organizations corporations or associations having the same or similar purposes and of such additional monies as may be necessary to carry out the provisions of this act" changing the amount of payments to certain beneficiaries

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The act of May 22, 1935 (P. L. 233) entitled "An act creating and establishing a fund for the care maintenance and relief of aged retired and disabled employees of the Bureau of Police in cities of the second class providing a pension fund for said employees and providing for the payment of certain dues fees assessments fines and appropriations thereto regulating membership therein creating a board for the management thereof providing the amount mode and manner of payment to beneficiaries thereof and for the care and disposition of said fund providing for the payment into this fund by cities of the second class of all monies heretofore payable into any other funds organizations corporations or associations having the same or similar purposes and of such additional monies as may be necessary to carry out the provisions of this act" is amended by adding after section 13 a new section to read

Section 13.1 Beneficiaries under the fund retired prior to January 1, 1956 shall be entitled to receive from the fund per month the amounts indicated in the following table

Classification	Monthly Payments
Superintendent of Police .....	\$175.00
Assistant Superintendent of Police .....	165.00
Inspector of Police .....	155.00
Inspector of Traffic .....	155.00
Inspector of Detectives .....	155.00
Police Investigator of Child Delinquency .....	155.00



Captain of Detectives .....	150.00
Captain of Police .....	150.00
Lieutenant of Detectives .....	145.00
Lieutenant of Police .....	145.00
Lieutenant of Traffic .....	145.00
Lieutenant of Motorcycles .....	145.00
City Detective .....	145.00
Criminal Court Investigator .....	145.00
Sergeant of Police .....	140.00
Chief Identification Operator .....	145.00
Turnkey .....	135.00
Patrolman .....	135.00
Cornerman .....	135.00
Motorcycle Patrolman .....	135.00
Morals Court Officer .....	135.00
Traffic Court Officer .....	135.00
Precinct Detective .....	135.00
Bertillon Operator .....	135.00

The pensions for members retired prior to January 1, 1956 who held positions not included in the above table shall be rated classified and determined by the board of managers in amounts proportionate to the pensions listed in the above table

No pension shall be granted or paid to any member pursuant to this section based on the rank or position which he holds at the time of making application for pension unless he has held such rank or position for a period of one (1) year prior to the date of making such application

Section 2 Section 14 of the act added June 28, 1955 (P. L. 210) is amended to read

Section 14 Pensions paid under the provisions of this act to beneficiaries who retire on or after January 1, 1956 shall equal not less than fifty per centum of the amount which would constitute the average monthly salary or wages as received by the employees of the Bureau of Police during the highest paid five years in which time the employee made monthly contributions to the pension fund prior to his or her retirement No pension paid pursuant to this section shall be computed on a monthly salary or wage in excess of five hundred dollars nor shall a pension be paid for a fraction of a service year A service year shall be computed from the date of employment of the employee Pension payments shall always be payable on the third working day of each month and shall be for the preceding month

Section 3 This act shall take effect immediately

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

## YEAS—202

Adam,	Frost,	Lippincott,	Rovansek,
Agnew,	Gaffney,	Lopresti,	Royer,
Amarando,	Garlock,	Lovett,	Rubin,
Anderson, M. S.,	Gelfand,	Lutty,	Rudisill,
Anderson, S. A.,	George,	Magee,	Sarrafi,
Ashton,	Gibb,	Mahan,	Scarcelli,
Auker,	Gibson,	Markley,	Schuster,
Banker,	Goldstein,	Maxwell,	Sherman,
Barnatovich,	Gramlich,	McCann,	Sigman,
Bazin,	Greenwood,	McCormack,	Smith, C. O.,
Bell,	Guss,	McGee,	Smith, Wm. B.,
Blair,	Guthrie,	McInroy,	Snider,
Boles,	Hamilton, R. K.,	McLaughlin,	Stank,
Bonner,	Hamilton, W. H.,	McWherter,	Stebbins,
Boory,	Haudenschild,	Meholchick,	Steckel,
Bower,	Hass,	Metz,	Stephens,
Branca,	Heavey,	Mihm,	Stevenson,
Breisch,	Helm,	Mikula,	Stone,
Brennan, A. P.,	Henzel,	Miller,	Stoner,
Brennan, J. J.,	Hewitt,	Mills,	Strausser,
Brenninger,	Hocker,	Monroe,	Stroup,
Breth,	Holt,	Moody,	Swartz,
Brown,	Horst,	Moran,	Taylor,
Bucchin,	Houk,	Moscrip,	Thomas,
Bullen,	Isaacs,	Muldowney,	Thompson,

Capano,	Jenkins,	Mullen,	Toll,
Cianfrani,	Johnson,	Munley,	Tompkins,
Cioffi,	Jones, G. E.,	Murphy,	Toomey,
Cochran,	Jones, T. H. W.,	Murray, H. P.,	Varallo,
Comer,	Jump,	Murray, J. J.,	Varnier,
Connelly,	Kamyk,	Murray, P. G.,	Verona,
Cooper,	Kehler,	Musto,	Wall,
Curwood,	Keller,	Naugle,	Wallace,
Davis,	Kent,	Ogilvie,	Wargo,
Donahue,	Kline,	Olsen,	Waterhouse,
Dougherty,	Knecht,	O'Neill,	Weldner,
Down,	Kolankiewicz,	Pacchioli,	Welsh,
Ehrgood,	Kooker,	Parry,	Wheeler,
Ellberg,	Kornick,	Pashley,	Wescott,
Erb,	Kratz,	Paulhamus,	Whitenight,
Eshleman,	Kromer,	Petrosky,	Willaredt,
Ewing,	Kubacki,	Pettierew,	Williams,
Farabaugh,	Lafore,	Polaski,	Wilt,
Filo,	Lawyer,	Polen,	Wood,
Fineman,	Leiby,	Pomeroy,	Worley,
Flint,	Lelsey,	Price,	Yetter,
Floyd,	Leonard,	Pursley,	Yetzer,
Flynn,	Leven,	Readinger,	Young,
Foster,	Light,	Reibman,	Ziegler,
Frank,	Limper,	Renwick,	Andrews,
Frascella,		Rigby,	Speaker

## NAYS—0

## NOT VOTING—7

Donaldson,	Needham,	Rosen,	Walsh,
McKeever,	Reidenbach,	Vaughan,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1916 as follows:

An Act amending the act of May 25, 1933 (P. L. 1050) entitled "An act creating and establishing a fund for the care maintenance and relief of aged retired and disabled employes of the bureau of fire in cities of the second class creating a board for the management thereof providing the mode and manner of payment to beneficiaries and for the care and disposition of its funds and providing for the transfer and payment of all moneys and securities in existing funds in similar boards superseded by the fund and board herein created" changing the amounts of payments to certain beneficiaries

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 12 act of May 25, 1933 (P. L. 1050) entitled "An act creating and establishing a fund for the care maintenance and relief of aged retired and disabled employes of the bureau of fire in cities of the second class creating a board for the management thereof providing the mode and manner of payment to beneficiaries and for the care and disposition of its funds and providing for the transfer and payment of all moneys and securities in existing funds in similar boards superseded by the fund and board herein created" amended June 28, 1955 (P. L. 206) is amended to read

Section 12 (a) Beneficiaries under [said] the fund who retire on or after January 1, 1956 shall be entitled to receive from the fund per month fifty per centum of the highest average annual salary earned by the contributor as an employee of the bureau of fire of the city during any five years of service preceding retirement but in no event shall the maximum monthly pension payment exceed two hundred and fifty dollars per month

(b) Beneficiaries under the fund retired prior to January 1, 1956 shall be entitled to receive from the fund per month the amounts indicated in the following table



Classification	Composed of	Monthly Payments
I Chief .....	Bureau of Fire ...	\$175.00
Superintendent .....	Bureau of Electricity	
II Deputy Chiefs .....	Bureau of Fire ...	\$165.00
Deputy Superintendents .....		
III Battalion Chiefs .....	Bureau of Electricity	
Chief of River Patrol .....	Bureau of Fire	\$155.00
Chief Inspectors .....	Division of Fire Prevention	
Chief Wiring Inspectors .....	Bureau of Electricity	
IV Training School Instructors .....	Bureau of Fire ...	\$150.00
V Captains .....	Bureau of Fire ...	\$150.00
Assistant Engineers .....	Bureau of Electricity	
Supervisors of Construction .....	Bureau of Electricity	
Fire Alarm Operators .....	Bureau of Electricity	
VI Lieutenants .....	Bureau of Fire ...	\$145.00
Engineers .....	Bureau of Fire ...	\$135.00
Pumpmen .....	Bureau of Fire ...	\$135.00
VII Drivers .....	Bureau of Fire ...	\$135.00
Electric Wiring Inspectors .....	Bureau of Building Inspection	
VIII Hose and Laddermen .....	Bureau of Fire ...	\$135.00
Aides .....	Bureau of Fire	
Assistant Engineers .....	Bureau of Fire	
Assistant Engineers .....	Bureau of Electricity	
Fire Alarm Box Inspectors .....	Bureau of Electricity	
Police Box Inspectors .....	Bureau of Electricity	
Instrument Repairmen .....	Bureau of Electricity	
Battery Men .....	Bureau of Electricity	
Line Foreman .....	Bureau of Electricity	
Linemen .....	Bureau of Electricity	
Inspector .....	Bureau of Fire	
Inspector .....	Division of Fire Prevention	

Section 2 This act shall take effect immediately

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—202

Adam,	Frost,	Lippincott,	Rovansek,
Agnew,	Gaffney,	Lopresti,	Royer,
Amarando,	Garlock,	Lovett,	Rubin,
Anderson, M. S.,	Gelfand,	Lutty,	Rudisill,
Anderson, S. A.,	George,	Magee,	Sarraf,
Ashton,	Gibb,	Mahan,	Scarcell,
Auker,	Gibson,	Markley,	Schuster,
Banker,	Goldstein,	Maxwell,	Sherman,
Barnatovich,	Gramlich,	McCann,	Sigman,
Bazin,	Greenwood,	McCormack,	Smith, C. C.,
Bell,	Guss,	McGee,	Smith, Wm. B.,
Blair,	Guthrie,	McInroy,	Snider,
Boles,	Hamilton, R. K.,	McLaughlin,	Stank,
Bonner,	Hamilton, W. H.,	McWhorter,	Stebbins,
Boory,	Hass,	Meholchick,	Steckel,
Bower,	Haudenshield,	Metz,	Stephens,
Branca,	Heavey,	Mihm,	Stevenson,
Brelsich,	Helm,	Mikula,	Stone,
Brennan, A. P.,	Henzel,	Miller,	Stoner,
Brennan, J. J.,	Hewitt,	Mills,	Strausser,
Brenninger,	Hocker,	Monroe,	Stroup,
Breth,	Holt,	Moody,	Swartz,
Brown,	Horst,	Moran,	Taylor,
Bucchin,	Houk,	Moscrip,	Thomas,
Bullen,	Isaacs,	Muldowney,	Thompson,
Capano,	Jenkins,	Mullen,	Toil,
Cianfrani,	Johnson,	Munley,	Tompkins,

Cioffi,	Jones, G. E.,	Murphy,	Toomey,
Cochran,	Jones, T. H. W.,	Murray, H. P.,	Varallo,
Comer,	Jump,	Murray, J. J.,	Varner,
Connelly,	Kamyk,	Murray, P. G.,	Verona,
Cooper,	Kehler,	Musto,	Wall,
Curwood,	Keller,	Naugle,	Wallace,
Davis,	Kent,	Ogilvie,	Wargo,
Donahue,	Kline,	Olsen,	Waterhouse,
Dougherty,	Knecht,	O'Neil,	Weidner,
Down,	Kolankiewicz,	Pacchioli,	Welsh,
Ehrgood,	Kooker,	Parry,	Wescott,
Ellberg,	Kornick,	Pashley,	Wheeler,
Erb,	Kratz,	Paulhamus,	Whitenight,
Eshleman,	Kromer,	Petrosky,	Willaredt,
Ewing,	Kubacki,	Pettigrew,	Williams,
Farabaugh,	Lafore,	Polaski,	Wilt,
Filo,	Lawyer,	Polen,	Wood,
Fineman,	Leiby,	Pomeroy,	Worley,
Flint,	Leisey,	Price,	Yetter,
Floyd,	Leonard,	Pursley,	Yetzer,
Flynn,	Leven,	Readinger,	Young,
Foster,	Light,	Reibman,	Ziegler,
Frank,	Limper,	Renwick,	Andrews,
Frascella,		Rigby,	Speaker

NAYS—0

NOT VOTING—7

Donaldson,	Needham,	Rosen,	Walsh,
McKeever,	Reidenbach,	Vaughan,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1922 as follows:

An Act reenacting and amending section 4 of the act of May 28, 1915 (P. L. 596), entitled "An act requiring cities of the second class to establish a pension fund for employes of said cities and regulating the administration and the payment of such pensions" increasing the amount of pensions in certain cases

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 4 act of May 28, 1915 (P. L. 596) entitled "An act requiring cities of the second class to establish a pension fund for employes of said cities and regulating the administration and the payment of such pensions" amended in part January 18, 1952 (P. L. 2110) August 21, 1953 (P. L. 1255) and August 9, 1955 (P. L. 314) is reenacted and amended to read

Section 4 (a) During the lifetime of the [said] person he or she shall be entitled to receive a pension from the fund set aside for the purpose in the amount hereinafter provided [Said] The pension shall be paid in monthly payments [Provided That if] If any pension be granted to a person who has not been a contributor to the pension fund as herein provided during a period of twenty years such person shall be required to pay unto the board of pensions monthly an amount equal to such amount as he or she would have been required to contribute had he or she contributed during such period as required by this act until such time as his or her contribution shall have extended during a period of twenty years Should any person be dismissed for reasons other than misconduct after having served as an employe for fifteen years or more but less than twenty years such employe shall have the right to elect to keep in the fund all contributions heretofore made to the fund and to continue making monthly payments to such fund in an amount equal to the amount last due and paid monthly while an employe When such payments continue until the former employe has contributed to the fund for a total of at least twenty years or until reaching the age of retirement whichever



is the longer such person shall be entitled to receive a pension proportional to the pension which would have been received had the employee completed twenty years of service prior to dismissal such proportion to be computed on the ratio which the employees' actual time of service in months bears to twenty years Should any person so employed after twenty-years of service be dismissed voluntarily retire or be in any manner deprived of his or her position or employment before attaining the age fixed for retirement by this act upon continuing a monthly payment to the fund equal to the last amount due and paid monthly while in active service [said] the person shall be entitled to the pension above mentioned notwithstanding he or she has not attained the age for retirement at the time of his or her separation from the service of such city but [said] the pension shall not commence until he or she has attained such age [Provided That any] Any employee who has heretofore or shall hereafter be dismissed voluntarily retire or be in any manner deprived of his or her position or employment and who has been in the service of the city for a period of twenty-five (25) years or more and who has made payments into the pension fund for a period of twenty (20) years or more and who has reached the age of fifty (50) years shall upon application to the board of pensions receive the pension or compensation fixed by this act during the remainder of his or her life Should any employee however become totally and permanently disabled after fifteen years of service he or she shall be entitled to the [said] pension [Provided That if] If any employee who has served less than fifteen years becomes totally and permanently disabled by reason of injury sustained in the actual performance of duty such employee shall be entitled to the [said] pension Proof of total and permanent disability shall consist of the sworn statement of three practicing physicians designated by the board that the employee is in a permanent condition of health which would totally disable him or her from performing the duties of his or her position or office Once a year the board of pensions may require a disability pensioner to undergo a medical examination by three physicians appointed by the board and should such physicians thereupon report and certify to the board that such beneficiary is no longer incapacitated and should the pension board concur in such report the pension to such beneficiary shall be discontinued

(b) The pension paid to any employee pensioned prior to the first day of June one thousand nine hundred fifty-one shall not be less than one hundred dollars nor exceed one hundred and thirty-seven dollars fifty cents per month and shall not be computed on rate of pay in excess of two hundred and fifty dollars per month The pension paid to any employee pensioned after the first day of June one thousand nine hundred fifty-one and prior to the first day of July one thousand nine hundred fifty-five shall not be less than one hundred dollars nor exceed one hundred seventy-five dollars per month and shall not be computed on rate of pay in excess of three hundred fifty dollars per month The pension paid to any employee pensioned after the first day of July one thousand nine hundred fifty-five shall not be less than one hundred dollars nor exceed two hundred forty-seven dollars and fifty cents per month and shall not be computed on rate of pay in excess of four hundred fifty dollars per month

(b.1) Any employee who had been a member of the pension fund prior to the first day of June one thousand nine hundred fifty-one and who had retired or was pensioned prior thereto and whose average salary for the last five years of his or her employment by the city was two hundred dollars per month or more but less than two hundred fifty dollars per month shall have his or her pension computed on fifty-five per centum of his or her average salary during the aforesaid five year period of time Any employee who had been a member of the pension fund prior to the first day of June one thousand nine hundred fifty-one and who had retired or was pensioned prior thereto whose average salary during the last five years of his or her employment with the city was two

hundred fifty dollars per month or more shall receive a pension of not more than one hundred thirty-seven dollars fifty cents per month

(c) Any employee who is a member of the pension fund on the first day of June one thousand nine hundred fifty-one and who shall retire or be pensioned prior to the first day of July one thousand nine hundred fifty-five and whose average salary for the last five years of his or her employment by the [said] city has been two hundred dollars a month or more but less than two hundred and fifty dollars per month shall have his or her pension computed on fifty-five per centum of his or her average salary during the aforesaid five-year period of time [And provided further That any] Any employee who is a member of the pension fund on the first day of June one thousand nine hundred fifty-one and who shall retire or be pensioned prior to the first day of July one thousand nine hundred fifty-five whose average salary during the last five years of his or her employment with the said city has been two hundred and fifty dollars per month or more shall receive a pension of not less than one hundred thirty-seven dollars and fifty cents per month Any employee who is a member of the pension fund on the first day of July one thousand nine hundred fifty-five and who shall retire or be pensioned then or thereafter and whose average salary for the last five years of his or her employment by the said city has been less than two hundred and fifty dollars per month shall have his or her pension computed on sixty per centum of his or her average salary during the aforesaid five-year period of time Any employee who is a member of the pension fund on the first day of July one thousand nine hundred fifty-five and who shall retire or be pensioned then or thereafter and whose average salary for the last five years of his or her employment by the said city has been two hundred and fifty dollars or more per month shall have his or her pension computed on fifty-five per centum of his or her average salary during the aforesaid five-year period of time [And provided further That any] Any employee who is a member of the pension fund on the first day of July one thousand nine hundred fifty-five and who shall retire or be pensioned then or thereafter and whose average salary for the last five years of his or her employment with the said city has been two hundred and fifty dollars or more per month shall receive a pension of not less than one hundred and fifty-one dollars and twenty-five cents per month In the event of the death of any person receiving a pension under this act there shall be paid to such person or persons as he or she shall have designated in writing and filed with the board of pensions as his or her beneficiary or to his or her estate a lump sum representing the difference if any between the total contributions paid into the pension fund by him or her as an employee and the total pension payments received by him or her during his or her lifetime but such lump sum shall be paid only when such total contributions exceed the total pension payments made

[(d) The pension board of any city of the second class is hereby authorized to establish a program whereby any beneficiary under the pension fund upon payment into the fund of the sum of two hundred dollars (\$200.00) with accrued simple interest at three per centum (3%) per annum from August 1 1953 until the date it is paid if paid after August 15 1953 but with no interest if paid on or before August 15 1953 shall be entitled to receive from the fund annually and for life in addition to his regular pension as determined as of the date of his retirement from service in the city an additional annuity pro-rated on a monthly basis as a one-twelfth addition to the monthly payments due on his regular pension sufficient in amount so that the total monthly payments received by him for regular pension and additional annuity combined shall equal the amount of the regular pension which he would have been entitled to receive if he had retired from service in the city and as of August 1 1953 and having earned for the past five (5) years the average rate of pay received during the last five (5) years of his actual employment Such additional annuity payments shall begin



on the date on which the regular monthly pension payment is next due after such contribution and interest have been paid]

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

## YEAS—202

Adam,	Frost,	Lippincott,	Rovansek,
Agnew,	Gaffney,	Lopresti,	Royer,
Amarando,	Garlock,	Lovett,	Rubin,
Anderson, M. S.,	Gelfand,	Lutty,	Rudisill,
Anderson, S. A.,	George,	Magee,	Sarra,
Ashton,	Gibb,	Mahan,	Scarcell,
Auker,	Gibson,	Markley,	Schuster,
Banker,	Goldstein,	Maxwell,	Sherman,
Barnatovich,	Gramlich,	McCann,	Sigman,
Bazin,	Greenwood,	McCormack,	Smith, C. C.,
Bell,	Guss,	McGee,	Smith, Wm. B.,
Blair,	Guthrie,	McInroy,	Snider,
Boles,	Hamilton, R. K.,	McLaughlin,	Stank,
Bonner,	Hamilton, W. H.,	McWherter,	Stebbins,
Boory,	Hass,	Meholchick,	Steckel,
Bower,	Haudenschild,	Metz,	Stephens,
Branca,	Heavey,	Mihm,	Stevenson,
Breisch,	Helm,	Mikula,	Stone,
Brennan, A. P.,	Henzel,	Miller,	Stoner,
Brennan, J. J.,	Hewitt,	Mills,	Strausser,
Brenninger,	Hocker,	Monroe,	Stroup,
Breth,	Holt,	Moody,	Swartz,
Brown,	Horst,	Moran,	Taylor,
Bucchin,	Houk,	Moscrip,	Thomas,
Bullen,	Isaacs,	Muldowney,	Thompson,
Capano,	Jenkins,	Mullen,	Toll,
Cianfrani,	Johnson,	Munley,	Tompkins,
Cioffi,	Jones, G. E.,	Murphy,	Toomey,
Cochran,	Jones, T. H. W.,	Murray, H. P.,	Varallo,
Comer,	Jump,	Murray, J. J.,	Varnier,
Connelly,	Kamyk,	Murray, P. G.,	Verona,
Cooper,	Kehler,	Musto,	Wall,
Curwood,	Keller,	Naugle,	Wallace,
Davis,	Kent,	Ogilvie,	Wargo,
Donahue,	Kline,	Olsen,	Waterhouse,
Dougherty,	Knecht,	O'Neil,	Weldner,
Down,	Kolankiewicz,	Pacchioni,	Welsh,
Ehrgood,	Kooker,	Parry,	Wescott,
Ellberg,	Kornick,	Pashley,	Wheeler,
Erb,	Kratz,	Paulhamus,	Whitenight,
Eshleman,	Kromer,	Petrosky,	Willaredt,
Ewing,	Kubacki,	Pettigrew,	Williams,
Farabaugh,	Lafore,	Polaski,	Wilt,
Filo,	Lawyer,	Polen,	Wood,
Fineman,	Leiby,	Pomeroy,	Worley,
Flint,	Leisey,	Price,	Yetter,
Floyd,	Leonard,	Pursley,	Yetzer,
Flynn,	Leven,	Readinger,	Young,
Foster,	Light,	Reibman,	Ziegler,
Frank,	Limper,	Renwick,	Andrews,
Frascella,		Rigby,	Speaker

## NAYS—0

## NOT VOTING—7

Donaldson,	Needham,	Rosen,	Walsh,
McKeever,	Reidenbach,	Vaughan,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

## BILL PASSED OVER

There being no objection

Senate Bill No. 467, Printer's No. 412 was passed over at the request of the SPEAKER.

Agreeably to order,

The House proceeded to the third reading and consideration of Senate Bill No. 523, as follows

An Act amending the act of May 29, 1931 (P. L. 280) entitled "An act relating to delinquent taxes on seated lands and prescribing interest charges on nonpayment thereof requiring the receivers and collectors of county city borough town township school district and poor district taxes to make a return to the county commissioners of such unpaid taxes and providing for the lien thereof authorizing the county treasurers to collect such taxes and to sell seated lands at public sale for taxes heretofore or hereafter returned as unpaid and authorizing the county commissioners to purchase such lands and resell the same under certain circumstances" further regulating the tax sales and payment of the purchase money

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 10 act of May 29, 1931 (P. L. 280) entitled "An act relating to delinquent taxes on seated lands and prescribing interest charges on nonpayment thereof requiring the receivers and collectors of county city borough town township school district and poor district taxes to make a return to the county commissioners of such unpaid taxes and providing for the lien thereof authorizing the county treasurers to collect such taxes and to sell seated lands at public sale for taxes heretofore or hereafter returned as unpaid and authorizing the county commissioners to purchase such lands and resell the same under certain circumstances" amended June 20, 1939 (P. L. 498) is amend to read

Section 10 It shall be the duty of the purchaser or purchasers at this treasurer's sale as soon as the property is struck down to pay (i) the amount of the purchase money or (ii) such part thereof as may be necessary to pay all taxes except such taxes as have heretofore been filed as liens in the office of the prothonotary and all interest and costs and also one dollar and fifty cents for the use of the prothonotary for entering the report of the treasurer and acknowledgment of the treasurer's deed as herein-after mentioned [and in] plus an additional amount equal to twenty-five per centum of the purchase money In case said amount is not forthwith paid after the property is struck down the sale [may] shall be avoided and the property immediately put up again by the said treasurer In the event the purchaser fails to later make complete settlement at the time and in the manner provided for in this act any money paid under the provisions of this section shall be forfeited and shall be disposed of the same as purchase money

Any such property for which an amount sufficient to pay such taxes interest and the costs is not bid shall be purchased by the county commissioners in which event the requirements of the preceding paragraph of this section shall not apply

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

## YEAS—202

Adam,	Frost,	Lippincott,	Rovansek,
Agnew,	Gaffney,	Lopresti,	Royer,
Amarando,	Garlock,	Lovett,	Rubin,
Anderson, M. S.,	Gelfand,	Lutty,	Rudisill,
Anderson, S. A.,	George,	Magee,	Sarra,
Ashton,	Gibb,	Mahan,	Scarcell,
Auker,	Gibson,	Markley,	Schuster,
Banker,	Goldstein,	Maxwell,	Sherman,
Barnatovich,	Gramlich,	McCann,	Sigman,
Bazin,	Greenwood,	McCormack,	Smith, C. C.,
Bell,	Guss,	McGee,	Smith, Wm. B.,
Blair,	Guthrie,	McInroy,	Snider,
Boles,	Hamilton, R. K.,	McLaughlin,	Stank,
Bonner,	Hamilton, W. H.,	McWherter,	Stebbins,



Boory,	Hass,	Meholchick,	Steckel,
Bower,	Haudensfield,	Metz,	Stephens,
Branca,	Heavy,	Mihm,	Stevenson,
Brelsch,	Helm,	Mikula,	Stone,
Brennan, A. P.,	Henzel,	Miller,	Stoner,
Brennan, J. J.,	Hewitt,	Mills,	Strausser,
Brenninger,	Hocker,	Monroe,	Stroup,
Breth,	Holt,	Moody,	Swarts,
Brown,	Horst,	Moran,	Taylor,
Bucchin,	Houk,	Moscip,	Thomas,
Bullen,	Isaacs,	Muldrowney,	Thompson,
Capano,	Jenkins,	Mullen,	Toll,
Cianfrani,	Johnson,	Munley,	Tompkins,
Cioffi,	Jones, G. E.,	Murphy,	Toomey,
Cochran,	Jones, T. H. W.,	Murray, H. P.,	Varallo,
Comer,	Jump,	Murray, J. J.,	Varnier,
Connelly,	Kamyk,	Murray, P. G.,	Verona,
Cooper,	Kehler,	Musto,	Wall,
Curwood,	Keller,	Naugle,	Wallace,
Davis,	Kent,	Ogilvie,	Wargo,
Donahue,	Kilne,	Olsen,	Waterhouse,
Dougherty,	Knecht,	O'Neill,	Weidner,
Down,	Kolankiewicz,	Pacchioli,	Welsh,
Ehrgood,	Kooker,	Parry,	Wescott,
Ellberg,	Kornick,	Pashley,	Wheeler,
Erb,	Kratz,	Paulhamus,	Whitenight,
Eshleman,	Kromer,	Petrosky,	Willaredt,
Ewing,	Kubacki,	Pettigrew,	Williams,
Farabaugh,	Lafore,	Polaski,	Wilt,
Filo,	Lawyer,	Polen,	Wood,
Fineman,	Leiby,	Pomeroy,	Worley,
Flint,	Leisey,	Price,	Yetter,
Floyd,	Leonard,	Pursley,	Yetter,
Flynn,	Leven,	Readinger,	Young,
Poster,	Light,	Reibman,	Ziegler,
Frank,	Limper,	Renwick,	Andrews,
Fracella,		Rigby,	Speaker

## NAYS—0

## NOT VOTING—7

Donaldson,	Needham,	Rosen,	Walsh,
McKeever,	Reidenbach,	Vaughan,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House of Representatives has passed the same without amendment.

## BILLS PASSED OVER

There being no objection

Senate Bill No. 524, Printer's No. 339, and

Senate Bill No. 543, Printer's No. 231

were passed over at the request of the SPEAKER.

Agreeably to order,

The House proceeded to the third reading and consideration of Senate Bill No. 757, as follows:

An Act amending the act of June 25, 1947 (P. L. 1145) entitled as amended "An act empowering cities of the second class cities of the second class A cities of the third class boroughs towns townships of the first class townships of the second class school district of the second class school districts of the third class and school districts of the fourth class to levy assess and collect or to provide for the levying assessment and collection of certain additional taxes subject to a maximum limitations for general revenue purposes authorizing the establishment of bureaus and the appointment and compensation of officers and employees to assess and collect such taxes and permitting penalties to be imposed and enforced providing an appeal from the ordinance or resolution levying such taxes to the court of quarter sessions and to the Supreme Court and Superior Court" defining the effect of requirement that real property transfer taxes be paid by the transferor on preexisting ordinances and resolutions and validating such ordinances and resolutions

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Subsection A of section 1 act of June 25, 1947 (P. L. 1145) entitled as amended "An act empowering cities of the second class cities of the second class A cities of the third class boroughs towns townships of the first class townships of the second class school districts of the second class school districts of the third class and school districts of the fourth class to levy assess and collect or to provide for the levying assessment and collection of certain additional taxes subject to maximum limitations for general revenue purposes authorizing the establishment of bureaus and the appointment and compensation of officers and employees to assess and collect such taxes and permitting penalties to be imposed and enforced providing an appeal from the ordinance or resolution levying such taxes to the court of quarter sessions and to the Supreme Court and Superior Court" amended June 28, 1955 (Act No. 60) is amended to read

Section 1 A Delegation of Taxing Powers and Restrictions Thereon The duly constituted authorities of the following political subdivisions cities of the second class cities of the second class A cities of the third class boroughs towns townships of the first class school districts of the second class school districts of the third class and school districts of the fourth class may in their discretion by ordinance or resolution for general revenue purposes levy assess and collect or provide for the levying assessment and collection of such taxes as they shall determine to be paid by the transferor upon the transfer of real property or of any interest in real property situate within such political subdivisions regardless of where the instruments making the transfers are made executed or delivered or where the actual settlements on such transfers take place and on persons transactions occupations privileges subjects and personal property within the limits of such political subdivisions except except that such local authorities shall not have authority by virtue of this act (1) to levy assess and collect or provide for the levying assessment and collection of any tax on the transfer of real property when the transfer is by will or the intestate laws of this Commonwealth or on a privilege transaction subject occupation or personal property which is now or does hereafter become subject to a State tax or license fee or (2) to levy assess or collect a tax on the gross receipts from utility service of any person or company whose rates and services are fixed and regulated by the Pennsylvania Public Utility Commission or on any public utility services rendered by any such person or company or on any privilege or transaction involving the rendering of any public utility service or (3) except on sales of admission to places of amusement or on sales or other transfers of title or possession of property to levy assess or collect a tax on the privilege of employing such tangible property as is now or does hereafter become subject to a State tax or (4) to levy assess and collect a tax on goods and articles manufactured in such political subdivisions or on the by-products of manufacture or on minerals timber natural resources and farm products produced in such political subdivisions or on the preparation or processing thereof for use or market or on any privilege act or transaction related to the business of manufacturing the production preparation or processing of minerals timber and natural resources or farm products by manufacturers by producers and by farmers with respect to the goods articles and products of their own manufacture production or growth or on any privilege act or transaction relating to the business of processing by-products of manufacture or on the transportation loading unloading or dumping or storage of such goods articles products or by-products (5) to levy assess or collect a tax on salaries wages commissions compensation and earned income of nonresidents of the political subdivision Provided That this limitation (5) shall apply only to the school districts of the second third and fourth classes (6) to levy assess or collect a tax on personal property subject to taxation by counties or on personal property owned by persons



associations and corporations specifically exempted by law from taxation under the county personal property tax law Provided That this limitation (6) shall not apply to cities of the second class

Subject to the limitations prescribed in this act the duly constituted authorities of townships of the second class may in their discretion by ordinance or resolution for general revenue purposes levy assess and collect or provide for the levying assessment and collection of any one or more of the following taxes

(1) per capita tax upon individuals not to exceed \$5

(2) A tax on the transfer of real property as herein provided for other political subdivisions

(3) A tax on admissions to place of amusements athletic events and the like

(4) A tax on the use or occupancy of house trailers suitable for living quarters

No township shall levy a per capita tax for the same period for which it levies an occupation tax

Every ordinance or resolution which imposes a tax under the authority of this act shall impose such tax for one year only and shall be passed or adopted if for a school district during the period other school taxes are required by law to be levied and assessed by such district Each ordinance and resolution shall state that it is enacted under the authority of the act of June twenty-fifth one thousand nine hundred forty-seven (P. L. 1145) and its amendments Any ordinance or resolution now in effect which imposed any such tax for a period of more than one year shall remain in effect and the taxes imposed by such ordinance or resolution shall be collected for the current tax year only The provision of this subsection requiring taxes upon the transfer of real property or of any interest in real property to be paid by the transferor shall not apply to any ordinance or resolution imposing such tax adopted prior to June 28 1955 All such ordinances shall continue in full force and effect until the end of the year for which the tax was imposed All such ordinances and resolutions and the collection of all taxes thereunder are validated

\* \* \*

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

#### YEAS—202

Adam,	Frost,	Lopresti,
Agnew,	Gaffney,	Lovett,
Amarando,	Garlock,	Lutty,
Anderson, M. S.,	Gelfand,	Magee,
Anderson, S. A.,	George,	Mahan,
Ashton,	Gibb,	Markley,
Auker,	Gibson,	Maxwell,
Banker,	Goldstein,	McCann,
Barnatovich,	Gramlich,	McCormack,
Bazin,	Greenwood,	McGee,
Bell,	Guss,	McInroy,
Blair,	Guthrie,	McLaughlin,
Boles,	Hamilton, R. K.,	McWherter,
Bonner,	Hamilton, W. H.,	Meholchick,
Boory,	Hass,	Metz,
Bower,	Haudensfield,	Mihm,
Branca,	Heavey,	Mikula,
Brelsach,	Helm,	Miller,
Brennan, A. P.,	Henzel,	Mills,
Brennan, J. J.,	Hewitt,	Monroe,
Brenninger,	Hocker,	Moody,
Breth,	Holt,	Moran,
Brown,	Horst,	Moscirp,
Bucchin,	Houk,	Muldowney,
Bullen,	Isaacs,	Mullen,
Capano,	Jenkins,	Munley,
Cianfrani,	Johnson,	Murphy,
Cioffi,	Jones, G. E.,	Murray, H. P.,
Cochran,	Jones, T. H. W.,	Murray, J. J.,
Comer,	Jump,	Murray, P. G.,
Connelly,	Kamyk,	Musto,

Cooper,	Kehler,	Naugle,
Curwood,	Keller,	Ogilvie,
Davis,	Kent,	Olsen,
Donahue,	Kline,	O'Neill,
Dougherty,	Knecht,	Pacchioli,
Down,	Kolankiewicz,	Parry,
Ehrgood,	Kooker,	Pashley,
Ellberg,	Kornick,	Paulhamus,
Erb,	Kratz,	Petrosky,
Eshleman,	Kromer,	Pettigrew,
Swing,	Kubacki,	Polaski,
Farabaugh,	Lafors,	Polen,
Filo,	Lawyer,	Pomeroy,
Fineman,	Leiby,	Price,
Flint,	Leisey,	Pursley,
Floyd,	Leonard,	Readinger,
Flynn,	Leven,	Reibman,
Foster,	Light,	Renwick,
Frank,	Lamper,	Rigby,
Frascella,	Lippincott,	Rovanssek,

Wallace,
Wargo,
Waterhouse,
Weldner,
Welsh,
Wescott,
Wheeler,
Whitenight,
Wifaredt,
Williams,
Wilt,
Wood,
Worley,
Yetter,
Yetzer,
Young,
Ziegler,
Andrews,
Speaker

#### NAYS—0

#### NOT VOTING—7

Donaldson,	Needham,	Rosen,	Walsh,
McKeever,	Reidenbach,	Vaughan,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House of Representatives has passed the same without amendment.

#### BILL PASSED OVER

There being no objection

Senate Bill No. 758, Printer's No. 277

was passed over at the request of Mr. READINGER.

Agreeably to order,

The House proceeded to the third reading and consideration of Senate Bill No. 835, as follows:

An Act amending the act of August 9, 1955 (Act No. 130) entitled "An act relating to counties of the third fourth fifth sixth seventh and eighth classes amending revising consolidating and changing the laws relating thereto" authorizing the appointment of solicitors by clerks of the court of quarter sessions and oyer and terminer in third and fourth class counties and prescribing their duties

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Article XIII act of August 9, 1955 (Act No. 130) known as "The County Code" is amended by adding at the end a new section to read

Section 1315 Solicitors to Clerks of Courts of Quarter Sessions and Oyer and Terminer in Counties of the Third and Fourth Classes In all counties of the third and fourth classes the clerk of court of quarter sessions and oyer and terminer may appoint one person as his solicitor The solicitor shall advise the clerk of court of quarter sessions and oyer and terminer upon all legal matters that may be submitted to him and conduct all litigation connected with the clerk's office when requested so to do by the clerk of court

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

#### YEAS—201

Adam,	Gaffney,	Lopresti,	Rovanssek,
Agnew,	Garlock,	Lovett,	Royer,



Amarando,  
Anderson, M. S.,  
Anderson, S. A.,  
Ashton,  
Banker,  
Barnatovich,  
Bazin,  
Bell,  
Blair,  
Boles,  
Bonner,  
Boory,  
Bower,  
Branca,  
Brelschi,  
Brennan, A. P.,  
Brennan, J. J.,  
Brenninger,  
Breth,  
Brown,  
Buccin,  
Bullen,  
Capano,  
Cianfrani,  
Cioffi,  
Cochran,  
Comer,  
Connelly,  
Cooper,  
Curwood,  
Davis,  
Donahue,  
Dougherty,  
Down,  
Ehrgood,  
Elberg,  
Erb,  
Eshleman,  
Ewing,  
Farabaugh,  
Filo,  
Fineman,  
Flint,  
Floyd,  
Flynn,  
Foster,  
Frank,  
Frascella,  
Frost,

Gelfand,  
George,  
Gibb,  
Gibson,  
Goldstein,  
Gramlich,  
Greenwood,  
Guss,  
Guthrie,  
Hamilton, R. K.,  
Hamilton, W. H.,  
Hass,  
Haudenschild,  
Heavey,  
Helm,  
Henzel,  
Hewitt,  
Hocker,  
Holt,  
Horst,  
Houk,  
Isaacs,  
Jenkins,  
Johnson,  
Jones, G. E.,  
Jones, T. H. W.,  
Jump,  
Kamyk,  
Kehler,  
Keller,  
Kent,  
Kline,  
Knecht,  
Kolankiewicz,  
Kooker,  
Kornick,  
Kratz,  
Kromer,  
Kubacki,  
Lafore,  
Lawyer,  
Leiby,  
Lelsey,  
Leonard,  
Leven,  
Light,  
Limper,  
Lippincott,

Lutty,  
Magee,  
Mahan,  
Markley,  
Maxwell,  
McCann,  
McCormack,  
McGee,  
McInroy,  
McLaughlin,  
McWherter,  
Meholchick,  
Metz,  
Mihm,  
Mikula,  
Miller,  
Mills,  
Monroe,  
Moody,  
Moran,  
Moscrip,  
Muldowney,  
Mullen,  
Munley,  
Murphy,  
Murray, H. P.,  
Murray, J. J.,  
Murray, P. G.,  
Musto,  
Naugle,  
Ogilvie,  
Olsen,  
O'Neill,  
Pacchioli,  
Parry,  
Pashley,  
Paulhamus,  
Petrosky,  
Pettigrew,  
Polaski,  
Polen,  
Pomeroy,  
Price,  
Pursley,  
Readinger,  
Reibman,  
Renwick,  
Rigby,

Rubin,  
Rudisill,  
Sarraf,  
Scarcelll,  
Schuster,  
Sherman,  
Sigman,  
Smith, C. O.,  
Smith, Wm. B.,  
Snider,  
Stank,  
Stebbins,  
Steckel,  
Stephens,  
Stevenson,  
Stone,  
Stoner,  
Strausser,  
Stroup,  
Swartz,  
Taylor,  
Thomas,  
Thompson,  
Toll,  
Tompkins,  
Toomey,  
Vallo,  
Varner,  
Verona,  
Wall,  
Wallace,  
Wargo,  
Waterhouse,  
Weidner,  
Welsh,  
Wescott,  
Wheeler,  
Whitenight,  
Willaredt,  
Williams,  
Wilt,  
Wood,  
Worley,  
Yetter,  
Yetzer,  
Young,  
Ziegler,  
Andrews,

Speaker

NAYS—1

NOT VOTING—7

Auker,

Donaldson,  
McKeever,

Needham,  
Reidenbach,

Rosen,  
Vaughan,

Walsh,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House of Representatives has passed the same with amendments in which the concurrence of the Senate is requested.

COMMITTEE REPORT

Mr. BOIES. Mr. Speaker, the Chairman of the Committee on the part of the House to escort the Senate reports that they have performed that duty and the Senate is in attendance.

The SPEAKER. The Committee is discharged with the thanks of the Chair.

The Lieutenant Governor, the Honorable Roy E. Furman, is invited to preside over the Joint Session of the General Assembly.

The President pro tempore of the Senate, the Honorable M. Harvey Taylor, and the Secretary of the Senate, the Honorable G. Harold Watkins, are invited to be seated on the rostrum.

The Members of the Senate will be seated as soon as chairs can be placed for them.

The Members of the Senate will be seated in the aisles in order that they may not be too close to the screen when the moving picture is shown.

LIEUTENANT-GOVERNOR FURMAN PRESIDING

The LIEUTENANT-GOVERNOR. The Chair wishes to make an announcement. It is suggested that the Members of the Cabinet move their chairs back along the aisle so that they will be able to see the picture that is to be shown here this afternoon.

COMMITTEE ESCORTING GOVERNOR

The SERGEANT-AT-ARMS OF THE SENATE. Mr. President, the Committee appointed to escort the Governor to the Hall of the House.

Mr. DiSILVESTRO. Mr. President, I take pleasure in presenting His Excellency, the Governor of the Commonwealth, Honorable George M. Leader.

The LIEUTENANT-GOVERNOR. Members of the General Assembly, I have the honor and privilege of presenting His Excellency, the Governor of the Commonwealth, Honorable George M. Leader.

ADDRESS OF GOVERNOR GEORGE M. LEADER

Members of the General Assembly of the Commonwealth of Pennsylvania:

I am compelled by conscience to address you about an obligation you and I share as representatives of the people who elected us. This obligation is the most excruciating issue in Pennsylvania today.

The decision is ours, and it is upon us. We must provide for the care and the treatment of the most helpless of our fellow human beings—the mentally ill and the feeble-minded citizens of Pennsylvania.

You and I represent the people. To do so is our duty and also our opportunity. In our hearts we know that this duty and opportunity carry with them a heavy responsibility. We must not permit petty partisan politics to stand in the way of discharging this responsibility.

Some things, as we all know, are above and beyond politicking. The wretched plight of fifty thousand of our fellow citizens is certainly one of these things. I feel we must think about this matter together.

Our decision—yours and mine—about taxes and appropriations and budgets and allocations will shape the life of all our people now locked up in mental institutions. We will either solve their situation or we will block solution to the mounting crisis in our mental hospitals.

I have submitted a mental health program and a request for funds. Yours is the decision to create a future for fifty thousand people who are patients in the Commonwealth's mental hospitals.

No group of citizens is so directly and intimately affected by your actions as this group, whose sorry situation makes them the complete responsibility and the wards of the State of Pennsylvania.

Because I believe this with all my heart, I am here to plead their case. In a most particular sense, I ask that all of you take unto yourselves this special constituency. Unless you do so, few voices will speak in their behalf.

Most of our citizens speak for themselves. Labor and management have voices you hear in this very Chamber. Spokesmen appear before your committees. Legislative



decisions usually follow whenever these voices accent their purposes to you. Social agencies and organizations are articulate for their own goals. The educational groups of Pennsylvania present their recommendations for laws which they think will make life more worth-while.

All this is to the good. A people's government must respond to the sentiments of the people it serves. But there is one group which needs special advocates. It does not send from among its own members any spokesmen to this Chamber. These people do not walk in the cloak-rooms and halls. They have never buttonholed one of you in their own behalf. They have no effective voice. They do not constitute an organized vote. They have no votes. They are no bloc. Their own actions are used to condemn them. They are counted among their own enemies. They are the speedily ignored and casually dismissed. They are the dispossessed in the forums of public action. They are the unaided and neglected—if you won't help them.

Most of you have a horror of mental illness. It is irrational. We cannot understand it. Almost always we take the easy way out. We shrug uneasily, and we say "There but for the grace of God, go I." Then we turn and look the other way.

For too long authorities have accepted an apparent hopelessness about mental illness. No matter how fast State hospitals have been built or how many attendants and doctors have been sought, it seems the waiting list of patients never gets any shorter. What is more, mental hospitals actually are put out in the country. Physically, they are removed from the society of rational men. They are rejected; they are even despised. Out of sight, out of mind—the problems of mental illness are simply ignored.

Mental illness is no personal responsibility for which a human being must be ashamed. It is society's responsibility—and in most cases society's utter shame.

As I have said, intensive treatment which will cure our mentally ill is not a political issue for Pennsylvania. I ask you today to lift your sights to those people locked behind institutional walls. Pledge them the support they deserve. Specifically, I ask you to avoid any impulsive curtailment in the \$26,000,000 additional allocation I have asked this year for the Welfare Department to carry out its program. These funds are desperately required to get help for people who need it—for more doctors, more nurses, more attendants, more therapy and drugs. With this help, some of our mentally ill may walk again as human beings among their fellows.

The passage of House Bill No. 670 by the General Assembly demonstrated your interest in this non-political objective. You have said, "yes" to the reorganization of our system in dealing with the mentally ill. Now, you cannot hamstring what you have accomplished by withholding the funds to put the flesh of accomplishment upon the framework of purpose. Mental illness is the number one health problem of the United States. It is also the number one health problem of Pennsylvania. In the Nation and in this State we are not making much progress in abating insanity and in taking care of our fellow citizens who are afflicted.

This afternoon, seven hundred thousand Americans are in mental hospitals. They occupy 54% of all available hospital beds in the entire Nation.

In 1934 the chance of being hospitalized for mental illness was one in twenty. Today is it one in ten.

About one in every four families now living in the United States will know some time during this generation the shattering effects of mental illness.

Although recent improvements in drugs have brought about remarkable advances in treating patients, the problems of mental illness persist in getting larger. They do not diminish. A recent report of the Model Reporting Area disclosed that mental hospital populations are growing at the rate of 15.2% every six years. While the total population of our country jumped only 20% in the last ten years, the number of mental patients in our hospitals leaped 44%.

Translated into concrete terms for Pennsylvania, this means that 5% of the current population will need psychiatric service and some kind of institutional care one day before they die.

What do you and I have to do about Pennsylvania's mentally ill?

We must anticipate, during our generation, a potential case-load of half a million mental patients. We must face up to the fact that eight thousand retarded children, who now need institutional care, will not get it because institutions are disgracefully overcrowded and meagre professional staffs are unreasonably overworked. If we continue only to give custody without treatment, the Commonwealth will have to build additional hospital beds that cost anywhere from five thousand to twenty thousand dollars each.

This is the reason we must embark upon an intensive curative program. Pennsylvania must work not only to overcome overcrowding but to prevent it.

Today our mental hospitals handle fifty thousand patients in twenty-two institutions. This is only one-tenth of the potential population we may have to handle in the near future. Yet, today institutions are obsolete, overcrowded, overstrained in facilities, and undermanned with professional staff. The Commonwealth will most certainly need more mental hospitals in another ten years; but if we continue to handle patients just as sub-human creatures who have to be locked up, the demand will be unmeetable.

We must not delude ourselves that there is salvation from this responsibility in private institutions. Of the seven hundred thousand human beings who now live in the hideous twilight world of mental derangement, 96% are in public hospitals supported by the taxpayer. And 90% of all mental patients are in State institutions.

To maintain this colossal program of custody, the 48 states spend more than a billion dollars every year. Pennsylvania allocated one penny out of every tax dime during the last biennium to mental health—just as a holding proposition.

For every patient who does not leave the institution during the early stages of his illness, the average hospital stay becomes not a matter of a few days, but a horrifying twenty-six years. The average patient during the lifetime of hospitalization costs the State of Pennsylvania \$28,000.00. Suppose for a moment that the maximum patient population in our institutions were to stabilize at our present figure of fifty thousand, that would mean that the Commonwealth would spend for a program of mere



stagnant custody at least one billion four hundred million dollars during the lifetime of this group alone.

These facts are not pleasant. They are grim and they are disturbing. But they are the basic argument for the appropriations the Welfare Department is asking. The money sought is a sound investment to prevent greater taxation in years to come. More money now means less taxes then. Only when the necessary funds are expended now for increased professional staff, can we avoid the inevitable conclusion that hospitals will grow and grow in patient census. Only when patients are intensively treated—immediately upon admission—can we hope to decrease the furlorn cargo of human beings confined to a lifetime of hopelessness.

Every state that has embarked on such a program has soon acknowledged that the best treatment turns out to be the cheapest. The initial cost is offset by a soaring rate of patient discharge.

But statistics aren't really the point. I came to understand this more than ever when, last month, I toured the mental institutions in Pennsylvania. Then I learned, first-hand, the quandry of our superintendents who have to tell distraught parents that their retarded child cannot be taken into an institution because, under present conditions, it will take twenty years just to exhaust the waiting list.

I saw collapsing auditoriums, corroded beams, and buckled kitchen floors. I looked at parts of overcrowded institutions abandoned because repairs couldn't be paid for. I learned unpasteurized milk was given children. I learned that in one institution, orange juice is so precious that it is literally spooned out only to those children who need it most.

I am not asking you today to make the comfortable more comfortable. I am not asking for extravagance. I plead for justice. There is no possibility of extravagance when the daily cost of a patient's full maintenance is less than \$3.00. There are no fancy meals, when food is budgeted at fifty cents a day.

In Pennsylvania there are institutions for the mentally ill in which there are no psychiatrists. There are wards in one of our institutions built for 118 patients, now housing a motley crowd of 260. There are cots in the corridors and alcoves and in dayrooms—just to provide a place to lie down. There are deficiencies in staff. The American Psychiatric Association allots one physician to every ninety-five patients. In one institution I visited, there was one physician for 290 patients; and in another, there was no psychiatrist for 1400 patients.

Human dignity is not for sale. But the things that permit human dignity are for sale if the funds are at hand. I have seen overcrowding, understaffing, obsolescence, and unimaginative custodial care.

I now believe that if the facts are known, the people of Pennsylvania will demand improvement. I believe, further, that if the funds are not provided to carry out a reasonable program for our mentally ill, the people of Pennsylvania will vote out of office any public official who shirks this cause.

What I have seen, what the committee leaders who traveled with me saw, is what you will now see. I am submitting as part of my message to you a documentary film that was taken when I made this tour. It will show you, I hope, what Pennsylvania can do and should do

and must do if we are to give to our citizens who have lost touch with reality some element of care and cure. Somehow, we must restore to them some aspect of the worth they as human being have in the eyes of God and deserve in the eyes of their fellowman.

Documentary pictures depicting conditions in the Mental Hospitals in Pennsylvania shown to the Joint Assembly.

The LIEUTENANT-GOVERNOR. Governor Leader, on behalf of the Members of the General Assembly I want to thank you for your message today and assure you it will receive most careful consideration.

The Committee on the part of the Senate and the House will now escort His Excellency, the Governor, to his Chambers.

### JOINT SESSION ADJOURNED

The LIEUTENANT-GOVERNOR. The business for which the joint session of the General Assembly was convened having been completed, the Chair declares the session adjourned.

The Senators will please re-assemble in the Senate Chamber.

The Chair now turns the gavel back to the Speaker of the House of Representatives.

The SPEAKER (Hiram G. Andrews) IN THE CHAIR

The SPEAKER. The Chair thanks the Lieutenant-Governor for presiding over the Joint Session. We have been pleased to meet with our fellow Legislators.

### PROCEEDINGS OF JOINT SESSION TO BE PRINTED IN JOURNAL

Mr. WHEELER. Mr. Speaker, I move that the proceedings of the Joint Session of the Senate and House of Representatives held this day be printed in full in the Legislative Journal.

The motion was agreed to.

### COMMUNICATION AND BILL TAKEN FROM TABLE

Mr. READINGER. Mr. Speaker, I move that House Bill No. 834, Printer's No. 1036 together with the communication from the Senate be taken from the table.

The motion was agreed to.

### COMMUNICATION FROM GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

### APPROVAL OF HOUSE CONCURRENT RESOLUTION RECALLING HOUSE BILL No. 834 FROM GOVERNOR

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, December 1, 1955.  
To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Concurrent Resolution recalling from the Governor House Bill No. 834, Printer's No. 1036, for the purpose of amendment.

Accordingly, the original bill is herewith returned.

GEORGE M. LEADER.



## RECONSIDERATION OF VOTE

Mr. READINGER. Mr. Speaker, I move that the vote by which this bill passed finally be reconsidered.

Mr. PETROSKY. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from Berks, Mr. READINGER vote on the final passage of this bill?

Mr. READINGER. Mr. Speaker, I voted with the prevailing side.

The SPEAKER. How did the gentleman from Westmoreland, Mr. Petrosky vote on the final passage of this bill?

Mr. PETROSKY. Mr. Speaker, I voted with the prevailing side.

On the question,

Will the House agree to the motion?

It was agreed to.

Mr. READINGER. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered.

The motion was agreed to.

Mr. READINGER. Mr. Speaker, I yield to the gentleman from Allegheny, Mr. Thomas.

On the question,

Will the House agree to the bill on third reading?

Mr. THOMAS. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

Amend Sec. 1 (Sec. 1), page 5, line 17, by striking out the brackets before and after "two" and by striking out out "three".

Amend Sec. 1 (Sec. 1), page 8, line 15, by striking out the brackets before and after "two" and by striking out "three".

The SPEAKER. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

## BILLS SIGNED BY SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

## HOUSE BILL No. 1002.

An Act relating to conditional sales made prior to July 1 1954

## HOUSE BILL No. 1089.

An Act amending the act of May 17, 1921 (P. L. 682), entitled "An act relating to insurance; amending, revising, and consolidating the law providing for the incorporation of insurance companies, and the regulation, supervision, and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations, and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing laws,"

defining and providing for the establishment, maintenance and the amount of and use of unearned premium reserves, the release of unearned premiums, reserves for unpaid losses and loss expense and the investment of reserve funds.

## HOUSE BILL No. 1091.

An Act amending the act of May 17, 1921 (P. L. 682) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" providing for and regulating the investments of title insurance companies

## HOUSE BILL No. 1172.

An Act amending the act of June 14, 1923 (P. L. 710) entitled "An act allowing and regulating boxing sparring and wrestling matches and exhibitions establishing a State Athletic Commission making an appropriation therefor and appropriating moneys received for monument and memorial purposes and prescribing penalties" prohibiting the use of a fictitious or assumed name for the purpose of participating in any amateur boxing match or exhibition

## HOUSE BILL No. 1552.

An Act authorizing and directing the Governor on behalf of the Commonwealth of Pennsylvania to execute an interstate compact concerning juveniles and for related purposes

## HOUSE BILL No. 1722.

An Act amending the act of May 15 1933 (P. L. 624) entitled as amended "An act relating to the business of banking and to the exercise of fiduciary powers by corporations providing for the organization of corporations with fiduciary powers and of banking corporations with or without fiduciary powers including the conversion of National banks into State banks and for the licensing of private bankers and employees' mutual banking associations defining the rights powers duties liabilities and immunities of such corporations of existent corporations authorized to engage in a banking business with or without fiduciary powers of private bankers and employees' mutual banking associations and of the officers directors trustees shareholders attorneys and other employees of all such corporations employees' mutual banking associations or private bankers or of affiliated corporations associations or persons restricting the exercise of banking powers by any other corporation association or person and of fiduciary powers by any other corporation conferring powers and imposing duties upon the courts prothonotaries recorders of deeds and certain State departments commissions and officers imposing penalties and repealing certain acts and parts of acts further regulating changes of place of business and establishment of branches.

## HOUSE BILL No. 1737.

An Act amending the act of May 5 1933 (P. L. 457) entitled "An act relating to the business of building and loan associations providing for the organization and voluntary dissolution of such associations defining the rights powers duties liabilities and immunities of such associations and of their officers directors shareholders solicitors and other employees prohibiting the transaction of business in this Commonwealth by foreign building and loan associations conferring powers and imposing duties upon the courts recorders of deeds and certain State departments commissions and officers establishing limitations of actions imposing penalties and repealing



certain acts and parts of acts" regulating the establishment of places of business and changes in the places of business and the establishment and maintenance of branches.

#### SENATE BILL No. 218.

An Act to further amend Section 2 of the act approved the twentieth day of June one thousand nine hundred forty-seven (P. L. 733) entitled as amended "An act to provide revenue in school districts of the first class A by imposing a temporary tax upon certain classes of personal property providing for its levy and collection conferring and imposing powers and duties on the county assessing authority board of revision of taxes, receiver of school taxes, school treasurer, board of public education in such districts and courts, providing for compensation to certain officers and employees and imposing penalties" by providing for the method of valuation of taxable shares of stock in any regulated investment company.

#### SENATE BILL No. 520.

An Act amending the act of May 4, 1927 (P. L. 519) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" further regulating the procedure to be followed in enacting necessary ordinances in the course of preparing a consolidation codification or revision of ordinances

#### SENATE BILL No. 531.

An Act amending the act of May 3, 1909 (P. L. 413), entitled "An act relating to the granting of titles by the Commonwealth of Pennsylvania to vacant or unappropriated land, the price to be paid for the same, the conveyance to the State Forestry Reservation Commission, where desirable for forest culture or forest preservation, preventing the granting of warrants for the beds of navigable rivers, and providing for acceptance of returns of surveys without limitation as to excess or surplus," providing for and regulating the granting of warrants or other office rights and easements in across and under the beds of navigable rivers for sewer lines and other facilities of sewage treatment systems

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

#### BILLS ON FINAL PASSAGE

Mr. READINGER. Mr. Speaker, I call up on page 5 of today's calendar, bills on final passage, House Bill 323.

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 323 as follows:

An Act providing for the protection of the public safety by regulating the sale offering or exposing for sale at retail and the use of air rifles defining air rifles authorizing cities boroughs towns and townships to issue permits for licensing and to regulate target ranges imposing duties on the Pennsylvania State Police sheriffs police officers and constables and providing penalties The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 As used in this act

(1) "Air rifles" mean and include any air gun air pistol spring gun spring pistol B-B gun or any implement that is not a firearm which impels with force a pellet of any kind

(2) "Municipalities" include cities boroughs incorporated towns and townships

(3) "Dealer" means any person copartnership association or corporation engaged in the business of selling at retail or renting any of the articles included in the definition of air rifle

Section 2 (a) It shall be unlawful for any dealer to sell lend rent give or otherwise transfer an air rifle to any person under the age of eighteen (18) years where the dealer knows or has reasonable cause to believe the person to be under eighteen (18) years of age or where such dealer has failed to make reasonable inquiry relative to the age of such person and such person is under eighteen (18) years of age

(b) It shall be unlawful for any person to sell give lend or otherwise transfer any air rifle to any person under eighteen (18) years of age except where the relationship of parent and child guardian and ward or adult instructor and pupil exists between such person and the person under eighteen (18) years of age

Section 3 Notwithstanding any inconsistent provisions of this act it shall be lawful for any person under eighteen (18) years of age to have in his possession any air rifle if it is

(1) Kept within his domicile

(2) Used by the person under eighteen (18) years of age and he is a duly enrolled member of any club team or society organized for educational purposes and maintaining as part of its facilities or having written permission to use an indoor or outdoor rifle range under the supervision guidance and instruction of a responsible adult

(3) Used in or on any private grounds or residence under circumstances when such air rifle can be fired discharged or operated in such a manner as not to endanger persons or property and also in such manner as to prevent the projectile from transversing any grounds or space outside the limits of such grounds or residence

Section 4 (a) It shall be unlawful for any person under eighteen (18) years of age to carry any air rifle on the public streets roads or highways or public lands within the Commonwealth unless accompanied by an adult provided however that said person under eighteen (18) years of age may carry such air rifle unloaded in a suitable case or securely wrapped

(b) It shall be unlawful for any person to discharge any air rifle from or across any street sidewalk road highway or public land or any public place except on a properly constructed target range

Section 5 The governing body of any city borough town or township shall have power under reasonable rules and regulations adopted by it to grant permits for operating target ranges to be held therein by municipalities fair associations amusement marks and other organizations or groups of individuals Every target range shall be supervised by a competent operator to be approved by the governing body of the municipality in which the range is to be located Application for permits shall be made in writing and no permit granted hereunder shall be transferable

Section 6 The provisions of this act shall not be construed to prohibit sales of air rifles (1) by wholesale dealers or jobbers or (2) to be shipped out of the Commonwealth or (3) to be used at a target range operated in accordance with section 3 of this act or by members of the armed services of the United States or veterans' organizations

Section 7 The Pennsylvania State Police or any sheriff police officer or constable shall seize take remove or cause to be removed at the expense of the owner all air rifles offered for sale in violation of this act

Section 8 Any person copartnership association or corporation violating the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of one hundred dollars (\$100) for each offense and in default of the payment thereof the individual or the partners of any copartnership or the members of any association or the officers or directors of any corporation responsible for the violation of this act may be sentenced to imprisonment for not more than sixty days or both

Section 9 Section 625 act of June 24 1939 (P. L. 872) known as "The Penal Code" and its amendments is repealed in so far as inconsistent herewith

On the question,

Shall the bill pass finally?



Mr. READINGER. Mr. Speaker, House Bill 323 has been sponsored by Dr. Sarraf and Mr. Kamyk of Allegheny County.

I have not had an opportunity to discuss with them whether they intend to speak on the bill, but I do want the House to be aware of the fact that this is a piece of legislation which is designed to give some greater measure of control over the use of so-called B-B guns.

As all of us know, there have been many, many accidents over the years where one child carelessly sometimes maliciously, used one of these guns and injured another child, especially when the missile hit the eye.

There have been bills introduced from session to session which would have outlawed completely the use of B-B guns. This bill does not do that. It sets up a method by which youngsters can be kept under control, it allows them to use these guns at ranges which are authorized by local municipalities. While I am not too familiar with all of the details, I understand it is modeled after a plan which is in use in Detroit, Michigan, and which apparently has worked out very well.

I think the time has long since passed when we should be passing a bill of this kind. I know several sessions ago I was co-sponsor with one of our blind Members from the coal regions, Mr. Wachhaus, and I believe the bill at that time would have outlawed the use of these guns entirely, and it consequently did not pass.

I do hope the Members of the House today can see fit to vote for this bill, because it does not unnecessarily curb the activity of the children, it does not stop the use of these guns for target practice to teach children the use of this type of weapon. It does not do anybody any harm, but it can do our children a great deal of good, so I hope the Members will support the bill.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

## YEAS—153

Adam,	Frank,	Lutty,	Schuster,
Agnew,	Frascella,	Magee,	Sherman,
Amarando,	Frost,	Mahan,	Smith, C. C.,
Anderson, M. S.,	Gaffney,	Markley,	Smith, Wm. B.,
Anderson, S. A.,	Garlock,	McCann,	Snider,
Auker,	Gelfand,	McCormack,	Stank,
Barnatovich,	Gibb,	McGee,	Stebbins,
Bazlin,	Goldstein,	McLaughlin,	Steckel,
Bell,	Guthrie,	Mihm,	Stephens,
Blair,	Hamilton, R. K.,	Miller,	Stevenson,
Boles,	Hamilton, W. H.,	Monroe,	Stone,
Bonner,	Hass,	Moody,	Stroup,
Boory,	Haudenschild,	Moran,	Swartz,
Bower,	Helm,	Muldowney,	Taylor,
Branca,	Henzel,	Mullen,	Thomas,
Brennan, A. P.,	Hewitt,	Munley,	Toll,
Brennan, J. J.,	Hocker,	Murphy,	Tompkins,
Breth,	Horst,	Musto,	Toomey,
Bucchin,	Houk,	Ogilvie,	Varallo,
Bullen,	Isaacs,	Olsen,	Varnier,
Capano,	Jenkins,	O'Neil,	Verona,
Cianfrani,	Johnson,	Pacchioli,	Wallace,
Cioffi,	Jones, G. E.,	Parry,	Wargo,
Cochran,	Jump,	Pashley,	Waterhouse,
Comer,	Kamyk,	Paulhamus,	Weldner,
Connelly,	Keller,	Petrosky,	Welsh,
Curwood,	Kent,	Pettigrew,	Wescott,
Donahue,	Kolankiewicz,	Polaski,	Wheeler,
Dougherty,	Kooker,	Polen,	Willaredt,
Ehrgood,	Kornick,	Pomeroy,	Williams,
Eilberg,	Kubacki,	Price,	Wilt,
Eshleman,	Lawyer,	Readinger,	Wood,

Ewing,  
Fllo,  
Fineman,  
Flint,  
Floyd,  
Flynn,  
Poster.

Leiby,  
Leonard,  
Leven,  
Light,  
Limper,  
Lopresti,  
Lovett,

Reibman,  
Renwick,  
Rigby,  
Rovanssek,  
Rudisill,  
Sarraf,  
Scarcell,

Worley,  
Yetter,  
Yetzer,  
Ziegler,  
Andrews,  
Speaker

## NAYS—26

Banker,  
Breisch,  
Brenninger,  
Brown,  
Davis,  
Erb,  
Farabaugh,

Gramlich,  
Guss,  
Jones, T. H. W.,  
Kline,  
Kratz,  
Kromer,

Lelsey,  
McInroy,  
Meholchick,  
Mikula,  
Moscip,  
Murray, H. P.,

Murray, P. G.,  
Naugle,  
Pursley,  
Royer,  
Strausser,  
Wall,  
Whitenight,

## NOT VOTING—30

Ashton,  
Cooper,  
Donaldson,  
Down,  
George,  
Gibson,  
Greenwood,  
Heavy,

Holt,  
Kehler,  
Knecht,  
Lafore,  
Lippincott,  
Maxwell,  
McKeever,

McWherter,  
Metz,  
Mills,  
Murray, J. J.,  
Needham,  
Reidenbach,  
Rosen,

Rubin,  
Sigman,  
Stoner,  
Thompson,  
Vaughan,  
Walsh,  
Young,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Mr. READINGER. Mr. Speaker, I call up on page 5 of today's calendar, bills on final passage, House Bill 1750.

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 1750, as follows:

An Act amending the act of August 9, 1955 (P. L. — Act No. 130) entitled "An act relating to counties of the third fourth fifth sixth seventh and eighth classes amending revising consolidating and changing the laws relating thereto" providing for appeals to courts of common pleas from the decisions of salary board

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 1625 act of August 9, 1955 (P. L. Act No. 130) known as "The County Code" is amended to read

Section 1625 Procedure and Act of Board (a) Except as herein otherwise provided whenever the board shall consider the number or salaries of the deputies or other employees of any county officer or agency such officer or the executive head of such agency shall sit as a member of the board as long as any matter affecting his office or agency is under consideration and no longer

(b) Whenever the board shall consider the number or salaries of the court criers or tipstaves or other court employees the president judge of the court shall sit as a member of the board as long as any matter affecting the court criers tipstaves or employees of his court is under consideration and no longer

(c) Whenever the board shall consider the number or salaries of the officers or employees appointed by any judge of any court such judge shall sit as a member of the board as long as any matter affecting any of his appointees is under consideration and no longer

(d) The decision of a majority shall govern Each board shall keep a correct minute book of its proceedings in all cases heard and determined by it Such minute book shall be a public record

(e) Any member of the board aggrieved by the action of the board in any case heard and determined by it shall have the right to appeal the same to the court of common pleas Provided That no appeal shall be granted by the court unless the court finds as a fact that the salary board acted arbitrarily and that to refuse the appeal would prevent the proper functioning of the office of the



aggrieved member and provided further that in any appeal taken from the action of the board by a judge of said county the matter shall be heard and determined by a judge of the court of common pleas of another county

On the question,  
Shall the bill pass finally?

Mr. LAWYER. Mr. Speaker, I would like to make a brief statement about this bill.

The provisions of House Bill 1750 are very simple and I feel that the legislation here is necessary because of certain judicial opinions that now exist. This bill was not presented as part of the County Code because it was thought that it might delay the passage of that larger document, and that is why it is on the calendar as a separate bill.

Under the present law, no matter on what factual basis the Salary Board may make a decision there is no right to appeal to the courts. It was felt to protect all the parties who are members of the Salary Board from the arbitrary action of a majority on the Board, that there should be some specific provision in the law to allow an appeal by an aggrieved member of the Salary Board in the event, and only in the event, that the court finds as a fact that the Salary Board acted arbitrarily, and that to allow the Salary Board's decision to stand would be to hamper the conduct of the office in question.

After the Bill was originally introduced it was also felt that it should be spelled out specifically, in the event that the aggrieved party was a member of the judiciary from the county, that there should be a proviso that the judge from another county should sit in determining the appeal. That also was added as an amendment.

As the bill now stands, if there is an appeal by a member of the judiciary from the county the appeal would be heard by a judge of the common pleas court of another county, so that even though there were an appeal by the judge of the orphans' court of the particular county, a judge of the common pleas court of that county would not hear it, but it would be heard by a common pleas judge of another county.

I feel this legislation is necessary under the present law, and I ask all the Members to support the bill in its present form.

Mr. TOMPKINS. Mr. Speaker, I would like to interrogate the gentleman from York, Mr. Lawyer.

The SPEAKER. Will the gentleman from York, Mr. Lawyer, permit himself to be interrogated?

Mr. LAWYER. I shall, Mr. Speaker.

Mr. TOMPKINS. Mr. Speaker, I think the gentleman stated that where a judge's salary is involved a judge from another county would hear that appeal. Is that right?

Mr. LAWYER. That is correct, Mr. Speaker.

Mr. TOMPKINS. Mr. Speaker, since when do the County Salary Boards fix the salaries of judges? I thought we fixed them.

Mr. LAWYER. Mr. Speaker, this is not a question of the judge himself, it is a question of the judge's employees whose salary is now fixed by the Salary Board. If a judge felt aggrieved, if the Salary Board acted arbitrarily towards one of his employees, there is no place to appeal.

Mr. TOMPKINS. Mr. Speaker, does the present bill then provide that if any employee of the judge is involved a different judge will hear that appeal?

Mr. LAWYER. That is correct, Mr. Speaker.

On the question recurring,  
Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

## YEAS—111

Adam,	Floyd,	Lovett,	Rigby,
Amarando,	Flynn,	Mahan,	Rovanssek,
Anderson, S. A.,	Frank,	McGee,	Royer,
Auker,	Frost,	Mehoichick,	Rudisill,
Barnatovich,	Gaffney,	Mihm,	Scarcelli,
Bazin,	Gelfand,	Mikula,	Sherman,
Blair,	Gramlich,	Miller,	Smith, Wm. B.,
Boory,	Guss,	Monroe,	Stank,
Bower,	Hamilton, R. K.,	Moody,	Stebbins,
Branca,	Hass,	Moran,	Stevenson,
Brelschi,	Hewitt,	Moscrip,	Stone,
Brennan, A. P.,	Hocker,	Muldowney,	Strausser,
Brennan, J. J.,	Horst,	Mullen,	Stroup,
Brenninger,	Jenkins,	Murray, P. G.,	Swartz,
Buechin,	Johnson,	Musto,	Taylor,
Capano,	Jones, G. E.,	Naugle,	Thomas,
Cianfrani,	Jones, T. H. W.,	Ogilvie,	Toll,
Cioffi,	Jump,	Pacchioli,	Toomey,
Curwood,	Keller,	Parry,	Varallo,
Davis,	Kent,	Pashley,	Varner,
Donahue,	Kline,	Paulhamus,	Wall,
Dougherty,	Kratz,	Petrosky,	Weidner,
Elberg,	Lawyer,	Polaski,	Williams,
Erb,	Leiby,	Polen,	Wood,
Eshleman,	Leonard,	Price,	Worley,
Farabaugh,	Leven,	Readinger,	Yetter,
Fineman,	Limper,	Reibman,	Yetzer,
Flint,	Lopresti,	Renwick,	

## NAYS—52

Agnew,	Gibb,	Light,	Sarraf,
Anderson, M. S.,	Goldstein,	Magee,	Schuster,
Bell,	Guthrie,	Markley,	Snider,
Boles,	Hamilton, W. H.,	McCann,	Steckel,
Bonner,	Haudenschild,	McInroy,	Tompkins,
Brown,	Helm,	McLaughlin,	Wallace,
Bullen,	Henzel,	Munley,	Wargo,
Connolly,	Houk,	Murphy,	Welsh,
Ehrgood,	Inaacs,	Murray, H. P.,	Wescott,
Ewing,	Kamyk,	Olsen,	Wheeler,
Filo,	Kornick,	O'Neill,	Willaredt,
Foster,	Kromer,	Pomeroy,	Wilt,
Garlock,	Lelsey,	Pursley,	Andrews,

Speaker

## NOT VOTING—46

Ashton,	Heavy,	McKeever,	Smith, C. C.,
Banker,	Holt,	McWherter,	Stephens,
Breth,	Kehler,	Metz,	Stoner,
Cochran,	Knecht,	Mills,	Thompson,
Comer,	Kolankiewicz,	Murray, J. J.,	Vaughan,
Cooper,	Kooker,	Needham,	Verona,
Donaldson,	Kubacki,	Pettigrew,	Walsh,
Down,	Lafore,	Reidenbach,	Waterhouse,
Frascella,	Lippincott,	Rosen,	Whitenight,
George,	Lutty,	Rubin,	Young,
Gibson,	Maxwell,	Sigman,	Ziegler,
Greenwood,	McCormack,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

## CALL OF THE HOUSE

Mr. READINGER. Mr. Speaker, I suggest the absence of a quorum.

The SPEAKER. The Sergeant-at-Arms will close the doors of the House admitting only Members and officers of the House; Members will not be permitted to leave.

The Clerk will call the roll and the Members will answer to their names.



The roll was called and was as follows:

## PRESENT—178

Adam,	Frank,	Lovett,	Royer,
Agnew,	Frascella.	Lutty,	Rudisill,
Amarando,	Frost,	Magae,	Sarra,
Anderson, M. S.,	Gaffney,	Mahan,	Scarcelli.
Anderson, S. A.,	Garlock,	Markley,	Schuster,
Auker,	Gelfand,	McCann,	Sherman,
Banker,	Gibb,	McCormack,	Smith, C. O.,
Barnatovich,	Goldstein,	McGee,	Smith, Wm. B.,
Bazin,	Gramlich,	McInroy,	Snider,
Bell,	Guss,	McLaughlin,	Stank,
Blair,	Guthrie,	Meholchick,	Stebbins,
Boles,	Hamilton, R. K.,	Metz,	Steckel,
Bonner,	Hamilton, W. H.,	Mihm,	Stephens,
Boory,	Hass,	Mikula,	Stevenson.
Bower,	Haudenschild,	Miller,	Stone,
Branca,	Helm,	Monroe,	Strausser,
Brennan, A. P.,	Henzel,	Moody,	Stroup,
Brennan, J. J.,	Hewitt,	Moran,	Swartz,
Brenninger,	Hocker,	Moscrip,	Taylor,
Breth,	Horst,	Muldowney,	Thomas,
Brown,	Houk,	Mullen,	Toll,
Bucchin,	Isaacs,	Munley,	Tompkins,
Bullen,	Jenkins,	Murphy,	Toomey,
Capano,	Johnson,	Murray, H. P.,	Varallo,
Cianfrani,	Jones, G. E.,	Murray, P. G.,	Varnier,
Cioffi,	Jones, T. H. W.,	Musto,	Verona,
Cochran,	Jump,	Naugle,	Wall,
Comer,	Kamyk,	Ogilvie,	Wallace,
Connelly,	Keller,	Olsen,	Wargo,
Curwood,	Kent,	O'Neil,	Waterhouse,
Davis,	Kolankiewicz,	Pacchioni,	Weidner,
Donahue,	Kooker,	Parry,	Welsh,
Dougherty,	Kornick,	Pashley,	Wescott,
Ehrgood,	Kratz,	Paulhamus,	Wheeler,
Eilberg,	Kromer,	Petrosky,	Whitenight,
Erb,	Kubacki,	Polaski,	Willaredt,
Eshleman,	Lawyer,	Polen,	Williams,
Ewing,	Leiby,	Pomeroy,	Wilt,
Farabaugh,	Leisey,	Price,	Wood,
Filo,	Leonard,	Pursley,	Worley,
Fineman,	Leven,	Readinger,	Yetter,
Flint,	Light,	Reibman,	Yetzer,
Floyd,	Limper,	Renwick,	Ziegler,
Flynn,	Lopresti,	Rigby,	Andrews.
Foster,		Rovansek,	Speaker

## ABSENT WITH LEAVE—5

Donaldson,	Needham,	Reidenbach,	Walsh,
McKeever,			

## ABSENT WITHOUT LEAVE—26

Ashton,	Heavey,	Maxwell,	Rubin,
Breisch,	Holt,	McWherter,	Sigman,
Cooper,	Kehler,	Mills,	Stoner,
Down,	Kline,	Murray, J. J.,	Thompson,
George,	Knecht,	Pettigrew,	Vaughan,
Gibson,	Lafore,	Rosen,	Young,
Greenwood,	Lippincott,		

The SPEAKER. A quorum is present.

(Following the calling of the roll and before the result was announced.)

## STATEMENT BY SPEAKER

The SPEAKER. While the Clerk is tabulating the roll, the Chair desires to read a portion of the Rules:

"Those for whom no sufficient excuse is made, may by order of a majority of those present, be sent for and taken into custody wherever they may be found, by the Sergeant-at-Arms and his assistants appointed for that purpose, and brought before the bar of the House, where unless excused by a majority of the Members present, they shall be reproved by the Speaker for neglect of duty."

In the opinion of the Chair when there is a call of the

House and absent Members summoned to appear, the only adequate reasons for non-appearance is death in the family or a doctor's certificate of illness.

## PARLIAMENTARY INQUIRY

Mr. WATERHOUSE. I rise to a parliamentary inquiry. The SPEAKER. The gentleman will state it.

Mr. WATERHOUSE. Mr. Speaker, if there happens to be an epidemic in the metropolitan areas, will it be necessary to quarantine the House and keep us poor farmers here?

The SPEAKER. If the gentleman does not tackle any obstreperous steers, the Speaker does not think he need fear any trouble.

## PARLIAMENTARY INQUIRY

Mr. McCORMACK. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. McCORMACK. Mr. Speaker, is it in order for any Member of the House to move that further proceedings under the call of the House be dispensed with?

The SPEAKER. Not at this time.

Mr. McCORMACK. At what particular time will it be in order, Mr. Speaker?

The SPEAKER. The Chair will recognize the Majority Leader at the appropriate time.

Mr. McCORMACK. Mr. Speaker, it was stated by the Chair that it was the opinion of the Chair that the only valid excuse would be death in the family or a doctor's certificate.

The SPEAKER. The Chair stated that was the opinion of the Chair. That is not as yet the opinion of the House.

Mr. READINGER. Mr. Speaker, does the name of Mr. Stephens appear on the list of absentees. May I be informed whether his name is on that list?

The SPEAKER. His name is on the list of absentees.

Mr. READINGER. May I ask the House to take cognizance of the fact that the gentleman is here? I ask that his name be stricken from the list of absentees.

The SPEAKER. The gentleman will be marked as being present

## LEAVE OF ABSENCE

Mr. BAZIN. I arrived late this afternoon and I was instructed last night to ask for leave of absence for Mr. Rosen from Philadelphia, because of illness.

Mr. READINGER. Mr. Speaker, may I ask if that leave of absence has been requested for today's session or any other time?

Mr. BAZIN. I imagine it would be for the week. The gentleman told me he was sick. I am asking for leave of absence for him for the remainder of the week, I imagine.

The SPEAKER. Does the gentleman from Philadelphia have personal knowledge whether his colleague is sick?

Mr. BAZIN. The Member called me at my home. I could not see him through my phone. All I know is that he called me at home, told me he was sick, and I should request leave of absence for him.

Mr. READINGER. Mr. Speaker, may I suggest that the request for leave of absence be restricted to today's session, and that the gentleman renew his request again tomorrow if he deems it proper?



The SPEAKER. The gentleman from Berks, Mr. Readinger, suggests that leave of absence be granted to the gentleman from Philadelphia for today's session only, and that the request be renewed at tomorrow's session. Without objection leave is granted for today. The Chair hears none.

Mr. JOHNSON. Mr. Speaker, I would like to have the record show that Representative Ashton, Breisch and Kline on the Republican side were present in the Hall of the House today, and for good reasons had to leave to go to their homes, but will be back at tomorrow's session.

The SPEAKER. The Chair thanks the gentleman.

Mr. RIGBY. I would like to request a leave of absence for my colleague, Mr. Vaughan, who is out of the state, due to very serious illness in his family.

The SPEAKER. What is the pleasure of the Majority Leader?

Mr. READINGER. I certainly think the House should grant such a request, Mr. Speaker.

The SPEAKER. Without objection, leave is granted.

### ABSENT MEMBERS TO BE NOTIFIED

Mr. READINGER. Mr. Speaker, I move that the Chief Clerk of the House be instructed to notify the Members who are absent without leave to be present in the House when the session convenes on Tuesday, December 20th at 11:00 a. m. and to have the absent Members present or have them state the reason for their absence.

The motion was agreed to.

### INTERROGATION

Mr. JOHNSON asked and obtained unanimous consent to interrogate the Chairman of the Appropriations Committee.

Mr. Speaker, I would like to interrogate the gentleman from Washington, Mr. Polen. I see he is leaving the Hall of the House, but I would like to interrogate the gentleman if I may.

The SPEAKER. Will the gentleman from Washington, Mr. Polen, permit himself to be interrogated?

Mr. POLEN. Mr. Speaker, you just requested that car license 941 be removed by 7:00 o'clock. I am going to have to hurry to do that now. I could return in a few minutes.

Mr. JOHNSON. Well, it will only take a moment.

Mr. Speaker further continuing my interrogation of the gentleman on last Wednesday, does the gentleman intend to hold a meeting of the Committee on Appropriations today with a view of having released from committee Senate Bill 899, which makes an emergency appropriation to our schools in the amount of \$110 million?

Mr. POLEN. Mr. Speaker, it is our intention to have a meeting of the Committee on Appropriations tomorrow to consider this bill.

Mr. JOHNSON. Well, does the gentleman feel then that this bill could pass this House and be put on the Governor's desk before Christmas if there is a meeting tomorrow?

Mr. POLEN. If we had a meeting today it couldn't be placed in the Governor's desk by Christmas, Mr. Speaker.

Mr. JOHNSON. Well, I understand we could read it for the first time today, and we are going to have a token session on Wednesday when it could pass the

House and be put on the Governor's desk. The Senate will still be in session.

Mr. POLEN. The bill will be amended, and therefore, could not be given first reading in the House today.

Mr. JOHNSON. In other words you intend to—

Mr. POLEN. I also understand, Mr. Speaker, that there has been no decision to have a session on Wednesday. I understand we were called for Monday and Tuesday.

Mr. JOHNSON. Well, I believe that the House will have to be in session for the Speaker to sign the emergency appropriation bill for the Department of Public Assistance in the presence of the House on Wednesday.

Does the gentleman intend that the bill will come out of Committee and be weighted down with amendments just like Senate Bill 785, is that correct?

Mr. POLEN. Mr. Speaker, we are certainly going to consider amendments that are necessary to make this bill workable, and also necessary to give certain rights to the Executive. As the bill now reads, it is a shallow bill and it may not be necessary to borrow the money under this bill, but we are going to pass a bill that will enable the Governor and the State Treasurer and the Auditor General to do that. It is our intentions to amend it along those lines.

I might say to the gentleman from McKean that even if the bill were passed it will be at least five weeks beyond the time the Governor signs it before the money would be available, and we are working on a plan which I think will enable us to get money to the schools many, many weeks before that.

Mr. JOHNSON. Mr. Speaker, I hope that applause comes true because it sounded rather empty and shallow to me.

The gentleman had the bill over the weekend and he could have had amendments drawn and had his Committee meeting today, could he not, to get that bill out of committee?

Mr. POLEN. Mr. Speaker, first I will answer his question. I received the bill this morning and we immediately started working on the amendments. I would say to the gentleman from McKean that one of the amendments has not yet been received.

Mr. JOHNSON. I believe that is all, Mr. Speaker. I have the gentleman's answer and we will let the record stand upon what I have said and upon the gentleman has said.

Mr. POLEN. Mr. Speaker, in order to keep the record straight, I will say that I had hoped to hold a meeting today, and to make a statement on our position on the school subsidies that are overdue. However, certain things have not as yet been settled, and tomorrow I hope to be in a position to make a full disclosure of the means we will use not to give promises or borrowing power, but to give money to the school districts of Pennsylvania.

### SENATE MESSAGE

#### AMENDED SENATE BILLS CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives to Senate bills numbered and entitled as follows:



## SENATE BILL NO. 192.

An Act providing for and regulating the licensing and practice of practical nursing imposing duties on the State Board of Nurse Examiners and imposing penalties

## SENATE BILL No. 365.

An Act regulating the sale and possession of certain dangerous drugs in the interest of public health and imposing penalties

## BILLS SIGNED BY SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

## SENATE BILL No. 190.

An Act amending the act of March 10, 1949 (P. L. 30) entitled "An act relating to the public school system including certain provisions applicable as well to private and parochial schools amending revising consolidating and changing the laws relating thereto" further regulating the employment of teachers who are related to members of the board of school directors

## SENATE BILL No. 192.

An Act providing for and regulating the licensing and practice of practical nursing imposing duties on the State Board of Nurse Examiners and imposing penalties

## SENATE BILL No. 365.

An Act regulating the sale and possession of certain dangerous drugs in the interest of public health and imposing penalties

Whereupon,

The Speaker in the presence of the House, signed the same.

## RESOLUTIONS

Mr. SHERMAN offered a resolution which was filed with the Clerk under the Rules.

Mr. FARABAUGH offered a resolution which was filed with the Clerk under the Rules.

## COMMITTEE MEETINGS

AGRICULTURE and DAIRY INDUSTRIES, Mr. Snider, Chairman, Room 331, Tuesday, December 20, at 10:00 a. m.

CONSERVATION AND WILD LIFE, Mr. Breth, Chairman, Room 331, Tuesday, December 20, at 10:30 a. m.

INSURANCE, Mr. Robert K. Hamilton, Chairman, Room 330, Tuesday, December 20, at 10:30 a. m.

JUDICIARY, Mr. Lopresti, Chairman, Room 145, Tuesday, December 20, at 10:00 a. m.

MINES AND MINING, Mr. Williams, Chairman, Room 323, Tuesday, December 20, at 10:45 a. m.

PROFESSIONAL LICENSURE, Mr. Boies, Chairman, Room 325, Tuesday, December 20, at 10:00 a. m.

PUBLIC HEALTH AND SANITATION, Mr. McGee, Chairman, Room 522, Tuesday, December 20, at 11:30 a. m.

The Legislative Service Club will meet tomorrow, Tuesday morning, for breakfast in the Private Dining Room of the Capitol Cafeteria at 8:30 a. m.

## ADJOURNMENT

Mr. FLYNN. Mr. Speaker, I move that this House do now adjourn until Tuesday, December 20, 1955 at 11:00 a. m.

The motion was agreed to, and (at 7:00 p. m.) the House adjourned.



# Legislative Journal.

Session 1955.

141st of the General Assembly.

Vol. 34.

HARRISBURG, PA., TUESDAY, DECEMBER 20, 1955.

No. 121.

## SENATE

TUESDAY, December 20, 1955.

The Senate met at 11:00 o'clock, a. m., Eastern Standard Time.

The PRESIDENT (Lieutenant-Governor Roy E. Furman) in the Chair.

### PRAYER

The Chaplain, Rev. L. J. KAUFMAN, Pastor of Fayetteville Lutheran Parish, Fayetteville, offered the following prayer:

Our Father and our God, as we humbly pause for a few moments before Thee in prayer, may we give Thee the thanks and the praise for all the accomplishments attained. May each one feel that the power of faith, life and hope in dealing with the problems and decisions we make is not our will but Thine to be done.

May Thy continued blessing abide with all those absent because of illness, and may their return to their place of duty be soon realized.

Give us the courage to change our minds when it is needed; help us to be tolerant of the thoughts of others, and move each one with the sway of what is truth, right, and justice and that united we are ever for the principles of liberty, freedom and American democracy, and that by Thy power we cannot do anything but that which Thou wouldst have us do. We pray for the evidence of what is said and done here; that Thou has permitted a vote and that men yielded to Thee.

May each one enjoy Christmas season with the blessings of "Peace on earth and good will unto all mankind," as a brotherhood of men under the Fatherhood of God. For the New Year, new hopes, new life, and the endeavor with liberty and democracy justified unto all mankind. Unto Thee, O Lord, is all our praise and prayer for the continued guidance in the new year to our honorable President of the United States and all his servants; to our Honorable Governor of our great Commonwealth and all his servants.

Finally, Dear Father, for this great Commonwealth of Pennsylvania, her state and Nation, ever to abide in Thee, Amen.

### JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. MAHANY and Mr.

HAYS, further reading was dispensed with, and the Journal was approved.

### LEAVES OF ABSENCE

Mr. MAHANY asked and obtained leave of absence for Mr. PECHAN, due to illness.

Mr. LANE asked and obtained leave of absence for Mr. DERK, due to illness.

He also asked and obtained leave of absence for Mr. YOSKO, due to illness.

### CONSIDERATION OF CALENDAR OUT OF ORDER

Mr. MAHANY. Mr. President, I ask unanimous consent that we take up today's Calendar, out of order, so that we may dispose of House Bill No. 1267, and that it may be received by the House of Representatives while they are still in Session.

The PRESIDENT. Is there objections? The Chair hears none.

### HOUSE BILL No. 1267 CALLED UP OUT OF ORDER

Mr. MAHANY. Mr. President, at this time I would like to call up out of order, from today's Third Reading Calendar, House Bill No. 1267, Printer's No. 1254, for consideration at this time.

### BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 1267, as follows:

An Act amending the act of July 28, 1953 (P. L. 723) entitled "An act relating to counties of the second class amending revising consolidating and changing the laws relating thereto" increasing the annual salaries of certain officers in counties of the second class

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 1810 act of July 28, 1953 (P. L. 723) known as the "Second Class County Code" is amended to read

Section 1810 Salaries of County Officers The annual salaries of the following county officers shall be as follows

The sheriff [twelve thousand five hundred dollars (\$12,500)] thirteen thousand five hundred dollars (\$13,500)

The prothonotary [twelve thousand five hundred dollars (\$12,500)] thirteen thousand five hundred dollars (\$13,500)

The recorder of deeds [twelve thousand five hundred dollars (\$12,500)] thirteen thousand five hundred dollars (\$13,500)

The register of wills and clerk of the orphans' court



[five thousand five hundred dollars (\$5,500)] six thousand five hundred dollars (\$6,500)

The clerk of the court [twelve thousand five hundred dollars (\$12,500)] thirteen thousand five hundred dollars (\$13,500)

The treasurer [twelve thousand five hundred dollars (\$12,500)] thirteen thousand five hundred dollars (\$13,500)

The controller [twelve thousand five hundred dollars (\$12,500)] thirteen thousand five hundred dollars (\$13,500)

The coroner [twelve thousand five hundred dollars (\$12,500)] thirteen thousand five hundred dollars (\$13,500)

The district attorney [fourteen thousand dollars (\$14,000)] fifteen thousand dollars (\$15,000)

The chairman of the county commissioners [eighteen thousand five hundred dollars (\$18,500)] nineteen thousand five hundred dollars (\$19,500) the other county commissioners [fifteen thousand five hundred dollars (\$15,500)] sixteen thousand five hundred dollars (\$16,500) each

Two elective jury commissioners [six thousand dollars (\$6,000)] nine thousand dollars (\$9,000)

Section 2 The act of July 29, 1953 (P. L. 986) entitled "An act fixing the salary of jury commissioners in counties of the second class" is repealed

Section 3 This act shall take effect immediately

And said bill having been read at length the third time, and agreed to.

And the amendments made thereto having been printed as required by the Constitution.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

#### YEAS—45

Bane,	Fleming,	McCreesh,	Seyler,
Barr,	Haluska,	McGinnis,	Silvert,
Berger,	Harney,	McMenamin,	Stevenson,
Blass,	Hays,	McPherson, Jr.	Stiefel,
Camiel,	Holland,	Miller,	Taylor,
Chapman,	Kessler,	Mullin,	Van Sant,
Dent,	Koprivier, Jr.	Peelot,	Wagner,
Diehm,	Lane,	Propert,	Watkins,
DiSilvestro,	Madigan,	Ruth,	Watson,
Donolow,	Mallery,	Schmidt,	Weiner,
Flack,	Mahany,	Scott,	Whalley,
			Wolfe,

#### NAYS—1

Wade,

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

#### HOUSE BILL No. 1923 CALLED UP OUT OF ORDER

Mr. MAHANY. Mr. President, I now call up out of order, from today's Third Reading Calendar House Bill No. 1923, Printer's No. 1227, for consideration at this time.

#### BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 1923, as follows:

An Act making an appropriation to the Department of Public Assistance and providing for certain allocations therefrom for the purpose of carrying out the Public

Assistance Law for the two fiscal years beginning June first one thousand nine hundred fifty-five

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of fifteen million dollars (\$15,000,000) or as much thereof as may be necessary is hereby specifically appropriated to the Department of Public Assistance for the payment of assistance and administrative expenses as provided by the Public Assistance Law and for the payment of attorneys' fees and court costs necessary for the proper conduct of the work of the Department of Public Assistance for the two fiscal years beginning June first one thousand nine hundred fifty-five and for the payment of assistance and administrative expenses attorneys' fees and court costs accrued or incurred prior to and remaining unpaid on May thirty-first one thousand nine hundred fifty-five

Section 2 Out of the moneys appropriated by Section One of this Act the Department of Public Assistance shall allocate funds from time to time for the several assistance programs (old age assistance aid to dependent children pensions for the blind general assistance and other programs provided by the Public Assistance Law) for administrative expenses of the several county boards of assistance for such administrative expenses incurred by the department which are chargeable to such boards and for the payment of attorney's fees and court costs necessary for the proper conduct of the work of the department

Section 3 Out of the moneys appropriated by Section One of this act there is hereby allocated to the Treasury Department the sum of one hundred fifty-seven thousand five hundred dollars and to the Department of the Auditor General the sum of eighty-four thousand dollars (\$84,000) to pay the administrative expenses of said departments in auditing and disbursing the appropriation made by this Act.

Section 4 The amount of money expended out of the appropriation made hereby shall be deducted from the general biennial appropriation to the Department of Public Assistance

And said bill having been read at length the third time, and agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

#### YEAS—46

Bane,	Haluska,	McGinnis,	Silvert,
Barr,	Harney,	McMenamin,	Stevenson,
Berger,	Hays,	McPherson, Jr.	Stiefel,
Blass,	Holland,	Miller,	Taylor,
Camiel,	Kessler,	Mullin,	Van Sant,
Chapman,	Koprivier, Jr.	Peelot,	Wade,
Dent,	Lane,	Propert,	Wagner,
Diehm,	Madigan,	Ruth,	Watkins,
DiSilvestro,	Mahany,	Schmidt,	Watson,
Donolow,	Mallery,	Scott,	Weiner,
Flack,	McCreesh,	Seyler,	Whalley,
Fleming,			Wolfe,

#### NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Mr. MAHANY. Mr. President, at this time I would like to have the Senate revert to Page 1 of today's Calendar, so that the bills can be considered in their regular order.

#### CALENDAR

BILL ON CONCURRENCE IN HOUSE AMENDMENTS RECALLED FROM THE GOVERNOR



Agreeably to order,

The Senate resumed the consideration of House Bill No. 342, as follows:

An Act amending the act of May 1, 1929 (P. L. 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" exempting and limiting the number of motor vehicles of war amputees from the payment of title or registration fees

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Subsection (a) of section 722 act of May 1, 1929 (P. L. 905) known as "The Vehicle Code" amended August 17, 1951 (P. L. 1264) and August 24, 1951 (P. L. 1352) is amended to read

#### Section 722 Exemptions from Fees

(a) No fee shall be charged for a certificate of title or registration of motor vehicles fire department equipment trailers and semi-trailers owned by and used exclusively in the performance of the duties of (a) the Federal Government (b) any state other than Pennsylvania which issues titles or registrations to this Commonwealth without charge (c) the Commonwealth of Pennsylvania (d) any city borough incorporated town township county poor or school district of this Commonwealth (e) any duly authorized volunteer fire force in the extinguishment and prevention of fires or in rescue work hospital humane society or anti-cruelty society in this Commonwealth (f) the American Red Cross (g) churches (h) Girl Scouts of America (i) Boy Scouts of America (j) Salvation Army (k) duly chartered post organization or combination of organizations of the American Legion Veterans of Foreign Wars Philippine Pacific War Veterans Navy Club of the United States United States Army Ambulance Corps Disabled American Veterans American Veterans of World War II (AMVETS) the Marine Corps League Military Order of the Purple Heart Jewish War Veterans Catholic War Veterans Inc or United Spanish War Veterans of this Commonwealth or La Societe Des Forty Hommes et Eight Chevaux and organizations and units of the Pennsylvania National Guard (l) mine or industrial ambulances Young Men's Christian Association and Young Women's Christian Association (m) ambassadors ministers foreign consuls general consuls and vice consuls who are nationals of the country appointing them and who are assigned to foreign consulates in this Commonwealth Provided That American consular officers of equal rank who are citizens of the United States and who exercise their official functions at American consulates in such foreign country are granted reciprocal exemptions No fee shall be charged for [certificates of title or registration of motor vehicles owned and used by war amputees which were obtained through the Veterans' Administration] One motor vehicle owned or used by any veteran who served in the armed forces of the United States during any period of war or armed conflict in which it was engaged and who lost a limb or became paralyzed as a result of such service All such vehicles except those owned and used by the Federal Government shall be titled and registered and shall dis-

play registration plates as is now provided for privately owned motor vehicles trailers and semi-trailers

\* \* \*

And the amendments made thereto having been printed as required by the Constitution.

On the question,

Will the Senate concur in the same?

SENATE CONCURS IN AMENDMENT MADE BY THE HOUSE TO HOUSE BILL No. 342, RECALLED FROM THE GOVERNOR

Mr. MAHANY. Mr. President, I move that the Senate do concur in the amendments made by the House to House Bill No. 342, recalled from the Governor for the purpose of amendment.

Mr. LANE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

#### YEAS—46

Bane,	Haluska,	McMenamin,	Stevenson,
Barr,	Harney,	McPherson, Jr.,	Stiefel,
Berger,	Hays,	Miller,	Taylor,
Blass,	Holland,	Mullin,	Van Sant,
Camiel,	Kessler,	Peelor,	Wade,
Chapman,	Koprivier, Jr.,	Probert,	Wagner,
Dent,	Lane,	Ruth,	Watkins,
Diehm,	Madigan,	Schmidt,	Watson,
DiSilvestro,	Mahany,	Scott,	Weiner,
Donolow,	Mallery,	Seyler,	Whalley,
Flack,	McCreesh,	Silvert,	Wolfe,
Fleming,	McGinnis,		

#### NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

BILL ON CONCURRENCE IN HOUSE AMENDMENTS RECALLED FROM THE GOVERNOR

Agreeably to order,

The Senate resumed the consideration of House Bill No. 662, as follows:

An Act amending the act of May 5, 1933 (P. L. 289) entitled "An act relating to nonprofit corporations defining and providing for the organization merger consolidation and dissolution of such corporations conferring certain rights powers duties and immunities upon them and their officers and members prescribing the conditions on which such corporations may exercise their powers providing for the inclusion of certain existing corporations of the first class within the provisions of this act prescribing the terms and conditions upon which foreign nonprofit corporations may be admitted or may continue to do business within the Commonwealth conferring powers and imposing duties on the courts of common pleas prothonotaries of such courts recorders of deeds and certain State departments commissions and officers authorizing certain local public officers and State departments to collect fees for services required to be rendered by this act imposing penalties and repealing certain acts and parts of acts relating to corporations" empowering nonprofit corporations to transfer their property and assets in trust

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 302 act of May 5, 1933 (P. L. 289)



known as the "Nonprofit Corporation Law" is amended by adding at the end thereof a new clause to read

Section 302 General Powers Subject to the limitations and restrictions contained in this act or in its articles every nonprofit corporation shall have power

(13) To transfer any part of its property and assets in trust to a corporate trustee which shall be a bank and trust company or trust company incorporated under the laws of Pennsylvania or a national banking association having fiduciary powers and having its principal office in Pennsylvania and to authorize such corporate trustee to invest and reinvest such property and assets subject to the same powers restrictions and obligations with respect to investment and reinvestment of such property and assets as are applicable to the nonprofit corporation itself and to pay over the net income therefrom to such nonprofit corporation at least semi-annually or at more frequent intervals if so agreed provided however that such transfer in trust may at any time be revoked by action of the directors

Section 2 This act shall take effect immediately

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate concur in the same?

SENATE CONCURS IN AMENDMENT MADE BY THE  
HOUSE TO HOUSE BILL No. 662,  
RECALLED FROM THE GOVERNOR

Mr. MAHANY. Mr. President, I move that the Senate do concur in the amendments made by the House to House Bill No. 662, recalled from the Governor for the purpose of amendment.

Mr. LANE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

#### YEAS—46

Bane,	Haluska,	McMenamin,	Stevenson,
Barr,	Harney,	McPherson, Jr.,	Stiefel,
Berger,	Hays,	Miller,	Taylor,
Blass,	Holland,	Mullin,	Van Sant,
Camiel,	Kessler,	Peelor,	Wade,
Chapman,	Koprivier, Jr.,	Propert,	Wagner,
Dent,	Lane,	Ruth,	Watkins,
Diehm,	Madigan,	Schmidt,	Watson,
DiSilvestro,	Mahany,	Scott,	Weiner,
Donolow,	Mallery,	Seyler,	Whalley,
Flack,	McCreesh,	Silver,	Wolfe,
Fleming,	McGinnis,		

#### NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

BILL ON CONCURRENCE IN HOUSE AMENDMENTS  
RECALLED FROM THE GOVERNOR

Agreeably to order,

The Senate resumed the consideration of House Bill No. 737, as follows:

An Act amending the act approved the ninth day of August one thousand nine hundred fifty-five (P. L. ) (Act No. 130) entitled "An act relating to counties of the third fourth fifth sixth seventh and eighth classes amending revising consolidating and changing the laws relating thereto" providing rooms for use of

the American Gold Star Mothers Inc and for certain ladies' auxiliaries

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Sections two thousand three hundred thirty-nine and two thousand three hundred sixty-two of the act approved the ninth day of August one thousand nine hundred fifty-five (P. L. ) (Act No. 130) entitled "An act relating to counties of the third fourth fifth sixth seventh and eighth classes amending revising consolidating and changing the laws relating thereto" are hereby amended to read as follows

Section 2339 Furnishing rooms for meetings of veterans of certain [veterans] wars and [of sons of veterans] other organizations The Board of Commissioners may in their discretion upon application thereof furnish to each organization composed of veterans of the Civil War veterans of the Spanish-American War veterans of [World War I and of World War II or of any other war in which the United States engaged and Sons of Union Veterans] the war with Germany and Austria veterans of any foreign war sons of veterans and to ladies' Auxiliaries of each such organization and to the American Gold Star Mothers Inc a room or rooms in any public building of such county sufficient for the meeting of each of such organizations at least once each month

Section 2362 Plan of Hall Special rooms to be provided (a) such memorial hall shall be in honor of the soldiers sailors and marines from said county who served in the army and navy of the United States in any war in which the United States has been or may hereafter be engaged such memorial halls shall each contain one large assembly room or auditorium for public meetings of the soldiers sailors and marines of [the] such county which may be used also for other public meetings and patriotic gatherings [and civic purposes] by the consent of the Board of Control herein provided for

(b) Such memorial hall shall also contain rooms for [meeting] meetings of [camps of the Sons of Union Veterans Women's Relief Corps Ladies] posts of the Grand Army of the Republic encampments of the Union Veteran Legion Commandaries of the Loyal Legion Camps of the Sons of Veterans Women's Relief Corps Ladies of the Grand Army of the Republic Chapters of the Daughters of the Revolution The American Gold Star Mothers Inc organizations of the Spanish-American War and Philippine Insurrection the American Legion Veterans of Foreign Wars and organizations of veterans of all other wars in which the United States has or may be engaged and also rooms for meetings of ladies' auxiliaries of posts encampments camps and organizations for which rooms for meetings may be contained in the Memorial Hall and also rooms for such committees of public defense and welfare as may be created by the Commonwealth or as may be approved by the Board of Control hereinafter provided for

(c) Such Memorial Halls shall also provide room for the display and preservation of relics and trophies of all wars in which the United States has been or may be engaged photographs paintings and portraits busts and statues of the soldiers sailors and marines of the [county] said counties and mural tablets upon which shall be inscribed the names of such soldiers sailors and marines such Memorial Halls shall also contain waiting and rest rooms with lavatories attached

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate concur in the same?

SENATE CONCURS IN AMENDMENT MADE BY THE  
HOUSE TO HOUSE BILL No. 737, RECALLED FROM  
THE GOVERNOR

Mr. MAHANY. Mr. President, I move that the Senate do concur in the amendments made by the House to



House Bill No. 737, recalled from the Governor for the purpose of amendment.

Mr. LANE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

## YEAS—46

Bane,	Haluska,	McGinnis,	Silvert,
Barr,	Harney,	McMenamin,	Stevenson,
Berger,	Hays,	McPherson, Jr.,	Stiefel,
Blass,	Holland,	Miller,	Taylor,
Camel,	Kessler,	Mullin,	Van Sant,
Chapman,	Koprivier, Jr.,	Peelor,	Wade,
Dent,	Lane,	Propert,	Wagner,
Diehm,	Madigan,	Ruth,	Watkins,
DiSilvestro,	Mahany,	Schmidt,	Watson,
Donolow,	Mallery,	Scott,	Weiner,
Flack,	McCreesh,	Seyler,	Whalley,
Fleming,			Wolfe,

## NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

#### BILL ON CONCURRENCE IN HOUSE AMENDMENTS, RECALLED FROM THE GOVERNOR

Agreeably to order,

The Senate resumed the consideration of House Bill No. 738, as follows:

An Act amending the act of July 8, 1919 (P. L. 784 No. 321) entitled "An act authorizing counties cities and boroughs to furnish rooms in public buildings for meeting places for certain organizations" including certain ladies auxiliaries and the American Gold Star Mothers Inc within provisions of act

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 1 act of July 8, 1919 (P. L. 784 No. 321) entitled "An act authorizing counties cities and boroughs to furnish rooms in public buildings for meeting places for certain organizations" section 1 repealed in part May 4, 1927 (P. L. 519) May 2, 1929 (P. L. 1278) and June 23, 1931 (P. L. 932) is amended to read

Section 1 Be it enacted &c That each county city and borough may in their discretion upon application therefor furnish to each organization composed of veterans of the Civil War veterans of the Spanish-American War veterans of the War with Germany and Austria veterans of any foreign war [and] sons of Veterans to ladies' auxiliaries of each such organization and the American Gold Star Mothers Inc a room or rooms in any public building of such county city or borough sufficient for the meeting of each of such organizations at least once each month

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate concur in the same?

#### SENATE CONCURS IN AMENDMENT MADE BY THE HOUSE TO HOUSE BILL No. 738, RECALLED FROM THE GOVERNOR

Mr. MAHANY. Mr. President, I move that the Senate do concur in the amendments made by the House to House Bill No. 738, recalled from the Governor for the purpose of amendment.

Mr. LANE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

## YEAS—46

Bane,	Haluska,	McGinnis,	Silvert,
Barr,	Harney,	McMenamin,	Stevenson,
Berger,	Hays,	McPherson, Jr.,	Stiefel,
Blass,	Holland,	Miller,	Taylor,
Camel,	Kessler,	Mullin,	Van Sant,
Chapman,	Koprivier, Jr.,	Peelor,	Wade,
Dent,	Lane,	Propert,	Wagner,
Diehm,	Madigan,	Ruth,	Watkins,
DiSilvestro,	Mahany,	Schmidt,	Watson,
Donolow,	Mallery,	Scott,	Weiner,
Flack,	McCreesh,	Seyler,	Whalley,
Fleming,			Wolfe,

## NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

#### BILL ON CONCURRENCE IN HOUSE AMENDMENTS

##### BILL OVER IN ORDER

Mr. MAHANY. Mr. President, I ask unanimous consent that Senate Bill No. 813, Printer's No. 432, on concurrence in House amendments, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

##### THIRD READING CALENDAR

#### BILLS ON THIRD READING, RECALLED FROM THE GOVERNOR, OVER IN ORDER

Mr. MAHANY. Mr. President, I ask unanimous consent that the following bills, on third reading, recalled from the Governor, go over in their order:

Senate Bill No. 475, Printer's No. 440; and

Senate Bill No. 603, Printer's No. 439.

The PRESIDENT. Is there objection? The Chair hears none.

##### BILL OVER IN ORDER

Mr. LANE. Mr. President, I ask unanimous consent that House Bill No. 8, Printer's No. 1252, on third reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

#### BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 78, as follows:

An Act amending the act of March twenty-seventh one thousand nine hundred and twenty-nine (P. L. 84) entitled "An act to fix the fees to be charged by coroners in counties of the second class" increasing fees to be charged

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 1 act of March twenty-seventh one thousand nine hundred and twenty-nine (P. L. 84) entitled "An act to fix the fees to be charged by coroners in counties of the second class" amended July thirteenth



one thousand nine hundred and fifty-three (P. L. 445) is amended to read

Section 1 Be it enacted &c That from and after the passage of this act the fees to be received and charged by coroners in counties of the second class in lieu of those now allowed by law shall be as follows viz

Viewing a dead body [twelve dollars (\$12.00)] fifteen dollars (\$15.00)

Summoning inquest and returning inquisition [six dollars (\$6.00)] eight dollars (\$8.00)

Summoning or subpoenaing each witness [two dollars and fifty cents (\$2.50)] three dollars and fifty cents (\$3.50)

Qualifying each witness [one dollar and fifty cents (\$1.50)] two dollars and fifty cents (\$2.50)

Each mile circular traveled to be reckoned from the court house to the place of viewing the body ten cents

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

#### YEAS—46

Bane,	Haluska,	McGinnis,	Silvert,
Barr,	Harney,	McMenamin,	Stevenson,
Berger,	Hays,	McPherson, Jr.	Stiefel,
Blass,	Holland,	Miller,	Taylor,
Camel,	Kessler,	Mullin,	Van Sant,
Chapman,	Koprivier, Jr.	Peel,	Wade,
Dent,	Lane,	Propert,	Wagner,
Diehm,	Madigan,	Ruth,	Watkins,
DiSilvestro,	Mahany,	Schmidt,	Watson,
Donolow,	Mallery,	Scott,	Weiner,
Flack,	McCreesh,	Seyler,	Whalley,
Fleming,			Wolfe,

#### NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

#### BILLS OVER IN ORDER

Mr. MAHANY. Mr. President, I ask unanimous consent that the following bills, on third reading, go over in their order:

Senate Bill No. 188, Printer's No. 370; and

Senate Bill No. 316, Printer's No. 372.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. SEYLER. Mr. President, I ask unanimous consent that Senate Bill No. 446, Printer's No. 376, on third reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

#### BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 814, as follows:

An Act amending the act of June 11 1915 (P. L. 938) entitled "An act to regulate and establish the fees to be charged and collected by the several clerks of the courts of oyer and terminer general jail delivery and quarter sessions of the peace in counties of this Commonwealth having a population of over eight hundred thousand

and less than one million five hundred thousand inhabitants as computed by the last preceding United States census" changing and fixing fees in counties of the second class

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The title act of June 11, 1915 (P. L. 938) entitled "An act to regulate and establish the fees to be charged and collected by the several clerks of the courts of oyer and terminer general jail delivery and quarter sessions of the peace in counties of this Commonwealth having a population of over eight hundred thousand and less than one million five hundred thousand inhabitants as computed by the last preceding United States census" is amended to read

An Act to regulate and establish the fees to be charged and collected by the several clerks of the courts of oyer and terminer general jail delivery and quarter sessions of the peace in counties of [this Commonwealth having a population of over eight hundred thousand and less than one million five hundred thousand inhabitants as computed by the last preceding United States census] the second class

Section 2 Section 1 of the act amended May 18 1945 (P. L. 709) is amended to read

Section 1 Be it enacted &c That from and after the passage of this act the fees to be paid to and received and charged by the several clerks of the courts of oyer and terminer and generally jail delivery and quarter sessions of the peace in counties of the second class shall be as follows

Affidavits fifty cents (\$.50)

Attachments or process on any cause [one dollar (\$1.00)] two dollars (\$2.00)

Bail-piece three dollars (\$3.00)

Ballots preparing for jury per panel two dollars and fifty cents (\$2.50)

Bail-bond [two dollars (\$2.00)] three dollars (\$3.00)

Bail-bond justification filing of one dollar (\$1.00)

Bench warrants [one dollar (\$1.00)] two dollars (\$2.00) [Bonds for liquor license certificate and filing two dollars and fifty cents (\$2.50)]

Bonds for constables [one dollar (\$1.00)] three dollars (\$3.00)

Bonds for tax collectors (original) [two dollars and seventy-five cents (\$2.75)] five dollars (\$5.00) renewal each year one dollar (\$1.00)

[Certificate of election of municipal officers each fifty cents (\$.50)]

Commitments [fifty cents (\$.50)] one dollar (\$1.00)

Certificate of incorporation of new municipalities to Superintendent of Public Instruction five dollars (\$5.00)

Certificate to Secretary of Highways of conviction for violation of laws regulating use and operation of motor vehicles to be taxed as part of the costs of each case [two dollars (\$2.00)] three dollars (\$3.00)

Certificate for constables for election or appointment one dollar (\$1.00)

Certificate of acknowledgment [fifty cents (\$.50)] one dollar (\$1.00)

[Certificate for writ] Writ of habeas corpus [one dollar (\$1.00)] five dollars (\$5.00)

[Certificate to county treasurer (each name paid by county) one dollar (\$1.00)]

Certificate for nolle prosequi one dollar (\$1.00)]

Certificate for payment of jurors (each name) one dollar (\$1.00)

Certificate for the sheriff to draw jurors petit grand or special venire two dollars (\$2.00)

Certificate when judge acts as a magistrate affidavit warrant and service one dollar and fifty cents (\$1.50)

[Certificate for ignored bill one dollar (\$1.00)]

[Certificate in breach of peace case fifty cents (\$.50)]

Certificate of reconsideration of sentence fifty cents (\$.50)

Commission on lunacy swearing commission filing [and] recording [et cetera two dollars and fifty cents (\$2.50)] and certifying commitment of feeble-minded insane or criminal insane person ten dollars (\$10.00)



Certified copy of record bill of indictment [two dollars fifty cents (\$2.50)] three dollars (\$3.00)

Certified copy of minutes per page or fraction thereof [three dollars and fifty cents (\$3.50)] four dollars (\$4.00)  
[Certified copy of report of laying out or vacating public road five dollars (\$5.00)]

Certified copy of disposition of criminal cases three dollars (\$3.00)

Certified copy of record docket-entries [two dollars (\$2.00)] three dollars (\$3.00)

[Certified copy of record docket-entries in road cases five dollars (\$5.00)]

Certified copy of information two dollars and fifty cents (\$2.50)

Constables' quarterly returns one dollar (\$1.00)

Detective license filing application for [five dollars (\$5.00)] three dollars and fifty cents (\$3.50)

[Discharge on ignored bill fifty cents (\$.50)]

Discharge on bail entered fifty cents (\$.50)

Fieri facias debt writ and docket entries [fifteen dollars (\$15.00)] twenty-five dollars (\$25.00)

Filing and entering reasons for new trial [one dollar (\$1.00)] two dollars (\$2.00)

Filing and entering motions in arrest of judgment [one dollar (\$1.00)] two dollars (\$2.00)

Filing and entering bail-bond or recognizance from magistrate one dollar (\$1.00)

Filing and entering coroner's return (each inquisition) [seventy-five cents (\$.75)] one dollar (\$1.00)

Filing and entering petition for appointment of auditors tax collectors constables and all other municipal officers [two dollars and fifty cents (\$2.50)] three dollars and fifty cents (\$3.50)

Filing and entering auditor's and tax collectors reports [one dollar and fifty cents (\$1.50)] two dollars and fifty cents (\$2.50)

Filing and recording proceedings for redistricting or change of polling-place [each district three dollars (\$3.00)] four dollars (\$4.00) per docket page or part thereof

Filing and entering opinions of court of common pleas Superior or Supreme Court [three dollars (\$3.00)] five dollars (\$5.00)

[Filing and docket-entries true bill four dollars (\$4.00)]

Filing and entering certiorari or appeals to common pleas Superior or Supreme Court [four dollars (\$4.00)] five dollars (\$5.00)

Filing and entering remittitur from Superior or Supreme Court [three dollars (\$3.00)] five dollars (\$5.00)

Filing and entering exceptions (road cases) [two dollars and fifty cents (\$2.50)] three dollars and fifty cents (\$3.50)

Filing and recording of increase of bonded indebtedness proceeding (per docket page or part thereof) [three dollars and fifty cents (\$3.50)] four dollars (\$4.00)

[Filing recording and issuing receipt for expense accounts of candidates for political offices if fifty dollars (\$50.00) or less fifty cents (\$.50) each if over fifty dollars (\$50.00) three dollars and fifty cents (\$3.50) per page or part thereof]

Filing recording and certifying appointments of election officers [three dollars (\$3.00)] three dollars and fifty cents (\$3.50)

Filing recording and certifying orders for transfer or release of prisoners [three dollars (\$3.00)] three dollars and fifty cents (\$3.50)

Filing recording and certifying miscellaneous orders of court [two dollars and fifty cents (\$2.50)] three dollars and fifty cents (\$3.50)

Filing recording and certifying detailments of visiting judges [one dollar (\$1.00)] one dollar and fifty cents (\$1.50)

Filing and certifying counsel fees [two dollars (\$2.00)] three dollars and fifty cents (\$3.50)

Filing recording and administering oaths of office [fifty cents (\$.50)] one dollar (\$1.00)

Filing and recording notary commission certifications [seventy-five cents (\$.75)] one dollar (\$1.00)

Filing and recording power of attorney [one dollar (\$1.00)] two dollars (\$2.00)

Filing financial statements [one dollar (\$1.00)] two

dollars (\$2.00) [Ignoramus where bill is returned three dollars (\$3.00)]

Filing docketing and certifying any petition not herein specifically provided for three dollars and fifty cents (\$3.50)

Issuing change of costs notices to controller and sheriff fifty cents (\$.50)

Issuing "cost paid" certificate one dollar (\$1.00) Recording and docketing change of order of court other than change of costs notices to controller and sheriff fifty cents (\$.50)

[Liquor license filing application for five dollars (\$5.00)]

Liquor license filing and recording petition for revocation thereof three dollars (\$3.00)

Mandamus and proceedings thereon four dollars (\$4.00)

Motion and rule [other than elsewhere provided for one dollar (\$1.00)] to show cause three dollars and fifty cents (\$3.50)

Petition and order for a view or review of a road or bridge under seal orders to open filing report recording et cetera [eleven dollars (\$11.00)] fifteen dollars (\$15.00)

Petition and order to lay out open or vacate road no viewers fourteen dollars (\$14.00)

Petition filing of and entering proceedings in inebriate cases [three dollars (\$3.00)] three dollars and fifty cents (\$3.50)

[Petition filing and proceedings for the removal of feeble-minded insane or criminal insane persons from any penal institution three dollars (\$3.00)]

Petition for parole [one dollar (\$1.00)] two dollars (\$2.00)

[Petition for writ of habeas corpus three dollars (\$3.00)]

Petition to Governor for extradition papers [one dollar (\$1.00)] two dollars (\$2.00)

Preparing and certifying [charity reports] criminal judicial statistics to the Department of Welfare twenty-five dollars (\$25.00)

Preparing and transmitting testimony to institutions [two dollars (\$2.00)] two dollars and fifty cents (\$2.50)

Preparing records for institutions of prisoners committed [seventy-five cents (\$.75)] one dollar (\$1.00)

[Preparing insanity reports to judges of quarter sessions court four dollars (\$4.00)]

Preparing insolvency proceedings for prisoners in jail paid by county one dollar (\$1.00)

Release from any institution by order of court [one dollar (\$1.00)] three dollars and fifty cents (\$3.50)

[Recording election returns each election district two dollars and fifty cents (\$2.50)]

Recognizance calling and entering forfeitures one dollar (\$1.00)

Recognizance forfeited respited or discharged and motion therefor [one dollar (\$1.00)] three dollars and fifty cents (\$3.50)

Recognizance taking each [two dollars (\$2.00)] three dollars (\$3.00)

[Return to writ of error one dollar (\$1.00)]

Services of clerk where true bill is found quarter sessions four dollars (\$4.00) each additional day or part of day at trial three dollars (\$3.00)

Services of clerk where true bill is found oyer and terminer six dollars (\$6.00) each additional day or part of day at trial five dollars (\$5.00)

Services of clerk [plea of guilty one dollar (\$1.00)] filing docketing and indexing any oyer and terminer or quarter sessions case fifteen dollars (\$15.00) each additional day or part of any day at trial five dollars (\$5.00)

Search from judgment to docket single name [seventy-five cents (\$.75)] one dollar (\$1.00)

Search from judgment to docket extra single name twenty-five cents (\$.25)

Subpoenas and seal [twenty-five cents (\$.25)] fifty cents (\$.50)

Seal in every case [twenty-five cents (\$.25)] fifty cents (\$.50)

Summons on recognize [seventy-five cents (\$.75)] two dollars (\$2.00)

Swearing grand jury five dollars (\$5.00)

Swearing petit jury in each case five dollars (\$5.00)

[Taxing a bill of costs other than the clerk's of the sessions fifty cents (\$.50)]



Triple seal certificate [one dollar and fifty cents (\$1.50)] two dollars and fifty cents (\$2.50)  
 Venire for grand jury two dollars (\$2.00)  
 Venire for petit jury two dollars (\$2.00)  
 Venire for special jury two dollars (\$2.00)  
 [Venditioni exponas issuing writ seventy-five cents (\$ .75)]

Receiving and distributing money paid into court three per cent (3%)

For receiving or paying out fines three cents per dollar to be paid by the party or persons receiving the fine

For receiving and distributing fines costs maintenance restitution and all other money ordered by the court to be collected and distributed five cents per dollar to be paid by the party ordered to pay such money

For entering and recording informations received from magistrates justices of the peace or aldermen [fifty cents (\$.50)] one dollar (\$1.00)

The fee for services not herein specifically provided for shall be the same as for similar services

Section 3 This act shall take effect immediately

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

#### YEAS—46

Bane,	Haluska,	McGinnis,	Silvert,
Barr,	Harney,	McMenamin,	Stevenson,
Berger,	Hays,	McPherson, Jr.,	Stiefel,
Blaes,	Holland,	Miller,	Taylor,
Camiel,	Kessler,	Mullin,	Van Sant,
Chapman,	Koprivier, Jr.,	Peelor,	Wade,
Dent,	Lane,	Propert,	Wagner,
Diehm,	Madigan,	Ruth,	Watkins,
DiSilvestro,	Mahany,	Schmidt,	Watson,
Donolow,	Mallery,	Scott,	Weiner,
Flack,	McCreesh,	Seyler,	Whalley,
Fleming,			Wolfe,

#### NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representative with information that the Senate has passed the same without amendments.

#### BILL OVER IN ORDER

Mr. MAHANY. Mr. President, I ask unanimous consent that House Bill No. 856, Printer's No. 248, on third reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

#### REPORTS FROM COMMITTEE

Mr. BLASS. Mr. President, I ask unanimous consent to make reports from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. BLASS, from the Committee on State Government, reported as committed, Senate Bill No. 802, entitled:

An Act to provide for an additional law judge of the orphans' court in the fifth judicial district.

He also, from the Committee on State Government, reported as committed, House Bill No. 1773, entitled:

An Act further amending the act approved the ninth day of April one thousand nine hundred twenty-nine (P. L. 343) entitled "The Fiscal Code," making certain information regarding refunds available for public inspection

changing certain provisions as to the imposition and remission of penalties and granting of refunds and clarifying provisions as to settlements.

He also, from the Committee on State Government, reported as committed, House Bill No. 1795, entitled:

An Act to further amend the act approved the twenty-fifth day of April one thousand nine hundred twenty-nine (P. L. 723) entitled "An act regulating the investment of funds by administrative departments boards commissions and officers of the State Government" by increasing the investment powers of State administrative departments boards commissions or officers.

The PRESIDENT. There being no objection, the Chair will revert to the regular order of business.

#### HOUSE MESSAGES

##### HOUSE CONCURS IN SENATE BILL No. 757

The Clerk of the House of Representatives being introduced, returned to the Senate, Senate Bill No. 757, entitled:

An Act amending the act of June 25, 1947 (P. L. 1145) entitled as amended "An act empowering cities of the second class cities of the second class A cities of the third class boroughs towns townships of the first class townships of the second class school districts of the second class school districts of the third class and school districts of the fourth class to levy assess and collect or to provide for the levying assessment and collection of certain additional taxes subject to maximum limitations for general revenue purposes authorizing the establishment of bureaus and the appointment and compensation of officers and employes to assess and collect such taxes and permitting penalties to be imposed and enforced providing an appeal from the ordinance or resolution levying such taxes to the court of quarter sessions and to the Supreme Court and Superior Court" defining the effect of requirement that real property transfer taxes be paid by the transferor on pre-existing ordinances and resolutions and validating such ordinances and resolutions

with the information that the House has passed the same without amendments.

##### SENATE BILL No. 835 RETURNED WITH AMENDMENTS

He also returned to the Senate, Senate Bill No. 835, entitled:

An Act amending "the county code" of August 9, 1955 (Act No. 130) entitled "An act relating to counties of the third fourth fifth sixth seventh and eighth classes amending revising consolidating and changing the laws relating thereto" authorizing the appointment of solicitors by clerks of the court of quarter sessions and over and terminer in third fourth and fifth class counties and prescribing their duties

with the information that the House has passed the same with amendments in which the concurrence of the Senate is requested.

The PRESIDENT. The bill, as amended, will appear on tomorrow's Calendar.

#### GENERAL COMMUNICATIONS

The Chair cleared his table and laid before the Senate the following communication, which was read by the Clerk:



## THE LEHIGH COAL AND NAVIGATION COMPANY

528 North New Street  
Bethlehem, Pennsylvania

W. B. Joachim, Jr.

Secretary

W. E. Spatig

Ass't. Secretary

December 15, 1955

To the Senate and House of Representatives  
of the Commonwealth of Pennsylvania  
In the General Assembly met:

In compliance with the requirements of the 19th Section of the Act of Assembly, passed March 20, 1818, entitled "An Act to Improve the Navigation of the River Lehigh," I wish to report that no tolls were received on the Lehigh Navigation during the year 1955.

Very truly yours,

/s/ W. E. SPATIG

W. E. SPATIG

Assistant Secretary

Commonwealth of Pennsylvania }  
County of Northampton } ss

Before me, the subscriber, a Notary Public of the County of Northampton and Commonwealth of Pennsylvania, personally appeared on this 15th day of December, 1955, W. E. Spatig, Assistant Secretary of The Lehigh Coal and Navigation Company, who being duly affirmed according to law, did depose and say that the above statement is just and true to the best of his knowledge, information and belief.

/s/ W. E. Spatig

W. E. SPATIG

(SEAL)

Affirmed and Subscribed before  
me the day and year aforesaid.

/s/ WILSON A. GETZ

Notary Public

My Commission Expires:

WILSON A. GETZ, Notary Public

Bethlehem, Northampton County

My Commission Expires January 7, 1959

The PRESIDENT. The communication will be printed  
in the Legislative Journal.

## REPORTS FROM COMMITTEES

Mr. FLEMING, from the Committee on Local Government, reported as committed, House Bill No. 874, entitled:

An Act amending the act of June 24, 1931 (P. L. 1206) entitled "The First Class Township Code" increasing millage of annual tax for general township purposes.

He also, from the Committee on Local Government, reported as committed Senate Bill No. 918, entitled:

An Act amending the act of June 21, 1939 (P. L. 626), entitled "Second Class County Assessment Law," requiring the board to certify the total value of real property to clerks or secretaries of political subdivisions, and prescribing the time for appeal.

Mr. MADIGAN, from the Committee on Agriculture, reported as amended, House Bill No. 730, entitled:

An Act providing for and regulating the licensing of poultry technicians by the Secretary of Agriculture for the drawing of blood from poultry to be used in pullorum testing programs.

Mr. SCOTT, on behalf of Mr. WALLEY, from the Committee on Highways, reported as committed House Bill No. 53, entitled:

An Act amending the act of May one one thousand nine hundred twenty-nine (P. L. 905) entitled "The Vehicle Code" prohibiting throwing of certain material from motor vehicles.

He also, on behalf of Mr. WHALLEY, from the Committee, on Highways, re-reported as amended, Senate Bill No. 382, entitled:

An Act amending the act of May 7, 1937 (P. L. 589) entitled as amended "An act providing for the taking over by the Commonwealth under certain terms conditions and limitations of certain streets in cities of the first class as State highways, \* \* \*," changing or deleting certain routes and adding certain new routes.

He also, on behalf of Mr. WHALLEY, from the Committee on Highways, reported as committed, Senate Bill No. 420, entitled:

An Act amending the act of May 1, 1929 (P. L. 905) entitled "The Vehicle Code" providing additional enforcement procedures on trac violations in first and second class cities.

He also, on behalf of Mr. WHALLEY, from the Committee on Highways, reported as committed, House Bill No. 857, entitled:

An Act amending the act of May 1, 1929 (P. L. 905) entitled "The Vehicle Code" authorizing the establishment of speed limits in cities of the first class under certain terms and conditions and imposing penalties.

He also, on behalf of Mr. WHALLEY, from the Committee on Highways, reported as committed, Senate Bill No. 866, entitled:

An Act to further amend section nine hundred two of the act approved the first day of May, one thousand nine hundred twenty-nine (P. L. 905), entitled "The Vehicle Code" by changing the total maximum length of certain vehicles.

He also, on behalf of Mr. WHALLEY, from the Committee on Highways, reported as committed, Senate Bill No. 911, entitled:

An Act amending the act of June 1, 1933 (P. L. 1172), entitled "Borough Rural State Highway Law," deleting a route in Berks County.

He also, on behalf of Mr. WHALLEY, from the Committee on Highways, reported as committed, Senate Bill No. 912, entitled:

An Act amending the act of June 22, 1931 (P. L. 594) entitled "Rural State Highway Law," deleting a route in Berks County.

He also, on behalf of Mr. WHALLEY, from the Committee on Highways, reported as committed, House Bill No. 970, entitled:

An Act amending the act of May 1, 1929 (P. L. 905) entitled "The Vehicle Code," by changing requirements and penalties concerning lamps and illuminating devices.



### HOUSE CONCURRENT RESOLUTION No. 73 REPORTED FROM COMMITTEE

Mr. SCOTT, on behalf of Mr. WHALLEY, from the Committee on Highways, to which was referred on July 12, 1955, the following resolution from the House of Representatives, reported the same without amendment as follows, viz:

#### "COLONEL DRAKE HIGHWAY"

In the House of Representatives, May 10, 1955.

It is tragic that many persons traveling in Pennsylvania are unaware that near Titusville a man drilled the first oil well in the world, thereby opening the door for the development of the oil industry which has played a great part in the progress of this great Commonwealth.

It is fitting and appropriate that legislative recognition be accorded Colonel Edwin L. Drake for his drilling the first oil well, therefore be it

Resolved (the Senate concurring), That State Highway Route No. 36 between the Borough of Pleasantville in Venango County and the City of Altoona in Blair County, be dedicated as a memorial to Colonel Edwin L. Drake and that this portion of the highway be known as the "Colonel Drake Highway" and be it further

Resolved, That the Department of Highways shall erect along the highway suitable tablets and markers and shall carry out suitable landscape development to perpetuate this resolution but shall not replace the officially designated route number of the highway hereby designated as the "Colonel Drake Highway."

Laid over for one day under the Rules.

### REPORT FROM COMMITTEE ON EXECUTIVE NOMINATIONS

Mr. WOLFE, from the Committee on Executive Nominations, reported with a favorable recommendation the following nomination, made by His Excellency, the Governor:

#### TREASURER IN AND FOR THE COUNTY OF BERKS Commonwealth of Pennsylvania,

Governor's Office, Harrisburg, December 19, 1955.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Ira P. Leh, Star Route, Bally, Berks County, for appointment as Treasurer in and for the County of Berks, until the first Monday of January 1958, vice Treasurer-elect Robert W. Wahl, Jr., deceased, to compute from January 3, 1956.

GEORGE M. LEADER.

#### BILL INTRODUCED AND REFERRED

Messrs. KESSLER, PROPERT and BARR read in place and presented to the Chair Senate Bill No. 925, entitled:

An Act amending the act of June 1, 1889 (P. L. 420), entitled "A further supplement to an act entitled 'An act to provide revenue by taxation' approved the seventh day of June, Anno Domini, one thousand eight hundred and seventy-nine," further providing for the computation and payment of the tax by domestic corporations, joint-stock associations, limited partnerships and companies.

Which was committed to the Committee on Finance.

#### CONSIDERATION OF EXECUTIVE NOMINATION

Mr. WOLFE asked and obtained unanimous consent for immediate consideration of the nomination reported at today's Session.

### EXECUTIVE SESSION

A motion was made by Mr. WOLFE and Mr. LANE, that the Senate do now resolve itself into Executive Session, for the purpose of acting upon the nomination reported at today's Session.

Which was agreed to.

The nomination was read as follows:

#### TREASURER IN AND FOR THE COUNTY OF BERKS

Commonwealth of Pennsylvania,

Governor's Office, Harrisburg, December 19, 1955.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Ira P. Leh, Star Route, Bally, Berks County, for appointment as Treasurer in and for the County of Berks, until the first Monday of January 1958, vice Treasurer-elect Robert W. Wahl, Jr., deceased, to compute from January 3, 1956.

GEORGE M. LEADER.

A motion was made by Mr. WOLFE and Mr. LANE, that the Senate do advise and consent to said nomination.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

#### YEAS—46

Bane,	Haluska,	McGinnis,	Silvert,
Barr,	Harney,	McMenamin,	Stevenson,
Berger,	Hays,	McPherson, Jr.,	Stiefel,
Blass,	Holland,	Miller,	Taylor,
Camiel,	Kessler,	Mullin,	Van Sant,
Chapman,	Koprivier, Jr.,	Peeler,	Wade,
Dent,	Lane,	Probert,	Wagner,
Diehm,	Madigan,	Ruth,	Watkins,
DiSilvestro,	Mahany,	Schmidt,	Watson,
Donolow,	Mallery,	Scott,	Weiner,
Flack,	McCreesh,	Seyler,	Whalley,
Fleming,			Wolfe,

#### NAYS—0

Two-thirds of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

#### EXECUTIVE SESSION RISES

Mr. WOLFE. Mr. President, I move that the Executive Session do now rise.

Mr. LANE. Mr. President, I second the motion.

The motion was agreed to.

#### NOMINATIONS BY THE GOVERNOR

##### REFERRED TO COMMITTEE

The Secretary to the Governor being introduced, presented communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows, and referred to the Committee on Executive Nominations:

#### MEMBERS OF THE BOARD OF TRUSTEES OF PHILLIPSBURG STATE HOSPITAL

Commonwealth of Pennsylvania,

Governor's Office, Harrisburg, December 20, 1955.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:



In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as members of the Board of Trustees of Philipsburg State Hospital, for the term of four years and until their successors are appointed and qualified:

D. S. Braucht, Coalport, Clearfield County, vice Walter Williams, Ramey, resigned.

W. Carl Lupton, Philipsburg, Centre County, vice Rembrandt Dunsmore, Philipsburg, resigned.

Mrs. Lucy Merrell, Philipsburg, Centre County, vice Mrs. Fryberger, Philipsburg, resigned.

Mrs. Emily W. Lamoreaux, Philipsburg, Centre County, vice Roy H. Schreffler, Philipsburg, resigned.

Mrs. Dixie M. Peters, State College, Centre County, vice John T. Taylor, Esq., State College, resigned.

Thaddeus S. Wayne, Chester Hill, P. O., Philipsburg, Clearfield County, vice James F. Dugan, Osceola Mills, resigned.

C. Paul Ziegler, Port Matilda, Centre County, vice Benjamin Nicodemus, Port Matilda, resigned.

Leo M. Zeigler, Houtzdale, Clearfield County, vice Hilmer J. Anderson, Houtzdale, resigned.

GEORGE M. LEADER.

#### PERMISSION TO ADDRESS SENATE

Mr. DENT asked and obtained unanimous consent to address the Senate.

Mr. DENT. Mr. President, I know that there are not many in the Senate and whatever I say will probably not impress anybody. However, last night before I retired, I happened to have before me the New York Times and I read an article which disturbed me all through the night. I had little or no sleep because of this article I read, and what it means to the people of this great Nation and how it affects what is happening here in Pennsylvania.

Not to delay the Session any longer, since I know that this is the Holy Season of Christmas and all of us would like to get home to our families and try to exemplify, at least in our homesteads, a little more of the brotherly love which we ought to show here upon the floor of the Senate, and a little more regard for those who are less fortunate than we are, but I should like to read this article from the New York Times dated this morning, Tuesday:

"Washington, Dec. 19—

"The Association of Interstate Commerce Commission practitioners has given its members a blueprint on how to lobby against a governmental reform urged by the Hoover Commission.

"Lawyers and others doing business with the I.C.C., make up the membership of this group. They were urged to organize a flood of mail directed at members of the House and Senate Judiciary Committees. These committees are handling measures proposing a uniform 'administrative code,' which would affect the I.C.C.

"Veteran Washington lobbyists expressed surprise at the way the group specified its lobbying instructions.

"'Do not be content with the activity of your own group in this important matter,' the instructions said. 'There must be traffic, transportation and shipper groups, chambers of commerce, trade associations and other groups in your local area who will adopt appropriate resolutions'" against this legislation.

"The group argues that the new proposed code of uni-

form procedures" would change the practices now enjoyed by the lawyers who practice before the I.C.C.

I want to make this a part of the record. Mr. President, as I said, I was disturbed and I am today disturbed. Never in all of the years that I have served in this body, nor within the memory of anyone whom I have talked to who has been on this Hill for a great number of years, has the lobbying activity taken such a terrible toll of the time of this Session and the welfare of the people of this Commonwealth.

Mr. President, I have said, and I am going to say now publicly, that unless this Senate does something about it, we are helping to destroy the foundation of representative government. I am not opposed to the individual lobbyist as such, who comes down here to represent any of the many worth-while businesses and activities in this Commonwealth, but I am against the organization of the lobbyists into a group to thwart the will of the people and to destroy the reputation of this Administration and the economy of this State.

I do not believe that any man in this room will honestly get up and say that the lobbyist influence has not been the influence which has destroyed both tax programs. Before the Governor's industrial conference had even reached its climax, I was told by two lobbyists that there is no need of a meeting with the Governor because he will not get anywhere anyhow. What are we running? I hate to admit, but I discuss many problems with lobbyists and they have been very helpful over the years to me on legislation pertaining to their specific industries or their specific activities. Those who interpret this as an attack upon those who represent industry in Pennsylvania, or business, are reading into my remarks something that I do not intend to be contained in them. Those who read into my remarks, however, a fight against a disorganized lobby to destroy the Leader Administration and to, in some devious manner, believe that they are helping a political party of their own choosing—if you think that that is why I am fighting on this floor, you are right.

I do not put politics above the welfare of the people of this State. I have willingly sat down time and time again, spent many hours in conference both in the Governor's Office and with the Members of the Republican Senate. I want to say here and now that I have yet to find one who can say in any of the conferences that he can speak with any authority. I find that there is absolutely no use, no earthly use whatsoever, for me to waste any more of the peoples' time meeting in these conferences unless the Republican Caucus will name enough men to come to these conferences and give them the power to act.

Mr. President, what has happened to us in Pennsylvania is that sitting upon the shoulders of the Senate are sinister groups not interested in the welfare of the people of this Commonwealth, but more particularly interested in the welfare of their own little private dunghill.

I think that the time has come when the men of this Senate, and the people of the United States, had better realize that the problems which come up here belong to all the people and that a well organized, well oiled, small group of lobbyists can stalemate a State like Pennsylvania for twelve months and it is time we take cog-



nizance of the fact. There are denials to the contrary, but I know what happened on the excise tax and I know what happened on the classified income tax and I know what happened after the Governor's conference yesterday afternoon and I know what will happen to any tax program advanced by the Leader Administration.

Mr. President, I have accused the Republicans and I say again that willingly or unwillingly you are the victims of an organized plot to keep this Session in until April. I understand that the House of Representatives has taken cognizance of this, and of other incidents which have occurred, and they are going to ask that they come back next week, and the next week and the next week. If need be, they will work six days a week to try to resolve this matter.

Mr. President, I think that the people who purport to represent big industry in this State must realize that this is a partnership; that you cannot place \$456,000,000 upon the shoulders of the little people; that the burden is too great; that the need for these moneys has not been created solely by the little peoples; that all of the benefits to be derived from the spending of this revenue will not redound only to the little peoples of Pennsylvania, and that it is a load which ought to be equitably shared. Every person who has met with me in conference has had to say, and will have to say, that I have been willing to stand up for a program which would put the burden equally, or as near equally as we can, upon both the shoulders of industry and business and the shoulders of the little peoples.

Mr. President, let us take for an illustration a perfect example of how industry has a stake in government. The people of Bucks County were going along very nicely with the lowest possible tax rates, living their lives and achieving their ambitions with sufficient revenue to meet their needs as to schooling, water, transportation and the other needs of a civic community. All of a sudden prosperity hit Bucks County and a big industry moved in, and another industry, and today the taxes are higher than they ever have been upon the people. Their schools are crowded; their roads are inadequate. I ask you a simple and honest question. Does the industry which moved in have sort of a responsibility to those who live there to keep them from being overburdened with taxes? Industry, yes, is a great provider of jobs, but the men who work and sweat and toil in industry are even more important than industry itself.

Andrew Carnegie, who has been held up as a shining example of industrial strength, when asked a question as to which was the most valuable to him, his plants and his tools of production or the men who worked in his plants, said, "My plants may burn down tomorrow and if I have my men we can rebuild them, but if my men should suddenly all die tomorrow, I cannot man my plants."

Mr. President, certainly civilization costs money, but any industry that takes the position through their foolish, misguided lobbyists here on the floor that they have no responsibility to the government of this State, and to the health and welfare of the people of this State, is distinctly misguided or are morally and mentally dishonest.

I was not at the Governor's conference, but I read in the papers, which seemed to have had some representa-

tives at the conference, and I asked the Governor if he had said anything to any of the papers. He said, "No, I thought, in the interest of trying to reach an agreement here in Pennsylvania, that it would be best not to talk." Somebody talked and I learned from the newspapermen that there is even more disagreement about your beloved sales tax than about any other tax form that has yet been proposed. The House Committee on Ways and Means has attempted to bring out the sales tax. I cannot give you the net result of the vote but for your own curiosity, would you mind talking to the members of that committee for your own personal information to find out the sentiment?

Mr. President, that is why I did not sleep all night, because of the instructions which go out to the Members of the Senate and House and have them read these fake propaganda circulars, read as an authentic, authoritative view of the people. Listen to this, "Do not be content," it say here, "with the activity of your own group in this important matter. There must be traffic, transportation, shipper groups, chambers of commerce, trade associations and other groups in your local area who will adopt appropriate resolutions."

Can you not see how the will of the people is being thwarted by minority groups, well organized, well oiled? I am not shedding a tear for the classified income tax. I am not shedding a tear for the excise tax. I believe we should let dead things stay dead, if that is what you want to do, but move from the pivot that you are standing on. Do not stand and call us stubborn and obstinate. We have advanced two tax programs and we proposed another yesterday, and before the tax program could even take life it died because five Republican Senators rang the death knell.

You say that we are stubborn, that the Governor is obstinate, but you are still hanging onto that thread called the sales tax and no other tax. It has been proposed that you revive the excise tax and make it into a sales tax. Well, of course, that is political strategy. The people are not fooled by strategy. I know who want it done that way, and I think the people ought to know. Your House Leader over there has openly said that he would never vote for a sales tax, and he wants to run for Auditor General so he wants the Senate to pull his potpie out for him. He wants the Senate to convert a bill already passed, which he did not have to vote for, into some form of a sales tax, and then you boys will have pulled his chestnuts out. He thinks he can go unscathed.

I know I am not a smart politician but I admit to being some sort of a politician. I think that I can read in the cards, especially when the cards are dealt half-way up on the board.

Mr. President and Members of this Senate, this is a very serious matter. I think that we will have to delve into the activities to find out if there is a conspiracy here. It used to be that a man came down here representing the railroads and he represented the railroads and a man representing the trucking industry, represented the trucking industry and a man representing the manufacturers, represented the manufactures. That is not true anymore. They now represent each other. They have formed an amalgamation which says that an injury to one is an injury to all. So, you cannot get tax legislation through because it is impossible to pass any tax bill of



\$464,000,000 without affecting one of these parties. I know we had an agreement on the excise tax and as we kept moving along, trying to appease and trying to meet the criticisms and trying to work out a solution, cutting down from \$420,000,000 to \$320,000,000, we found that as we lopped one off, he gathered himself another section on the tail of the kite that had gone up over the horizon already. Pretty soon, we had so much tail on the kite, that the kite would not leave the ground.

So, I say to all of you in this Senate today, this is a serious matter. The people of this State expect and deserve more than what they are getting. We are not wedded to any type of a tax program. However, the only suggestion we get from you is a sales tax.

Mr. President and Members of this Senate, in justice to the people of this Commonwealth, and in simple justice to the thousands of unfortunates who are incarcerated in our mental institutions, in justice to the boards of trustees of our local hospitals which are searching every day for whatever ends that they can find to meet the daily bills of the local hospitals, in justice to the schools, the educators of this great Commonwealth of ours who are finding it difficult to meet not only payrolls of the teachers, but the obligations of their school building programs and in justice to the Constitutions of this great Commonwealth, itself, and what it portends to hold for the people of this State, I offer the following resolution and ask for its immediate adoption.

#### SENATE RESOLUTION REFERRED TO COMMITTEE SENATE COMMITTEE TO INVESTIGATE LOBBYING ACTIVITIES

Mr. DENT. Mr. President, I ask unanimous consent to offer a resolution at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. DENT offered the following resolution which was twice read as follows:

In the Senate, December 20, 1955.

Whereas, the Commonwealth of Pennsylvania finds itself engaged in a crucial debate concerning its fiscal problems, and

Whereas, there have been many activities on and off the floor of the Senate by persons not entitled to a vote in the Senate, and

Whereas, such activities are the main cause of the present stalemate, and

Whereas, this stalemate is causing the breakdown of the state's economic, welfare and educational well being, and

Whereas, it is a well-planned, well-designed, and boldly calculated program of propaganda, misinformation, abuse and deliberate distortions, designed to destroy the faith and confidence of the people in this Administration as well as to put the added burden of 464 Million Dollars of admittedly needed new revenue squarely upon the shoulders of the ordinary citizens on a personal basis, and

Whereas, this drive to remove taxation from those best able to pay is threatening the economic and future growth of this Commonwealth and poses a direct threat to our health, welfare and educational institutions, therefore be it

Resolved, that this Senate immediately name a committee of six (6) members, three (3) from each political party, to ascertain the extent of lobbying activities in relationship to the tax program advanced by the Administration, and further be it

Resolved, that this committee establish to the best

of their ability the amounts of monies expended by any and all lobbyists who have openly and otherwise used their positions to destroy the fiscal program of this Commonwealth, and be it further

Resolved, that this committee determine to the best of their ability, the real motives, agencies, persons or groups for this deliberate attempt to throw this government of Pennsylvania into a chaotic, unsound, and bankrupt condition, and be it further

Resolved, that this committee make a report to the Senate not later than January 16, 1956.

#### MOTION TO ADOPT RESOLUTION

Mr. DENT. Mr. President, I move that the resolution just read by the Clerk be adopted.

Mr. LANE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. MAHANY. Mr. President, this resolution is worded so that if we were to adopt it, we would have to admit that all of the allegations as set forth in the resolution are true. As far as the committee is concerned, at any time the Senator would like to have a committee named to investigate illegal lobbying activities, I will be happy to go along with him. Perhaps, we may use the Rules Committee which is composed of both Republicans and Democrats to do this job. Right now, however, I am not prepared to say that all of these things which have been alleged in this resolution are true.

I would say that the Senator who makes the allegation is doing it without any proof of any kind, and now he wants a committee to more or less back up what he has to say in the other part of his resolution. I want to say again that if there is any illegal lobbying going on around here, I certainly would be the first to say that we should regulate lobbying. We should certainly not allow any illegal activity of any kind to go on around here which would have the effect of illegally influencing legislation.

Mr. President, I feel that this is a resolution which we should not act on right now, inasmuch as many Members are off of the floor and, therefore, Mr. President, I object to the immediate consideration of the resolution and ask that it be referred to the proper committee.

The PRESIDENT. The question is on the motion to adopt the resolution. It was moved by the Senator from Westmoreland, Mr. Dent, and seconded by the gentleman from Washington, Mr. Lane, that the resolution be adopted. The question is on that motion.

#### POINT OF ORDER

Mr. MAHANY. Mr. President, I rise to a point of order.

The PRESIDENT. The gentleman from Crawford, Mr. Mahany, will state his point of order.

Mr. MAHANY. Mr. President, can this resolution be considered right now, without having unanimous consent to consider it?

The PRESIDENT. If the Senate would give unanimous consent, it could be considered. However, the Senator, in offering the resolution, made a motion to consider it and if unanimous consent is not given, the defeat of the motion will bring about the same result.

Mr. MAHANY. No, Mr. President, I do not think it would. I think that this resolution, along with other resolutions, with the exception of those such as congratulating people on birthdays and congratulating basketball teams on winning victories, should have the study of



a committee. Perhaps the committee may be able to amend the resolution so that we can adopt it. At no time have I had the opportunity of objecting to immediate consideration of this resolution. That is what I want to do right now.

The PRESIDENT. In reply to the Senator from Crawford, Mr. Mahany, had the sponsor of this resolution asked unanimous consent and it had been given, he would have been perfectly right in making his motion. Therefore, the Chair thinks we are getting the same result either way. We work it either by unanimous consent or by the motion.

Mr. MAHANY. Mr. President, I am sorry I cannot agree with you. It might very well be that I want to vote for this resolution. However, I would want a committee to study it and have it reported out. In voting against the resolution, it does not give me the same right that I would have to have this resolution referred to a committee. I understand that I have a right, unless there is unanimous consent for the immediate consideration of this resolution, to have it go to a committee. What happened to my rights that I have been having here?

The PRESIDENT. If the motion were defeated, then the resolution would be referred to a committee.

Mr. MAHANY. Is the motion to adopt the resolution or is his motion for immediate consideration?

The PRESIDENT. The motion was made to adopt the resolution that was read by the Clerk.

Mr. MAHANY. Do we not always have a chance to object to the immediate consideration of a resolution under our rules?

Mr. DENT. Mr. President, I do not want to seem to be agreeing with the gentleman or disagreeing with the Chair or anything of that nature. However, I believe that Rule No. 39 states that a resolution cannot be considered unless unanimous consent is given. If Senator Mahany's objection is to immediate consideration, even if my motion was made, which constitutes consideration, I imagine that he would be right under Rule No. 39.

However, Mr. President, I want to inform him that I propose to make a motion that we set aside Rule No. 39. Therefore, you may as well let the vote roll as it is.

Mr. MAHANY. Mr. President, I think we should take these in chronological order. If Senator Dent wants to make some subsequent motion, that is up to him. However, right now I am objecting to the immediate consideration of this resolution under Rule No. 39 and ask that it be referred to the proper committee.

#### MOTION THAT RULE 39 BE SUSPENDED

Mr. DENT. Mr. President, I move that Rule No. 39 of the Senate, adopted at the Session of 1955, be suspended in order that immediate consideration may be given to the resolution.

Mr. LANE. Mr. President, I second the motion.

Mr. DENT. Mr. President, I would like to have the vote cast before they have the necessary delay to send to the far most corners to dig up their Members. With the advantage now being held, we would like to take advantage of it.

The PRESIDENT. We have one motion before the Senate which is your original motion to adopt the resolution.

Mr. DENT. I understood that that was set aside by Rule No. 39. If the President says we have a motion, I move the previous question.

And the question recurring,

Will the Senate agree to the motion?

The PRESIDENT. The Senate will be at ease.

(The Senate was at ease.)

And the question recurring,

Will the Senate agree to the motion?

Mr. DENT. Mr. President, I am confronted with the necessity of obeying the advice which a mother gave her daughter one night. She said, "When you go out and staying out late is inevitable, relax and enjoy it." I am staying out late.

I understand that the forces have been gathered. The boys who do the calling went out to the far corners and brought enough votes in so that we have no chance of achieving our aim of getting immediate consideration.

#### MOTION TO ADOPT RESOLUTION WITHDRAWN

Mr. DENT. Therefore, Mr. President, I withdraw my motion to adopt this resolution.

Mr. LANE. Mr. President, I reluctantly withdraw my second to this motion. However, I want to point out to the Membership of the Senate, and to the people who are here today, that we are operating under the same old Republican Juggernaut. I think it is due proof that they are a little bit afraid to adopt this resolution because the Republicans know that quite a few people might be embarrassed.

#### MOTION TO SUSPEND RULE 39 WITHDRAWN

Mr. DENT. I also wish to withdraw my motion to suspend Rule 39.

Mr. LANE. Mr. President, I also desire to withdraw my second to the motion.

#### REQUEST THAT RULE 39 BE SUSPENDED

Mr. DENT. Mr. President, I now ask unanimous consent that Rule 39, which requires resolutions be referred to an appropriate committee, be dispensed with and the Senate proceed to the consideration of the foregoing resolution.

The PRESIDENT. Is there objection?

Mr. MAHANY. Mr. President, first, I want to object to the immediate consideration of this resolution for the reasons that I gave before. This is a resolution that should be studied by a committee and if they feel that it is a good resolution and it should deserve the attention of this body, then that committee may report it out at some future date.

I deeply resent the remarks made by my colleague, Senator Dent, and also joined in by Senator Lane. We are operating here, as all legislative bodies should, under certain rules. We have adopted these Senate Rules and we have tried to conform to them up until now, anyway. I do not understand why Senator Dent wants to now admit that he wanted to take advantage of some temporary absence from the Senate Chamber of some of the men who happened to be out eating lunch. I do not feel that Senator Dent meant to infer that, but that is what he said. I feel that if this resolution has merit, the proper committee will report it back to the floor and we can then vote on it.

However, Mr. President, as long as I am here, I do not care how much we are bombasted and how much, we



might say, hot air emanates from the other side about how bad we are. As far as I am concerned, as long as I am a Member of this Senate, I am going to try to conform with the Senate Rules which this body has adopted.

For that reason, Mr. President, I object to the immediate consideration of this resolution.

Mr. DENT. Mr. President, I might state to the gentleman that rules are laid down—both the rules that are printed in the books and the rules that come from the conscience and the hearts of men. Senator Mahany may think what I say is hot air; he may call it bombast; he may ridicule it because he does not want to hear it, but, nevertheless, in my humble opinion it carries the weight of truth with it. If it did not carry the weight of truth, then there would have been no denial of consideration. If it had nothing behind it except hot air and bombast, there would have been nothing to fear from an investigation.

Mr. LANE. Mr. President, rules are sometimes made to be broken. I would say that here today a rule has been used to thwart the people of Pennsylvania. Maybe, too, Mr. President, the Majority Leader is a little bit disturbed that some Members on his side of the aisle might vote for this resolution.

I might also say, Mr. President, that the Majority Leader made a case against this resolution as soon as Senator Dent introduced it because he said, and I believe I am quoting him correctly, that the Senator was trying to have the committee approve his allegations in the resolution. I would say that the smart thing, in this particular case, for the Majority Party to do here in the Senate would be to adopt the resolution and then try to disprove or embarrass us for making these allegations. In that way, they would be on sounder ground. The way it is now, they do not want to vote for an investigation of lobbying right here in this Senate chamber.

Mr. FLEMING. Mr. President, I certainly would not have any objection to part of the resolution because if there is any man in this body who can say he is not controlled by any lobbyist, it would be myself. I certainly would object to a resolution, if I heard it read correctly, which said we were admitting to a need of \$464,000,000 in new revenue.

Mr. President, I would not vote for such a resolution. I do not think we need \$464,000,000. I intend to never vote for that much more money for this Administration. I know the purposes for which this money will be used and I think possibly that would be one of the big reasons why most of the Members on this side of the house would not vote for that resolution.

I think Senator Mahany's proposition that it be sent to committee and if lobbyists and lobbying need to be investigated, let them be investigated. Maybe we should investigate the people who were out lobbying for the passage of it, as well as those who were lobbying against the passage of it. I have no objection. I have nothing to hide and I do not think any person in this Senate has anything to hide. Certainly, when we are confronted with a resolution that carries in it, and embodies in it, the fact that we admit that George Leader needs \$464,000,000 more of new revenue, then we have abdicated our position in which we are insisting on economy and none of us on this side of the house could in any way, manner, shape or form vote for such a resolution.

Mr. LANE. Mr. President, I might say to the gentleman

from Allegheny County that they have the votes on the other side, and what they can do is amend the resolution and let us know what they admit we actually need. If they disprove the \$464,000,000 they can then, by their own vote, amend the resolution and set forth in the resolution just how much they feel the Leader Administration actually needs.

I would say that that excuse, as far as I am concerned, is not too valid because they have the votes to amend the resolution to suit the occasion. What they should do, if they are sincere, is to go ahead and amend the resolution and let us vote on it.

The PRESIDENT. The question before the Senate is that of unanimous consent for the immediate consideration of the resolution offered by the gentleman from Westmoreland, Mr. Dent. Let us dispose of this question first.

The Chair has heard objection to suspending Rule 39 and granting unanimous consent for the immediate consideration of this resolution.

Mr. SEYLER. Mr. President, I desire to interrogate the gentleman from Allegheny, Senator Fleming.

The PRESIDENT. Will the gentleman from Allegheny, Mr. Fleming, permit himself to be interrogated?

Mr. FLEMING. I will, Mr. President.

Mr. SEYLER. Mr. President, the appropriation bills have been with us for sometime, stating the figure which the Administration believes is necessary to give a program which will satisfy the needs of the Commonwealth. As I understand it, the gentleman has said that he does not believe that that figure is correct. I would like to now ask him to tell us, in his considered judgment, what figure should be given as the correct figure for the needs of the Commonwealth.

Mr. FLEMING. Mr. President, I certainly do not have the figures right in front of me. I think George Leader's budget can be cut and I do not think there is any question about that. I would say to you, Senator Seyler, that I call on your colleague from York County to make good on those promises, the premise on which he was elected Governor of Pennsylvania; that he would effect economies in government; that he would not need any broad base tax; that he would need neither the sales tax nor the wage tax because, by those well known Democratic economies, he was going to run this Commonwealth in such a manner that we could get along without any new taxes. Yet, we have seen the greatest reversal of form we have ever seen and he comes with the biggest, the most spendthrift budget that was ever presented.

Mr. SEYLER. Mr. President, I would like to ask the Senator, secondly, whether he still holds to his former opinion that this total budget can be cut by ten per cent. I believe that the Senator at one time advanced that figure, and I would like to know if he still feels that figure is the correct one.

Mr. FLEMING. I do not believe that I advanced that figure. I believe I said the number of persons on the payroll could be cut by ten per cent.

I was most happy, if I may add this, when one of his brain-trusters, either Doctor Ferguson or Mr. Ferguson, agreed with me and in front of Senator Yosko's committee suggested that.

You are all acquainted with the act which went on down in the News Room when "brain-truster number



one," Mr. Charlesworth, went down and said, "Gentlemen, you cannot print this." Of course, that spread it all over the newspapers of Pennsylvania.

Mr. SEYLER. Mr. President, I would further like to ask the gentleman whether he would name specifically some of the items which he thinks could be cut. In view of the length of time we have had the appropriation bills here and the amount of consideration that he undoubtedly, as one who is vitally interested in reducing the figure, has given them, if he feels that he cannot give us a total figure on how much this budget should be cut, can he name in what areas he would do the cutting? Would it be in the area of the Welfare Department appropriations or the Department of Public Instruction appropriations? I would be interested in having a more specific statement.

Mr. FLEMING. I think both of those could be cut. That is correct; yes, sir. I certainly think that the entire appropriation for industrial redevelopment can be cut at \$27,000,000. I can defend that anytime, Senator Seyler.

Mr. SEYLER. Mr. President, I thank the gentleman.

Mr. President, we have heard all through this Session, ever since the budget was announced, the type of, what seems to me to be, irresponsible statements about cutting this budget but we have never had, and this morning is no exception, any attempt to give us a detailed and specified account of just where it should be cut. I think the people of the Commonwealth, and particularly those people who are interested in the programs which were advanced, would be interested to have that information.

If the gentleman believes that a cut of \$30,000,000, which was earlier recommended for the welfare program, should be made, which would make impossible the sort of program outlined by the Governor in his speech yesterday on mental health, does he feel that the cut should be made in the appropriations for Public Instruction or some other appropriation? I think we are entitled to have a more specific answer. I think this business of jumping up continually and saying that the figure is too high, and that we do not need this much money, but refusing to tell us just where these cuts should be made, leaves in suspense a lot of the people in the Commonwealth who are honestly interested in the good program which has been outlined by the Leader Administration for mental health, for schools, for public health, for retarded children and so on. I think it is doing a disservice to those people to continually say, "We think this figure is too high," but refuse to give us any sort of itemized account of just how much it should be.

I have heard the figure of \$131,000,000 and I have read the figures given out by the Majority Leader in the past which said \$30,000,000 should be cut from Welfare, \$20,000,000 from education and so on. I am taking the place, in a sense, of Senator Yosko, who I am sure if he were here today would be raising this same point upon hearing a remark like that. We have yet to hear, in spite of repeated challenges by Senator Yosko, any sort of itemized account on just where these cuts should be made.

Mr. President, I do not believe that cuts can be made to the extents mentioned by the Members of the Majority side without endangering the mental health program, the schools and all these other great needs which must be taken care of by this Administration. I am still waiting to hear just where these cuts will be made.

The PRESIDENT. There being objection to the immediate consideration of this resolution, the resolution is referred to the Committee on State Government.

#### SENATE RESOLUTION REFERRED TO COMMITTEE

REQUESTING DOCTOR GAYLE K. LAWRENCE TO APPEAR BEFORE THE SENATE FINANCE COMMITTEE TO TESTIFY REGARDING THE ELIMINATION OF EMPLOYEES FROM THE STATE PAYROLL

Mr. WADE. Mr. President, I ask unanimous consent to offer a resolution at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. WADE. Mr. President, I am offering this resolution on behalf of Senator Mahany and myself, and I might extend the invitation to the gentleman from York, Senator Seyler, to join with us in this resolution, if he chooses to do so after the resolution has been read. We invite him to join us in the sponsorship of this resolution.

Messrs. WADE and MAHANY offered the following resolution, which was twice read as follows:

In the Senate, December 20, 1955.

It was testified by Dr. Gayle K. Lawrence, Personnel Secretary in the Office of the Governor, before the special committee named by the Minority Leader of the Senate to hold public hearings on the budget during the legislative recess of August 8 to 26, that 5000 to 10,000 jobs could be eliminated from the State payroll, but without indicating the manner in which this could be accomplished nor the agencies from which the cut-back in jobs could be made. If it is possible to do away with this number of jobs it is important to know how it can be done and what agencies will be affected; therefore be it Resolved, That Dr. Gayle K. Lawrence be requested to appear before the Senate Finance Committee at a time and place designated by the committee and testify further as to how 5000 to 10,000 jobs can be eliminated from the State payroll and in what agencies of the State government the cut-back in jobs could be made; and that in the event Dr. Lawrence refuses to appear or to testify as requested, a Senate subpoena be issued under the hand of the President pro tempore commanding Dr. Lawrence to appear and to explain fully his statements made before the special committee.

#### REQUEST THAT RULE 39 BE SUSPENDED

Mr. WADE. Mr. President, I ask unanimous consent that Rule 39, which requires resolutions be referred to an appropriate committee, be dispensed with and the Senate proceed to the consideration of the foregoing resolution.

The PRESIDENT. Is there objection?

Mr. WADE. Mr. President, if it is in order, I would like to repeat my invitation to Senator Seyler, of York, to join with Senator Mahany and I in sponsoring this resolution before it is referred to committee.

Mr. SEYLER. Mr. President, I desire to interrogate the gentleman from Cumberland, Senator Wade.

The PRESIDENT. Will the gentleman from Cumberland, Mr. Wade, permit himself to be interrogated?

Mr. WADE. I will, Mr. President.

Mr. SEYLER. Mr. President, I would like to ask the gentleman if he can give me the complete payroll figures as of this date or any date relatively close to this in the immediate past.



Mr. WADE. Mr. President, I do not have those figures before me, but I can easily get them for the Senator.

Mr. SEYLER. Can the gentleman give me the complete payroll as of a year ago, both as to number of employees and total salary?

Mr. WADE. Mr. President, I would be very glad to furnish the gentleman with those figures after I have had time to prepare them. I certainly would not want to quote figures which were not exactly correct, and I cannot do that from memory.

Mr. SEYLER. Mr. President, I thank the gentleman.

Mr. President, in replying to the gentleman's kind invitation, I would like to say that it is my distinct impression that at this moment on the State payroll, both from the standpoint of number of employees and from the standpoint of total salary payroll, the figures are significantly different in favor of the present Administration as over the last Administration. That being the case, I really see no need for the type of resolution the gentleman from Cumberland has offered. I am convinced that the process which he apparently desires, judging by his resolution, is already underway.

I have no idea as to the number of the members of the Republican party who are still employed on the State payroll, but I understand that that figure is quite high. In fact, it is considerably higher than the number of Democrats on the State payroll, let us say, a year ago. That, of course, is a matter of politics and probably should not be injected into a discussion which has the high, and I am sure, nonpartisan ideals that the Senator from Cumberland had in mind, but I just throw that in as an answer.

Mr. President, until the Senator from Cumberland is able to give me figures which indicate that the case is otherwise, as I have stated, namely, that the payroll has declined both in number and total amount, I could not avail myself of his very kind and generous offer to join he and Senator Mahany in this resolution.

The PRESIDENT. The resolution is referred to the Committee on State Government.

#### PERMISSION TO ADDRESS SENATE

Mr. MAHANY asked and obtained unanimous consent to address the Senate.

Mr. MAHANY. Mr. President, first I want to say to Senator Seyler that the fact that we may have fewer employees and it costs us less now than it did a year ago, certainly may be very well explained by the fact that we do not have the sales tax on the books at the present time. I understand that it did cost us considerable money to collect the sales tax and also that it did take a considerable number of employees. Inasmuch as the sales tax has now expired and we are not getting this money, many of those employees should have been discharged by this time and we would have saved, in that one particular bureau, a good many thousands of dollars. There may be other instances of a similar vein.

I did not have the opportunity of answering Senator Dent in his comments previous to the time that he introduced his resolution relative to lobbyists, but I want to say to Senator Dent, and also to the other Members of this Senate, that in my contact with various representatives of business and labor, although they may

from time to time voice their opinion on certain legislation. I do not vote absolutely according to any instructions given to me by them. I listen to their particular views in connection with the legislation and if it is legislation in which they are interested and concerned, then I perhaps argue the point with them if I see differently on the legislation than they do and if they are not able to convince me of their particular arguments relative to the legislation, then I come on the floor and vote against it.

I feel that every Senator in this body does the same thing when he votes for legislation. I think if there are any lobbyists whom we really listen to with intent, they are the lobbyists who send us down here from back home. Those lobbyists are the people who are what we call our constituents. They are the taxpayers. When I go back home, Mr. President, I seem to get an entirely different viewpoint from the people who sent me down here than what I get from Senator Dent on the other side.

Mr. President, I was back home just this past week and I ran into an awful lot of people on the streets, in their homes and in the various gathering places where you find your friends and almost without exception they told me that they thought the tax programs, as presented by Governor Leader so far, were not the right kind and they congratulated me for opposing them. When I came back to Harrisburg, I find out from Senator Dent that I have some kind of horns on my head for having opposed this vicious tax program.

I want to tell Senator Dent that if I had it to do all over again, I would do the same thing as I did in the past. The tax program which was sent over here the end of July or the first part of August, which was termed the Leader classified income tax, was debated at length upon this floor and I do not intend to repeat the debate that we had at that time. I remember at the time, though, that Senator Dent got a lot of shoe boxes out and tried to show us that the shoes were taxed under the sales tax when, in fact, they were not taxed under the sales tax.

Mr. President, I want to say to the Senator that that tax program, at that time, was pretty much opposed by the people, generally, in the State of Pennsylvania. We, who come down here to the Senate and try to represent our constituents, opposed it. If we did wrong and any of us come up for re-election, then, Senator, you can go out in our Districts and show that we did the wrong thing and I have no doubt that that is what you and Governor Leader and others will try to do on television, radio and through the medium of your propaganda experts. You will try to show that the Republicans were lax in their duty and did not listen to the voice of the people and did not give you the tax program which you thought we should give you. If you are successful in that, then you can defeat us. However, if the people feel that we did the right thing, then I feel sure that they will return the Senators who stood for what they thought should be stood for and they will return us to this Chamber.

As far as the one that we defeated last week, Mr. President, that also was a vicious piece of legislation. It was not just us who were against it. You had one of



your own Senators over there who made certain statements relative to it and the effect that it would have on industry. I have no doubt that there were many people who tried to convince him otherwise. However, he was not so convinced and in the public press, he got accolades for his stand and I also understand that Senator Bane has personally stated that he has, since he took this stand, received many many telegrams and letters backing him up for his statesmanlike stand in relation to this legislation.

You also charged that Senator Derk had a heart attack due to the great flood of telegrams that were put on his desk. However, you did not say anything about the thing which I found out afterwards and that is that Senator Derk was in a disturbed frame of mind over whether he should resign from the Senate or whether he should have to vote for this program. It was perhaps due to the great mental anguish and great mental pressure that he was under that caused him, perhaps, to suffer this nervous breakdown or heart attack.

(Remarks of the gentleman from Crawford, Mr. MAHANY, expunged from the record.)

#### PERMISSION TO ADDRESS SENATE

Mr. DENT asked and obtained unanimous consent to address the Senate.

Mr. DENT. Mr. President, unless the gentleman from Crawford was told by Doctor Derk that these things which he now says about Doctor Derk—unless he can testify on this floor that these statements are true of his own knowledge, I suggest that they be stricken from the record.

#### PERMISSION TO ADDRESS SENATE

Mr. MAHANY asked and obtained unanimous consent to address the Senate.

Mr. MAHANY. Mr. President, I admit that I do not know from my own knowledge that Senator Derk was in the office of the Governor. From statements that were made, I understood that he was. Therefore, as far as I am concerned, if that is grounds for expunging my statements from the record, I will so agree to it. However, I do know that the Senator was under great mental anguish at the time and he was in tears out here. I saw him in tears and I understood him to say that he did not know what he was going to do; one thing, he was not going to stay for the Session that day and he was trying to find a way to go home. He told me that he did not feel that he was going to vote for the bill. Other than that, I have no firsthand information.

The only information that I have is what I read in the newspapers and certain statements from other Senators. I am willing to have that part expunged from the record because I do not have firsthand information.

The PRESIDENT. Does the Senator from Crawford, Mr. Mahany, wish to have a part of his statement expunged from the record?

#### REMARKS EXPUNGED FROM RECORD

Mr. MAHANY. I will agree to have the part expunged relative to Senator Derk's visit to the Governor's Office and about his being kept up at night by his colleagues. I will try to find out between now and when we meet

again, from his wife or perhaps somebody who knows. Maybe I can talk to Senator Derk about it and later I can make my allegations.

The PRESIDENT. Is the Senator from Westmoreland, Mr. Dent satisfied with the agreement?

Mr. DENT. Mr. President, is the gentleman finished? Is the gentleman from Crawford, Senator Mahany, finished talking?

Mr. MAHANY. Do you mean as far as the record is concerned?

Mr. DENT. Yes, I have a few remarks to make if you are finished.

Mr. MAHANY. All right, I am finished, as far as the record is concerned.

#### PERMISSION TO ADDRESS SENATE

Mr. MAHANY asked and obtained unanimous consent to address the Senate.

Mr. Mahany. Mr. President, I do want to say again to Senator Dent that here we try to vote according to the way our people would like to have us vote. If that is wrong, then we are wrong. As long as I am down here, I expect to continue to do that.

I also expect to use what legal training I have in relation to reading bills and being able to interpret them in the light of what I feel is constitutionality. I expect to continue to do just that. As long as the Governor insists on sending over, from the House, tax measures which I feel are unfair, inequitable and perhaps of doubtful constitutionality, I shall expect to oppose them.

#### INTERROGATION

Mr. DENT. Mr. President, I desire to interrogate the gentleman from Crawford, Senator Mahany.

The PRESIDENT. Will the gentleman from Crawford, Mr. Mahany, permit himself to be interrogated?

Mr. MAHANY. I will, Mr. President.

Mr. DENT. I have asked this question before. However, maybe I can get an answer. Will you tell us, so that I can carry to the Governor your answer, what you think is fair, equitable and constitutional in the manner of taxes to raise the necessary moneys for the Commonwealth?

Mr. MAHANY. Mr. President, I have before me a chart of many States of the Union showing where they are picking up their money to balance their budgets. I find that most of them are using the sales tax for that purpose. For instance, the State of Ohio, which has a Democratic Governor, and an outstanding one I might add, gets fifty-four per cent of its revenue from the sales tax as of 1954. I feel, first, that I would be happy to vote for a sales tax if and when it reaches the Senate, along the lines of the Ohio sales tax.

As far as a constitutional tax is concerned, there is no question about the fact that an income tax might be constitutional. However, whether one could be adopted which would be fair under our Constitution is a problem that I do not want to discuss at the present time. If a tax program such as that is sent over to the Senate, we can discuss it at that time. There are other taxes which we have on the books now that I feel are constitutional and equitable. The Pennsylvania Economy League gave us a list of potential tax sources, but most



of those are small ones, other than the broad base taxes. I do not feel they would be sufficient to raise the amount of money needed.

For the gentleman's information, at the present time I feel about as far as I can go is to tell you that I feel what we should have in the State of Pennsylvania is a sales tax similar to the Ohio plan.

Mr. DENT. Will you tell the Senate what the budget of the State of Ohio is and what fifty-four per cent represents?

Mr. MAHANY. I understand that the State of Ohio gets around \$200,000,000 a year from its sales tax. I do not know what its over-all budget is. However, if it receives fifty-four per cent from a sales tax, its budget would be approximately \$400,000,000 or \$380,000,000 a year.

Mr. DENT. Do you know how much the State of Pennsylvania has in its budget for school purposes alone?

Mr. MAHANY. I understand it is around \$600,000,000 or something like that.

Mr. DENT. If we had the Ohio sales tax, as you suggest that we pass, how much money do you think it would raise in the State of Pennsylvania and what percentage of the budget would it be?

Mr. MAHANY. It would, of course, depend upon the amount of percentage that you would have. At three per cent, it should raise about \$500,000,000 or \$600,000,000 a biennium. I understand, with the sixteen months that it still would have to go, if we adopted it and had it started about February 1st, we could figure on over \$300,000,000.

Mr. DENT. Would you say that is sufficient to meet the needs of the Commonwealth for the biennium.

Mr. MAHANY. For the new needs, I understand that the Governor says he needs \$465,000,000. There have been other estimates as to how much he needed. You can go anywhere from \$350,000,000 in new money to \$465,000,000. I would say that if we could settle for somewhere around \$375,000,000 to \$400,000,000, that would be a pretty good compromise.

Mr. DENT. Thank you, Mr. President, and thank you, Senator.

#### PERMISSION TO ADDRESS SENATE

Mr. DENT asked and obtained unanimous consent to address the Senate.

Mr. DENT. Mr. Preseident, I wonder, when all of the talk is being put out over Pennsylvania about this great panacea that is contained for the fiscal problems of the Commonwealth in the passage of the Ohio tax plan, whether the people of Pennsylvania are not being lulled to sleep by the voices of those who are either ignorant of the truth or unwilling to tell the truth.

The Ohio sales tax, as we understand it, raises approximately \$359,000,000 a biennium. Of this amount, \$36,000,000 is required for the collection of the tax. We, in Pennsylvania, taxing on the same basis, could hope to get approximately twenty-three per cent more money than what is gathered in the State of Ohio. So, if my figures are anywhere near right, we would have a net at the end of a biennium, with the Ohio tax plan, of about \$360,000,000. It may interest the Republican Members of this Senate to know that the Governor of Ohio,

who has been praised by the Republican leader, has been publicly stating that the Ohio tax plan is not sound. Upon every occasion, when the tax experts and consultants of the seventeen States that have sales taxes meet, they have rejected unanimously the Ohio tax plan. A Member of the House introduced what was purported to be the Ohio tax plan. It was drawn after the Ohio tax plan because a copy of the Ohio tax plan was used as a pattern. However, when the Member of the House introduced that plan, then the lobbyist, about whom I have talked, immediately started handing in amendments. Now, over in the Committee on Ways and Means is the so-called Ohio tax plan, amended to meet the opposition demands of the lobbyists in Pennsylvania and we find that any similarity between the Ohio tax plan and the so-called Pennsylvania-Ohio tax plan is purely accidental.

We also find, Mr. President, that we only have fifteen months of this biennium for collections. We also find, Mr. President, that the people of this Commonwealth, whether knowingly or unknowingly, whether willingly or unwillingly, at a free election, elected Governor Leader and a Democratic House of Representatives. There was a great deal of indecision as to whether or not it had not elected an equal number of Democratic Senators. On the first count, we won. A year later, Mr. President, after the so-called obnoxious classified income tax had been aired by the well organized propaganda methods, adhered to this morning by the New York Times and by myself on many occasions, and had given the people a great, great ballyhoo about the unconstitutionality of the act and about its viciousness and that we had already introduced to the people our thoughts on a second tax program, the people in a vast majority of the counties decided that somehow or other, unwillingly or willingly or unknowingly or knowingly, decided to vote to uphold the hand of the Governor. Incidentally, Mr. President, I can say to this Senate that, as peculiar as it may seem and for the information of the Republican Majority Leader, we won county control in counties that we had not had control of since Andrew Jackson was President of the United States.

The question of Senator Bane deserves a chapter of its own. I am happy to note, for the record, that the Republican Floor Leader is in constant touch with Senator Bane. Those of us who have served in these bodies know that sometimes things happen between an election and a few weeks afterwards, especially when a man has been successful in an election and finds himself with ten full years of security, given to him by the support of the people and the Democratic Party. Whatever Senator Bane's thoughts are, they are his own. Whatever he wants to do is his own business. However, I learned a long time ago that men do not live by bread alone.

So, Mr. President, if the Republican Party gets a great deal of comfort out of Senator Bane's position, that is entirely up to them. I stated on this floor that I sat back of Senator Derk's desk and I watched him open hundreds upon hundreds of envelopes, each of them containing nothing except a small printed form which came out of a daily newspaper in which people only had to sign their names, or whose ever names they decided to sign, propagandizing this man to do what they said was



the voice of the people and what the voice of the people demanded that he do. I asked, in a resolution, to interrogate and find out who paid for that and I find that my resolution is not wanted. I have hundreds upon hundreds of form letters in my possession and I want to know who paid for them.

My memory goes back to 1936 when a Congressman from Pennsylvania took the trouble to compare the signatures upon thousands and thousands of telegrams that he received in Washington, purportedly coming from the people in his District, urging him to vote against the Holding Company Act, under the first Roosevelt Administration. It was discovered, upon examination, that row after row of names were copied right out of the telephone book. That, my dear friends, was supposed to be the voice of the people. The voice of the people rests in the Senate of Pennsylvania when it comes to legislative matters. Advice, yes, we receive it; counsel, yes, we take it. However, Mr. President, this all-out fight contained in the propaganda, which is aimed particularly at a Member when a word gets out to certain interested parties that this Member is wavering, the fight that is made to swing him over to the opposition, is something that is terrible to behold in a Democracy. I have gone through it; I know. I have had telephone calls, keeping me awake until the small hours of the morning, telling me how vicious this tax bill or that tax bill is. That is not the strength of the argument here today. The defection of Senator Bane is not the strength of the argument. The argument before the people of Pennsylvania is this, whether or not the Leader Administration is going to give the people the kind of government it believes it was elected to give, or whether twenty-six Republican Senators are going to force the Governor of this State to bow to their will and to pass only the legislation that they dictate shall be passed. Never in the history of this Commonwealth has there been such a complete disregard of democratic principles.

Mr. President, this is not an attack on Senator Mahany or any other Senator in particular. It is no more of an attack upon Senator Mahany than their statements are attacks upon Governor Leader. I refuse to believe that it has degraded into a personal attack. I want not to believe that it is the outside pressure that is causing this situation, but when we find ourselves faced with a situation that we are able to predict and have predicted occasion upon occasion and time and again, and our predictions come out to the letter, then it is time that we investigate.

I have said before, and I will say now, that I claim no powers of clairvoyancy. I cannot read the future, but when I am told by certain individuals that certain things are going to happen and they happen, I have a right to be suspicious. I have been told that there is no need for the Governor or the Democratic Administration to, as they call it, "cook up" another tax program because they have already said it is unconstitutional. As I have said, who is the best judge of the Constitution except the courts of this land?

Mr. President and Members of this Senate, this is far more serious than some of us are taking it. Some say, "Why do you have to come back next week?" You have to come back next week because this Senate has refused to pass an appropriation bill for school purposes. Although

we have the money available, although we have sufficient money to take care of all the fourth class school districts in this Commonwealth, we cannot give it to them because we have failed to lift from the table Senate Bill No. 785 and name a conference committee, and because we have failed to pass a previously passed House Bill which has been laying in committee for nigh onto five months. Unless you make this appropriation, there is not much you can do. The appropriation which you passed the other day, tying strings to it, would not have performed the job you wanted performed because you cannot get money under that bill for at least thirty to sixty days and after you do get the money, you subscribed it to such a small field of usage that it can only be spent for salaries in school teaching units and for transportation. You did not take into consideration the very serious economic shortage on the local school fronts by those school districts which have school bonds and require the money at this time to meet their school bond requirements.

Therefore, Mr. President, the situation is compelling us to again come back or to stay here until we do decide just what we can or cannot do relative to relieving the situation in the fourth class districts.

The Governor could probably issue a proclamation advising all hospitals that they should not spend any moneys whatsoever if they are contemplating State-aid, because a budget of \$375,000,000 will not allow one red cent of non-preferred appropriations. I think the people ought to know that.

Mr. President, I am not one to say what the tax program will be except that I fight for what I think is right, the same as Senator Mahany, but I refuse to say, like Senator Mahany, that I will only consider one tax plan if it is sent over. I, and the rest of the Democrats, will consider any tax plan which comes from the House of Representatives and try to do justice by the people in doing it.

#### PERSONAL PRIVILEGE

Mr. MALLERY. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The gentleman from Blair, Mr. Mallery, will state his question of personal privilege.

Mr. MALLERY. Mr. President, on December 9th I received the following letter:

"Let me introduce myself. I am the Reverend George E. Nein, Jr., pastor of the Petersburg Lutheran Parish, Petersburg, Pennsylvania. I am writing to you concerning a situation which has arisen in our locality that is of great concern to all our people. I am hopeful that you will be able to help solve our problem."

Mr. President, I am reading this letter particularly because I do not know how to solve his problem, and maybe someone else here can solve it.

"Petersburg is a small town of some 600 people located about twelve miles west of Huntingdon and about three miles from Alexandria, another small community. Last December the Robinson Clay Products Company, a brick works located just outside of Alexandria, closed down. The closing of this factory affected many families in both Petersburg and Alexandria. Even now, a year later, many men have not as yet found other employment.

"Just this week word was received that the Pennsylv-



vania Electric Power Plant, located below Petersburg on the Little Juniata River, would at the first of the year cut its personnel by almost fifty per cent. This means more unemployment, especially for the town of Petersburg.

"These two industries, Robinson Clay Products and Pennsylvania Electric, are two of the major sources of employment for this area.

"I realize that there must be many other cases across the State similar to this, but as a pastor of my people I feel that I must make our situation known to you. The majority of our people want to work for a livelihood rather than accept charity and they are moving from our communities to secure employment. I can safely say that eighty per cent of our young people leave our communities."

Mr. President, I have not answered this letter which I received on December 9th, because up to this time, while I have given serious consideration to the letter, I have not been able to come up with the answer. The only contribution that I have been able to make in providing employment for many people who are out of employment in Blair County is to make a contribution to our industrial drive. With the funds derived from that drive, two industries have been obtained to come into Blair County. When the excise tax bill was introduced, I received a communication from the head of the largest industry that was contemplating coming into Blair County, stating that in the opinion of the officials of that company it would be a mistake for them to come in to Blair.

We have serious unemployment in Mount Union. Mount Union, up until several years ago, had three refractories which were working full time and almost everyone in the borough was employed. As I understand, other means of making refractory brick have been discovered. A type of sand, I think in Bucks County, is being used in the making of bricks and one of the factories has closed down.

Mr. President, I cannot help but contemplate the fact, and I have never risen in this Senate to say anything unkind about anyone and I never expect to, that there is a great difference in the philosophy between the thinking of Republicans and my Democratic friends. Sitting over here, so often I get the impression, which I do not believe is intended by my Democratic friends to cause the people to think as I think they think, that industry is the worst think we have in our State.

There is one program which our Governor has that I am one hundred per cent in accord with, and that is his program to bring industry into Pennsylvania. I never operated an industry and I do not know anything about it. In order to have industry, however, articles must be manufactured that people want to buy. It takes ingenuity and money in order to establish an industry. Therefore, I think that we here in Pennsylvania should be as cooperative as possible in making overtures of inducement for industry to come into our State.

Mr. President, it has been mentioned, and I recall it with regret, that the Pittsburgh Plate Glass Company located a \$30,000,000 plant just over the border, that General Electric moved to Kentucky and I do not know how many other industries in Pennsylvania have moved to the South because the people down there are anxious to have industry and they are making every inducement to have them locate in the South.

We have a wonderful State and I think we all agree that there is no finer State in the United States. We want to live here and we want the young people who are growing up to stay in Pennsylvania.

Mr. President, my thought is to take heed of these businessmen who came here to attend the meeting of the Finance Committee. I think those men are citizens to be respected. They are honest men who are engaged in industry, and I think they know what they are talking about.

#### PERMISSION TO ADDRESS SENATE

Mr. DENT asked and obtained unanimous consent to address the Senate.

Mr. DENT. Mr. President, I want to thank the gentleman for reading that letter. However, I cannot find anything in the letter which says that the excise tax or the classified income tax drove this refractory out of Mount Union. I find that it went out because of the fact that they found a better place because of local conditions, because of the raw materials and probably because of markets. That is why they moved. If we took all of the tax from that particular industry and put it all on the people, as some of the Members of this Senate want to do, the minute you would do that and they found better sand in Bucks County, they would still move. That has just been shown in my own community where a local brewery, which had two plants, closed the one in my town because they expanded the facilities of the other one.

Mr. President, you just cannot fail to recognize that although we are not, as some would have the people believe, enemies of industry, by the same token we are not opposed to human beings. Again another thing that Andrew Carnegie said should be recognized by the Members of this Senate: "That prosperity and economic well-being are built on three pillars, capital, machinery and people, and to shake any of the pillars destroys the balance." You cannot take it all off of machinery and all off of capital and put it all on the people, regardless of how much you desire to do so. We can all agree that the Federal Government probably takes too much out of the income sources of this Commonwealth and other Commonwealths. However, that still does not take away from machinery or production, which will become an increasingly greater problem as the years go by.

I, for one, would like to live to see the day when automation places its full power into use in this Commonwealth and where one man does the job of 500 or 600 and still put the taxes, as some would suggest, upon the people. Somewhere along the line the energy that replaces human energy must be taxed, whether it is now in my lifetime or in the lifetime to come. If you do not, you will have the destruction of the only thing that industry is good for. Industry is only good to bring prosperity, but that prosperity must go to people or it is not worth bringing.

If you wish, I will read the record of American finance in the last ten months of this year. I want it compared with the finances of any individual in the earning classes of peoples of this great State and Nation for the last ten months. You must maintain the balance. You cannot remove machinery from local taxation and place a twenty-five per cent greater burden upon the individuals who



own homes in those communities, and then stand here and try to pass \$460,000,000 of taxation without placing any of it upon machinery and excusing them from some of the taxes they are now paying and maintain the balance. Certainly, we want prosperity. However, the finest factory in the world, with the greatest bank account ever achieved, paying the highest dividends in the history of man, is worthless if the people are milling around the gate and seeking relief to feed their families.

#### PERMISSION TO ADDRESS SENATE

Mr. MALLERY asked and obtained unanimous consent to address the Senate.

Mr. MALLERY. Mr. President, I think I missed making my point. I thought perhaps I could get some suggestion as to how we could get some industry into Petersburg and other sections in my Senatorial District.

I also want to state that I think it is sound and better for everyone to pay some tax and have a job in order to support himself and family rather than have no job, no money to pay a tax and no money to support his family.

#### INTERROGATION

Mr. DENT. Mr. President, I desire to interrogate the gentleman from Blair, Senator Mallery.

The PRESIDENT. Will the gentleman from Blair permit himself to be interrogated?

Mr. MALLERY. I will, Mr. President.

Mr. DENT. Senator Mallery, do you believe that if this Legislature passes legislation removing all taxes from any conceivable type of business and industry in this Commonwealth and places it all upon the people, as you say, that you will bring back the refractory to Mount Union or any industries that have left you in the last sixteen years?

Mr. MALLERY. I made no such statement, Senator Dent. I will say, however, that it is my understanding that Pennsylvania, under Republican rule, has levied a higher tax on industry than any other State in the United States except Massachusetts. I do not think that is good policy under Republican Administrations or under Democratic Administrations.

Mr. DENT. Thank you, Senator Mallery. However, I just do not want you living under that misconception of Pennsylvania's tax picture. I think it is by statements like that, wherever you have gained that information and those who gave it to you, which is causing industries not to come into Pennsylvania and it has built a psychological barrier against this Commonwealth.

Any person who says that this is the worst State in the Union for industry, outside of the State of Massachusetts, is doing an injustice to Pennsylvania. That is not true. If you take into consideration the local taxes paid in Ohio by industry and take the per dollar per capital invested dollar in the State of Ohio, I will sit down and prove to you that this is still a healthier climate for industry to be in than Ohio ever was or ever will be.

#### HOUSE MESSAGES

##### RESOLUTION RECALLING FROM THE GOVERNOR HOUSE BILL No. 1319

The Clerk of the House of Representatives being in-

troduced, presented extract from the Journal of the House of Representatives, which was twice read as follows, considered and agreed to:

In the House of Representatives, December 20, 1955.

Resolved (if the Senate concur), That House Bill No. 1319, Printer's No. 880, entitled:

An Act amending the act of May 1, 1933 (P. L. 108), entitled "The Second Class Township Law," clarifying the effect of certain provisions of the act with respect to powers granted by other laws.

be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk inform the House of Representatives accordingly.

#### HOUSE BILLS FOR CONCURRENCE

He also presented for concurrence bills of the House, as follows:

House Bill No. 1898, entitled:

An Act amending the "Second Class County Code" of July 28, 1953 (P. L. 723) further providing for and changing the provisions of the act relating to employes' retirement system and the powers duties and liabilities of the county the county institution district and the retirement board relative thereto and the rights privileges and limitations of employes and beneficiaries under the retirement system.

Which was committed to the Committee on Local Government.

House Bill No. 1915, entitled:

An Act amending the "Policemen's Relief and Pension Fund Law of Cities Second Class" of May 22, 1935 (P. L. 233) changing the amount of payments to certain beneficiaries.

Which was committed to the Committee on Local Government.

House Bill No. 1916, entitled:

An Act amending the "Firemen's Relief and Pension Fund Cities Second Class" of May 25, 1933 (P. L. 1050) by changing the amounts of payments to certain beneficiaries.

Which was committed to the Committee on Local Government.

House Bill No. 1922, entitled:

An Act reenacting and amending section 4 of the "Employes' of Second Class Cities Pension Fund" of May 28, 1915 (P. L. 596) increasing the amount of pensions in certain cases.

Which was committed to the Committee on Local Government.

#### REPORTS FROM COMMITTEE

Mr. FLEMING. Mr. President, I ask unanimous consent to make reports from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. FLEMING, from the Committee on Local Government, reported as committed, House Bill No. 1898, entitled:



An Act amending the act of July 28, 1953 (P. L. 723) entitled "Second Class County Code," further providing for and changing the provisions of the act relating to employees' retirement system and the powers duties and liabilities of the county the county institution district and the retirement board relative thereto and the rights privileges and limitations of employees and beneficiaries under the retirement system.

He also, from the Committee on Local Government, reported as committed, House Bill No. 1915, entitled:

An Act amending the act of May 22, 1935 (P. L. 233) entitled "An act creating and establishing a fund for the care maintenance and relief of aged retired and disabled employees of the Bureau of Police in cities of the second class, . . .," changing the amount of payments to certain beneficiaries.

He also, from the Committee on Local Government, reported as committed, House Bill No. 1916, entitled:

An Act amending the act of May 25, 1933 (P. L. 1050) entitled "An act creating and establishing a fund for the care maintenance and relief of aged retired and disabled employees of the bureau of fire in cities of the second class, . . .," changing the amounts of payments to certain beneficiaries.

He also, from the Committee on Local Government, reported as committed, House Bill No. 1922, entitled:

An Act reenacting and amending section 4 of the act of May 28, 1915 (P. L. 596) entitled "An act requiring cities of the second class to establish a pension fund for employes of said cities, . . .," increasing the amount of pensions in certain cases.

#### SENATE CONCURRENT RESOLUTION

##### TIME OF NEXT MEETING

Mr. WEINER. Mr. President, I ask unanimous consent to offer a resolution at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. WEINER, on behalf of Mr. BARR, offered the following resolution which was twice read, considered and agreed to:

In the Senate, December 20, 1955.

Resolved (the House of Representatives concurring), That when the Senate adjourns this week, it reconvene on Wednesday, December 28, 1955, at 3:30 o'clock, p. m., E.S.T. and when the House of Representatives adjourns this week, it reconvene on Wednesday, December 28, 1955, at 3:30 o'clock, p. m., E.S.T.

Ordered, That the Clerk present the same to the House of Representatives for concurrence.

#### COMMITTEE OF CONFERENCE APPOINTED ON SENATE BILL No. 785

The PRESIDENT. The Chair announces, on behalf of the President pro tempore, the appointment of Messrs. WAGNER, KESSLER and SEYLER, as a committee of conference on the part of the Senate to confer with a similar committee of the House (if the House shall appoint such committee) to consider the differences existing between the two houses in relation to Senate Bill No. 785.

Ordered, That the Clerk inform the House of Representatives accordingly.

#### CALENDAR

##### SECOND READING CALENDAR

#### BILLS OVER IN ORDER

Mr. FLEMING. Mr. President, I ask unanimous consent that the following bills, on second reading, go over in their order:

House Bill No. 173, Printer's No. 1247;

Senate Bill No. 317, Printer's No. 394; and

Senate Bill No. 318, Printer's No. 388.

The PRESIDENT. Is there objection? The Chair hears none.

#### BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 499, entitled:

A Joint Resolution proposing an amendment to article eight of the Constitution of the Commonwealth of Pennsylvania enabling the Legislature to enact legislation providing for absentee voting

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 641, entitled:

An Act amending the act of May 1, 1933 (P. L. 103) entitled "The Second Class Township Code," authorizing the appointment of sanitary boards and sanitary officers prescribing their powers and duties providing for the enforcement of the administration of health laws by such boards and officers providing for a president and secretary of such boards imposing duties on the Secretary of Health and providing for payments of expenses by townships.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

#### BILL OVER IN ORDER

Mr. FLEMING. Mr. President, I ask unanimous consent that House Bill No. 655, Printer's No. 258, on second reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

#### BILL ON SECOND READING AMENDED

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 756, entitled:

An Act amending the act of May 1, 1929 (P. L. 905) entitled "The Vehicle Code" changing the requirements regarding use of different types of danger and caution signals.

The first section was read.

On the question,

Will the Senate agree to the section?

Mr. VAN SANT offered the following amendment:

Amend Sec. 1, (Sec. 824), page 3, by inserting a bracket before the word "Penalty" on line 9 and after the word "days" on line 13.



It was agreed to.

The section was agreed to as amended.

The second section was read and agreed to.

The title was read.

On the question,

Will the Senate agree to the title?

Mr. VAN SANT offered the following amendment:

Amend Title, page 2, last line of title by inserting after "signals" the following: "and eliminating penalty provision"

It was agreed to.

The title was agreed to as amended.

And said bill having been read at length the second time, as amended,

On the question,

Will the Senate agree to the bill on second reading, as amended?

### BILL OVER IN ORDER

Mr. FLEMING. Mr. President, I ask unanimous consent that House Bill No. 756, Printer's No. 1208, on second reading, go over in its order, as amended.

The PRESIDENT. Is there objection? The Chair hears none.

### BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 820, entitled:

An Act amending the act of June 14, 1935 (P. L. 341) entitled as amended "Cigarette Tax Act" declaring the taxes to be a levy on the consumers and imposing duties on dealers.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 830, entitled:

An Act amending the act of May 21, 1943 (P. L. 571) entitled as amended "The Four to Eighth Class County Assessment Law" requiring notice of certain changes in property valuations be given to political subdivisions in which the properties are located

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 831, entitled:

An Act amending the act of June 26 1931 (P. L. 1379) entitled "An Act creating in counties of the third class a board for the assessment and revision of taxes . . ." requiring notice of certain changes in property valuations be given to political subdivisions in which the properties are located

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 832, entitled:

An Act amending the act of May 22 1933 (P. L. 853) entitled "The General County Assessment Law" requiring notice of certain changes in property valuations be given to political subdivisions in which the properties are located.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

### BILLS OVER IN ORDER

Mr. FLEMING. Mr. President, I ask unanimous consent that the following bills, on second reading, go over in their order:

Senate Bill No. 854, Printer's No. 415;

Senate Bill No. 855, Printer's No. 416;

Senate Bill No. 856, Printer's No. 417; and

Senate Bill No. 857, Printer's No. 383.

The PRESIDENT. Is there objection? The Chair hears none.

### BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 881, entitled:

An Act declaring the public interest in certain historic sites and buildings and providing for certificates and markers

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 889, entitled:

An Act amending the act of August 5, 1941 (P. L. 803), entitled, as amended, "An act providing for the creation, maintenance and operation of a county employees' retirement system in counties of the fifth, sixth, seventh and eighth class; imposing certain charges on counties, and prescribing penalties," imposing duties on retirement boards when employees are placed under Federal Social Security, and changing and clarifying certain retirement allowances and benefits.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 890, entitled:



An Act amending the act of June 4, 1937 (P. L. 1625) entitled "An act providing for the creation maintenance and operation of a county employes retirement system in counties of the third class and imposing certain charges on counties" imposing duties on retirement boards when employes are placed under Federal social security and changing and clarifying certain allowances and benefits

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 891, entitled:

An Act amending the act of June 27, 1923 (P. L. 858) entitled "State Employes' Retirement Law" changing and clarifying contributions and credit provisions where employes are placed under social security.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 892, entitled:

An Act amending the act of June 23, 1931 (P. L. 932) entitled "The Third Class City Code" imposing duties on pension boards changing contributions and changing and clarifying certain allowances and benefits when employes are placed under social security

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 893, entitled:

An Act amending the act of July 18, 1917 (P. L. 1043) entitled "Public School Employes Retirement Law" changing and clarifying benefits contributions and credit provisions when employes are placed under social security providing for payments by the Commonwealth and for reimbursements from appropriations

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 894, entitled:

An Act amending the act of July 8, 1941 (P. L. 298) entitled "Fourth Class County Retirement Law" imposing duties on retirement boards when employes are placed under Federal social security and changing and clarifying certain allowances and benefits

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 895, entitled:

An Act amending the act of May 23, 1945 (P. L. 903) entitled "An act authorizing cities of the third class to establish an optional retirement system for officers and employes independently of any pension system or systems existing in such cities" imposing duties on pension boards changing contributions and changing and clarifying benefits and allowances when employes are placed under social security

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

### BILL ON SECOND READING AMENDED

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with.

The Senate proceeded to the second reading and consideration of Senate Bill No. 896, entitled:

An Act reenacting and amending the act of January 5, 1952 (P. L. 1833) entitled "An act to provide for the coverage of certain officers and employes of the Commonwealth and its political subdivisions under the old-age and survivor insurance provisions of Title II of the Federal Social Security Act as amended . . ." extending its provisions to include additional persons increasing contribution rates and providing for referendum and permitting modification of certain local retirement plans

The first section was read and agreed to.

The second section was read.

On the question,

Will the Senate agree to the section?

Mr. LANE offered the following amendments:

Amend Senate Bill No. 896, Printer's No. 410 by adding after the word subdivision on page 5, line 19: "or are not State employes as defined by the Act of June 27, 1923, P. L. 858 as amended"; Amend page 6, line 1 by inserting after the word limitations: "other than those in the Act of June 27, 1923, P. L. 858 on State employes."

They were agreed to.

The section was agreed to as amended.

The third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, twelfth and thirteenth sections and title were read and agreed to.

And said bill having been read at length the second time, as amended.

On the question,

Will the Senate agree to the bill on second reading, as amended?

Mr. LANE. Mr. President, I would like it understood that we may have to offer additional amendments to this bill in the near future. I hope there will be no objection to the offering of amendments to the bill on third reading.

Mr. FLEMING. Mr. President, I can assure the gentleman that there will be no objection to the offering of amendments, although I cannot assure him of our willingness to adopt them.

Mr. LANE. Mr. President, as long as there will be no objection to the offering of amendments to the bill on



third reading, I will be satisfied to have the bill read for the second time.

And the question recurring,

Will the Senate agree to the bill on second reading, as amended?

Ordered, To be transcribed for a third reading.

#### BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with.

The Senate proceeded to the second reading and consideration of Senate Bill No. 906, entitled:

An Act amending the act of June 20, 1947 (P. L. 745) entitled "An act to provide revenue for school districts of the first class by imposing a temporary mercantile license tax on persons engaging in certain occupations and businesses therein; . . ." as amended, by changing the penalties on taxes not paid when due

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

#### BILL OVER IN ORDER

Mr. LANE. Mr. President, I ask unanimous consent that House Bill No. 1129, Printer's No. 1154, on second reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

#### BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with.

The Senate proceeded to the second reading and consideration of House Bill No. 1222, entitled:

An Act to further amend the act approved the twenty-third day of May one thousand nine hundred forty-nine (P. L. 1669) entitled as amended "An act to provide revenue for school districts of the first class by imposing a tax on persons engaging in certain businesses professions occupations trades vocations and commercial activities therein" as amended by further defining "receipts"

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with.

The Senate proceeded to the second reading and consideration of House Bill No. 1223, entitled:

An Act amending the act of May 23 1949 (P. L. 1669) entitled as amended "An act to provide revenue for school districts of the first class by imposing a tax on persons engaging in certain businesses professions occupations trades vocations and commercial activities therein" changing the method of computing the tax of certain taxpayers changing the penalty on taxes not paid when due defining business and limiting the time within which suit may be started for collection of taxes

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

#### BILLS OVER IN ORDER

Mr. FLEMING. Mr. President, I ask unanimous consent that the following bills, on second reading, go over in their order:

House Bill No. 1294, Printer's No. 1210; and

House Bill No. 1330, Printer's No. 800.

The PRESIDENT. Is there objection? The Chair hears none.

#### BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with.

The Senate proceeded to the second reading and consideration of House Bill No. 1674, entitled:

An Act making an appropriation to the Department of Welfare for the two fiscal years beginning June 1, 1955 to assist in the payment of the operation and maintenance by the Trustees of Mercy-Douglas Hospital of the addition to Philadelphia State Hospital constructed by The General Assembly

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with.

The Senate proceeded to the second reading and consideration of House Bill No. 1736, entitled:

An Act amending the act of May 5, 1933 (P. L. 457) entitled "Building and Loan Code" removing the right of appeal to the Governor in cases of incorporation merger consolidation and conversion of building and loan associations and Federal savings and loan associations and authorizing appeals to the Court of Common Pleas of Dauphin County

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

#### BILLS ON FIRST READING

Mr. FLEMING. Mr. President, I move that the Senate do now proceed to the first reading of all bills reported from committees for the first time at today's session.

Mr. LANE. Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 53, entitled:

An Act amending the act of May one one thousand nine hundred twenty-nine (P. L. 905) entitled "The Vehicle Code" prohibiting throwing of certain material from motor vehicles.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.



Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 420, entitled:

An Act amending the act of May 1, 1929 (P. L. 905) entitled "The Vehicle Code" providing additional enforcement procedures on traffic violations in first and second class cities.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 730, entitled:

An Act providing for and regulating the licensing of poultry technicians by the Secretary of Agriculture for the drawing of blood from poultry to be used in pollorum testing programs.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 802, entitled:

An Act to provide for an additional law judge of the orphans' court in the fifth judicial district.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 857, entitled:

An Act amending the act of May 1, 1929 (P. L. 905) entitled "The Vehicle Code" authorizing the establishment of speed limits in cities of the first class under certain terms and conditions and imposing penalties.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 866, entitled:

An Act to further amend section nine hundred two of the act approved the first day of May, one thousand nine hundred twenty-nine (P. L. 905), entitled "The Vehicle Code" by changing the total maximum length of certain vehicles.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 874, entitled:

An Act amending the act of June 24, 1931 (P. L. 1206) entitled "The First Class Township Code" increasing millage of annual tax for general township purposes.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 911, entitled:

An Act amending the act of June 1, 1933 (P. L. 1172), entitled "Borough Rural State Highway Law," deleting a route in Berks County.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 912, entitled:

An Act amending the act of June 22, 1931 (P. L. 594), entitled "Rural State Highway Law," deleting a route in Berks County.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 918, entitled:

An Act amending the act of June 21, 1939 (P. L. 626), entitled "Second Class County Assessment Law," requiring the board to certify the total value of real property to clerks or secretaries of political subdivisions, and prescribing the time for appeal.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 970, entitled:

An Act amending the act of May 1, 1929 (P. L. 905), entitled "The Vehicle Code," by changing requirements and penalties concerning lamps and illuminating devices.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 1773, entitled:

An Act further amending the act approved the ninth day of April one thousand nine hundred twenty-nine (P. L. 343) entitled "The Fiscal Code," making certain information regarding refunds available for public inspection changing certain provisions as to the imposition and remission of penalties and granting of refunds and clarifying provisions as to settlements.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 1795, entitled:

An Act to further amend the act approved the twenty-fifth day of April one thousand nine hundred twenty-nine (P. L. 723) entitled "An act regulating the investment of funds by administrative departments boards commissions and officers of the State Government" by increasing the investment powers of State administrative departments boards commissions or officers.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 1898, entitled:

An Act amending the act of July 28, 1953 (P. L. 723) entitled "Second Class County Code," further providing for and changing the provisions of the act relating to employes' retirement system and the powers duties and liabilities of the county the county institution district



and the retirement board relative thereto and the rights privileges and limitations of employes and beneficiaries under the retirement system.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 1915, entitled:

An Act amending the act of May 22, 1935 (P. L. 233) entitled "An act creating and establishing a fund for the care maintenance and relief of aged retired and disabled employees of the Bureau of Police in cities of the second class, \* \* \*," changing the amount of payments to certain beneficiaries.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 1916, entitled:

An Act amending the act of May 25, 1933 (P. L. 1050), entitled "An act creating and establishing a fund for the care maintenance and relief of aged retired and disabled employes of the bureau of fire in cities of the second class, \* \* \*," changing the amounts of payments to certain beneficiaries.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 1922, entitled:

An Act reenacting and amending section 4 of the act of May 28, 1915 (P. L. 596) entitled "An act requiring cities of the second class to establish a pension fund for employes of said cities, \* \* \*," increasing the amount of pensions in certain cases.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

### RECESS

Mr. FLEMING. Mr. President, I move that the Senate do now take a recess for twenty-five minutes, until 3:00 o'clock, p. m., awaiting communications from the House of Representatives.

Mr. DIEHM. Mr. President, I second the motion.  
The motion was agreed to.

### AFTER RECESS

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

### NOMINATION BY THE GOVERNOR

#### REFERRED TO COMMITTEE

The Secretary to the Governor being introduced, presented communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows, and referred to the Committee on Executive Nominations:

#### JUDGE OF THE COURT OF COMMON PLEAS OF THE FIFTH JUDICIAL DISTRICT

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, December 20, 1955.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Emanuel F. Schifano, 20 Ansonia Place, Pittsburgh Allegheny County, for appointment as Judge of the Court of Common Pleas of the Fifth Judicial District of Pennsylvania, composed of the County of Allegheny, until the first Monday of January 1958, vice Hon. Premo J. Columbus, deceased.

GEORGE M. LEADER.

### HOUSE MESSAGES

#### HOUSE CONCURS IN SENATE CONCURRENT RESOLUTION

The Clerk of the House of Representatives being introduced, informed the Senate that the House has concurred in resolution from the Senate as follows:

#### TIME OF NEXT MEETING

In the Senate, December 20, 1955.

Resolved (the House of Representatives concurring), that when the Senate adjourns this week, it reconvene on Wednesday, December 28, 1955, at 3:30 o'clock p. m., E.S.T. and when the House of Representatives adjourns this week, it reconvene on Wednesday, December 28, 1955, at 3:30 p. m., E.S.T.

#### HOUSE INSISTS UPON ITS AMENDMENTS NON- CONCURRED IN BY THE SENATE TO SENATE BILL No. 785, AND APPOINTS COMMITTEE OF CONFERENCE

He also informed the Senate that the House insists upon its amendments nonconcurring in by the Senate to Senate Bill No. 785, entitled:

An Act making appropriations to the Department of Public Instruction for reimbursements to school districts.

and has appointed Messrs. POLEN, McCANN and JOHNSON as a Committee on Conference to confer with a similar committee of the Senate (already appointed) to consider the differences existing between the two houses in relation to said bill.

#### HOUSE CONCURS IN AMENDMENTS TO HOUSE BILL No. 1267

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 1267, entitled:

An Act amending the act of July 28, 1953 (P. L. 723) entitled "Second Class County Code" increasing the annual salaries of certain officers in counties of the second class.

### BILLS SIGNED

The President (Lieutenant-Governor Roy E. Furman) announced that the Chief Clerk having reported that the following bills had passed both houses of the General Assembly and the same being correct, the titles were publicly read as follows:

House Bill No. 1267, entitled:

An Act amending the act of July 28, 1953 (P. L. 723), entitled "Second Class County Code," increasing the annual salaries of certain officers in counties of the second class.



House Bill No. 1923, entitled:

An Act making an appropriation to the Department of Public Assistance and providing for certain allocation therefrom for the purpose of carrying out the Public Assistance Law, for the two fiscal years beginning June first, one thousand nine hundred fifty-five.

Whereupon,

The President (Lieutenant-Governor Roy E. Furman) in the presence of the Senate signed the same.

## COMMUNICATIONS FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows:

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg.

To the General Assembly of the Commonwealth of Pennsylvania:

By authority vested in me by the Reorganization Act of 1955, Act No. 8, I transmit herewith Reorganization Plan No. 6 of 1955. This transfers from the Department of Revenue to the Department of State the State Athletic Commission together with its powers, functions and duties.

This Plan is submitted for the following reasons: (1) functions of the State Athletic Commission have only an incidental relation to the Department of Revenue; (2) the transfer will relieve one of our large and expanding departments of a minor task and enable it to focus attention and resources upon primary responsibilities; (3) improved management and economy can be expected from grouping miscellaneous agencies and functions in one department—the Department of State.

/s/ GEORGE M. LEADER, Governor.

Dated: December 20, 1955.

Transmitted to the General  
Assembly, on December 20, 1955.

### REORGANIZATION PLAN NO. 6 OF 1955

Section 1. The State Athletic Commission, together with its powers, functions and duties, is transferred from the Department of Revenue, where it has been a departmental administrative commission, to the Department of State, where it shall be a departmental administrative commission, with the same status under the Act of April 9, 1929, (P. L. 177), known as "The Administrative Code of 1929," and its amendments, as that of departmental administrative commissions.

Section 2. There are hereby transferred to the Department of State, to be used, employed and expended in connection with the functions, powers and duties transferred by section 1 of this Reorganization Plan, the files, records, property, contract obligations, personnel, and the unexpended balances of appropriations, allocations and other funds available or to be made available for use in connection with such functions, powers and duties.

Section 3. The functions, powers and duties of the Secretary of Revenue, under section 427 of The Administrative Code of 1929, and its amendments, are transferred to and shall be exercised by the Secretary of the Commonwealth.

Section 4. The functions of the Department of Revenue, under subsections (c) and (d) of section 318, act of August 31, 1955 (Act No. 131), known as the "Pennsylvania Athletic Code," are transferred to and shall be exercised by the Department of State.

Section 5. The following acts and parts of acts are suspended as particularly set forth:

Sections 202 and 2503, act of April 9, 1929 (P. L. 177), known as "The Administrative Code of 1929," and their amendments, in so far as they affect the location of the

State Athletic Commission in the Department of Revenue.

Section 427, act of April 9, 1929, (P. L. 177) known as "The Administrative Code of 1929," and its amendments, in so far as it imposes functions, powers and duties on the Secretary of Revenue.

Subsections (c) and (d) of sections 318, act of August 31, 1955 (Act No. 131), known as the "Pennsylvania Athletic Code," in so far as they are in conflict with this Reorganization Plan.

## RESOLUTION

In the Senate, December 20, 1955.

Resolved, That Reorganization Plan No. 6 of 1955, transmitted to the General Assembly under date of December 20, 1955, which is incorporated herein by reference, be approved.

## RESOLUTION

In the Senate, December 20, 1955.

Resolved, That Reorganization Plan No. 6 of 1955, transmitted to the General Assembly under date of December 20, 1955, which is incorporated herein by reference, be disapproved.

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg.

To the General Assembly of the Commonwealth of Pennsylvania:

By authority vested in me by the Reorganization Act of 1955, Act No. 8, I transmit herewith Reorganization Plan No. 7 of 1955. The principal purpose of this plan is to transfer responsibility for replanting strip mining areas from the Department of Mines to the Department of Forests and Waters.

This change is desirable because: (1) The Department of Forests and Waters is already engaged extensively in work of a similar nature; (2) The Department of Forests and Waters grows the nursery stock and is better equipped with professional and technical personnel to promote and accomplish this important task; (3) Efficiency and economy of administration will be encouraged. For these reasons I recommend approval by the General Assembly.

/s/ GEORGE M. LEADER, Governor.

Dated: December 20, 1955.

Transmitted to the General  
Assembly on December 20, 1955.

### REORGANIZATION PLAN NO. 7 OF 1955

Section 1. The functions, powers and duties of the Secretary of Mines set forth in sections 11, 12, 13, 14 and 18 of the act of May 31, 1945 (P. L. 1198), known as the "Bituminous Coal Open Pit Mining Conservation Act," amended August 19, 1953 (P. L. 1115), and in sections 14, 16 and 19 of the act of June 27, 1947 (P. L. 1095), known as the "Anthracite Strip Mining Law," amended August 19, 1953 (P. L. 1112), are transferred to the Secretary of Forests and Waters.

Section 2. There are hereby transferred to the Department of Forests and Waters to be used, employed and expended in connection with the functions, powers and duties transferred by Section 1 of this Reorganization Plan, all property, supplies, equipment, records, files and contract obligations now being used or held in connection with such functions, powers and duties, and all personnel engaged solely in the performance of such functions, powers and duties, and the unexpended balances of appropriations, allocations and other funds available or to be made available for use in connection with such functions, powers and duties.

Section 3. The following acts and parts of acts are suspended in so far as they confer functions, powers and duties on the Secretary of Mines:

Sections 11, 12, 13, 14 and 18, act of May 31, 1945 (P. L. 1198) known as the "Bituminous Coal Open Pit Mining Conservation Act," and their amendments.



Sections 14, 16 and 19, act of June 27, 1947 (P. L. 1095), known as the "Anthracite Strip Mining Law," and their amendments.

#### RESOLUTION

In the Senate, December 20, 1955.

Resolved, That Reorganization Plan No. 7 of 1955, transmitted to the General Assembly under date of December 20, 1955, which is incorporated herein by reference, be approved.

#### RESOLUTION

In the Senate, December 20, 1955.

Resolved, That Reorganization Plan No. 7 of 1955, transmitted to the General Assembly under date of December 20, 1955, which is incorporated herein by reference, be disapproved.

The PRESIDENT. Reorganization Plan Nos. 6 and 7 will appear on tomorrow's Calendar.

#### HOUSE MESSAGE

#### AMENDMENT TO HOUSE BILL No. 834, RECALLED FROM THE GOVERNOR

The Clerk of the House of Representatives being introduced, presented for concurrence bill of the House of Representatives as follows:

House Bill No. 834, entitled:

An Act amending the act of May 9, 1949 (P. L. 927), entitled "An act fixing and regulating the fees, commissions, mileage and other costs chargeable by the sheriff in counties of the second, third, fourth, fifth, sixth, seventh and eighth classes, for their official acts and the services of their deputies, watchmen, appraisers, and other agents; requiring prepayment of same, unless secured or chargeable to the county, and delivery of itemized receipts therefor; requiring certain payments by the county, including the compensation of special deputies, providing for the taxation and collection of fees, commissions, mileage and other costs; requiring salaried sheriffs to account to the county for certain fees and commissions collected; and repealing inconsistent laws, general special or local," changing fees, commissions, mileage and other costs chargeable by sheriffs.

Said bill having been recalled from the Governor for amendment, the votes had on final passage and third reading were reconsidered in the House and the bill amended, in which amendments the concurrence of the Senate is requested.

#### RULE 21 SUSPENDED

Mr. MAHANY. Mr. President, I move that Rule 21, which requires amended bills to be noted on the Calendar, be in this case dispensed with, and that the Senate proceed to the consideration of the amendments made by the House of Representatives to the foregoing bill.

Mr. FLEMING. Mr. President, I second the motion.

The motion was agreed to.

#### BILL ON CONCURRENCE IN HOUSE AMENDMENTS, RECALLED FROM THE GOVERNOR

Agreeably to order,

The Senate resumed the consideration of House Bill No. 834, as follows:

An Act amending the act of May 9 1949 (P. L. 927) entitled "An act fixing and regulating the fees commissions mileage and other costs chargeable by the sheriff in counties of the second third fourth fifth sixth seventh

and eighth classes for their official acts and the services of their deputies watchmen appraisers and other agents requiring prepayment of same unless secured or chargeable to the county and delivery of itemized receipts therefor requiring certain payments by the county including the compensation of special deputies providing for the taxation and collection of fees commissions mileage and other costs requiring salaried sheriffs to account to the county for certain fees and commissions collected and repealing inconsistent laws general special or local" changing fees commissions mileage and other costs chargeable by sheriffs

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 1 act of May 9 1949 (P. L. 927) entitled "An act fixing and regulating the fees commissions mileage and other costs chargeable by the sheriff in counties of the second third fourth fifth sixth seventh and eighth classes for their official acts and the services of their deputies watchmen appraisers and other agents requiring prepayment of same unless secured or chargeable to the county and delivery of itemized receipts therefor requiring certain payments by the county including the compensation of special deputies providing for the taxation and collection of fees commissions mileage and other costs requiring salaried sheriffs to account to the county for certain fees and commissions collected and repealing inconsistent laws general special or local" is amended to read

Section 1 In all counties of the second third fourth fifth sixth seventh and eighth classes the fees and costs including commissions and mileage to be charged and received by the sheriff from persons or counties requiring their services shall be as follows

(a) For receiving docketing and making return thereof for each writ of scire facias replevin retorno habendo summons foreign attachment domestic attachment attachment execution complaint in divorce distringas writ of sequestration writ of assistance satisfaction of mortgage injunction mandamus quo warranto bill in equity rule decree order citation subpoena series of interrogatories proclamation or official notice of any kind in any civil action criminal proceeding or public matter issued out of any court or required by law or rule of court [two dollars fifty cents] three dollars

For serving any such writ process or official notice required to be served by the sheriff personally or by copy served or posted [two dollars fifty cents and mileage] three dollars

For each additional defendant or person served or copy posted [one dollar twenty-five cents] one dollar fifty cents and mileage

For making each copy served or posted one dollar fifty cents

For return of tarde venit [one dollar] two dollars

For return of non est inventus [one dollar] two dollars and mileage

Provided however That no charge for service shall be made upon an alias or pluries writ if the same has been charged upon the original with respect to any defendant already served

For serving the same by publication in one or more newspapers as required by law or order of court [two dollars and seventy-five cents] three dollars in each case in addition to printer's bills.

For serving any writ official notice petition rule decree process or order of court or copy thereof not herein specially provided for he shall charge and receive the same official fees and legal costs including mileage as for a writ served in a similar way as hereinbefore provided in addition to any fee of the prothonotary chargeable against the sheriff in relation thereto but no charge shall be made for any affidavit of such service except the fee of the notary or other official administering the oath or affirmation thereto For taking an affidavit one person fifty cents two persons seventy-five cents three or more one dollar

(b) For executing writs of levavi facias fieri facias venditioni exponas or any writ or order issued out of



any court requiring the levy and seizure of lands and tenements or selling the same according to law the following items to be paid by the plaintiffs or petitioners

For receiving docketing and making return thereof [two dollars fifty cents] three dollars

For serving or posting any copy or notice thereof the fees and mileage hereinbefore provided

For levying on each separate piece or parcel of land [one dollar fifty cents] two dollars and mileage

For advertising to public sale in newspapers each piece or parcel of land [two dollars and seventy-five cents] three dollars in addition to printer's bills.

For advertising to public sale by hand-bills each piece or parcel of land separately described by metes and bounds or otherwise [two dollars and seventy-five cents] three dollars and mileage in addition to printer's bills

For crying the sale of each separate piece or parcel of land separately sold and each adjourned sale [one dollar] two dollars

In addition the sheriff shall charge and receive as an official fee a commission charge of [two] cents on every dollar based upon the total amount bid for the property whether paid to the sheriff or credited to the purchaser Provided That the amount of same does not exceed one thousand dollars (\$1000) in which case one-half cent ( $\frac{1}{2}c$ ) on every dollar in excess of this amount shall be charged in addition

For executing and acknowledging any deed for lands and tenements [four] five dollars to be paid by the purchaser when the deed is tendered

For registering the same in any municipality one dollar fifty cents in addition to the fee required by law for registration to be paid by the purchaser

In addition the purchaser shall pay to the sheriff any fee of the prothonotary for the acknowledgment of the sheriff's deed and the fee of the recorder for recording same for which the sheriff shall account to them respectively

(c) For executing any writ of inquiry partition condemnation appraisement inquisition or any similar writ issued by any court alderman justice of the peace magistrate or commissioner under any act of Assembly the following items to be paid by the party who procured same

For receiving docketing and making return thereof [two dollars fifty cents] three dollars

For summoning parties or persons in possession personally or by copy served or posted for first service two dollars fifty cents

For each additional service personally or by copy or posting [one dollar twenty-five] one dollar fifty cents and mileage

For making each copy served or posted one dollar fifty cents

For summoning and swearing special jurors [four] five dollars

For holding inquisition or appraisement of real estate if same be held upon the premise [four] six dollars and mileage to and from the place where same may be located in addition to jurors' experts' or surveyers' fees and necessary expenses

For other execution of any such writ [four] five dollars

For serving the same by publication in one or more newspapers as required by law or order of court [two dollars and seventy-five cents] three dollars in addition to printer's bills

For delivering lands to plaintiff in inquisition or similar proceedings [two dollars and seventy-five cents] three dollars and mileage and no commission in such case shall be charged

(d) For executing fieri facias domestic attachment foreign attachment fraudulent debtors attachment retorno habendo and replevin or any writ or order issued out of any court requiring the levy or seizure of personal property or selling the same according to law the following items to be paid by the parties procuring same

For receiving docketing and making return thereof [two dollars fifty cents] three dollars

For serving or posting any copy or notice thereof the fees and mileage hereinbefore provided

For each levy on personal property [two dollars and fifty cents] three dollars and mileage

For return of nulla bona one dollar fifty cents and mileage

For clerk hire at each sale whether on one or more writs against the same defendant two dollars fifty cents

For advertising personal property to public sale by hand-bills [two dollars and seventy-five cents] three dollars and mileage in addition to printer's bills

For adjourning any sale [one dollar] two dollars and mileage

In addition the sheriff shall charge and receive as an official fee a commission of [two] cents on every dollar based upon the total amount realized from said sale whether paid to the sheriff or credited to the purchaser on account of any writ Provided That the amount of same does not exceed one thousand dollars (\$1000) in which case one-half cent ( $\frac{1}{2}c$ ) on every dollar in excess of that amount shall be charged in addition

For each watchman to take care of property attached levied upon or otherwise taken into legal custody when necessary or requested by any of the parties interested [seven dollars fifty cents] ten dollars for each period of eight hours to be considered a day's service and a proportionate sum for any fraction of such day to be payable to such watchman and collectible for his benefit by the sheriff from the party benefited thereby or person requiring his services in like manner as other legal costs payable to the sheriff may be collected

For insurance arranging goods for sale heat light power storage rent transportation supplies feeding livestock and similar expenses incurred in caring for and keeping the goods and chattles levied upon or attached when the same are necessary or advantageous or when requested by any party interested to incur any such expenses the actual costs thereof to be paid by the plaintiff petitioner or party requiring same to be incurred provided any surplus of advances for same be refunded

(e) For the settlement or staying by the plaintiff of any writ embraced in any section of this act relating to either lands and tenements or personal property the execution of the same not being concluded the sheriff shall receive the same fees for receiving docketing and returning levying and advertising with mileage and such commission as would be chargeable if sale had been made upon said writ for the amount paid to settle or stay the same whether such sum be paid to him or to the plaintiff or a compromise be made between plaintiff and defendant for the future payment of any sum to satisfy the same

For receiving and docketing each property claim wage claim rent claim or exemption claim [two] three dollars to be paid by the claimant upon filing same with the sheriff or his deputy in addition to any fee collectible by the prothonotary or clerk of any court for filing any notice petition or rule relating thereto

For the appraisement of personal property by virtue of any act of Assembly or at the lawful request of any party four dollars and mileage Provided That in any case where the appraisement of a large quantity of goods or the services of experts shall be required the sheriff or any party may apply by petition to the court or a judge thereof having jurisdiction over said matter setting forth the facts and said court or judge may make an order fixing the sum to be allowed and paid to the sheriff for the compensation of the appraisers as the proper cost of making such appraisement which sum so fixed and allowed shall be taxed as the sheriff's proper legal costs The plaintiff or petitioner in the proceedings shall pay for the making and filing of any appraisement required unless otherwise provided by law

For notifying the Auditor General of the proposed sale of the property or the franchise of any corporation or joint-stock association three dollars

(f) For executing venire facias or venire facias jurores issued out of any court the following items to be paid by the county



For receiving docketing and making return thereof on each venire [two dollars fifty cents] three dollars

For any services of the sheriff in drawing names of jurors from the jury wheel and summoning such jurors or summoning any jurors drawn by any jury board or commissioner the sheriff shall be entitled to charge and receive from the county [one dollar] two dollars and mileage and necessary expenses for each juror drawn

(g) For executing writs of habere facias liberari facias dower possessionem or possessory process requiring the delivery of possession of real estate or ejecting or dispossessing any person or [persons] persons of their effects [five] six dollars and mileage and reasonable costs for help when necessary to preserve the peace or safeguard property in addition to the costs of sale when made to be paid by the party depositing such writ or demanding possession

(h) For executing any process warrant capias attachment decree sentence or order of court issued out of any court where any person or the defendant's body is taken into custody to be paid by the county when the Commonwealth is interested otherwise by the party procuring such process writ order or decree as follows

For receiving docketing and making return thereof [two dollars fifty cents] three dollars

For each arrest [one dollar fifty cents] two dollars and mileage in addition to necessary help and expenses including the compensation of any special deputies required who shall be paid at the rate of [seven dollars fifty cents] ten dollars for eight hours' service

For transportation of each prisoner [ten] twelve and one-half cents per mile in addition to necessary help and expenses including the compensation of any special deputies required who shall be paid at the rate of [seven dollars fifty cents] ten dollars for eight hours' service

For each commitment to jail correctional institution asylum or place of detention of any juvenile court in any criminal or civil case [fifty] seventy-five cents to be paid by the county unless otherwise provided by law

For discharging any person or prisoner from any such place of confinement in any case [fifty] seventy-five cents to be paid by the county

For executing bail-piece or taking bond in any matter whether civil or criminal [one dollar fifty cents] two dollars to be paid by the person benefited unless otherwise provided by law

In addition the sheriff shall receive for the indictment in each oyer and terminer case the sum of [three] four dollars and in each quarter sessions court or other county court case the sum of [one dollar and fifty cents] two dollars to be paid by the county

For each bill ignored by the grand jury [one dollar and fifty cents] two dollars to be paid by the county

For each case acted upon by any juvenile court [one dollar and fifty cents] two dollars to be paid by the county

For each non-support or desertion case acted upon by any court the sum of [one dollar and fifty cents] two dollars to be paid by the county

(i) Where the sheriff shall be in charge of any jail or prison or place of detention he shall be entitled to receive such allowance for the custody care and maintenance of prisoners and inmates as may be fixed by the courts or official boards of the respective counties having supervision of such institutions or as said courts or boards may approve upon itemized bills rendered from time to time to be paid by such county in addition to any compensation for his services fixed by law or by any court or official board authorized to fix such compensation

For removing an insane or weak minded or defective person to any institution for the confinement of any such persons or any person to the penitentiary workhouse Huntingdon Reformatory or to any charitable institution or any hospital school or home where persons are confined or detained or supported under any commitment sentence or order of any court [two dollars and fifty cents] three dollars on each commitment or order

in addition to mileage and necessary expenses including the compensation of any special deputies required who shall be paid at the rate of [seven dollars fifty cents] ten dollars for eight hours' service to be paid by the county unless some other governmental body is chargeable therewith by law Provided however That the mileage for the person in custody under commitment or order shall be based upon the miles actually traveled to his or her destination

(j) For attending court when required to do so by law or by any judge or district attorney or bringing into and removing therefrom prisoners for arraignment trial or sentence or witnesses held in custody the sum of fifteen dollars per day for the sheriff of any second class county and ten dollars per day for the sheriff of any other county and a like sum for each deputy for each day of oyer and terminer court quarter sessions court juvenile court or county court including the County Court of Allegheny County when the sheriff or deputy is actually present to be paid by the county

(k) [For levying or paying out fines three cents per dollar to be paid by the party or person receiving the fine]

For issuing and recording any license one dollar fifty cents in addition to the license fee payable to the county or Commonwealth to be paid by the licensee

[For advertising general or special elections in newspapers two dollars and seventy-five cents in addition to printer's bills to be paid by the county]

For advertising general or special elections by handbills for each polling place two dollars and seventy-five cents and mileage in addition to printer's bills to be paid by the county

For serving notice on the judge of each election district in special elections seventy-five cents and mileage to be paid by the county

(l) For services performed in his capacity as a conservator of the peace or police officer in suppressing riots mobs or insurrections and when discharging any duty requiring the summoning of a posse comitatus or special deputy sheriffs the sheriff shall receive per diem compensation at the rate of [seven dollars fifty cents] fifteen dollars in any county of the second class and ten dollars in other counties for eight hours' service together with the mileage and necessary expenses including subsistence for himself and those under him to be paid by the county

For each special deputy appointed by any sheriff in case of any emergency to assist him in executing any civil or criminal process or court order or preserving the peace such sheriff may charge and shall receive from the county compensation for such deputy at the rate of [seven dollars fifty cents] fifteen dollars in any county of the second class and ten dollars in any other county for eight hours' service in addition to the expenses incurred for the transportation and subsistence of such deputy while rendering such service

(m) For mileage in serving or executing any of the writs official notices rules decrees orders or processes or copies thereof or performing any of the duties or services herein specified or authorized by law the sheriff shall be entitled to charge and receive and may tax as official costs [ten] twelve and one-half cents a mile circular for each mile necessary to be traveled by him or any of his deputies or employes and the same shall be allowed upon each separate writ rule order decree process or notice served or service performed Provided That he shall not receive more than one mileage where the plaintiff and defendant in two or more contemporaneous writs are the same or when conducting two or more persons or prisoners at one time to or from a place of detention or correction but he shall also receive the aforesaid mileage for transporting such prisoners and his deputies guarding them and meals and lodging during the journey and the return of his deputies

(n) For the executing of any matter directed to the sheriff or required by law or rule of court the performance of which is not herein mentioned the sheriff shall



receive the same official fees commissions and legal costs including mileage as for similar service herein specially provided for

(c) In all cases or proceedings of which the County Court of Allegheny County shall have jurisdiction the sheriff shall receive the same fees commissions and costs including mileage for official services in connection therewith as for similar services in like proceedings in other courts of the Commonwealth

And the amendments made thereto having been printed as required by the Constitution.

On the question,

Will the Senate concur in the same?

#### SENATE CONCURS IN AMENDMENT MADE BY THE HOUSE TO HOUSE BILL No. 834, RECALLED FROM THE GOVERNOR

Mr. MAHANY. Mr. President, I move that the Senate do concur in the amendments made by the House to House Bill No. 834, recalled from the Governor for the purpose of amendment.

Mr. FLEMING. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

#### YEAS—46

Bane,	Haluska,	McGinnis,	Silvert,
Barr,	Harney,	McMenamin,	Stevenson,
Berger,	Hays,	McPherson, Jr.,	Stiefel,
Blass,	Holland,	Miller,	Taylor,
Camiel,	Kessler,	Mullin,	Van Sant,
Chapman,	Koprivier, Jr.,	Peelor,	Wade,
Dent,	Lane,	Proper,	Wagner,
Diehm,	Madigan,	Ruth,	Watkins,
DiSilvestro,	Mahany,	Schmidt,	Watson,
Donolow,	Mallery,	Scott,	Weiner,
Flack,	McCreesh,	Seyler,	Whalley,
Fleming,			Wolfe,

#### NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

#### REPORT OF COMMITTEE OF CONFERENCE ON SENATE BILL No. 785

Mr. WAGNER. Mr. President, I submit the report of the Committee of Conference on Senate Bill No. 785, entitled:

An Act making appropriations to the Department of Public Instruction for reimbursements to school districts.

The PRESIDENT. The report will lie over for printing under the rules.

#### RECESS

Mr. MAHANY. Mr. President, I move that the Senate do now take a recess until 9:00 o'clock p. m., for the purpose of waiting the printing of the Report of Committee of Conference on Senate Bill No. 785.

Mr. MCGINNIS. Mr. President, I second the motion.

The motion was agreed to.

#### AFTER RECESS

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

#### BILL INTRODUCED AND REFERRED

Mr. SEYLER. Mr. President, I ask unanimous consent to introduce a bill at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. SEYLER read in place and presented to the Chair Senate Bill No. 926, entitled:

An Act repealing the act of December 22, 1951 (P. L. 1726), entitled "Pennsylvania Loyalty Act."

Which was committed to the Committee on State Government.

#### REPORT OF COMMITTEE OF CONFERENCE ON SENATE BILL No. 785 TAKEN FROM TABLE

Mr. MAHANY. Mr. President, I call from the table the Report of the Committee of Conference on Senate Bill No. 785.

#### RULE 21 SUSPENDED

Mr. MAHANY. Mr. President, I move that Rule 21, which requires Reports of Committees of Conference to be noted on the Calendar, be in this case dispensed with, and that the Senate proceed to the consideration of the Report of the Committee of Conference on Senate Bill No. 785.

Mr. RUTH. Mr. President, I second the motion.

The motion was agreed to.

#### REPORT OF COMMITTEE OF CONFERENCE ON SENATE BILL No. 785

The Senate proceeded to the consideration of the report of Committee of Conference on Senate Bill No. 785, as follows:

To the Members of the Senate and House of Representatives:

We, the undersigned, Committee of Conference on the part of the Senate and House of Representatives for the purpose of considering Senate Bill No. 785, entitled: An Act to provide for the ordinary expenses of the Department of Public Instruction for two years beginning June first, one thousand nine hundred fifty-five and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred fifty-five and making appropriations to the Department of Public Instruction for reimbursements to school districts.

Respectfully submit the following bill as our report:

The names of the Senate Conferees are:

PAUL L. WAGNER,  
EDWARD J. KESSLER,  
HARRY E. SEYLER,

The names of the House Conferees are:

J. DEAN POLEN,  
STEPHEN McCANN,  
ALBERT W. JOHNSON.

An Act to provide for the ordinary expenses of The Department of Public Instruction for two years beginning June first one thousand nine hundred fifty-five and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred fifty-five and making appropriations to the Department of Public Instruction for reimbursements to school districts  
The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows



Section 1 The sum of four hundred twenty-three million eight hundred forty thousand dollars (\$423,840,000) or as much thereof as is necessary is appropriated to the Department of Public Instruction for reimbursing school districts upon the salaries of school teachers and upon the basis of teaching units as prescribed by law for closed schools and for nonresident high school tuition and any other nonresident tuition as required by law and for the minimum salaries of teachers and supervisors of home bound children and extension class pupils Provided That the Superintendent of Public Instruction with the approval of the Governor may make payments from this appropriation in advance of the due dates prescribed by law to school districts which are financially handicapped whenever he deems it necessary to make such advanced payments to enable school districts to keep their public schools open

Section 2 an additional sum of thirty-one million dollars (\$31,000,000) or as much thereof as is necessary is appropriated to the Department of Public Instruction to be used for reimbursing school districts upon salaries of school teachers if and when Legislation is enacted in the 1955 session of the General Assembly increasing the annual compensation of school teachers.

Section 3 The following sums or as much thereof as may be necessary are hereby specifically appropriated from the general fund to the Department of Public Instruction for the purpose hereinafter set forth for the two years beginning June first one thousand nine hundred fifty-five and for the payment of the bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred fifty-five

For the payment of the salary of the Superintendent of Public Instruction and for the payment of salaries wages or other compensation of deputy superintendents and other employes for the payment of general expenses supplies printing and equipment necessary for the proper conduct of the work of the department and the State Council of Education the sum of one million six hundred forty thousand dollars (\$1,640,000)

For the payment of salaries wages or other compensation of employes for the payment of general expenses supplies printing and equipment and for the purchase of books maps charts manuscripts records exchanges pamphlets illustrations lantern slides periodicals parliamentary papers legal books and periodicals subscriptions to newspapers necessary for the proper conduct of the work of the department with respect to the State Library the sum of four hundred eighty three thousand dollars (\$483,000)

For the payment of salaries wages or other compensation of a deputy member and other employes for the payment of general expenses supplies printing and equipment necessary for the proper conduct of the work of the Department of Public Instruction with respect to professional education and licensure and the professional examining boards and advisory committees within the department the sum of one million sixteen thousand dollars (\$1,016,000)

Provided that no part of this appropriation shall be expended for any purpose other than the work of the department with respect to pre-professional professional education and licensure the professional examining boards and advisory committees within the department

For the payment of salaries wages general expenses supplies printing and equipment necessary for the work of the department in advising and coordinating the work of the Pennsylvania federation of junior historians in the secondary schools of the Commonwealth the sum of twenty thousand dollars (\$20,000)

For the payment of salaries wages and other compensation of members and other employes for the payment of general expenses supplies printing equipment and the purchase of tests for the proper conduct of the work in the Department of Public Instruction with respect to the conduct of examinations for the evaluation of credentials issuance of preliminary education certificates and the determination evaluation and issuances of equivalent high school credits certificates or diplomas the sum of eighty-five thousand dollars (\$85,000)

For the payment of salaries wages and all other expenses of the department in conducting examinations of

auditory acuity of pupils in public schools the sum of fifty thousand dollars (\$50,000)

For the payment of salaries wages general expenses supplies printing and equipment necessary for the work of the department with respect to the acquisition of federal surplus property and the distribution of such property to schools and other agencies authorized to receive it the sum of one hundred thousand dollars (\$100,000)

And be it provided that moneys collected from schools and agencies to whom such property shall have been distributed covering cost of acquisition and handling shall be paid into the general fund and credited to this appropriation and available for the purposes for which this appropriation has been made

For the payment of salaries wages general expenses supplies printing and equipment necessary for the work of the department and the state board for vocational education in licensing and regulating private schools private trade schools business schools and correspondence schools and classes the sum of one hundred fifty-eight thousand dollars (\$158,000)

For the payment of salaries wages general expenses supplies printing and equipment necessary for the work of the department in providing large-type books for partially sighted children in the public schools the sum of thirty thousand dollars (\$30,000)

For the payment of salaries wages general expenses supplies printing and equipment necessary for the work of the department in providing farm and home safety education through the schools and farm and home organizations in the Commonwealth the sum of twenty-nine thousand dollars (\$29,000)

For the payment of the salaries wages general expenses supplies printing and equipment necessary for the purpose of revising the elementary secondary and vocational curricula in the public schools of the Commonwealth in accordance with the provisions of act 551 approved July seventh one thousand nine hundred forty-seven (P. L. 1427) the sum of eighty thousand dollars (\$80,000)

All moneys collected from the sale of any publications issued pursuant to said act shall be paid into the general fund and credited to the foregoing appropriation and are hereby appropriated for the same purposes in addition to the amount hereinbefore appropriated

For the payment of salaries wages general expenses supplies printing and equipment necessary for the work of the department in accrediting facilities for the training of veterans the sum of fifty-six thousand dollars (\$56,000)

Provided that fifty-eight thousand dollars (\$58,000) of the appropriation made by this paragraph shall be used by the department as working capital only and shall lapse at the end of the biennium in the full amount in addition all moneys collected from the federal government shall be credited to the appropriation made by this paragraph

For the payment of salaries wages printing supplies and general expenses necessary to carry out the provisions of the act approved the thirteenth day of May one thousand nine hundred twenty-five (P. L. 644) entitled "An act relating to and regulating the solicitation of moneys and property for charitable religious benevolent humane and patriotic purposes" the sum of twenty-five thousand seven hundred dollars (\$25,700)

For the payment of salaries wages general expenses supplies printing and equipment necessary for the work of the department with respect to the public school employes retirement board the sum of six hundred twenty thousand dollars (\$620,000)

For the payment of salaries wages postage printing and other necessary expenses incurred in the operation of speech and hearing rehabilitation centers as provided by law the sum of three hundred five thousand dollars (\$305,000)

For the payment of expenses incurred in maintaining administering supervising and operating day care training centers for mentally handicapped children as provided by law the sum of two hundred thousand dollars (\$200,000)

For the payment of salaries wages or other compensation of the presidents or principals and other employes



for the expenses of maintaining and operating automobiles and other equipment for the payment to the Department of Property and Supplies of mileage charges for the use of automobiles for the purchase of supplies food and fuel for repairs alterations and improvements to plant and equipment for improvements to land for the purchase of equipment furniture and furnishings for the expenses of the boards of trustees and incidental expenses of the board of trustees and incidental expenses for the payment to fire companies of costs of fighting fires upon approval of the institution and the department and for all other expenses of maintenance and operation necessary for the proper conduct of the work of the state teachers colleges as may be authorized and approved by the Superintendent of Public Instruction the sum of fifteen million dollars (\$15,000,000) and in addition to said amount all income and all moneys collected at the various state teachers colleges and paid into the general fund of the State Treasury under existing laws are hereby appropriated out of the general fund to the several state teachers colleges for the same purpose each college to receive from such appropriation the exact amount which was collected at said college during the said fiscal years.

For the payment of salaries wages or other compensation of superintendents and other employees for the payment of general expenses supplies printing and equipment for repairs alterations and improvements to plant and equipment for improvements to land for the purchase of equipment furniture furnishings and livestock for the payment of fire companies of costs of fighting fires upon approval of the institution and the department for the expenses of boards of trustees and incidental expenses and for all other expenses of maintenance and operation necessary for the proper conduct of the work of the hereinafter designated institutions as may be authorized and approved by the superintendent of public instruction in the amounts hereinafter specified

Pennsylvania State Oral School for the Deaf at Scranton Pennsylvania .....	400,000
Scotland School for Veterans' Children at Scotland Pennsylvania .....	1,395,000
Thaddeus Stevens Trade School at Lancaster Pennsylvania .....	845,000

and in addition to said amount all income and all moneys collected at the Thaddeus Stevens Trade School shall be paid into the general fund and shall be credited to the appropriation to the Thaddeus Stevens Trade School made by this paragraph

For the payment of salaries of the county superintendents and assistant county superintendents of public schools and supervisors of special education or persons acting in their stead as required by law the sum of three million four hundred one thousand five hundred dollars (\$3,401,500)

For the payment of expenses of county superintendents and assistant county superintendents of public schools and supervisors of special education or persons acting in their stead as required by law the sum of two hundred ninety-seven thousand dollars (\$297,000)

For the payment of expenses of members of county boards of school directors and the fees of their attorneys the sum of fifty-two thousand eight hundred dollars (\$52,800)

For reimbursements to school districts for transportation of school children as required by law the sum of twenty-nine million two hundred sixty-one thousand dollars (\$29,261,000)

For aid to school districts that now maintain or shall cause to be established and maintained as part of the public school system vocational schools or departments schools for agricultural education industrial training home economics distributive occupations public service occupations and other vocational and practical education for the salaries wages and expenses of employees for general expenses supplies printing and equipment of vocational divisions and the payment to the Department of Property and Supplies of mileage for the use of automobiles by traveling vocational education supervisors and for the cost of training vocational teachers in such institutions as the state council of education may designate and under such regulations as the state council of education may

prescribe as provided by law the sum of three million dollars (\$3,000,000)

And be it provided that as much of this appropriation as can be made available may be expended with the governor's approval in paying the cost of vocational training of qualified public assistance recipients or other unemployed to take definite employment which may be contingent upon such training

For the payment of salaries wages general expenses supplies printing and equipment necessary for the work of the department in carrying out the school lunch program as provided by law the sum of one hundred fifty-five thousand dollars (\$155,000)

For the cost of transportation investigation and necessary expenses involved in the education of blind children as required by law for the education of children placed in homes by the courts or other agencies as required by law for the award of scholarships to graduates of secondary schools to aid them in obtaining higher education as required by law for Cornplanter Indians to be paid to the superintendent of schools of Warren county to be expended and disbursed by him in maintaining and conducting the school on the Cornplanter Indian Reservation for the expenses of blind students in attendance at institutions of higher learning as provided by law and for the payment to school districts of annual fixed charges in lieu of taxes on state lands as required by law the sum of six hundred eighty-three thousand dollars (\$683,000)

For special education including the payment of the Commonwealth's share in the case of children between the ages of six (6) and twenty-one (21) and the payment of all in the case of pupils under the age of six (6) or over twenty-one (21) of the cost of tuition and maintenance (as determined by the Superintendent of Public Instruction) of Pennsylvania pupils enrolled with the approval of the Department of Public Instruction in schools or institutions for the blind or for the deaf or cerebral palsied under the supervision of or approved by the department in accordance with law and for readers helpers guides aids and appliances of such children in public schools also for cost of tuition and maintenance of mothers and their blind babies in schools approved by the Department of Public Instruction the sum of four million two hundred thousand dollars (4,200,000)

For the payment of salaries wages general expenses printing supplies equipment fuel and incidental expenses and for all expenses of maintenance and operation for the proper conduct of the public service institute including the firemen's training school at Lewistown the sum of two hundred fifty thousand dollars (\$250,000)

For the payment of salaries wages general expenses supplies printing and equipment necessary to make a survey of public school plant facilities in the Commonwealth the sum of thirteen thousand nine hundred dollars (\$13,900) in addition all moneys received from the federal government under Public Law 815 of the 81st Congress for this purpose shall be credited to the appropriation made by this paragraph

For the payment into the school employees' retirement fund to the credit of the contingent reserve account of the school employees' retirement fund as required by law the sum of thirty-two million four hundred sixty-five thousand dollars (\$32,465,000)

For the payment into the school employees' retirement fund to the credit of the state annuity reserve account number two of the school employees' retirement fund as required by law the sum of eight million fourteen thousand four hundred ninety-five dollars (\$8,014,495)

For the payment of compensation to former teachers principals supervising principals or superintendents who agree in writing to hold themselves ready under the direction of the board of school directors to advise and counsel with school officials to visit and counsel with new teachers to act as substitute teachers when able to examine and report on public school work to visit pupils' homes in the interest of child welfare to attend educational conferences and addresses and to be concerned with other educational work as may be deemed necessary and helpful to community-school interest as provided by law the sum of one hundred eighty-five thousand dollars (\$185,000)

For the payment of increased retirement allowances to



employees on retirement as of September first one thousand nine hundred forty-nine the sum of two million one hundred thousand dollars (\$2,100,000)

Section 4 No appropriation made by this act shall be available unless and until the Department of Public Instruction shall have complied with sections six hundred four six hundred five and six hundred six of the administrative code

Section 5 The term "employees" as used in this act shall include all directors superintendents Bureau or division chiefs assistant directors assistant superintendents assistant chiefs experts scientists engineers surveyors draftsmen accountants secretaries auditors inspectors examiners statisticians marshals clerks stenographers bookkeepers messengers and other assistants

Section 6 The term "general expenses" and "maintenance" shall include all printing binding and stationery food and forage materials and supplies traveling expenses motor vehicle supplies and repairs freight express and cartage postage telephone and telegraph rentals and toll charges newspaper advertising and notices fuel light heat power and water repairs or reconstruction of equipment buildings and facilities rent of real estate and equipment premiums on workmen's compensation insurance premium on policies of liability insurance covering the operation of permanently assigned automobiles premiums on surety bonds the purchase of replacement or additional equipment and machinery other than passenger motor vehicles and all other incidental costs and expenses including payment to the Department of Property and Supplies of mileage charges for the use of automobiles and of expenses or costs of services incurred through the purchasing fund

On the question,

Will the Senate adopt the report of the Committee of Conference?

#### SENATE ADOPTS REPORT OF COMMITTEE OF CONFERENCE ON SENATE BILL No. 785

Mr. MAHANY. Mr. President, I move that the Senate adopt the report of the Committee of Conference on Senate Bill No. 785.

Mr. RUTH. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

#### YEAS—45

Bane,	Fleming,	McCreesh,	Silvert,
Barr,	Haluska,	McGinnis,	Stevenson,
Berger,	Harney,	McMenamin,	Stiefel,
Blass,	Hays,	McPherson, Jr.,	Taylor,
Camel,	Holland,	Miller,	Van Sant,
Chapman,	Kessler,	Mullin,	Wade,
Dent,	Koprivier, Jr.,	Peelor,	Wagner,
Diehm,	Lane,	Ruth,	Watkins,
DiSilvestro,	Madigan,	Schmidt,	Watson,
Donolow,	Mahany,	Scott,	Weiner,
Flack,	Mallery,	Seyler,	Whalley,
			Wolfe,

#### NAYS—1

Proport,

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

The PRESIDENT. If there is no objection, the Senate will be at ease, awaiting communication from the House of Representatives.

(The Senate was at ease.)

#### HOUSE MESSAGE

#### HOUSE ADOPTS REPORT OF COMMITTEE OF CONFERENCE ON SENATE BILL No. 785

The Clerk of the House of Representatives being introduced, informed the Senate that the House has adopted the report of Committee of Conference on Senate Bill No. 785, entitled:

An Act making appropriations to the Department of Public Instruction for reimbursements to school districts.

#### BILLS SIGNED

The President (Lieutenant-Governor Roy E. Furman) announced that the Chief Clerk having reported that the following bills had passed both houses of the General Assembly and the same being correct, the titles were publicly read as follows:

House Bill No. 114, entitled:

An Act to repeal Section 518 of and to add a new section 518.1 to the act approved the twenty-second day of May one thousand nine hundred thirty-three (P. L. 853), entitled "The General County Assessment Law," by eliminating all the provisions of the act which regulate the payment of the taxes pending appeals from assessments.

Senate Bill No. 757, entitled:

An Act amending the act of June 25, 1947 (P. L. 1145) entitled as amended "An act empowering cities of the second class cities of the second class A cities of the third class boroughs towns townships of the first class townships of the second class school districts of the second class school districts of the third class and school districts of the fourth class to levy assess and collect or to provide for the levying assessment and collection of certain additional taxes subject to maximum limitations for general revenue purposes authorizing the establishment of bureaus and the appointment and compensation of officers and employees to assess and collect such taxes and permitting penalties to be imposed and enforced providing an appeal from the ordinance or resolution levying such taxes to the court of quarter sessions and to the Supreme Court and Superior Court" defining the effect of requirement that real property transfer taxes be paid by the transferor on preexisting ordinances and resolutions and validating such ordinances and resolutions.

Senate Bill No. 785, entitled:

An Act making appropriation to the Department of Public Instruction for reimbursements to school districts.

House Bill No. 834, entitled:

An Act amending the act of May 9 1949 (P. L. 927) entitled "An act fixing and regulating the fees commissions mileage and other costs chargeable by the sheriff in counties of the second third fourth fifth sixth seventh and eighth classes for their official acts and the services of their deputies watchmen appraisers and other agents requiring prepayment of same unless secured or chargeable to the county and delivery of itemized receipts therefor requiring certain payments by the county including the compensation of special deputies providing for the taxation and collection of fees commissions mileage and other costs requiring salaried sheriffs to account to the county for certain fees and commissions collected and repealing inconsistent laws general special or local" changing fees



commissions mileage and other costs chargeable by sheriffs.

Whereupon,

The President (Lieutenant-Governor Roy E. Furman) in the presence of the Senate signed the same.

### ADJOURNMENT

Mr. MAHANY. Mr. President, I move that the Senate do now adjourn until Wednesday, December 28, 1955, at 3:30 o'clock, p. m., Eastern Standard Time.

Mr. McGINNIS. Mr. President, I second the motion. The motion was agreed to.

The Senate adjourned at 11.31 o'clock, p. m., Eastern Standard Time, until Wednesday, December 28, 1955, at 3:30 o'clock, p. m., Eastern Standard Time.

## HOUSE OF REPRESENTATIVES

TUESDAY, December 20, 1955

The House met at 11:00 a. m.

The SPEAKER (Hiram G. Andrews) in the Chair.

### PRAYER

The Chaplain, Reverend Harold J. Crouse, Pastor of Trinity Lutheran Church, York, offered the following prayer:

Almighty God, who hast declared Thy love for all mankind in the birth of Thy Holy Child, we thank Thee, O God, for the return of the wondrous spell of this Christmas season that brings its own sweet joy and peace.

O God, we would hear the herald angel's message of good tidings, like the shepherds of old and hasten to the manger where we find a Saviour. We hear the whisperings of God in the cry of the Babe of Bethlehem. Heaven bends to earth. Deep speaks unto deep—the deep of heaven's love to the deep of human needs. O guide our wondering foot steps to the place where He lies. May all our fellowships be hallowed and all our reunions made brighter this Christmas time. May our night have its guiding star and our day its guiding voice. Let the beauty of Christmas Day descend upon us and the blessing of it remain with us. In His name. Amen.

### JOURNAL APPROVED

The SPEAKER. Are there any corrections to the Journal of Wednesday, November 30 and Thursday, December 1, 1955? If not, and without objection, the Journal is approved.

### JOURNAL APPROVAL POSTPONED

The SPEAKER. If there is no objection, the approval of the Journal for Monday, December 19, 1955, will be postponed until printed. The Chair hears none.

### BILLS INTRODUCED AND REFERRED

By Mr. POLEN.

HOUSE BILL No. 1947.

An Act making an appropriation to the State Treasurer for the purpose of paying salaries and wages of State officers and employees and other ordinary and general ex-

penses in the interim between the thirty-first day of May, one thousand nine hundred fifty-five and such time as the funds provided by the General Appropriation Act and other appropriation acts became available and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first, one thousand nine hundred fifty-five.

Referred to the Committee on Appropriations.

By Mrs. REIBMAN.

HOUSE BILL No. 1948.

An Act amending "The Second Class Township Code" of May 1, 1933 (P. L. 103), authorizing the reconveyance or disposition of real property acquired for certain designated purpose.

Referred to the Committee on Townships.

By Messrs. BOIES and GOLDSTEIN.

HOUSE BILL No. 1949.

An Act amending "The Landlord and Tenant Act of 1951" approved April 6, 1951 (P. L. 69) relating to notice of exemption from distress for rent of cigarette vending machines.

Referred to the Committee on Judiciary.

By Messrs. WILLIAMS, FILO and Mrs. VARALLO.

HOUSE BILL No. 1950.

An Act regulating the propagation of mink in captivity.

Referred to the Committee on Conservation and Wild Life.

### SENATE MESSAGE

#### SENATE BILLS FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence, bills numbered and entitled as follows:

SENATE BILL No. 572.

An Act authorizing the Pennsylvania Liquor Control Board to issue special temporary permits for the retail sale of malt or brewed beverages at baseball parks under certain circumstances.

Referred to the Committee on Liquor Control.

SENATE BILL No. 693.

An Act amending the act of August 10, 1951 (P. L. 1163) entitled as amended "Orphans' Court Act of 1951" conferring exclusive jurisdiction on orphans' courts (except the Orphans' Court of Philadelphia County) over the administration and distribution of incompetents' estates and on the orphans' court of Philadelphia County over inter vivos trusts and revising the procedure on and effect of jury trials and the availability of jurors.

Referred to the Committee on Judiciary.

SENATE BILL No. 867.

An Act amending "The Liquor Code of April 12, 1951" (P. L. 90) \* \* \* permitting the sale and possession of wine in packages not bearing the official seal of the board.

Referred to the Committee on Liquor Control.

SENATE BILL No. 868.

An Act authorizing the Department of Forests and Waters to exchange certain lands located in Union Township Bedford County Pennsylvania necessary for improved administration of Blue Knob State Park.

Referred to the Committee on State Government.



## RESOLUTIONS INTRODUCED AND REFERRED

By Mrs. REIBMAN, Messrs. SHERMAN and LOPRESTI  
(Concurrent) RESOLUTION No. 141.

In the House of Representatives, December 19, 1955.

Municipalities and townships have in the past acquired by grants, deeds, devises and dedications, real property to be used for public purposes.

It is to the best interest of communities that civic-minded citizens continue to give real property to municipalities and townships for public purposes.

In order to encourage this type of philanthropic activity, appropriate legislation is necessary to fix and determine the rights, powers and duties of municipalities and townships with respect to real property given to them for public purposes; therefore be it

Resolved (the Senate concurring), That the Joint State Government Commission be directed to study the statutory laws and court decisions concerning the dedication of real property for public purposes, the acquisition of real property by municipalities and townships for public use and the powers, rights, and duties with respect thereto where continued ownership or control in the municipality or township is no longer to the best interest of the community, and be it further

Resolved, That the Joint State Government Commission report to the next session of the General Assembly its findings and recommendations with drafts of legislation necessary to carry the recommendations into effect.

Referred to the Committee on Rules.

By Messrs. FARABAUGH, LOPRESTI and ROVANSEK.  
RESOLUTION (Not Printed)

In the House of Representatives, December 20, 1955.

May 6 marks the One Hundredth Anniversary of the birth at Cresson, Pennsylvania, of the famed Arctic explorer and discoverer of the North Pole, Robert Edwin Peary.

The birthplace of this noted explorer is not only located in Cambria County, Pennsylvania, but the Commonwealth already has located and maintains an historical park and shrine dedicated to the memory of Robert Edwin Peary at Cresson.

Rear Admiral Peary was not only the discoverer of the North Pole but also a contributor to world geographical science and knowledge and a pioneer in the development of American aviation and the study of its relationship to our national welfare and defense; therefore be it

Resolved, That the House of Representatives of the Commonwealth of Pennsylvania hereby calls upon the Governor of the Commonwealth, The Honorable George M. Leader, to issue a suitable proclamation honoring the birthday of this noted Pennsylvanian and calling upon the Department of Public Instruction and the Pennsylvania Historical and Museum Commission to urge the schools and all patriotic, civic, and historical societies to undertake suitable exercises, ceremonies, and educational activities designed to recall the heroic exploits and significant services of this great explorer, geographer, and promoter of aviation.

Referred to the Committee on Rules.

# PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. POLEN asked and obtained permission for the Committee on Appropriations to meet during the session of the House.

## LEAVES OF ABSENCE

The SPEAKER. If there is no objection, the Chair will pass over the order of business of leaves of absence until

after the respective parties have held their caucuses. The Chair hears no objection.

The Chair understands that following the recess there will be a Democratic Caucus. Will there be a Republican Caucus following the recess?

Mr. CHARLES C. SMITH. Will there be a Democratic Caucus after the recess?

The SPEAKER. Following the recess there will be a Democratic Caucus.

Mr. CHARLES C. SMITH. We would also like to have a Republican Caucus. Will the Chair designate the length of the recess?

The SPEAKER. The recess will be from 12:30 to 2:30 and the Democratic Caucus will be from 1:30 to 2:30.

Mr. CHARLES C. SMITH. That will be agreeable and following the recess we will have a Republican Caucus at the same time.

# PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. LOPRESTI asked and obtained permission for the Committee on Elections and Apportionment to meet during the session of the House.

# PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. McGEE asked and obtained permission for the Committee on Public Health and Sanitation to meet during the session of the House.

## QUESTION OF PERSONAL PRIVILEGE

Mr. WILLIAMS. I rise to a question of personal privilege.

The SPEAKER. The gentleman will state it.

Mr. WILLIAMS. Mr. Speaker, there have been many inquiries concerning the small hemlocks that we placed on the desks. I have been in the Christmas tree business now for about ten years, and of course, we don't handle anything except Pennsylvania trees. We have the hemlocks, we have the scotch pine, white pine, and the firs.

I swore in 1951 that if we were ever going to be in session again until Christmas, that we would at least do something here to make it a little Christmasy. I have some good friends up in Indiana County, of course that is Earl Hewitt's County, and they are pretty good fellows. I think they are swell. The only thing I have against them up here is that they are all Republicans.

Nevertheless, I have a friend up there by the name of Eddie Fyock, who was a former employe of this House in the Post Office, and he has a friend by the name of Walter Schroth, who has a large nursery in Indiana County. I called him on the telephone last week and ordered 208 Christmas trees six or eight inches tall so that we could put them in pots. Of course they brought another former politician into the act. They did not know what to get; they did not know whether to mix them or to get one kind, so they got hold of Bill McMullen, who was a former Member of this House and he suggested to them that they send down the hemlocks because that is our state tree. That is the reason we have the hemlock. It is our Pennsylvania tree.

I offer this in sort of a spirit of good will at this par-



ticular time, and I wish each and every Member of this House a Merry Christmas.

Mr. HEWITT. Mr. Speaker, I want to thank Mr. Williams for bringing these trees down to decorate our desks, for the reason that Pennsylvania leads in reforestation in the nation and Indiana County leads in Pennsylvania. Therefore, it is the greatest reforestation county in the nation. Naturally we are very proud of that.

I think it was very appropriate for Mr. Williams to bring hemlocks, they grow very slowly, much slower than the pines, and I think by the time we get out of here they will be large enough to be trimmed.

The SPEAKER. If the Members of the House will just guard that little hemlock in the pot until the time comes to set it out, and you tend it carefully for the next eighty years, you will begin to have something that resembles a tree. If all of those hemlock are planted by the time this session is over, you will all be lost in an impenetrable hemlock forest.

### REPORTS FROM COMMITTEES

Mr. MUSTO from the Committee on Mines and Mining, reported as committed, House Bill No. 796, entitled:

An Act regulating the mining of anthracite coal; prescribing duties for certain officers of political subdivisions; and imposing penalties.

Mr. MUSTO from the Committee on Mines and Mining, reported as committed, House Bill No. 797, entitled:

An Act designating how certain expenditures shall be made from appropriations to the Department of Mines.

Mr. AUKER from the Committee on Judiciary, reported as committed, House Bill No. 1128, entitled:

An Act to quiet title to real estate and to facilitate the alienation thereof; creating a conclusive presumption of payment, satisfaction or release and making unenforceable any claim for money charged against real estate under any deed, certain mortgages or any decree of any court of record of this Commonwealth: \* \* \*.

Mr. BANKER from the Committee on Conservation and Wild Life, reported as committed, House Bill No. 1871, entitled:

An Act amending "The Game Law," approved June 3, 1937 (P. L. 1225) regulating refund of fees, fines, or other moneys erroneously or unjustly collected and deposited; and appropriating moneys from the Game Fund for the refund of fees, fines or other moneys unjustly collected.

Mr. WILT from the Committee on Conservation and Wild Life, reported as committed, House Bill No. 1939, entitled:

An Act amending "The Game Law," approved June 3, 1937 (P. L. 1225) authorizing use of money from resident hunter's fees for controlled burning of marginal and sub-marginal game land.

Mr. WILLIAM B. SMITH from the Committee on Conservation and Wild Life, reported as committed, House Bill No. 1940, entitled:

An Act amending "The Game Law," approved June 3, 1937 (P. L. 1225), requiring use of certain fees for removing overshadowing tree growth to produce underbrush, sprouts and saplings for deer food and cover.

Mr. FINEMAN from the Committee on Professional

Licensure, reported as amended, Senate Bill No. 443, entitled:

An Act amending the Osteopathic Practice Law" of March 19, 1909 (P. L. 46) \* \* \* redefining osteopathy changing the provisions relating to qualifications and licensing of osteopathic physicians and surgeons and abolishing the State Osteopathic Surgeons' Examining Board.

Mr. KAMYK from the Committee on Insurance, reported as committed, Senate Bill No. 685, entitled:

An Act amending the act of June 24, 1939 (P. L. 685) entitled "An act designating certain life insurance companies as limited life insurance companies and further describing the powers thereof" further regulating the powers of limited life insurance companies.

Mr. TOLL from the Committee on Judiciary, reported as amended, Senate Bill No. 686, entitled:

An Act amending the act of May 7, 1935 (P. L. 130) \* \* \* making the consent deemed to have been given by a nonresident operator or owner of an aircraft involved in an accident or collision within this Commonwealth for appointment of the Secretary of the Commonwealth as his agent for service of process irrevocable and binding upon his personal representative providing for service of process when the nonresident operator or owner has died prior to the commencement of an action and making changes to conform with existing laws.

Mr. MIHM from the Committee on Judiciary, reported as amended, Senate Bill No. 689, entitled:

An Act amending the "Wills Act of 1947" of April 24, 1947 (P. L. 89) \* \* \* revising and changing provisions relating to foreign wills divorce testamentary conveyances affecting right of spouse taking against a will rights of adopted persons and illegitimates in lapsed and void devises and legacies and appointment of guardian of property passing to a minor upon testator's death whether or not passing under the will.

Mr. EHRGOOD from the Committee on Judiciary General, reported as amended, Senate Bill No. 690, entitled:

An Act amending the "Intestate Act of 1947" of April 24, 1947 (P. L. 80) \* \* \* and repealing parts thereof limiting right of a spouse on partial intestacy and in selection of allowance and revising procedure for setting aside spouse's allowance establishing title to real estate when spouse claims entire estate and distribution to the Commonwealth as statutory heir.

Mr. LEVEN from the Committee on Judiciary, reported as committed, Senate Bill No. 692, entitled:

An Act amending the "Register of Wills Act of 1951" of June 28, 1951 (P. L. 638) \* \* \* changing the procedure on probate of wills probated outside the Commonwealth.

Mr. PACCHIOLI from the Committee on Judiciary, reported as committed, Senate Bill No. 694, entitled:

An Act repealing the "Orphan's Court Partition Act of 1917 of June 7, 1917 (P. L. 337) \* \* \*" with exceptions.

Mrs. REIBMAN from the Committee on Judiciary, reported as amended, Senate Bill No. 696, entitled:

An Act relating to the administration and distribution of incompetents' estates (except in Philadelphia County) both as to real and personal property and the procedure relating thereto including the disposition of such estates or portions thereof and the determination of title thereto without the appointment of a guardian in certain cases the appointment bond removal and discharge of guardians of such estates their powers duties and liabilities the



rights of persons dealing with such guardians and the rights of persons claiming an interest in such estates or in property distributed therefrom whether as claimants or distributees and containing provisions concerning the determination of incompetency and the powers duties and liabilities of foreign guardians and also generally dealing with the jurisdiction powers and procedure of the orphans' court and the common pleas court relating to incompetents' estates.

Mr. CAPANO from the Committee on Judiciary General, reported as committed, Senate Bill No. 697, entitled:

An Act amending the "Fiduciaries Act of 1949" of April 18, 1949 (P. L. 512) \* \* \* revising and changing provisions relating to first complete advertisement of the grant of letters payments of accrued pensions without letters amount of estates distributed on petition family exemptions place for grant of letters inventory and appraisal and objections thereto claims against decedents against personal representatives and against decedents' property awards to nonresident beneficiaries presumption of release or extinguishment amount of minors' estates administered without guardian and exercise of powers by foreign fiduciaries.

Mr. LUTTY from the Committee on Insurance, reported as committed, Senate Bill No. 871, entitled:

An Act authorizing certain mutual insurance companies other than life insurance companies now in existence under the provisions of the act of May 17, 1921 (P. L. 682) its supplements and amendments to reincorporate as mutual life insurance companies outlining the requirements and procedure and defining the rights of dissenting members.

Mr. POLEN from the Committee on Appropriations, reported as amended, Senate Bill No. 899, entitled:

An Act authorizing temporary loans for the immediate payment of overdue reimbursements to school districts.

Mr. COCHRAN from the Committee on Appropriations, reported as committed, House Bill No. 1947, entitled:

An Act making an appropriation to the State Treasurer for the purpose of paying salaries and wages of State officers and employes and other ordinary and general expenses in the interim between the thirty-first day of May, one thousand nine hundred fifty-five and such time as the funds provided by the General Appropriation Act and other appropriation acts become available and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first, one thousand nine hundred fifty-five.

### BILLS ON FIRST READING

Mr. COCHRAN asked and obtained unanimous consent for House Bill No. 1947 to be read for the first time.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1947, entitled:

An Act making an appropriation to the State Treasurer for the purpose of paying salaries and wages of State officers and employes and other ordinary and general expenses in the interim between the thirty-first day of May, one thousand nine hundred fifty-five and such time as the funds provided by the General Appropriation Act and other appropriation acts become available and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first, one thousand nine hundred fifty-five.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

### PERMISSION TO ADDRESS HOUSE

Mr. POLEN asked and obtained unanimous consent to address the House.

Mr. Speaker, the bill which I have just reported, Senate Bill No. 899, is the bill that the gentleman from McKean on last Wednesday asked me to consider in the Appropriations Committee.

A that time I told the gentleman the bill would not be considered and I gave him some reasons for it. I think the gentleman well knew at the time he made the request that there were not enough Members in this House, if they have all been Members of the Appropriations Committee, to hold a meeting and have a quorum. However, the Appropriations Committee meeting was called. I regret to state that the only member that showed up was the Chairman. So I could not very well consider the bill.

Furthermore, I did not have the bill and though after Mr. Johnson's request that I consider it, I used every means possible to try to get the bill into my possession.

Since that time we have received the bill. We have discussed the bill with the different departments and we have found that Senate Bill 899, which makes an appropriation, I would say a piece meal appropriation, for certain items in the Department of Public Instruction is, in my opinion, a very unsatisfactory bill.

The gentlemen who introduced this bill in the Senate are men of high standing and I believe that what they were attempting to do was to probably alleviate the situation. But I do not think that this bill does it in the form that it came to us from the Senate.

So in Committee today I offered amendments which entirely eliminate the appropriation and we amended the bill in connection with Section 2, which is now Section 1, as amended, so that it would include the amount of all the appropriations that are past due. Instead of making it mandatory to borrow this money and sell tax anticipation notes, we changed the bill to read from "shall" to "may" so if it were not necessary, we would not have to do it.

At the same time if this bill passes this House and goes to the Senate and they concur in the amendments, it will place borrowing power with the Commonwealth and the bill will then be an act which can be used if necessary.

One of the reasons why we increased the amount was it made no provisions for tuition, vocational education, and particularly that it overlooked the rentals due the school districts for the State Public School Building Authority and the Municipal Authorities. Those rentals are long over due; they are the oldest item in Public Instruction's appropriation that has not been paid.

Now the gentleman from McKean on numerous occasions has insisted that we pass certain Senate bills in connection with the Department of Public Instruction. I am going to review as briefly as I can what we have done in this House in connection with appropriations to the Department of Public Instruction.

On September 14 we passed the general appropriation bill for Public Instruction and sent it to the Senate. It has been in Committee over there since the 19th day of September. They have not acted upon it.

Then in October they introduced Senate Bill 785, which



made a piece-meal appropriation for certain functions of the Department of Public Instruction. At that time when we amended the bill so it is the same as 1599, I pointed out that the important item to the fourth class districts was transportation of over 14 million. The vocational education, the rentals and so on, had not been included in that Senate Bill.

So we sent the bill back to the Senate as amended and the bill has rested in the Senate. They voted to non-concur in the House amendments. It came back to the House and we insisted upon our amendments. I am very happy that the Republican Members supported us in that position in this House.

Now that bill, 785 has been back in the Senate since the 6th day of December. As yet no committee on conference has been appointed by the Senate—it is a Senate bill and we cannot appoint a Committee in the House until the Senate has acted.

Now, realizing that we must have an appropriation on the books to pay these school districts, I contacted the Majority Leader of the Senate yesterday, and I tried to explain to him the urgency of the situation and what we were attempting to do. I believe he agreed with me. In fact, he told me that he thought the committee has been appointed and if they were not appointed they would be appointed that day.

I also contacted the Minority Leader of the Senate and discussed the urgent situation with him. He advised me that he had been assured that the committee would be appointed.

The difference between the houses as given me by the Senators, were so small that I said without hesitation that we would accept them here. It was my understanding that the committee would be appointed in the Senate yesterday, we were to appoint a committee in the House and possibly even yesterday or early today we could get a conference report and get this bill to the Governor.

The gentleman from McKean mentioned that the districts lack borrowing power because we did not have an appropriation on the books. That is correct, Mr. Speaker. If we would do what I have suggested, or if the Senate would go along with us on it, we would have this bill enacted into law and it would give borrowing power to the districts.

However, that is not the solution to our problem. I stated yesterday that I would make a statement today on the floor of this House, and I would give our plans for meeting the immediate financial crisis of the fourth class school districts as well as the others.

Our plan was this. If the Senate, and I regret they have not appointed the conference committee and we have not met and agreed on this bill, but if they had done so the Governor would have immediately signed that bill and it would have been law. We could have then have converted the temporary investments held in the State Treasury in the amount of \$44,749,000 which would have enabled us to immediately start the checks rolling to the fourth class districts of Pennsylvania.

The Department of Public Instruction has advised me that they have everything ready if the bill were signed and this money was made available, that within a period of possibly five or six days, the school districts of the fourth class would be in possession of this \$43 odd million dollars.

The greatest distress is in the fourth class districts which are the small rural districts. I think we must do first things first and that is who we should take care of.

We further had planned if the Senate would concur and the House amended 785 and put it on the books that we would be able to borrow \$30 million in tax anticipation notes under existing law. With that amount and the increased amounts that we expect to receive during January we could probably pay the amount due the first, second and third class school districts.

The gentleman from McKean said we could at least make token payments. Mr. Speaker, I have discussed that with the Department of Public Instruction, and they tell me that it would take a considerable period of time to recompute the amount that can be paid and it would not solve their problems. In other words, we must get this substantial sum to them, and we have to do it by having an appropriation bill signed by the Governor to do so. As I said before that would also give them buying power.

Now, Mr. Speaker, I regret very much that the question of financing the schools has been embroiled in political argument. I think my record speaks for itself. I never injected politics into the question of school finances. I tried to handle the entire matter of all of these appropriations on a strictly non-partisan basis. But when I read in the paper and school superintendents, supervising principals, board members and county superintendents call be my phone, write me letters and tell me that the gentleman from McKean, Mr. Johnson, says there is plenty of money, that these bills can be paid, I believe speaking for myself and for this administration, that those facts are not so.

He intimated we were attempting to create a crisis by delaying these school payments. Mr. Speaker, that is not so, and I again speak for the administration in that respect. I would say that it is of deep concern to the Governor and everyone in authority, that we get the money to these school districts as soon as we can. But, where is the blame? I am very happy it is not in this House. It is not on either the Democratic nor the Republican side, because they did support these bills, they did support our position on 785 and I cannot understand why the gentleman from McKean always wants to overlook what we have constructively done, what we have carried out, and then says we should take these piece-meal appropriations to the Senate in order to get the schools some money. I cannot agree with that. I congratulate the Republican Members who supported our position. I think financing these schools is everybody's business, it is important and we have a plan as I explained here which will get cash to them, not promises. This bill will give it to them promptly and I regret very much, Mr. Speaker, that the conference committee on 785 was not appointed in the Senate and we were not able to meet as we anticipated and agreed upon this bill.

I do not want to take up much more time of the House, but I want to say this, that we on this side stand ready now, as we have stood at all times, to negotiate on 785 or on 1599, which will do the job, which will get cash to the school districts of Pennsylvania, and this administration is vitally concerned and interested that this be done as soon as possible.

I want to say to the gentleman from McKean if he has



any influence, he should contact the Senators concerned and see if we cannot get that conference committee appointed, whether we cannot get together, get an agreement and get the bill on the Governor's desk and have it signed. I assure him and the people of Pennsylvania that the mechanics will be set in motion to get the checks to these school districts within a week.

Mr. JOHNSON. I would like permission to interrogate Mr. Polen, the gentleman from Washington.

The SPEAKER. Will the gentleman from Washington, Mr. Polen, permit himself to be interrogated?

Mr. POLEN. I shall, Mr. Speaker.

Mr. JOHNSON. Mr. Speaker, I would like to ask the gentleman to explain again how he has amended Senate Bill 899?

I might first explain to the House that Senate Bill 899 came over from the Senate with an emergency appropriation of \$110 million in the bill for school subsidies with a recitation that if there was not money enough in the State Treasury to pay this sum the Commonwealth shall borrow on tax anticipation notes to make that sum available to the school districts.

Now, Mr. Speaker, am I correct in saying that the \$110 million appropriation has been taken out of the bill?

Mr. POLEN. That is correct, Mr. Speaker.

Mr. JOHNSON. That is correct. Then what is left in the bill, as amended?

Mr. POLEN. The bill, as amended, would give the Governor, the Auditor General and the State Treasurer, in the event there is not sufficient money in the State Treasury to pay in full immediately the past due appropriations with a limitation not exceeding the amount of \$132,200,066.

Mr. JOHNSON. Mr. Speaker, is there any appropriation at all in the bill as amended?

Mr. POLEN. There is not, Mr. Speaker, and I think very properly so.

Mr. JOHNSON. It is merely a borrowing bill, Mr. Speaker?

Mr. POLEN. That is correct, Mr. Speaker.

Mr. JOHNSON. Then, as I understand the tenor of the gentleman's remarks, the appropriation for the schools is that contained in Senate Bill 785, which the gentleman hopes to have accomplished through a conference report?

Mr. POLEN. That is correct, Mr. Speaker.

#### PERMISSION TO ADDRESS HOUSE

Mr. JOHNSON asked and obtained unanimous consent to address the House.

Mr. Speaker, I have been at this microphone almost continually since the 12th of October when Senate Bill 785 came over here with approximately \$421 million in it for school subsidies, plus the \$31 million raise for the teachers.

I said then and I still say that bill should have been put on the Governor's desk then in the way it came over from the Senate. For some unexplained reason, and I would say that it was a message from the front office, you loaded that particular bill down with amendments on that day deliberately so that the bill could not pass and be put on the Governor's desk.

You say you do not believe in token or piece-meal appropriations for education. You believe in it for every

other department on this Hill. We passed a \$15 million piece-meal appropriation for the Department of Public Assistance here the other day.

Let me say that if the bill as weighted down with amendments totalling over \$550 million had been put on the Governor's desk back in October without a tax program, I am just wondering whether the Governor could sign such a large amount as that. Of course, he would have the liberty to tear it down under his right to scale down appropriations, but that then would be just a piece-meal job.

I say in October, when Senate Bill 785 was here for action and we were all here ready to go, you could have just as well put that on the Governor's desk and then the schools could have had at least their subsidy payments and we would not have the perilous situation that exists in our schools today.

The plan that you have given us here today has whiskers on it. It is old as the hills. We have been preaching this plan to you for the last six weeks. We said that you had \$30 million left in anticipation notes you could borrow, and recently when the gentleman from Washington said there was only \$15 million in the State Treasury, we found that there was \$44 million in government bonds that could be sold, that was pointed out in an additional press release so that the people would know there was practically \$60 million of cash and presently available to do this job. So, therefore, your plan is not new and it is what we have been pointing out to you for the last six weeks.

What should be done here today is, instead of worrying about a conference report, and you know there cannot be a conference report at this late date, the bill should be sent back to us from the Senate. We should recede from our amendments right now, this morning, send the bill over to the Governor with \$421 million in it and with the \$31 million in it for the teachers. That is the way to get the bill on the Governor's desk.

If the Department of Public Instruction says they do not see how they can make piece-meal checks, or token payments to the school districts, it is just a matter of mechanics. If the schools are entitled to \$50 million and we are only going to pay, say fifteen per cent, they can multiply \$50 million by fifteen per cent and send out a check for that amount of money. I think it is as simple as ABC.

If we have not got the money through the \$30 million tax anticipation notes and the \$45 million in government bonds, you can borrow from the Motor License Fund until June 30, 1956. Right now there is over \$50 million in the Motor License Fund as compared to \$6 million in the fund this time last year. There would be that money which could be borrowed under the Administrative Code, so that the teachers could be paid and the schools receive their subsidies.

I would say today, let us get the Senate to send Senate Bill 785 back here. I then would like to make a motion that the House recede from its amendments and we then can vote, send Senate 785 to the Governor and he can sign it before Christmas. If we can do that, it will create joy in the heart of every teacher in this state. It will certainly bring comfort to every school director in Pennsylvania, and I am sure they know that we have been



dilly-dallying here with appropriations which could have been put on the Governor's desk very, very easily.

We are toying with a perilous situation, and I think it is about time that we woke up and sent the Governor a bill that he could in all conscience sign in view of the revenue.

I want to repeat there are \$900 million in taxes that will come in this biennium whether we pass a tax program or not. I think the Governor's original estimate is \$837 million, which is based on exactly what was brought in during Governor Fine's administration in the last biennium. Since that time there has been an estimate that \$65 million more money is coming in from existing taxes because of the prosperity at the present time. I also have an estimate that there is \$20 million in tax money coming in every month from these existing taxes.

So today let us go over to the Senate and have them send Senate Bill 785 back here. Let us recede from our amendments and put that bill on the Governor's desk. That is the only way we are going to do it. I say to everyone in this House, we are going to be out until January 16th, and whether you are a Democrat or a Republican you are not going to be able to walk up and down the streets of your communities unless we do something for the schools before we leave here today.

I am giving you this admonition, I want you to listen to it. Get in a huddle over there and we can get that bill back from the Senate, we can recede from our amendments we can pass it today and the schools will get their money in very short order.

Mr. POLEN. Mr. Speaker, the gentleman again is pleading to pass Senate bills which do not do the job, and wants to ignore the fact that this House has performed its duty and sent proper bills over to the Senate.

I do not understand why he takes that position and I am not going to go into that matter further, but I am going to answer him on some of the other things he said.

He said we passed a piece-meal appropriation for Public Assistance the other day. We certainly did. And why? Months and months ago we sent a bill for the full appropriation for the Department of Public Instruction over to the Senate and it is still in Committee over there. So rather than see the people who are unfortunate enough to be on relief go hungry, we had to put in another stopgap bill, because the money will run out about January 10th. I think it was proper that we passed piece-meal legislation since the Senate has refused to pass the Public Assistance appropriation bill which has been in Committee over there for months.

He also said he doubted whether the Governor could sign Senate Bill 785 if it was passed. I say he can sign it, because taxes, the gentleman himself admits, are on the books in the amount of \$907 million. We have not passed that amount of appropriations, so he could sign it.

Getting back to Senate Bill 785, for which he pleads. What were the reasons why we amended it here? Beyond the fact that it was piece-meal legislation, one of the reasons was that it did not provide enough money to take care of the reimbursement from which teachers' salaries are paid. That was one of the primary reasons, we put it back to the figure it should be, because it did not do that.

The other reason which I believe the gentlemen in the

Senate have recognized, and I called attention to it, it did not provide anything for the payment of transportation which was due in September of this year. Now they have changed their thinking on it, because in this 899 they have included the transportation. So that would indicate to me that the decision of this House was right. I think our position has always been sound. It would be impossible to pass this bill so that it could be signed immediately, we do not have the days in which to do it, even if it could have been considered last week, when we did not even have the bill.

We do have a situation where we can get legislation on the books, 785, if the Senate would appoint a conference committee and we could get together. I held myself in readiness all day. If we made an agreement to strike out the Board of Censors they would concur, that is the way it was told to me. They would even have it printed so it could be expedited. Maybe he is the chief apologist here for the Senate, I don't know, but I am going to stand on the record that we have made in this House that we have passed two tax programs which would have solved all of these problems we are now talking about.

I regret that Mr. Johnson and his associates did not go along with us on it, but at least we can say this House has passed two tax programs. I do not know whether he liked them or not, but at least we had a program and we passed it, and it met the fate in the Senate which you all know.

He is now appealing to us to have a huddle on this side of the House. I am going to say to him that we have had many huddles. We would like to see them have a huddle over in the Senate. Maybe he can use his influence to see the Majority Leader over there and perhaps we can still get a conference committee appointed so we can get together. If the only difference is what the gentleman told me and what he told Senator Dent, I assure him it will be very, very easy for us to eliminate the Board of Censors in order to give money to the schools of Pennsylvania.

He says this plan is not new and it is what he has been hollering for all this time. I might say we know we can borrow money from the Motor License Fund for eight months, we have considered it, we have the figures. That is one of the reasons we do not want this Senate Bill 899 to be a shelved bill. Maybe the gentleman does not know, but the bankers of Pennsylvania take a very, very bleak look with no taxes on the books. We have been told by fiscal experts the rate will be much, much higher than it was in the past on tax anticipation notes. Why? Because we do not have a tax program.

So if we can do this by limiting our borrowing on tax anticipation notes to the lowest possible amount we can borrow from the Motor License Fund, as the gentleman has suggested. We long ago discussed that possibility, and I might say it is one of the ways in which we hoped to solve this financial situation, if we can get an appropriation bill on the books to do it.

We are talking about piece-meal legislation. I introduced a bill yesterday for \$50 million more stopgap. That is the only way we can operate. We don't want to do it, but we are having to do it, we are being forced to do it.

I would appeal to the gentleman from McKean to use his influence with the Senate and their leadership to appoint a committee on conference. I am sure the Speaker of this House will promptly appoint a committee after the



Senate has acted on it. The gentleman understands it is a Senate bill and we cannot act here in the House until such time as the Senate has appointed a committee.

I assure him we are ready and willing to act. We do not need any more huddles. We have been burning the midnight oil. Instead of just talking about it, we tried to do something about it. I do not care if the plan is old, or what it is, it will work, but it cannot work until we get the appropriation on the books.

Mr. JOHNSON. Mr. Speaker, I would like to further answer the gentleman.

I would like to again refer to Senate Bill 785. If a conference committee were appointed and they were to agree on the bill which would total approximately \$550 million, let us see what would happen to the bill when it reached the Governor's desk.

The Governor would have to sit down with his Budget Secretary, with the other members of his brain-trust over there, and they would have to weigh that \$550 million appropriation against the \$900 million in taxes which are presently on the books. He would have to weigh that appropriation against all the other appropriation bills which are part of his program and which are "must" appropriation bills which will have to be passed finally throughout this session.

What will the Governor then have to do with the bill? He will not be able to sign it for \$550 million, he will have to pare it down to the point it will be in a relative position as other bills are with the available money as indicated to him by the Budget Secretary, based on presently existing taxes.

What will we have then? We will have a token appropriation bill for our schools. Therefore, we say that 785, totaling \$421 million, plus \$31 million for the teachers, was about as much an appropriation bill as could have been sent to the Governor at that time, and even at this time, for him to sign within the framework of existing taxes.

I am wondering whether he would not have to veto out of the \$550 million the \$31 million that is presently in there for the school teachers by reason of no apparent funds available for that purpose.

You are talking about transportation payments being due last September. I think you will find that transportation payments were generally paid in January or early February. I think that has been the custom for quite a number of years. I do not think the school districts are hollering about the transportation payments. What they want right now is the school subsidy to pay the teachers.

We again repeat that we have had piece-meal appropriations this entire session, piece-meal for Public Assistance. This \$50 million stopgap appropriation you just moved out of Committee, as you say, I believe totals \$150 million in piece-meal appropriations for all the other departments and for payrolls. Why not a piece-meal appropriation for our schools right now until this entire picture is settled; until our Budget Secretary, the Governor and the Appropriations Committee can sit down when a tax program is finally passed, and through a conference committee on the entire appropriation send an appropriation bill to the Governor which will embody all the appropriations within the framework of money available and within the framework of the needs of the Commonwealth as decided upon

by the combined Appropriation Committees in the House and Senate. That is the way to do the job.

I say if you put \$550 million on the Governor's desk today he will have to use his right to veto and cut a good bit of it out of the bill, so you will end up with a token appropriation bill anyhow.

I therefore repeat, the way to do it is go to the Senate and have Senate Bill 785 sent back here. We can recede from our amendments. We can put that bill on the Governor's desk today, and we can all leave here knowing that the schools are going to get some money before we get back here in January.

Mr. POLEN. Mr. Speaker, I would like to assure the gentleman from McKean, Mr. Johnson, as to the question he has raised about whether or not the Governor can sign the bill. I can answer him now and say he can.

We have explored the situation which he has suggested. We are not waiting to talk here and then get a clearance on it. We know what the situation is, we know he can sign it.

He refers to the \$31 million, Mr. Speaker. That bill carried a clause that it is not effective unless we pass legislation authorizing an increase in the teachers' salaries. So he does not need to be concerned about that.

I am only going to say only one thing more and that is, he wants to do it the hard way.

### PERMISSION TO ADDRESS HOUSE

Mr. GOLDSTEIN asked and obtained unanimous consent to address the House.

Mr. Speaker, I was very much interested in the discussion between the respective leaders, but I would call the attention of the House to the fact that many weeks ago I inquired as to why the Governor had not appointed a permanent Superintendent of Public Instruction. It will be one year on January 17 that the Department of Education, which exhausts one-half of our general budget, does not have anything a stop-gap head. I am wondering whether or not this is because the Superintendent of Public Instruction is an executive officer and cannot be removed by the Governor.

I am also wondering whether or not the purpose of the reorganization bill transferring many departments, to the Secretary of State, was for the purpose of placing those boards under the head of a political officer. We are all agreed that we must have a Superintendent of Public Instruction; we are all agreed that there are many capable men who would like to work under the aegis of Governor Leader in carrying on education for the benefit of everybody.

Is it not time that we get a permanent Superintendent of Public Instruction in this state?

### PERMISSION TO ADDRESS HOUSE

Mr. BANKER asked and obtained unanimous consent to address the House.

Mr. Speaker, I have no desire to go into the political aspects of this question, but rather to talk about what the people back home are thinking of this.

I have an item here taken from the Sunday Patriot-News, which gives a few of these ideas. I am going to read our own county's statement. Mr. Homer W. Dell, Huntingdon County, Assistant Superintendent, said:



"We are in bad shape, our districts are borrowing money and most have borrowed right up to the limit. So far as this office knows, all teachers were paid for services in November. December is a question. Some teachers are facing payless Christmases and some of the districts already have borrowed against state funds which have not been appropriated yet."

That is Huntingdon County's situation—not good.

Regardless of what has been said and done by the administration to convince the people of Pennsylvania that the Republican legislators have been and are the cause of the present financial crisis in our school affairs, it is still the opinion of my people back in Huntingdon County that we have not been at fault in our course of action thus far. I have been besieged by these people to do something, do anything that will provide some immediate relief for our distressed school districts.

Mr. Johnson has very ably pointed out the way to expedite this crisis in language very plain and convincing. In behalf of those people in Huntingdon County, I ask the Majority side of this House to go along with the gentleman's request and withdraw from our present position and thereby eliminate this crisis in one fell swoop, and let these people have at least a half decent Christmas.

### RESOLUTION

#### RECALLING HOUSE BILL NO. 1319 FROM THE GOVERNOR

Mr. READINGER offered a resolution which was read, considered and adopted as follows:

In the House of Representatives, December 20, 1955.

Resolved (if the Senate concur), that House Bill No. 1319, Printer's No. 880, entitled "An act amending the act of May 1, 1933 (P. L. 103) entitled 'An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto' clarifying the effect of certain provisions of the act with respect to powers granted by other laws," be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk present the same to the Senate for concurrence.

#### RECONSIDERATION OF VOTE ON HOUSE BILL NO. 1785

Mr. READINGER. Mr. Speaker, I move that the vote by which House Bill No. 1785, Printer's No. 1003, entitled:

"An Act to further amend section one of the act approved the eighth day of June one thousand nine hundred twenty-three (P. L. 685) entitled 'An act prescribing the fees for the office of Secretary of the Commonwealth' by further regulating the fees to be charged and collected."

was defeated on final passage, Monday, December 12, 1955, be reconsidered.

Mr. THOMAS. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from Berks, Mr. Readinger vote on the final passage of this bill?

Mr. READINGER. Mr. Speaker, I voted with the prevailing side.

The SPEAKER. How did the gentleman from Allegheny vote on the final passage of this bill?

Mr. THOMAS. Mr. Speaker, I voted with the prevailing side.

On the question,

Will the House agree to the motion?

It was agreed to.

On the question recurring.

Shall the bill pass finally?

### BILL POSTPONED

Mr. READINGER. Mr. Speaker, I move that this bill be placed on the final passage postponed calendar.

The motion was agreed to.

### SENATE MESSAGE

#### HOUSE BILLS CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bills from the House of Representatives numbered and entitled as follows:

#### HOUSE BILL No. 1923.

An Act making an appropriation to the Department of Public Assistance and providing for certain allocations therefrom for the purpose of carrying out the Public Assistance Law for the two fiscal years beginning June first one thousand nine hundred fifty-five

With the information that the Senate has passed the same without amendment.

### STATEMENT BY SPEAKER

The SPEAKER. It is necessary to readjust our time schedule. It was contemplated to take a recess at 12:30, but that schedule has been shot, and it is necessary to rearrange our time schedule.

The SPEAKER. For what purpose does the gentleman from Cumberland rise?

Mr. STONER. Am I in order to make a statement, Mr. Speaker?

The SPEAKER. The Chair would prefer that the statement, unless it is of immediate importance, be deferred until after the recess.

Mr. STONER. It is of immediate importance.

The SPEAKER. The Chair recognizes the gentleman.

Mr. STONER. Mr. Speaker, I would like to know if the custodian of the House would check the drafts on this side of the Hall. It is very cold, the temperature is just about 68 degrees there and I have been in bed for several days with a cold. Could we do that during our absence in the recess.

The SPEAKER. The Chair is informed by the Parliamentarian that that situation has been checked, the heat will be turned on. If there is further complaint, the Chair would request the gentleman to inform the Chair.

Mr. STONER. Thank you, Mr. Speaker.

### REPORTS FROM COMMITTEES

Mr. FLYNN from the committee on Elections and Apportionment, reported as amended, House Bill No. 312, entitled:

An Act amending the "Pennsylvania Election Code" approved June 3, 1937 (P. L. 1333) giving any candidate whose name in written, stamped or affixed upon a ballot the right to petition the court for the cumulation of such votes.

Mr. FOSTER from the Committee on Public Health and Sanitation, reported as amended, House Bill No. 1619, entitled:

An Act providing for the prevention and control of



communicable and non-communicable disease including venereal diseases, fixing responsibility for disease prevention and control, requiring reports of diseases, authorizing financial assistance to typhoid fever carriers and, authorizing treatment of venereal diseases, and providing for premarital and prenatal blood tests; amending, revising and consolidating the laws relating thereto; and repealing certain acts.

Mr. STECKEL from the Committee on Judiciary, reported as amended, Senate Bill No. 691, entitled:

An Act amending the "Estates Act of 1947 (P. L. 100) \* \* \*" revising and changing provisions relating to power of court to terminate trusts heretofore created release or disclaimer by beneficiary of spendthrift trust income accumulations conveyances to defeat marital rights and elections against such conveyances the conveyor's will and the procedure therefore.

Mr. SNIDER from the Committee on Appropriations, reported as amended, Senate Bill No. 775, entitled:

An Act making an appropriation to the Joint Committee appointed by the Senate and House of Representatives to investigate the Pennsylvania Training School at Morgantown.

Mr. GRANVILLE E. JONES from the Committee on Professional Licensure, re-reported as amended Senate Bill No. 284, entitled:

An Act amending "The Administrative Code of 1929" (P. L. 177) \* \* \*" creating the State Board of Chiropractic Examiners as a departmental administrative board in the Department of Public Instruction.

Mr. GRANVILLE E. JONES from the Committee on Professional Licensure, re-reported as amended Senate Bill No. 285, entitled:

An Act relating to the practice of chiropractic conferring powers and imposing duties on the State Board of Chiropractic Examiners and the Department of Public Instruction and providing penalties.

### RECESS

Mr. READINGER. Mr. Speaker, inasmuch as we have been delayed for a half hour since we have announced the original plans, I am requesting that the House recess until 3:00 o'clock for the purpose of having a Democratic Caucus at 2:00 o'clock, promptly. I understand that the Republican Caucus will be held also at 2:00 o'clock p. m.

The SPEAKER. If there is no objection, the Chair will declare a recess until 3:00 p. m. The Chair hears none, and a recess is declared.

### AFTER RECESS

The time of recess having expired, the House was called to order.

The SPEAKER (Hiram G. Andrews) in the Chair.

The SPEAKER. The Chair requests the gentleman from Armstrong, Mr. Helm, to preside temporarily.

Mr. HELM IN THE CHAIR

### BILLS INTRODUCED AND REFERRED

By Mr. A. PATRICK BRENNAN. HOUSE BILL No. 1951.

An Act amending the "Public School Code of 1949" approved March 10, 1949 (P. L. 30) requiring the board of county school directors to provide transportation for physically or mentally handicapped children in certain cases; and providing for reimbursements.

Referred to the Committee on Education.

By Mr. VARNER.

HOUSE BILL No. 1952.

An Act amending the "Pennsylvania Election Code," approved June 3, 1937 (P. L. 1333), authorizing statements by delegates or alternate delegates to national party conventions, \* \* \*.

Referred to the Committee on Elections and Apportionment.

### MEMBERS OF BENJAMIN FRANKLIN SESQUI BICENTENNIAL COMMISSION APPOINTED

In the House of Representatives, December 20, 1955.

The SPEAKER pro tempore. The Speaker pursuant to the provisions of Senate Concurrent Resolution, Serial No. 114, adopted by the Senate, March 7, 1955, and concurred in by the House of Representatives March 22, 1955, has appointed five members of the House of Representatives to the Benjamin Franklin Sesqui Bicentennial Commission, to cooperate with the Franklin Institute of the State of Pennsylvania in extending the warm and cordial hospitality of this State to all who are working for better international understanding in memory of Benjamin Franklin: Mr. Kolankiewicz, Mrs. Varallo, Messrs. Polen, Smith and Rubin.

### COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

#### REORGANIZATION PLANS No. 6 and 7

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, Pa.

To the General Assembly of the  
Commonwealth of Pennsylvania:

By authority vested in me by the Reorganization Act of 1955, Act No. 8, I transmit herewith Reorganization Plan No. 6 of 1955. This transfers from the Department of Revenue to the Department of State the State Athletic Commission together with its powers, functions and duties.

This Plan is submitted for the following reasons: (1) functions of the State Athletic Commission have only an incidental relation to the Department of Revenue; (2) the transfer will relieve one of our large and expanding departments of a minor task and enable it to focus attention and resources upon primary responsibilities; (3) improved management and economy can be expected from grouping miscellaneous agencies and functions in one department—the Department of State.

GEORGE M. LEADER,  
Governor.

Dated: 12-20-55.

Transmitted to the General Assembly,  
December 20, 1955.

#### REORGANIZATION PLAN No. 6 OF 1955

Section 1. The State Athletic Commission, together with its powers, functions and duties, is transferred from the Department of Revenue, where it has been a departmental administrative commission, to the Department of State, where it shall be a departmental administrative commission, with the same status under the Act of April 9, 1929, (P. L. 177), known as "The Administrative Code of 1929," and its amendments, as that of departmental administrative commissions.

Section 2. There are hereby transferred to the Department of State, to be used, employed and expended in connection with the functions, powers and duties transferred by section 1 of this Reorganization Plan, the files,



records, property, contract obligations, personnel, and the unexpended balances of appropriations, allocations and other funds available or to be made available for use in connection with such functions, powers and duties.

Section 3. The functions, powers and duties of the Secretary of Revenue, under section 427 of The Administrative Code of 1929, and its amendments, are transferred to and shall be exercised by the Secretary of the Commonwealth.

Section 4. The functions of the Department of Revenue, under subsections (c) and (d) of section 318, act of August 31, 1955 (Act No. 131), known as the "Pennsylvania Athletic Code," are transferred to and shall be exercised by the Department of State.

Section 5. The following acts and parts of acts are suspended as particularly set forth:

Sections 202 and 2503, act of April 9, 1929 (P. L. 177), known as "The Administrative Code of 1929," and their amendments, in so far as they affect the location of the State Athletic Commission in the Department of Revenue.

Section 427, act of April 9, 1929, (P. L. 177) known as "The Administrative Code of 1929," and its amendments, in so far as it imposes functions, powers and duties on the Secretary of Revenue.

Subsections (c) and (d) of section 318, act of August 31, 1955 (Act No. 131), known as the "Pennsylvania Athletic Code," in so far as they are in conflict with this Reorganization Plan.

In the House of Representatives, December 20, 1955.

#### RESOLUTION

Resolved, That Reorganization Plan No. 6 of 1955, transmitted to the General Assembly under date of December 20, 1955, which is incorporated herein by reference, be approved.

In the House of Representatives, December 20, 1955.

#### RESOLUTION

Resolved, That Reorganization Plan No. 6 of 1955, transmitted to the General Assembly under date of December 20, 1955, which is incorporated herein by reference, be disapproved.

To the General Assembly of the  
Commonwealth of Pennsylvania:

By authority vested in me by the Reorganization Act of 1955, Act No. 8, I transmit herewith Reorganization Plan No. 7 of 1955. The principal purpose of this plan is to transfer responsibility for replanting strip mining areas from the Department of Mines to the Department of Forests and Waters.

This change is desirable because: (1) The Department of Forests and Waters is already engaged extensively in work of a similar nature; (2) The Department of Forests and Waters grows the nursery stock and is better equipped with professional and technical personnel to promote and accomplished this important task; (3) Efficiency and economy of administration will be encouraged. For these reasons I recommend approval by the General Assembly.

GEORGE M. LEADER,  
Governor.

Transmitted to the General Assembly on  
December 20, 1955.

#### REORGANIZATION PLAN No. 7 OF 1955

Section 1. The functions, powers and duties of the Secretary of Mines set forth in sections 11, 12, 13, 14 and 18 of the act of May 31, 1945 (P. L. 1198), known as the "Bituminous Coal Open Pit Mining Conservation Act," amended August 19, 1953 (P. L. 1115), and in sections 14, 16 and 19 of the act of June 27, 1947 (P. L. 1095), known as the "Anthracite Strip Mining Law," amended August 19, 1953 (P. L. 1112), are transferred to the Secretary of Forests and Waters.

Section 2. There are hereby transferred to the Department of Forests and Waters to be used, employed and expended in connection with the functions, powers and duties transferred by Section 1 of this Reorganization Plan, all property, supplies, equipment, records, files and contract obligations now being used or held in connection with such functions, powers and duties, and all personnel engaged solely in the performance of such functions, powers and duties, and the unexpended balances of appropriations, allocations and other funds available or to be made available for use in connection with such functions, powers and duties.

Section 3. The following acts and parts of acts are suspended in so far as they confer functions, powers and duties on the Secretary of Mines:

Sections 11, 12, 13, 14 and 18, act of May 31, 1945 (P. L. 1198), known as the "Bituminous Coal Open Pit Mining Conservation Act," and their amendments.

Sections 14, 16 and 19, act of June 27, 1947 (P. L. 1095), known as the "Anthracite Strip Mining Law," and their amendments.

In the House of Representatives, December 20, 1955.

Resolved, That Reorganization Plan No. 7 of 1955, transmitted to the General Assembly under date of December 20, 1955, which is incorporated herein by reference, be approved.

In the House of Representatives, December 20, 1955.

Resolved, That Reorganization Plan No. 7 of 1955, transmitted to the General Assembly under date of December 20, 1955, which is incorporated herein by reference, be disapproved.

The SPEAKER. The Reorganization Plans will be laid over for printing.

#### SENATE MESSAGE

#### CONCURRENCE IN HOUSE RESOLUTION

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives as follows:

In the House of Representatives, December 20, 1955.

Resolved (if the Senate concur), that House Bill No. 1319, Printer's No. 880, entitled "An act amending the act of May 1, 1933 (P. L. 103) entitled 'An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto' clarifying the effect of certain provisions of the act with respect to powers granted by other laws," be recalled from the Governor for the purpose of amendment.

#### SENATE MESSAGE

#### TIME OF NEXT MEETING

The Clerk of the Senate being introduced presented an extract from the Journal of the Senate which was read as follows:

In the Senate, December 19 1955.

Resolved, (the House of Representatives concurring), That when the Senate adjourns this week, it reconvene on Monday, January 16, 1956, at a time to be fixed by the Senate, unless sooner recalled by the President Pro Tempore, and when the House of Representatives adjourns this week, it reconvene on Monday, January 16, 1956, at a time to be fixed by the House of Representatives, unless sooner recalled by the Speaker of the House of Representatives.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

On the question,



## COMMUNICATION LAID ON TABLE

Mr. READINGER. Mr. Speaker, I move that the communication from the Senate be laid on the table.  
The motion was agreed to.

## SENATE MESSAGE

## TIME OF NEXT MEETING

The Clerk of the Senate being introduced presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, December 20, 1955.

Resolved, (the House of Representatives concurring), That when the Senate adjourns this week, it reconvene on Wednesday, December 28, 1955, at 3:30 o'clock p.m., EST and when the House of Representatives adjourns this week, it reconvene on Wednesday, December 28, 1955, at 3:30 p.m., EST.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

On the question,

Will the House concur in the resolution of the Senate?

Mr. READINGER. Mr. Speaker, before the Members vote on this Resolution, I would like to advise them while they are still all here that next Wednesday's session will be a consent session. We do not expect the Members to be here next Wednesday unless something should develop which would make it imperative that we call you back.

If such a decision is made you will be notified by letter or telegram in plenty of time. But we felt that it was more prudent to adjourn until next Wednesday, rather than until January 16th, subject to being recalled.

That is the reason this Resolution is now before you.

On the question recurring,

Will the House concur in the resolution of the Senate?

It was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

## SENATE MESSAGE

APPOINTMENT OF CONFERENCE COMMITTEE ON  
SENATE BILL No. 785

The Clerk of the Senate being introduced, informed that the Senate insists on its nonconcurrence in the amendments made and insisted upon by the House of Representatives to Senate Bill No. 785, entitled:

An Act to provide for the ordinary expenses of the Department of Public Instruction for two years beginning June first one thousand nine hundred fifty-five and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred fifty-five and making appropriations to the Department of Public Instruction for reimbursements to school districts.

And has appointed Messrs. Wagner, Kessler and Seyler a committee of conference to confer with a similar committee of the House of Representatives (if the House of Representatives shall appoint such committee) on the subject of the difference existing between the two Houses in relation to said bill.

Mr. READINGER. Mr. Speaker, I move that the House insist upon its amendments non-concurred in by the Senate to Senate Bill No. 785 and that a Committee of Conference be appointed.

On the question,

Will the House agree to the motion?

Mr. CHARLES C. SMITH. Mr. Speaker, now that the Majority Leader has insisted that the House insist on its amendments inserted in Senate Bill 785 and that we do not recede from our position, there is nothing much we can do.

We made the suggestion on this side of the House to save, as we thought, the teachers of Pennsylvania. The gentlemen on that side do not agree with us, but, that is beside the point, it is water over the dam and they have the votes.

But there are some things that I would like to say about Senate Bill 785 at this point. A Committee of Conference has now been appointed and will meet or meet very shortly. Now let's stop hiding behind little excuses.

Mr. Polen stood on the floor of the House today and made a lot of excuses about this and that and tried to place the blame. But I think we are beyond the point of placing the blame at this point. Let us agree immediately on this Conference Committee and settle this thing once and for all.

I think I am correct in this statement, and I stand corrected if I am wrong, that we have exactly to the dollar the same amount of money available today as we had last October. So we could have settled it last October. We put it off. I believe if I am right that we have the same method of financing today that we had last October. So we could have settled it then.

Now, it is beside the point whether the Senate failed in this or whether the Senate failed in that. That is all water over the dam. We pledge to you and we pledge to the people of Pennsylvania that we on this Republican side will sit here with a skeleton force, if necessary this entire week, until this Conference Committee comes to an agreement.

We want the teachers to be paid and we are willing to stay here. I don't want to be here any more than anybody else does. But we will keep a force in operation in this House until this Conference Committee reaches some agreement so that the teachers can be paid.

Another thing I think the Majority is insisting on, and again I think it is beside the point, does not make a whole lot of difference to me and I say me, and it doesn't make a whole lot of difference to you, if the whole Department of Public Instruction isn't paid. I don't care.

It does not make any difference how much money is in the bill for the Department of Public Education, that is bunk. I don't care if they are not paid for a month but we do care if the teachers of Pennsylvania are not paid. That is the point that you people are arguing about, about the Department having enough money. Well, that is baloney in my estimation. I don't care if they are paid and you honestly in your hearts don't care if they are paid either.

Let us get the teachers paid, let us get them paid soon. We pledge at this point, and I pledge personally, to stay here for the entire week and the beginning of next week, we will keep a skeleton force in operation so your Conference Committee may come to an agreement so that these teachers can be paid. Blame is beside the point. Let us get them paid. That is the important thing.

Mr. READINGER. Mr. Speaker, I know that this Conference Committee is going to meet today and spend as much time as they can on this problem. This side is



willing to stay here in skeleton session also, as long as there is any reasonable hope that some solution can be achieved by this conference group.

I agree with the gentleman that we should not be trying to blame each other for something, we should be trying to solve it, and we are trying to do just that.

He says he doesn't think we care whether the employees of the Department of Public Instruction are paid or not. I believe if he would reconsider he would not make that statement again. I think what he means is that it is not as important that they get paid as it is that our teachers in greater numbers get paid. But none of us want to see anybody go payless when he should be paid.

We hope nobody is going to go without pay but if it has to happen it won't be for a very long period.

I assure him that he is going to get all the cooperation on this side in getting this problem solved quickly.

On the question recurring,

Will the House agree to the motion?

It was agreed to.

# APPOINTMENT OF COMMITTEE OF CONFERENCE ON SENATE BILL No. 785

The SPEAKER. The Chair appoints as a Committee of Conference on the part of the House, Messrs. POLEN, McCANN and JOHNSON.

Ordered, That the Clerk inform the Senate accordingly.

## SENATE MESSAGE

### AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

#### HOUSE BILL No. 1267.

An Act amending the act of July 28, 1953 (P. L. 723) entitled "An act relating to counties of the second class amending revising consolidating and changing the laws relating thereto" increasing the annual salaries of certain officers in counties of the second class.

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend Section 1, page 2, line 5, by striking out after the figures "(\$12,500)" the following: "fifteen thousand dollars (\$15,000)" and inserting in lieu thereof the following: "thirteen thousand five hundred dollars (\$13,500)"; line 8, by striking out after the figures "(\$12,500)" the following: "fifteen thousand dollars (\$15,000)" and inserting in lieu thereof the words "thirteen thousand five hundred dollars (\$13,500)"; line 12, by striking out after the figures "(\$12,500)" the following: "fifteen thousand dollars (\$15,000)" and inserting in lieu thereof the following: "thirteen thousand five hundred dollars (\$13,500)"; line 15, by striking out after the figures "(\$5,500)" the following: "eight thousand dollars (\$8,000)" and inserting in lieu thereof the following: "six thousand five hundred dollars (\$6,500)"; line 18, by striking out after the figures "(\$12,500)" the following: "fifteen thousand dollars (\$15,000)" and inserting in lieu thereof the following: "thirteen thousand five hundred dollars (\$13,500)"; line 20, by striking out after the figures "(\$12,500)" the following: "fifteen thousand dollars (\$15,000)" and inserting in lieu thereof the following: "thirteen thousand five hundred dollars (\$13,500)"; line 3, page 3, by striking out after the figures "(\$12,500)" the following: "fifteen thousand dollars (\$15,000)" and inserting in lieu thereof the following:

"thirteen thousand five hundred dollars (\$13,500)"; line 6, by striking out after the figures "(\$12,500)" the following: "fifteen thousand dollars (\$15,000)" and inserting in lieu thereof the following: "thirteen thousand five hundred (\$13,500)"; line 9, by striking out after the figures "(\$14,000)" the following: "sixteen thousand five hundred dollars (\$16,500)" and inserting in lieu thereof the following: "fifteen thousand dollars (\$15,000)"; line 13, by striking out after the figures "(\$18,500)" the following: "twenty one thousand dollars (\$21,000)" and inserting in lieu thereof the following: "nineteen thousand five hundred dollars (\$19,500)"; line 16, by striking out after the figures "(\$15,500)" the following: "eighteen thousand dollars (\$18,000)" and inserting in lieu thereof the following: "sixteen thousand five hundred dollars (\$16,500)."

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

#### YEAS—192

Adam,	Frost,	Lopresti,	Rigby,
Agnew,	Gaffney,	Lovett,	Rosen,
Amarando,	Garlock,	Lutty,	Rovasek,
Anderson, M. S.,	Gelfand,	Magee,	Royer,
Anderson, S. A.	George,	Mahan,	Rubin,
Ashton,	Gibb,	Markley,	Rudisill,
Auker,	Goldstein,	Maxwell,	Sarraf,
Banker,	Gramlich,	McCann,	Scarcelli,
Barnatovich,	Guss,	McCormack,	Sherman,
Bazin,	Guthrie,	McGee,	Sigman,
Bell,	Hamilton, R. K.,	McInroy,	Smith, C. C.,
Blair,	Hamilton, W. H.,	McLaughlin,	Smith, Wm. B.,
Boles,	Hass,	McWhorter,	Snider,
Bonner,	Haudenshield,	Meholchick,	Stank,
Boory,	Heavey,	Metz,	Stebbins,
Bower,	Helm,	Mihm,	Steckel,
Branca,	Henzel,	Mikula,	Stephens,
Brelsach,	Hewitt,	Miller,	Stevenson,
Brennan, A. P.,	Hocker,	Monroe,	Stone,
Brennan, J. J.,	Holt,	Moody,	Stoner,
Brenninger,	Horst,	Moran,	Strausser,
Breth,	Houk,	Moscrip,	Stroup,
Brown,	Isaacs,	Muldowney,	Swartz,
Bucchin,	Jenkins,	Mullen,	Taylor,
Bullen,	Johnson,	Munley,	Thomas,
Capano,	Jones, G. E.,	Murphy,	Thompson,
Cianfrani,	Jones, T. H. W.,	Murray, H. P.,	Toll,
Cioffi,	Jump,	Murray, J. J.,	Tompkins,
Cochran,	Kamyk,	Murray, P. G.,	Toomey,
Comer,	Kehler,	Musto,	Varner,
Connelly,	Keller,	Naugle,	Verona,
Curwood,	Kent,	Ogilvie,	Wall,
Davis,	Knecht,	Olsen,	Wallace,
Donahue,	Kolankiewicz,	O'Neil,	Wargo,
Dougherty,	Kooker,	Pacchioli,	Waterhouse,
Ehrgood,	Kornick,	Parry,	Weidner,
Eilberg,	Kratz,	Pashley,	Welsh,
Eshleman,	Kromer,	Paulhamus,	Wescott,
Ewing,	Kubacki,	Petrosky,	Wheeler,
Farabaugh,	Lafore,	Pettigrew,	Whitenight,
Filo,	Lawyer,	Polaski,	Willaredt,
Fineman,	Lelby,	Polen,	Williams,
Flint,	Lelsey,	Pomeroy,	Wilt,
Floyd,	Leonard,	Price,	Wood,
Flynn,	Leven,	Pursley,	Yetter,
Foster,	Light,	Readinger,	Yetzer,
Frank,	Limper,	Reibman,	Ziegler,
Frascella,	Lippincott,	Renwick,	Andrews,

Speaker

#### NAYS—1

Worley,

#### NOT VOTING—16

Cooper,	Gibson,	Mills,	Varallo,
Donaldson,	Greenwood,	Needham,	Vaughan,
Down,	Kline,	Reidenbach,	Walsh,
Erb,	McKeever,	Schuster,	Young,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.



## REPORTS FROM COMMITTEES

Mr. THOMAS H. W. JONES from the Committee on Elections and Apportionment, reported as committed, Senate Bill No. 274, entitled:

An Act amending the "Pennsylvania Election Code" June 3, 1937 (P. L. 1333) \*\*\* increasing the terms of office of judges and inspectors of elections.

Mr. THOMAS H. W. JONES from the Committee on Judiciary General, reported as amended, Senate Bill No. 687, entitled:

An Act amending the act of May 14, 1929 (P. L. 1721) entitled "An act providing for the service of process in civil suits on nonresident operators or nonresident owners of motor vehicles operated within the Commonwealth of Pennsylvania and making the operation of such a motor vehicle on the public highways of the Commonwealth of Pennsylvania the equivalent of the appointment of the Secretary of Revenue of the Commonwealth of Pennsylvania as the agent of the said nonresident upon whom civil process may be served and providing for further notice to the defendant in any such suit" making the consent deemed to have been given by a nonresident operator or owner of a motor vehicle involved in an accident or collision within this Commonwealth for appointment of the Secretary of the Commonwealth as his agent for service of process irrevocable and binding upon his personal representative providing for service of process when the nonresident operator or owner has died prior to the commencement of an action and making changes to conform with existing law.

Mr. STANK from the Committee on Rules, reported as committed, House Resolution No. 129.

Mr. SARRAF from the Committee on Rules, reported as amended House Resolution No. 138.

Mr. SARRAF from the Committee on Rules, reported as committed, House Resolution No. 139.

Mr. STANK from the Committee on Rules, reported as committed, House Resolution (not printed) re John Peter (Honus) Wagner.

The SPEAKER (Hiram G. Andrews) IN THE CHAIR.

The SPEAKER. The Chair thanks the gentleman from Armstrong, Mr. Helm, for presiding.

## LEAVES OF ABSENCE

The SPEAKER. The Chair will now return to the order of business of leaves of absence.

Yesterday this House instructed the Chief Clerk to ascertain why Members were absent, to ascertain the validity of their absence, the reasons, and to use such means as are in his power, which would include the use of the investigatory forces of the Commonwealth, to find out where those absent Members were if he was unable to ascertain by the ordinary means of inquiry.

The Chair will now take leaves of absence and will request the Chief Clerk to inform the Chair in each instance whether he is satisfied with the validity of the reasons why the Member is absent.

We know that various Members of this House are ill, so seriously ill that it would endanger their health if they were required to attend. In a number of instances we know that. There are, perhaps, other instances in which we have only hearsay information that Members are ill, and it may be that there are Members with whom

it has been impossible for the Chief Clerk to communicate up to the present time.

Mr. CHARLES C. SMITH. Mr. Speaker, I have some leaves of absence to request. I do not know if you want them from me or from the Chief Clerk, who I understand also has some. I have just given them to him.

The SPEAKER. The Chair would suggest that the gentleman from Philadelphia ask for leaves of absence for such members as he desires, and that he notify the Chief Clerk, who will inform the Chair whether his investigations lead him to know that the leaves are justified.

Mr. CHARLES C. SMITH. I ask for leaves of absence because of sickness for Mr. Greenwood from Wyoming.

Mr. Kline from Schuylkill.

Mr. Young from Mercer.

Mr. Gibson from Warren.

Mr. Down from Mercer.

Mr. Erb has just left the floor of the House. He received word that his son has been in an automobile accident and is in serious condition in the hospital in Altoona. They are the only leaves of absence we have for sickness.

The SPEAKER. The Chair would request the Chief Clerk to inform the Chair as to what he suggests with reference to these particular leaves of absence.

The SPEAKER. (The Chief Clerk conferred with the Speaker). If there are no objections, leave will be granted to Messrs. Kline, Greenwood, Young, Gibson, Down and Erb. The Chair hears no objection and leave is granted.

Mr. KOLANKIEWICZ. Mr. Speaker, I ask leave of absence for Mrs. Mary Varallo, who is ill.

The SPEAKER. The Chair would ask the gentleman from Philadelphia, Mr. Kolankiewicz, whether he has knowledge of the situation, has he conferred either with Mrs. Varallo or with other persons, so that he can say and suggest to the House that leave be granted.

Mr. KOLANKIEWICZ. Mr. Speaker, last evening Mrs. Varallo came down to me and told me she was suffering from ptomaine poisoning. She had been treated downstairs by the nurse and she asked me to ask for leave of absence for her for today.

The SPEAKER. The chairman of the Philadelphia delegation suggests and recommends that leave be granted?

Mr. KOLANKIEWICZ. I do, Mr. Speaker.

The SPEAKER. The Chair hears no objection and leave is granted.

Mr. VERONA. Mr. Speaker, I ask for leave of absence for Mr. Schuster, who was advised to go home by Dr. Sarraf.

The SPEAKER. The Chair would suggest to the House, recognizing his well-known sense of humor, that nevertheless the question we are considering is not humorous in any degree.

Mr. VERONA. Mr. Speaker, I did not mean that to be humorous. Mr. Schuster was ill and I was there when Dr. Sarraf examined him. That is why I am asking for a leave of absence for him.

The SPEAKER. Leave of absence is requested for the gentleman from Allegheny, Mr. Schuster.

Mr. READINGER. Mr. Speaker, may I interrogate Dr. Sarraf?

The SPEAKER. Will the gentleman from Allegheny, Dr. Sarraf, permit himself to be interrogated?



Mr. SARRAF. Maybe the gentleman would like to direct his remarks to "Dr." Verona.

Mr. READINGER. Mr. Speaker, for the information of the gentleman, I simply desire to inquire whether he knows that Mr. Schuster is ill or not?

Mr. SARRAF. Mr. Verona is partially correct. Mr. Schuster early this morning was ill, but the advice to go home I did not give Mr. Schuster. The fact that he is ill is true.

The SPEAKER. What is the pleasure of the Majority Leader regarding the request for leave of absence for the gentleman from Allegheny, Mr. Schuster?

Mr. READINGER. Mr. Speaker, in view of the fact that Dr. Sarraf stated that Mr. Schuster is ill, I would have no objection to leave being granted.

The SPEAKER. There being no objection, leave is granted.

Mr. SARRAF. Mr. Speaker, I desire to ask leave of absence for Mr. Walsh, who is definitely ill. We have contacted his doctor in McKeesport.

The SPEAKER. The gentleman from Allegheny, Dr. Sarraf, asks leave of absence for his colleague, Mr. Walsh, of Allegheny on account of illness.

Mr. SARRAF. Mr. Speaker, Mr. Olsen, who is not present, is in Harrisburg and we are attempting to contact him. He is not ill.

The SPEAKER. If there are no objections leave will be granted to the gentleman from Allegheny, Mr. Walsh.

Mr. READINGER. Mr. Speaker, in order to keep the record straight, may I inquire whether leaves of absence were granted for this week's session to Mr. McKeever, Mr. Needham and Mr. Reidenbach?

The SPEAKER. Leaves of absence were granted to Messrs. McKeever, Needham and Reidenbach for the week's session.

Mr. READINGER. Mr. Speaker, may I inquire whether Mr. Mills is present today?

The SPEAKER. Is Mr. Mills present in the Hall of the House?

(No response)

Mr. READINGER. May I further inquire whether the Chief Clerk has any information concerning Mr. Mills?

The SPEAKER. The Chief Clerk informs the Chair as follows:

His secretary says she has not seen him all day and has no idea where he might be. There is no answer to his phone at home.

This would seem to the Chair to be one of those instances in which the Chief Clerk should use the investigatory arm of the Commonwealth.

What is the pleasure of the Majority Leader concerning leave of absence for the gentleman from Westmoreland, Mr. Mills?

Mr. READINGER. Mr. Speaker, nobody has asked for a leave of absence for the gentleman. He is simply absent. So I think the matter should be deferred to a later date for a decision by this House.

The SPEAKER. The Chair would ask the Chief Clerk to inform him whether efforts have been made to locate Mr. Mills?

(The Chief Clerk conferred with the Speaker).

The Chair suggests that the matter go over and that the Chief Clerk take whatever steps may be necessary

to ascertain the reasons for the absence of the gentleman from Westmoreland, Mr. Mills, and report to this House at a later date.

The SPEAKER. The Chair requests the gentleman from Armstrong, Mr. Helm, to again preside.

Mr. HELM IN THE CHAIR

## BILL ON SECOND READING

### BILL PASSED OVER

There being no objection

Senate Bill No. 442, Printer's No. 190 was passed over at the request of the SPEAKER pro tempore.

## BILL ON FINAL PASSAGE RECALLED FROM GOVERNOR

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 834 as follows:

An Act amending the act of May 9, 1949 (P. L. 927) entitled "An act fixing and regulating the fees commissions mileage and other costs chargeable by the sheriff in counties of the second third fourth fifth sixth seventh and eighth classes for their official acts and the services of their deputies watchmen appraisers and other agents requiring prepayment of same unless secured or chargeable to the county and delivery of itemized receipts therefor requiring certain payments by the county including the compensation of special deputies providing for the taxation and collection of fees commissions mileage and other costs requiring salaried sheriffs to account to the county for certain fees and commissions collected and repealing inconsistent laws general special or local" changing fees commissions mileage and other costs chargeable by sheriffs

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 1 act of May 9, 1949 (P. L. 927) entitled "An act fixing and regulating the fees commissions mileage and other costs chargeable by the sheriff in counties of the second third fourth fifth sixth seventh and eighth classes for their official acts and the services of their deputies watchmen appraisers and other agents requiring prepayment of same unless secured or chargeable to the county and delivery of itemized receipts therefor requiring certain payments by the county including the compensation of special deputies providing for the taxation and collection of fees commissions mileage and other costs requiring salaried sheriffs to account to the county for certain fees and commissions collected and repealing inconsistent laws general special or local" is amended to read

Section I In all counties of the second third fourth fifth sixth seventh and eighth classes the fees and costs including commissions and mileage to be charged and received by the sheriff from persons or counties requiring their services shall be as follows

(a) For receiving docketing and making return thereof for each writ of scire facias replevin retorno habendo summons foreign attachment domestic attachment attachment execution complaint in divorce distringas writ of sequestration writ of assistance satisfaction of mortgage injunction mandamus quo warranto bill in equity rule decree order citation subpoena series of interrogatories proclamation or official notice of any kind in any civil action criminal proceeding or public matter issued out of any court or required by law or rule of court [two dollars fifty cents] three dollars

For serving any such writ process or official notice required to be served by the sheriff personally or by copy served or posted [two dollars fifty cents and mileage] three dollars



For each additional defendant or person served or copy posted [one dollar twenty-five cents] one dollar fifty cents and mileage

For making each copy served or posted one dollar fifty cents

For return of *tarde venit* [one dollar] two dollars

For return of *non est inventus* [one dollar] two dollars and mileage

Provided however That no charge for service shall be made upon an alias or pluries writ if the same has been charged upon the original with respect to any defendant already served

For serving the same by publication in one or more newspapers as required by law or order of court [two dollars and seventy-five cents] three dollars in each case in addition to printer's bills

For serving any writ official notice petition rule decree process or order of court or copy thereof not herein specially provided for he shall charge and receive the same official fees and legal costs including mileage as for a writ served in a similar way as hereinbefore provided in addition to any fee of the prothonotary chargeable against the sheriff in relation thereto but no charge shall be made for any affidavit of such service except the fee of the notary or other official administering the oath or affirmation thereto For taking an affidavit one person fifty cents two persons seventy-five cents three or more one dollar

(b) For executing writs of *levari facias fieri facias venditioni exponas* or any writ or order issued out of any court requiring the levy and seizure of lands and tenements or selling the same according to law the following items to be paid by the plaintiffs or petitioners

For receiving docketing and making return thereof [two dollars fifty cents] three dollars

For serving or posting any copy or notice thereof the fees and mileage hereinbefore provided

For levying on each separate piece or parcel of land [one dollar fifty cents] two dollars and mileage

For advertising to public sale in newspapers each piece or parcel of land [two dollars and seventy-five cents] three dollars in addition to printer's bills

For advertising to public sale by hand-bills each piece or parcel of land separately described by metes and bounds or otherwise [two dollars and seventy-five cents] three dollars and mileage in addition to printer's bills

For crying the sale of each separate piece or parcel of land separately sold and each adjourned sale [one dollar] two dollars

In addition the sheriff shall charge and receive as an official fee a commission charge of two cents on every dollar based upon the total amount bid for the property whether paid to the sheriff or credited to the purchaser Provided That the amount of same does not exceed one thousand dollars (\$1000) in which case one-half cent ( $\frac{1}{2}\%$ ) on every dollar in excess of this amount shall be charged in addition

For executing and acknowledging any deed for lands and tenements [four] five dollars to be paid by the purchaser when the deed is tendered

For registering the same in any municipality one dollar fifty cents in addition to the fee required by law for registration to be paid by the purchaser

In addition the purchaser shall pay to the sheriff any fee of the prothonotary for the acknowledgment of the sheriff's deed and the fee of the recorder of recording same for which the sheriff shall account to them respectively

(c) For executing any writ of inquiry partition condemnation appraisal inquisition or any similar writ issued by any court alderman justice of the peace magistrate or commissioner under any act of Assembly the following items to be paid by the party who procured same

For receiving docketing and making return thereof [two dollars fifty cents] three dollars

For summoning parties or persons in possession personally or by copy served or posted for first service two dollars fifty cents

For each additional service personally or by copy or

posting [one dollar twenty-five] one dollar fifty cents and mileage

For making each copy served or posted one dollar fifty cents

For summoning and swearing special jurors [four] five dollars

For holding inquisition or appraisal of real estate if same be held upon the premises [four] six dollars and mileage to and from the place where same may be located in addition to jurors' experts' or surveyors' fees and necessary expenses

For other execution of any such writ [four] five dollars

For serving the same by publication in one or more newspapers as required by law or order of court [two dollars and seventy-five cents] three dollars in addition to printer's bills

For delivering lands to plaintiff in inquisition or similar proceedings [two dollars and seventy-five cents] three dollars and mileage and no commission in such case shall be charged

(d) For executing *fieri facias* domestic attachment foreign attachment fraudulent debtors attachment *retorno habendo* and *replevin* or any writ or order issued out of any court requiring the levy or seizure of personal property or selling the same according to law the following items to be paid by the parties procuring same

For receiving docketing and making return thereof [two dollars fifty cents] three dollars

For serving or posting any copy or notice thereof the fees and mileage hereinbefore provided

For each levy on personal property [two dollars and fifty cents] three dollars and mileage

For return of *nulla bona* one dollar fifty cents and mileage

For clerk hire at each sale whether on one or more writs against the same defendant two dollars fifty cents

For advertising personal property to public sale by hand-bills [two dollars and seventy-five cents] three dollars and mileage in addition to printer's bills

For adjourning any sale [one dollar] two dollars and mileage

In addition the sheriff shall charge and receive as an official fee a commission of two cents on every dollar based upon the total amount realized from said sale whether paid to the sheriff or credited to the purchaser on account of any writ Provided That the amount of same does not exceed one thousand dollars (\$1000) in which case one-half cent ( $\frac{1}{2}\%$ ) on every dollar in excess of that amount shall be charged in addition

For each watchman to take care of property attached levied upon or otherwise taken into legal custody when necessary or requested by any of the parties interested [seven dollars fifty cents] ten dollars for each period of eight hours to be considered a day's service and a proportionate sum for any fraction of such day to be payable to such watchman and collectible for his benefit by the sheriff from the party benefited thereby or person requiring his services in like manner as other legal costs payable to the sheriff may be collected

For insurance arranging goods for sale heat light power storage rent transportation supplies feeding livestock and similar expenses incurred in caring for and keeping the goods and chattels levied upon or attached when the same are necessary or advantageous or when requested by any party interested to incur any such expenses the actual costs thereof to be paid by the plaintiff petitioner or party requiring same to be incurred provided any surplus of advances for same be refunded

(e) For the settlement or staying by the plaintiff of any writ embraced in any section of this act relating to either lands and tenements or personal property the execution of the same not being concluded the sheriff shall receive the same fees for receiving docketing and returning levying and advertising with mileage and such commission as would be chargeable if sale had been made upon said writ for the amount paid to settle or stay the same whether such sum be paid to him or to the plaintiff or a compromise be made between plaintiff and defendant for the future payment of any sum to satisfy the same

For receiving and docketing each property claim wage claim rent claim or exemption claim [two] three dollars



to be paid by the claimant upon filing same with the sheriff or his deputy in addition to any fee collectible by the prothonotary or clerk of any court for filing any notice petition or rule relating thereto

For the appraisal of personal property by virtue of any act of Assembly or at the lawful request of any party four dollars and mileage Provided That in any case where the appraisal of a large quantity of goods or the services of experts shall be required the sheriff or any party may apply by petition to the court or a judge thereof having jurisdiction over said matter setting forth the facts and said court or judge may make an order fixing the sum to be allowed and paid to the sheriff for the compensation of the appraisers as the proper cost of making such appraisal which sum so fixed and allowed shall be taxed as the sheriff's proper legal costs The plaintiff or petitioner in the proceedings shall pay for the making and filing of any appraisal required unless otherwise provided by law

For notifying the Auditor General of the proposed sale of the property or the franchise of any corporation or joint-stock association three dollars

(f) For executing venire facias or venire facias jurors issued out of any court the following items to be paid by the county

For receiving docketing and making return thereof on each venire [two dollars fifty cents] three dollars

For any services of the sheriff in drawing names of jurors from the jury wheel and summoning such jurors or summoning any jurors drawn by any jury board or commissioner the sheriff shall be entitled to charge and receive from the county one dollar and mileage and necessary expenses for each juror drawn

(g) For executing writs of habere facias liberari facias dower possessionem or possessory process requiring the delivery of possession of real estate or ejecting or dispossessing any person or [persons] persons of their effects [five] six dollars and mileage and reasonable costs for help when necessary to preserve the peace or safeguard property in addition to the costs of sale when made to be paid by the party depositing such writ or demanding possession

(h) For executing any process warrant capias attachment decree sentence or order of court issued out of any court where any person or the defendant's body is taken into custody to be paid by the county when the Commonwealth is interested otherwise by the party procuring such process writ order or decree as follows

For receiving docketing and making return thereof [two dollars fifty cents] three dollars

For each arrest [one dollar fifty cents] two dollars and mileage in addition to necessary help and expenses including the compensation of any special deputies required who shall be paid at the rate of [seven dollars fifty cents] ten dollars for eight hours' service

For transportation of each prisoner ten cents per mile in addition to necessary help and expenses including the compensation of any special deputies required who shall be paid at the rate of [seven dollars fifty cents] for eight hours' service

For each commitment to jail correctional institution asylum or place of detention of any juvenile court in any criminal or civil case [fifty] seventy-five cents to be paid by the county unless otherwise provided by law

For discharging any person or prisoner from any such place of confinement in any case [fifty] seventy-five cents to be paid by the county

For executing bail-piece or taking bond in any matter whether civil or criminal [one dollar fifty cents] two dollars to be paid by the person benefited unless otherwise provided by law

In addition the sheriff shall receive for the indictment in each oyer and terminer case the sum of [three] four dollars and in each quarter sessions court or other county case the sum of [one dollar and fifty cents] two dollars to be paid by the county

For each bill ignored by the grand jury [one dollar and fifty cents] two dollars to be paid by the county

For each case acted upon by any juvenile court [one dollar and fifty cents] two dollars to be paid by the county

For each non-support or desertion case acted upon by

any court the sum of [one dollar and fifty cents] two dollars to be paid by the county

(i) Where the sheriff shall be in charge of any jail or prison or place of detention he shall be entitled to receive such allowance for the custody care and maintenance of prisoners and inmates as may be fixed by the courts or official boards of the respective counties having supervision of such institutions or as said courts or boards may approve upon itemized bills rendered from time to time to be paid by such county in addition to any compensation for his services fixed by law or by any court or official board authorized to fix such compensation

For removing an insane or weak minded or defective person to any institution for the confinement of any such persons or any person to the penitentiary workhouse Huntingdon Reformatory or to any charitable institution or any hospital school or home where persons are confined or detained or supported under any commitment sentence or order of any court [two dollars and fifty cents] three dollars on each commitment or order in addition to mileage and necessary expenses including the compensation of any special deputies required who shall be paid at the rate of [seven dollars fifty cents] ten dollars for eight hours' service to be paid by the county unless some other governmental body is chargeable therewith by law Provided however That the mileage for the person in custody under commitment or order shall be based upon the miles actually traveled to his or her destination

(j) For attending court when required to do so by law or by any judge or district attorney or bringing into and removing therefrom prisoners for arraignment trial or sentence or witnesses held in custody the sum of fifteen dollars per day for the sheriff of any second class county and ten dollars per day for the sheriff of any other county and a like sum for each deputy for each day of oyer and terminer court quarter sessions court juvenile court or county court including the County Court of Allegheny County when the sheriff or deputy is actually present to be paid by the county

(k) [For levying or paying out fines three cents per dollar to be paid by the party or person receiving the fine]

For issuing and recording any license one dollar fifty cents in addition to the license fee payable to the county or Commonwealth to be paid by the licensee

[For advertising general or special elections in newspapers two dollars and seventy-five cents in addition to printer's bills to be paid by the county]

For advertising general or special elections by handbills for each polling place two dollars and seventy-five cents and mileage in addition to printer's bills to be paid by the county

For serving notice on the judge of each election district in special elections seventy-five cents and mileage to be paid by the county]

(l) For services performed in his capacity as a conservator of the peace or police officer in suppressing riots mobs or insurrections and when discharging any duty requiring the summoning of a posse comitatus or special deputy sheriffs the sheriff shall receive per diem compensation at the rate of [seven dollars fifty cents] fifteen dollars in any county of the second class and ten dollars in other counties for eight hours' service together with the mileage and necessary expenses including subsistence for himself and those under him to be paid by the county

For each special deputy appointed by any sheriff in case of any emergency to assist him in executing any civil or criminal process or court order or preserving the peace such sheriff may charge and shall receive from the county compensation for such deputy at the rate of [seven dollars fifty cents] fifteen dollars in any county of the second class and ten dollars in any other county for eight hours' service in addition to the expenses incurred for the transportation and subsistence of such deputy while rendering such service

(m) For mileage in serving or executing any of the writs official notices rules decrees orders or processes or copies thereof or performing any of the duties or services herein specified or authorized by law the sheriff shall be entitled to charge and receive and may tax as official costs ten cents a mile circular for each mile necessary



to be traveled by him or any of his deputies or employees and the same shall be allowed upon each separate writ rule order decree process or notice served or service performed Provided That he shall not receive more than one mileage where the plaintiff and defendant in two or more contemporaneous writs are the same or when conducting two or more persons or prisoners at one time to or from a place of detention or correction but he shall also receive the aforesaid mileage for transporting such prisosners and his deputies guarding them and meals and lodging during the journey and the return of his deputies

(n) For the executing of any matter directed to the sheriff or required by law or rule of court the performance of which is not herein mentioned the sheriff shall receive the same official fees commissions and legal costs including mileage as for similar service herein specially provided for

(o) In all cases or proceedings of which the County Court of Allegheny County shall have jurisdiction the sheriff shall receive the same fees commissions and costs including mileage for official services in connection therewith as for similar services in like proceedings in other courts of the Commonwealth

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

#### YEAS—190

Adam,	Gaffney,	Lovett,	Rosen,
Agnew,	Garlock,	Lutty,	Rovansek,
Amarando,	Gelfand,	Magee,	Royer,
Anderson, M. S.,	George,	Mahan,	Rubin,
Anderson, S. A.,	Gibb,	Markley,	Rudisill,
Ashton,	Goldstein,	Maxwell,	Sarra,
Banker,	Gramlich,	McCann,	Scarcell,
Barnatovich,	Guss,	McCormack,	Sherman,
Bazin,	Guthrie,	McGee,	Sigman,
Bell,	Hamilton, R. K.,	McInroy,	Smith, C. C.,
Blair,	Hamilton, W. H.,	McLaughlin,	Smith, Wm. B.,
Boles,	Hass,	McWherter,	Snider,
Bonner,	Haudenschild,	Meholchick,	Stank,
Boory,	Heavey,	Metz,	Stebbins,
Bower,	Helm,	Mihm,	Steckel,
Branca,	Henzel,	Mikula,	Stephens,
Brelsach,	Hewitt,	Miller,	Stevenson,
Brennan, A. P.,	Hocker,	Monroe,	Stone,
Brennan, J. J.,	Holt,	Moody,	Stoner,
Brenninger,	Horst,	Moran,	Strausser,
Breth,	Houk,	Moscrip,	Stroup,
Brown,	Isaacs,	Muldowney,	Swartz,
Bucchin,	Jenkins,	Mullen,	Taylor,
Bullen,	Johnson,	Munley,	Thomas,
Capano,	Jones, G. E.,	Murphy,	Thompson,
Cianfrani,	Jones, T. H. W.,	Murray, H. P.,	Toll,
Cioffi,	Jump,	Murray, J. J.,	Tompkins,
Cochran,	Kamyk,	Murray, P. G.,	Toomey,
Comer,	Kehler,	Musto,	Varner,
Connelly,	Keller,	Naugle,	Verona,
Curwood,	Kent,	Ogilvie,	Wall,
Davis,	Knecht,	Olsen,	Wallace,
Donahue,	Kolankiewicz,	O'Neill,	Wargo,
Dougherty,	Kooker,	Pacchioli,	Waterhouse,
Ehrgood,	Kornick,	Parry,	Weldner,
Ellberg,	Kratz,	Pashley,	Welsh,
Eshleman,	Kromer,	Paulhamus,	Wescott,
Ewing,	Kubacki,	Petrosky,	Wheeler,
Farabaugh,	Lafore,	Pettigrew,	Whitenight,
Filo,	Lawyer,	Polaski,	Willaredt,
Fineman,	Leiby,	Polen,	Williams,
Flint,	Lelsey,	Pomeroy,	Wilt,
Floyd,	Leonard,	Price,	Wood,
Flynn,	Leven,	Pursley,	Yetter,
Foster,	Limper,	Reibman,	Yetzer,
Frank,	Lippincott,	Readinger,	Ziegler,
Frascella,	Lopresti,	Renwick,	Andrews,
Frost,		Rigby,	Speaker

#### NAYS—3

Auker, Light, Worley,

#### NOT VOTING—16

Cooper,	Gibson,	Mills,	Varallo,
Donaldson,	Greenwood,	Needham,	Vaughan,
Down,	Kline,	Reidenbach,	Walsh,
Erb,	McKeever,	Schuster,	Young,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

#### COMMUNICATION

The SPEAKER laid before the House a communication which was read by the Clerk as follows:

#### HOUSE OF REPRESENTATIVES

Harrisburg, Pa.

December 20, 1955

Honorable H. G. Andrews  
Speaker House of Representatives  
Harrisburg, Pennsylvania

My dear Mr. Speaker:

In accordance with our discussion in your office this morning, I am enclosing my official letter of resignation as a Member of the General Assembly.

Before making my departure from Harrisburg to day I now wish to go on record to express to you my sincere appreciation for the many courtesies you so kindly extended to me as Speaker of the House and in your former capacity as Democratic Floor Leader as well as fellow member.

It has been a rich experience to have had the opportunity and privilege of serving the people of the Fourteenth Legislative District of Philadelphia with such distinguished and outstanding leaders in the General Assembly, and I shall keep these memories while serving in my new capacity as a Councilman in the City of Philadelphia.

When you visit the City of Brotherly Love know that my office door is always open to you. Know also that any time I can be of service to you or your friends, I shall consider it a pleasure and a privilege.

The Season's Greetings.

Sincerely,

(signed) WILBUR H. HAMILTON

#### RESIGNATION

The SPEAKER laid before the House a resignation which was read by the Clerk as follows:

#### HOUSE OF REPRESENTATIVES

Harrisburg, Pa.

December 31, 1955

Honorable H. G. Andrews  
Speaker House of Representatives  
Harrisburg, Pennsylvania

Dear Mr. Speaker:

The people of the Eighth Councilmanic District in the City of Philadelphia very kindly elected me as their representative in City Council at the General Election on November 8th, 1955.

By virtue of the above and in accordance with the Act of the General Assembly and the Philadelphia Home Rule Charter, I hereby tender my resignation as Representative in the General Assembly of the Commonwealth of Pennsylvania representing the Fourteenth District of Philadelphia, to be effective December 31, 1955 at midnight.

Very truly yours,

(signed) WILBUR H. HAMILTON



## REMARKS BY THE SPEAKER

The SPEAKER. The Chair was not aware that the letter of the gentleman from Philadelphia would be read in full before the House and, therefore, was not in a position to reply.

I want to say if they must needs have Republican Councilmen in Philadelphia, we will favor men of the type who has announced that he must retire from this chamber.

After one has rubbed shoulders, been on opposite sides of this aisle and differed politically with a man, it is something to say that never once were you the victim of a discourtesy at his hands, never once were you deceived regarding his intentions.

We will have lost a real force for good government in this House when Wilbur Hamilton leaves us. What is our loss will be Philadelphia's gain.

I have only to say to the Republicans that if they want to come back to power in Philadelphia, they should start in and as a matter of policy elect officers of the type of Wilbur Hamilton.

The SPEAKER pro tempore. The Chair thanks the gentleman from Cambria, Mr. Andrews, and recognizes the gentleman from Philadelphia, Mr. Hamilton.

Mr. WILBUR H. HAMILTON. Mr. Speaker, I rise to say farewell to the finest group of statesmen with whom I have ever been associated.

I sincerely appreciate the words expressed by the present Speaker, the gentleman from Cambria, Mr. Andrews. It is true we have had occasion from time to time to discuss and debate legislation, and nobody knows better than the gentleman from Cambria, Mr. Andrews, that I was never involved in any legislation that was highly controversial. It was always non-partisan, non-political and bipartisan for the benefit of all the people in the city of Philadelphia. I favored every kind of a reform movement, never bowed to the wishes of any political leaders and never was too partisan in my viewpoint, but always interested in the Republican and the Democratic parties.

It was a great honor to have the privilege of discussing legislation with my fellow colleagues, not only from Philadelphia but from all over Pennsylvania.

I suppose it was due to the fact that I was never interested in controversial legislation that the people of the Eighth Councilmanic District gave me a majority of the votes last November to represent them in the city council of our great city, Philadelphia.

One of the leaders in the Councilmanic District is the present Republican Floor Leader, former Speaker, former Majority Leader, former Majority Whip and a leader in Philadelphia, the Honorable Charles C. Smith, who made a great contribution to the victory that proved to be the only one for the Republican Party in the city of Philadelphia. Together with the people we wish to express our appreciation to the people of the Eighth Councilmanic District.

Again I want to say it was a great privilege to have served here. It is hard to say goodbye at this moment, but I will be back from time to time to be with you.

I wish to express the same remarks to every Member that I addressed to the Speaker. To every Member, in the days that lie ahead if I can be of any service to you

or your friends in Philadelphia, I wish you would write to me. If you pay a visit to the city of Philadelphia, I will have an office in City Hall and the mat on the outside says "Welcome" to all of you.

Good Luck and in the words of Tiny Tim: "God bless you everyone".

## BILLS ON FINAL PASSAGE

## BILLS PASSED OVER

There being no objection

House Bill No. 667, Printer's No. 1256 and

House Bill No. 1311, Printer's No. 1102

were passed over at the request of the SPEAKER pro tempore.

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 1755 as follows:

An Act amending the act of June 27, 1947 (P. L. 1095) entitled as amended "An act providing for the regulation of mining of anthracite coal by the open pit or strip mining method and for the conservation and improvement of lands affected directly or indirectly by such mining requiring operators to register pay a license fee and secure a permit to engage in strip mining and file a bond conditioned for compliance with this act requiring backfilling of stripping pits and leveling and planting lands affected to prevent erosion and the pollution of waters and to protect public health safety and welfare conferring powers and imposing duties upon the Department of Mines providing for appeals and imposing penalties and making appropriations" further regulating strip mining operations making changes with respect to backfilling restoration accumulation of water permits bonds penalties and fees and providing for filing of maps

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Sections 3 4 and 5 act of June 27, 1947 (P. L. 1095) known as the "Anthracite Strip Mining Law" are amended to read

Section 3 Definitions The following words and phrases unless a different meaning is plainly required by the context shall have the following meanings

"Anthracite" The hard coal mined in the northeasterly part of the Commonwealth of Pennsylvania commonly known as the Anthracite Region

"Strip Mining" The mining or recovery of coal by removing the material which overlies the coal in its natural or previously mined conditioned

"Stripping pit" Any trench cut hole or pit formed by the removal of the surface or coal as a result of strip mining

"Operation" One or more stripping pits located on the property embraced within the boundaries of a [colliery] mine inspection district as outlined by the Pennsylvania Department of Mines Provided That in all cases where a single stripping pit extends across a [colliery property] mine inspection district line such pit will not be considered as two operations because of being located [on two colliery properties] in two mine inspection districts

"Operator" A person partnership association or corporation engaged in strip mining of anthracite coal as a principal or who is or becomes the owner of the coal recovered as the result of such strip mining

"Spoil banks" The material of whatever nature removed and deposited on the surface that the underlying coal may be recovered

"Department" The Department of Mines of the Commonwealth of Pennsylvania

"Landowner" The person partnership association or corporation private municipal or otherwise in which the legal title to the land is vested

"Overburden" The material or strata overlying a seam or seams of anthracite coal in its natural state.



"Area of land affected" The area of land from which the overburden is removed and that occupied by spoil banks

"Deep mining" Such mining as is presently carried on by means of slope tunnel drift or shaft without the removal of the overburden

Section 4 (a) Application for a permit to engage in strip mining of anthracite at each operation shall be made on a form prepared and furnished by the department. Such application shall contain an estimate of the number of acres of land that the operator estimates will be the area of land affected by strip mining at each operation by the operator during the year immediately following the date of the permit and shall be accompanied by a bond for each operation as hereinafter provided and by a filing or license fee in an amount to be calculated at the rate of [twenty-five dollars (\$25.00)] fifty dollars (\$50) per acre which the operator estimates will be the area of land affected. Provided That in no case shall the license fee be less than [one hundred dollars (\$100.00)] two hundred dollars (\$200)

(b) Each operator of a coal stripping operation shall furnish the mine inspector in whose district the operation is located a map on a scale of one hundred feet to the inch showing the location of the operation with respect to the land lines of adjoining properties together with the location of any public highway dwelling house or stream of water. An accurate and correct report of the coal produced shall also be furnished the mine inspector in whose district the operation is located not later than the seventh day of each month

If an operator continues to operate beyond one year the mine inspector shall be furnished with a new map at the end of each year of operation on which map is outlined the area affected and restored from the date the operation started to the date the map is furnished the inspector

Any person firm or corporation violating the provisions of this subsection shall upon conviction in a summary proceeding be sentenced to pay a fine of not less than twenty-five dollars (\$25) and costs of prosecution nor more than one hundred dollars (\$100) and costs of prosecution and in default of the payment thereof shall undergo imprisonment for ten days

Section 5 Any permit issued by the department as required by this act shall remain in force and effect for a period of one (1) year from its date [and shall permit the operator to engage in as many operations as he may wish during such period of one (1) year and shall remain in force during such period of one (1) year] Provided That the operator shall faithfully perform all of the requirements of this act. In the event of a violation of the requirements of this act by the operator it shall be the duty of the Secretary of Mines to cancel and withdraw such permit

Section 2 Section 6 of the act amended May 18 1949 (P. L. 1471) is amended to read

Section 6 The operator shall file with the Department of Mines a bond on a form to be prescribed and furnished by the department payable to the Commonwealth and conditioned that the operator shall faithfully perform all the requirements of this act. The bond shall be in the amount of [three hundred dollars (\$300)] six hundred dollars (\$600) per acre based upon the number of acres of land which the operator estimates will be the area of land affected by strip mining during one (1) year immediately following the date of the permit issued by the department. Provided That no bond shall be for an amount less than [three thousand dollars (\$3000)] six thousand dollars (\$6000). Liability under the bond shall be for the duration of strip mining at each operation and for a period of five years thereafter unless released prior thereto in the manner hereinafter provided by this act

Such bond shall be signed by the operator and a corporate surety licensed to do business in the Commonwealth. Provided however That in lieu of a surety bond the operator may file a collateral bond secured by cash in the form of a certified or cashier's check or United States Government securities. The cash deposited or the

par value of such United States Government securities shall be equal to the amount of the required bond and shall be held upon the same terms and conditions

The Secretary of Mines shall upon receipt of any such deposit of cash or securities immediately deposit the same with the State Treasurer whose duty it shall be to receive and hold the same in the name of the Commonwealth for the purpose for which such deposit is made. The State Treasurer shall at all times be responsible for the safe-keeping of such deposits

Any operator making such deposit shall be entitled to receive from the State Treasurer on written order of the Secretary of Mines the whole or any portion of any securities so deposited upon depositing with the department in lieu thereof a surety bond or other United States Government securities of a par value at least equal to the sum required for a bond as aforesaid

The operator shall also be entitled upon request to receive from the State Treasurer the interest or income from said securities deposited as aforesaid as the same become due and payable. Provided however That where securities deposited as aforesaid mature or are called the State Treasurer at the request of the operator shall convert such securities into other acceptable securities designated by the operator

Section 3 Section 7 of the act is amended to read

Section 7 [Upon application by the operator the permit may be renewed from year to year so as to cover the number of acres embraced in the original permit which have not been stripped and additional permit may be issued at any time to the operator to cover acres which are not included in a previous permit and which the operator estimates will be the area of land affected during the following year. No license fee shall be charged for a renewal permit and the fee for [an additional] a renewal permit shall be calculated at the rate of [twenty-five dollars (\$25)] fifty dollars (\$50) per acre for the number of new acres which the operator estimates will be the area of land affected during the following year. All such moneys received by the department shall be deposited in a special fund with the State Treasurer and shall be expended by the Department of Mines in payment of the cost of administering the provisions of this act. Each application for a permit shall be accompanied by a bond as herein provided]

Section 4 Section 8 and 9 of the act amended May 18, 1949 (P. L. 1471) are amended to read

Section 8 Within thirty (30) days after the close of the years for which the permit was issued and likewise after the close of each subsequent year the operator if he continues to engage in strip mining [shall file with the Department of Mines a new bond covering such new acres as he may estimate will be affected during the following year. The bond shall be at the rate of three hundred dollars (\$300) per acre. The bond shall not be less than three thousand dollars (\$3,000) of anthracite coal shall re-register with the Department of Mines as hereinbefore provided in the case of the original permit. Each renewal will require a permit form in triplicate and bond either collateral or surety in the minimum sum of six thousand dollars (\$6000) and shall be accompanied by an annual report upon a form furnished by the Department setting forth the number of acres of land affected during the preceding year and the number of acres of land that will be affected during the ensuing year at each operation. [Provided however That any portion of a bond covering an operation which may remain unencumbered at the end of an operational year may be applied to acres of land which the operator anticipates will be affected during the following year]

Section 9 Upon receipt of such annual report the Secretary of Mines shall make an investigation of the operation and shall charge the area of land actually affected by strip mining during the year for which said report is filed against the bond or deposit filed by the operator at the rate of [three hundred dollars (\$300)] six hundred dollars (\$600) per acre of the area of land affected but in no case shall the bond or deposit retained by the Secretary of Mines be less than [three thousand dollars (\$3,000)] six thousand dollars (\$6,000). Should the area



of land actually affected exceed the estimate made by the operator at the time of the application for the permit the operator shall file an additional bond at the rate of [three hundred dollars (\$300)] six hundred dollars (\$600) per acre of the area affected over and above his estimate [Provided That an additional bond need not be filed where the number of acres of land actually affected multiplied by three hundred dollars (\$300) does not exceed the sum of three thousand dollars (\$3,000)] If the work contemplated by the permit and bond be not completed but the area of land actually affected by strip mining during the year is less than the estimate the Secretary shall issue a release of the excess of the bond or deposit upon which liability has not been charged as aforesaid Provided That in no case shall any bond or deposit be released or reduced to an amount less than [three thousand dollars (\$3,000)] six thousand dollars (\$6,000)

Section 5 Section 11 of the act amended August 24, 1951 (P. L. 1364) is amended to read

Section 11 The application for a permit shall be accompanied by a map showing the location of any public highway dwelling house or stream of water on or adjacent to the area of land affected The operator shall backfill the operation made by the strip mining operation to a distance of [fifteen (15)] seventy-five (75) feet beyond the boundary line of the right of way of any public highway and to a distance of two hundred (200) feet from the property of any dwelling house public building school church commercial or institutional building The backfilling shall be done in such a manner as to insure lateral support [of a public highway] and to provide a slope having an angle not exceeding forty (40) degrees [The permit issued] the department of mines may specify the time within which it shall be completed in order to protect the public safety [and may require such backfilling to be done in part before the completion of the strip mining operation]

The permit shall also specify the distance to which the bottom of the spoil banks made by the strip mining operation may approach any stream of water having a well defined channel Such distances shall be fixed by the department at such number of feet as the judgment of the department after consultation with the Water and Power Resources Board taking into consideration the character of the overburden is necessary to protect the channel of the stream

Nothing contained in this section shall be construed to prohibit the relocation of any public road in the manner provided by law or the change of the course or channel of any stream in the manner provided by law upon permit issued by the Water and Power Resources Board

Section 6 Section 12 of the act amended July 2, 1953 (P. L. 338) is amended to read

Section 12 [In any case where a strip mining operation after completion shall leave anthracite exposed the operator shall be required on written order of the department to cover the exposed surface of the anthracite to a depth of five (5) feet in order to prevent the spread of fire to the unmined anthracite Nothing contained in this act shall be construed to mean that the covering material required by this section or material deposited in the stripping pit whether five (5) feet or more in depth shall be leveled or planted with trees grasses or shrubs as provided in section fourteen of this act] The operator shall be required within one year after a strip mine operation is completed to backfill all stripping pits not more than one hundred fifty (150) feet in depth to the extent that the overburden removed during strip mining shall be replaced and leveled to provide for the conservation of lands If a strip mine operation is to be in excess of one hundred fifty (150) feet in depth the operator and mine inspector shall agree in writing upon the backfilling requirements prior to the start of the strip mine operation

Section 7 Section 13 of the act is amended to read

Section 13 In any case where a strip mining excavation in excess of one hundred fifty (150) feet in depth after the same is abandoned is likely to result in an accumulation of water which [in the opinion of the department]

may constitute a hazard to present or future deep mining or otherwise is likely to break out of the excavation and cause a flood [the Department shall order] the operator before abandoning the operation [to] shall provide proper drainage for the excavation [if the excavation can be drained reasonably by gravity flow]

Where the water may furnish means of recreation or a supply of water for domestic uses it may be permitted to remain If a letter is filed with the Department of Mines by the property owner stating that the water is to be used for a specific purpose and describing the purpose thereon and that the area will be restored in the manner specified by the mine inspector of the district in which the area is located

Nothing contained in this section shall be construed to require the draining of a strip mining excavation where the accumulation of water therein will not in the opinion of the department constitute a hazard or where such water may furnish means of recreation or a supply of water for domestic or industrial uses

Section 8 Section 14 of the act amended July 2, 1953 (P. L. 338) and August 19, 1953 (P. L. 1112) is amended to read

Section 14 [In all cases in which the Secretary of Mines shall find as a fact that the planting of such areas is reasonable practicable and likely to succeed the peaks and ridges of such spoil banks shall be leveled and rounded off to such an extent as will permit the planting of trees grasses or shrubs] Within one (1) year after the strip mining operation on the premises is terminated the operator shall plant trees shrubs or grasses upon the [surface of the spoil banks and the surface of backfills] affected area which includes the backfill or covering over an exposed coal seam Any operator however may at his option pay to the Department of Mines the sum of sixty dollars (\$60.00) per acre for each acre of [such surface of spoil banks and backfillings] the area of land affected and thereby shall be released from any duty to plant as herein provided That moneys so paid from time to time shall be placed in a special fund in the hands of the Treasury Department of the Commonwealth and shall be used by the Department of Mines to pay the cost of planting such trees grasses or shrubs and the supervision of such work and all other expenses necessary for or connected with such planting and are hereby appropriated to the Department of Mines for such purposes Any moneys remaining unused after such planting may be used for restoring and planting any other lands affected by strip mining of anthracite coal All planting required by this act to be done by the operator shall be done subject to the supervision and approval of the Secretary of Mines If upon inspection the Secretary of Mines does not approve the planting he shall notify the operator in writing setting forth the objections and after a hearing shall order the planting to be completed in accordance with his final decision by either the operator or by the Department of Forests and Waters

Section 9 Section 15 of the act is amended to read

Section 15 Within six (6) months after the [backfilling and other acts required by this act have] restoration work has been completed the operator shall file with the Department of Mines a completion report on a form to be prescribed and furnished by the secretary identifying the operation and stating the area of land affected by open pit mining and such other information as may be required by the secretary before releasing the bond of the operator

The operator shall attach to the completion report a map of the operation certified by a registered professional engineer showing the boundary lines of the tract or tracts tidal elevations of the surface top of the coal seam and the bottom of the strip mine pit the access to the operation from the nearest public highway the area of land affected by open pit mining the locations preserved for deep mining and the proposed plans in connection therewith

Section 10 Section 16 of the act amended July 2, 1953 (P. L. 338) and August 19, 1953 (P. L. 1112) is amended to read

Section 16 If and when the Secretary of Mines shall find that the operator has completed the [backfilling and other



acts as required by this act] restoration work he shall issue a release of the bond or of the cash and securities deposited Upon the presentation of such release the State Treasurer shall immediately return to the operator the amount of cash or securities specified in its release

Section 11 Sections 18 and 21 of the act are amended to read

Section 18 In the event that an operator or owner desires to conduct deep mining upon the premises affected by strip mining the said operator or owner may make this fact known to the secretary with the request that the backfilling of pits and the planting as may be necessary to permit deep mining be deferred during the period of such deep mining In such case the secretary may defer the backfilling and planting If such request is made by the owner he shall secure by bond the [backfilling] restoring of such pit and the planting after the deep mining operation has been completed if the request is made by the operator the bond filed under Section 6 of this act shall stand as security for such [backfilling and planting] restoration work

Section 21 Any operator who proceeds to mine coal commonly known as "anthracite" by the strip mining method without having registered and having received a permit as herein provided shall be guilty of a misdemeanor and upon conviction shall be sentenced to pay for each day of operation which shall constitute a separate offense a fine not exceeding five thousand dollars (\$5,000.00) or to undergo imprisonment for not more than one year or both The fine shall be payable to the Commonwealth

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

#### YEAS—124

Adam,	Foster,	McCann,	Rovansek,
Agnew,	Frank,	McCormack,	Rubin,
Amarando,	Frascella,	McGee,	Rudisill,
Anderson, M. S.,	Gaffney,	McLaughlin,	Sarrafi,
Anderson, S. A.,	Garlock,	McWherter,	Scarceill,
Barnatovich,	Gelfand,	Meholchick,	Sherman,
Bazin,	Gibb,	Mihm,	Sigman,
Boles,	Goldstein,	Mikula,	Smith, Wm. B.,
Bonner,	Guss,	Monroe,	Snider,
Boory,	Hamilton, R. K.,	Moran,	Stank,
Branca,	Hass,	Muldowney,	Stebbins,
Brennan, A. P.,	Heavey,	Mullen,	Stevens,
Brennan, J. J.,	Hocker,	Munley,	Stone,
Breth,	Holt,	Murphy,	Stroup,
Bucchin,	Jenkins,	Murray, J. J.,	Swartz,
Bullen,	Jones, G. E.,	Musto,	Taylor,
Capano,	Jump,	O'Neill,	Thomas,
Cianfrani,	Kamyk,	Pacchioli,	Toll,
Cioffi,	Kolankiewicz,	Parry,	Verona,
Cochran,	Kornick,	Pashley,	Wallace,
Comer,	Kubacki,	Paulhamus,	Wargo,
Connelly,	Lafore,	Petrosky,	Welsh,
Curwood,	Lawyer,	Pettigrew,	Wheeler,
Dougherty,	Leiby,	Polaski,	Whitenight,
Eilberg,	Leonard,	Polen,	Willaredt,
Farabaugh,	Leven,	Price,	Williams,
Filo,	Limper,	Readinger,	Wilt,
Fineman,	Lopresti,	Reibman,	Worley,
Flint,	Lovett,	Renwick,	Yetter,
Floyd,	Lutty,	Rigby,	Yetzer,
Flynn,	Maxwell,	Rosen,	Andrews,

Speaker

#### NAYS—60

Ashton,	Guthrie,	Kromer,	Royer,
Banker,	Hamilton, W. H.,	Lelsey,	Smith, C. C.,
Bell,	Haudenschild,	Light,	Steckel,
Bower,	Helm,	Lippincott,	Stevenson,
Breisch,	Henzel,	Magee,	Stoner,
Brenninger,	Hewitt,	Mahan,	Strausser,
Brown,	Horst,	Markley,	Thompson,
Davis,	Houk,	McInroy,	Tompkins,
Donahue,	Isaacs,	Metz,	Toomey,
Ehrgood,	Jones, T. H. W.,	Miller,	Varnar,
Eshleman,	Kehler,	Moscrip,	Wall,
Ewing,	Keller,	Murray, H. P.,	Weidner,
Frost,	Kent,	Murray, P. G.,	Wescott,

George,  
Gramlich,

Knecht,  
Kooker,

Ogilvie,  
Pursley,

Wood,  
Ziegler,

#### NOT VOTING—25

Auker,  
Blair,  
Cooper,  
Donaldson,  
Down,  
Erb,  
Gibson,

Greenwood,  
Johnson,  
Kline,  
Kratz,  
McKeever,  
Mills,

Moody,  
Naugle,  
Needham,  
Olsen,  
Pomeroy,  
Reidenbach,

Schuster,  
Varallo,  
Vaughan,  
Walsh,  
Waterhouse,  
Young,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

#### PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. SARRAF asked and obtained permission for the Committee on Ways and Means to meet during the session of the House.

Mr. McCORMACK. Mr. Speaker, I am on the Ways and Means Committee and there are a couple of bills on this calendar that I am particularly interested in opposing and perhaps debating. Is the Chair going to proceed with the bills on final passage while the Ways and Means Committee is meeting?

The SPEAKER pro tempore. The Chair informs the gentleman that there will be no controversial bills taken up while the Committee is meeting.

#### BILLS ON FINAL PASSAGE

##### BILL PASSED OVER

There being no objection

House Bill No. 1849, Printer's No. 1259

was passed over at the request of the SPEAKER pro tempore.

##### BILL ON FINAL PASSAGE POSTPONED

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. READINGER,

The House resumed the consideration and final passage of House Bill No. 368, entitled:

An Act amending the act of April 12, 1951 (P. L. 90) entitled "An act relating to alcoholic liquors alcohol and malt and brewed beverages amending revising consolidating and changing the laws relating thereto regulating and restricting the manufacture purchase sale possession consumption importation transportation furnishing holding in bond holding in storage traffic in and use of alcoholic liquors alcohol and malt and brewed beverages and the persons engaged or employed therein defining the powers and duties of the Pennsylvania Liquor Control Board providing for the establishment and operation of State liquor stores for the payment of certain license fees to the respective municipalities and townships for the abatement of certain nuisances and in certain cases for search and seizure without warrant prescribing penalties and forfeitures providing for local option and repealing existing laws" providing for the issuance of public service liquor licenses to scheduled commercial air line companies for sale of liquor and malt and brewed beverages on passenger planes.

On the question recurring.

Shall the bill pass finally?



## BILL RECOMMITTED

Mr. READINGER. Mr. Speaker, I move that this bill be recommitted to the Committee on Liquor Control for the purpose of further study.

The motion was agreed to.

## BILLS ON THIRD READING

## BILLS PASSED OVER

There being no objection,

House Bill No. 118, Printer's No. 1215

House Bill No. 119, Printer's No. 1216,

House Bill No. 322, Printer's No. 255,

House Bill No. 926, Printer's No. 1190,

House Bill No. 1080, Printer's No. 1191 and

House Bill No. 1349, Printer's No. 1246,

were passed over at the request of the SPEAKER pro tempore.

# PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. SARRAF asked and obtained permission for the Committee on Ways and Means to meet during the session of the House.

## BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1367, entitled:

An Act amending the act of June 2, 1915 (P. L. 736) entitled as amended "An act defining the liability of an employer to pay damages for injuries received by an employee in the course of employment establishing an elective schedule of compensation providing procedure for the determination of liability and compensation thereunder and prescribing penalties" providing for the payment of compensation to kin of deceased employes dying prior to receiving payment of total benefits and no longer requiring indemnity where compensation due is commuted by board

On the question,

Will the House agree to the bill on third reading?

## BILL RECOMMITTED

Mr. CAPANO. Mr. Speaker, I move that this bill be recommitted to the Committee on Workmen's Compensation.

The motion was agreed to.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1368, entitled:

An Act amending the act of June 21, 1939 (P. L. 566) entitled "An act defining the liability of an employer to pay damages for occupational disease contracted by an employee arising out of and in the course of employment establishing an elective schedule of compensation providing procedure for the determination of liability and compensation thereunder imposing duties on the Department of Labor and Industry the Workmen's Compensation Board Workmen's Compensation Referees and deans of medical schools creating a medical board to determine controverted medical issues establishing an Occupational Disease Fund in custody of the State Workmen's Insurance Board imposing upon the Commonwealth a part of the compensation payable for certain occupational diseases making an appropriation and prescribing penalties" providing for the payment of compensation to kin

of deceased employes dying prior to receiving payment of total benefits and no longer requiring indemnity where compensation due is commuted by board.

On the question,

Will the House agree to the bill on third reading?

## BILL RECOMMITTED

Mr. CAPANO. Mr. Speaker, I move that this bill be recommitted to the Committee on Workmen's Compensation.

The motion was agreed to.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1570, as follows:

An Act amending the act of May 11, 1925 (P. L. 561) entitled "An act to provide for the selection of jurors to serve in the several courts criminal and civil of counties of the second class and defining the qualifications of such jurors providing for the organization of a commission for the selection of jurors in such counties and prescribing its powers and duties and authorizing it to investigate as to the qualifications of prospective jurors imposing the expense of maintaining and operating said commission upon said counties and requiring the county commissioners to provide suitable quarters equipment and supplies authorizing the employment of the necessary clerks and other employes and providing for a salary board composed of the commission the county commissioners and the controller of said counties to fix the number and compensation of such employes requiring county officers and boards to furnish information to said commission concerning taxables resident in said county as to their eligibility for jury service repealing inconsistent legislation and prescribing punishment for the violation hereof" authorizing the president judge of the court of common pleas to transfer and assign jurors summoned to serve in any court civil and criminal of the county and changing form of venire and summons to comply therewith

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 13 act of May 11, 1925 (P. L. 561) entitled "An act to provide for the selection of jurors to serve in the several courts criminal and civil of counties of the second class and defining the qualifications of such jurors providing for the organization of a commission for the selection of jurors in such counties and prescribing its powers and duties and authorizing it to investigate as to the qualifications of prospective jurors imposing the expense of maintaining and operating said commission upon said counties and requiring the county commissioners to provide suitable quarters equipment and supplies authorizing the employment of the necessary clerks and other employes and providing for a salary board composed of the commission the county commissioners and the controller of said counties to fix the number and compensation of such employes requiring county officers and boards to furnish information to said commission concerning taxables resident in said county as to their eligibility for jury service repealing inconsistent legislation and prescribing punishment for the violation hereof" amended June 12, 1931 (P. L. 538) is amended to read

Section 13 When and as such venires are received from the several courts the sheriff and the commission shall thereupon fix a day at which the members of the commission or a majority of them shall attend In the presence of the members of the commission the said sheriff shall draw from said jury wheel the number of names required by the said venire or venires and a permanent record of the names withdrawn together with the occupation and residence address of each shall be made in the form of a list thereof as part of the minutes of the said meeting of the commission and the sheriff and the members of the commission attending shall sign their names certifying



to the correctness of said list and that the law has been complied with in the drawing thereof and a certified copy of such minutes including said list shall be attached by the sheriff to the return made upon the writ of venire and shall be returned with said writ on the return day thereof to the court for which such venire was drawn and the persons so drawn shall forthwith be summoned to appear at the time and before the court designated in the venire and [it] shall serve as jurors in that court or any other court civil or criminal of the county as the president judge of the court of common pleas may in his discretion direct. It shall be the duty of the sheriff to summon at least ten days before the return of venire the persons whose attendance shall be thereby required by delivering to each of the said persons a separate ticket in the customary form specifying the duty enjoined or by leaving such ticket at their usual places of abode respectively.

Section 2 Sections 12 and 14 of the act are amended to read

Section 12 Venire for jurors in the several courts of the respective county shall be issued from time to time in the manner now provided by law and shall be substantially in the following form

Commonwealth of Pennsylvania } ss  
County of ..... }

To the sheriff and the commission for the selection of jurors

You are hereby directed to draw from the jury wheel the name of ..... persons to serve as ..... jurors in the court of ..... to be held in and for the county of ..... on ..... at ..... o'clock ..... M to serve as jurors in that court or in any other court of the county civil or criminal as the president judge of the court of common pleas may direct and you are directed to summon the persons so selected to appear in said court at said time and place and to have then and there this writ with the names addresses and occupations of the persons summoned respectively in a panel hereto annexed and then and there make return as to the manner in which you have executed this writ

Witness the hand and seal of the Honorable .....  
Judge of said court this ..... day of ..... (Seal)

Attest

Section 14 The summons to the jurors drawn upon each venire shall be in substantially the following form

Sheriff's Office

Commonwealth of Pennsylvania } ss  
County of ..... }

To .....

Sir

You are hereby summoned to appear before the judges of the court of ..... at (the building in which the court will be held) on the ..... day of ..... at ..... o'clock ..... M there to serve as a ..... juror in that court or in any other court of the county civil or criminal as the president judge of the court of common pleas may direct

Witness the hand and seal of the Honorable .....

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—192

Adam,	Gaffney,	Lovett,	Rovansek,
Agnew,	Garlock,	Lutty,	Royer,
Amarando,	Gelfand,	Magee,	Rubin,
Anderson, M. S.,	George,	Mahan,	Rudisall,

Anderson, S. A.,	Gibb,	Markley,	Sarrat,
Ashton,	Goldstein,	Maxwell,	Scarcelli,
Auker,	Gramlich,	McCann,	Sherman,
Banker,	Guss,	McCormack,	Sigman,
Barnatovich,	Guthrie,	McGee,	Smith, C. O.,
Bazin,	Hamilton, R. K.,	McInroy,	Smith, Wm. Z.
Bell,	Hamilton, W. H.,	McLaughlin,	Snider,
Blair,	Hass,	McWherter,	Stank,
Boles,	Haudenschild,	Meholchick,	Stebbins,
Bonner,	Heavey,	Metz,	Steckel,
Boory,	Helm,	Mihm,	Stephens,
Bower,	Henzel,	Mikula,	Stevenson,
Branca,	Hewitt,	Miller,	Stone,
Breisch,	Hocker,	Monroe,	Stoner,
Brennan, A. P.,	Holt,	Moody,	Strausser,
Brennan, J. J.,	Horst,	Moran,	Stroup,
Brenninger,	Houk,	Moscrip,	Swartz,
Breth,	Isaacs,	Muldoney,	Taylor,
Brown,	Jenkins,	Mullen,	Thomas,
Bucchin,	Johnson,	Munley,	Thompson,
Bullen,	Jones, G. E.,	Murphy,	Toll,
Capano,	Jones, T. H. W.,	Murray, H. P.,	Tompkins,
Cianfrani,	Jump,	Murray J. J.,	Toomey,
Cioffi,	Kamyk,	Murray, P. G.,	Varnier,
Cochran,	Kehler,	Musto,	Verona,
Comer,	Keller,	Naugle,	Wall,
Connelly,	Kent,	Ogilvie,	Wallace,
Curwood,	Knecht,	Olsen,	Wargo,
Davis,	Kolankiewicz,	O'Neil,	Waterhouse,
Donahue,	Kooker,	Pacchioli,	Weidner,
Dougherty,	Kornick,	Parry,	Weish,
Ehrgood,	Kratz,	Pashley,	Wescott,
Ellberg,	Kromer,	Paulhamus,	Wheeler,
Eshleman,	Kubacki,	Petrosky,	Whitenight,
Ewing,	Lafore,	Pettigrew,	Willardt,
Farabaugh,	Lawyer,	Polaski,	Williams,
Filo,	Leiby,	Polen,	Wilt,
Fineman,	Lelsey,	Pomeroy,	Wood,
Flint,	Leonard,	Price,	Worley,
Floyd,	Leven,	Pursley,	Yetter,
Flynn,	Light,	Readinger,	Yetzer,
Foster,	Limper,	Renwick,	Ziegler,
Frank,	Lippincott,	Rigby,	Andrews,
Frascella,	Lopresti,	Rosen,	Speaker
Frost,			

NAYS—1

NOT VOTING—16

Reibman,

Cooper,	Gibson,	Mills,	Varallo,
Donaldson,	Greenwood,	Needham,	Vaughan,
Down,	Kline,	Reidenbach,	Walsh,
Erb,	McKeever,	Schuster,	Young,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILLS PASSED OVER

There being no objection

House Bill No. 1644, Printer's No. 1198,  
House Bill No. 1827, Printer's No. 1201,  
House Bill No. 1828, Printer's No. 1202,  
House Bill No. 1829, Printer's No. 1203,  
House Bill No. 1846, Printer's No. 1231,  
House Bill No. 1864, Printer's No. 1125,  
House Bill No. 1894, Printer's No. 1232 and  
House Bill No. 1911, Printer's No. 1233,  
were passed over at the request of the SPEAKER pro tempore.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1921, as follows:

An Act making certain warrants for the confession of judgment executed in connection with contracts relating to repairs alterations additions or improvements to buildings invalid and unenforceable and restricting the right to enter judgment by confession upon warrants



executed in connection with contracts relating to repairs alterations additions or improvements to buildings.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 No warrant authorizing any person to confess judgment hereafter executed in connection with any contract for repairs alterations additions or improvements to a dwelling or other building shall be valid or enforceable

(a) unless such warrant if printed or otherwise prepared by any multiple reproduction process shall be printed or reproduced in type not smaller than the equivalent of eight point type and

(b) unless such warrant shall contain a specific provision that judgment may not be entered thereon prior to the actual good faith commencement upon the premises of the repairs alterations additions or improvements and that performance not considered to be in good faith shall include but not be limited to performance begun after receipt of notice in writing from one of the parties executing the warrant that he no longer desires the repairs alterations additions or improvements

Section 2 No judgment shall be entered upon a warrant authorizing any person to confess judgment hereafter executed in connection with a contract relating to repairs alterations additions or improvements to any dwelling or other building unless there shall be filed together therewith an affidavit executed by the original party who agreed to make the repairs alterations additions or improvements where such party is in existence or by the assignee of such party where the original party is no longer in existence which shall set forth that there has been a good faith commencement of actual repairs alterations additions or improvements upon the premises

Section 3 Performance not considered to be in good faith within the meaning of this act shall include but not be limited to performance begun after receipt of notice in writing from one of the parties executing the warrant that he no longer desires the repairs alterations additions or improvements

Section 4 This act shall become effective ninety (90) days after final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

#### YEAS—165

Adam,	Gaffney,	Lutty,	Rosen,
Agnew,	Garlock,	Magee,	Rovansek,
Amarando,	Gelfand,	Markley,	Royer,
Anderson, M. S.,	George,	Maxwell,	Rubin,
Anderson, S. A.,	Gibb,	McCann,	Rudisill,
Auker,	Goldstein,	McCormack,	Sarrafi,
Barnatovich,	Gramlich,	McGee,	Scarcelll,
Bazin,	Guss,	McInroy,	Sherman,
Bell,	Guthrie,	McLaughlin,	Sigman,
Blair,	Hamilton, R. K.,	McWherter,	Smith, C. C.,
Boles,	Hamilton, W. H.,	Meholchick,	Smith, Wm. B.,
Bonner,	Hass,	Metz,	Snider,
Boory,	Haudenschild,	Mihm,	Stank,
Bower,	Heavey,	Mikula,	Stebbins,
Branca,	Helm,	Miller,	Steckel,
Breisch,	Hewitt,	Monroe,	Stephens,
Brennan, A. P.,	Hocker,	Moody,	Stone,
Brennan, J. J.,	Holt,	Moran,	Stoner,
Breth,	Horst,	Muldowney,	Strausser,
Buechin,	Jenkins,	Mullen,	Stroup,
Bullen,	Johnson,	Munley,	Swartz,
Capano,	Jones, G. E.,	Murphy,	Taylor,
Cianfrani,	Jump,	Murray, J. J.,	Thomas,
Cioffi,	Kamyk,	Musto,	Thompson,
Cochran,	Kehler,	Naugle,	Toll,
Comer,	Keller,	Olsen,	Varner,
Connelly,	Kent,	O'Neill,	Verona,
Curwood,	Knecht,	Pacchioli,	Wall,
Donahue,	Kolankiewicz,	Parry,	Wallace,
Dougherty,	Kooker,	Pashley,	Wargo,
Frost,		Paulhamus,	Waterhouse

Ehrgood,  
Elberg,  
Ewing,  
Farabaugh,  
Filo,  
Fineman,  
Flint,  
Floyd,  
Flynn,  
Frank,  
Frascella,

Kornick,  
Kromer,  
Kubacki,  
Lawyer,  
Leiby,  
Leonard,  
Leven,  
Light,  
Limper,  
Lopresti,  
Lovett,

Petrosky,  
Pettigrew,  
Polaski,  
Polen,  
Pomeroy,  
Price,  
Readinger,  
Reibman,  
Renwick,  
Rigby,

Welsh,  
Wheeler,  
Whitenight,  
Williams,  
Wilt,  
Worley,  
Yetter,  
Yetzer,  
Ziegler,  
Andrews,  
Speaker

#### NAYS—28

Ashton,  
Banker,  
Brenninger,  
Brown,  
Davis,  
Eshleman,  
Foster,

Henzel,  
Houk,  
Isaacs,  
Jones, T. H. W.,  
Kratz,  
Lafore,  
Lelsey,

Lippincott,  
Mahan,  
Moscrip,  
Murray, H. P.,  
Murray, P. G.,  
Ogilvie,  
Pursley,

Stevenson,  
Tompkins,  
Toomey,  
Weidner,  
Wescott,  
Willaredt,  
Wood,

#### NOT VOTING—16

Cooper,  
Donaldson,  
Down,  
Erb,

Gibson,  
Greenwood,  
Kilne,  
McKeever,

Mills,  
Needham,  
Reidenbach,  
Schuster,

Varallo,  
Vaughan,  
Walsh,  
Young,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

#### BILL PASSED OVER

There being no objection,

Senate Bill No. 467, Printer's No. 412, was passed over at the request of the SPEAKER pro tempore.

Agreeably to order,

The House proceeded to the third reading and consideration of Senate Bill No. 480, as follows:

An Act amending the act of May 25, 1951 (P. L. 415) entitled "An act relating to habeas corpus conferring jurisdiction upon the judges of the courts of common pleas prescribing venue defining procedure in all cases authorizing service to be made upon persons anywhere in the Commonwealth providing for the imposition of costs allowing appeals specifying the appellate court in which appeals may be taken and repealing inconsistent legislation including that conferring jurisdiction on courts of quarter sessions" extending jurisdiction as to habeas corpus to courts of quarter sessions

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 1 act of May 25, 1951 (P. L. 415) entitled "An act relating to habeas corpus conferring jurisdiction upon the judges of the courts of common pleas prescribing venue defining procedure in all cases authorizing service to be made upon persons anywhere in the Commonwealth providing for the imposition of costs allowing appeals specifying the appellate court to which appeals may be taken and repealing inconsistent legislation including that conferring jurisdiction on courts of quarter sessions" is amended to read

Section 1 Any judge of a court of common pleas or a court of quarter sessions within this Commonwealth shall have jurisdiction at any time to issue a writ of habeas corpus upon application by or on behalf of any person (hereafter called the relator) alleged to be unlawfully imprisoned or detained in any penitentiary prison reformatory house of detention mental institution or other place (a) within the judge's judicial district or (b) outside of his judicial district if the relator was committed by action of any court of the judge's judicial district Provided That when realator's detention or confinement is by virtue of sentence after conviction for a criminal offense only a judge of the judicial district of conviction and sentencing shall exercise such jurisdiction

Section 2 This act shall take effect immediately



And said bill having been read at length the third time,  
On the question,  
Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas  
and nays were taken and were as follows:

## YEAS—193

Adam,	Gaffney,	Lovett,	Rosen,
Agnew,	Garlock,	Lutty,	Rovansek,
Amarando,	Gelfand,	Magee,	Royer,
Anderson, M. S.,	George,	Mahan,	Rubin,
Anderson, S. A.,	Gibb,	Markley,	Rudisill,
Ashton,	Goldstein,	Maxwell,	Sarra,
Auker,	Gramlich,	McCann,	Scarcell,
Banker,	Guss,	McCormack,	Sherman,
Barnatovich,	Guthrie,	McGee,	Sigman,
Bazin,	Hamilton, R. K.,	McInroy,	Smith, C. C.,
Bell,	Hamilton, W. H.,	McLaughlin,	Smith, Wm. B.,
Blair,	Hass,	McWherter,	Snider,
Boles,	Haudenschild,	Meholchick,	Stank,
Bonner,	Heavey,	Metz,	Stebbins,
Boory,	Helm,	Mihm,	Steckel,
Bower,	Henzel,	Mikula,	Stephens,
Branca,	Hewitt,	Miller,	Stevenson,
Breisch,	Hocker,	Monroe,	Stone,
Brennan, A. P.,	Holt,	Moody,	Stoner,
Brennan, J. J.,	Horst,	Moran,	Strausser,
Brenninger,	Houk,	Moscrip,	Stroup,
Breth,	Isaacs,	Muldowney,	Swartz,
Brown,	Jenkins,	Mullen,	Taylor,
Bucchin,	Johnson,	Munley,	Thomas,
Bullen,	Jones, G. E.,	Murphy,	Thompson,
Capano,	Jones, T. H. W.,	Murray, H. P.,	Toll,
Cianfrani,	Jump,	Murray, J. J.,	Tompkins,
Cioffi,	Kamyk,	Murray, P. G.,	Toomey,
Cochran,	Kehler,	Musto,	Varner,
Comer,	Keller,	Naugle,	Verona,
Connelly,	Kent,	Oglvie,	Wall,
Curwood,	Knecht,	Olsen,	Wallace,
Davis,	Kolankiewicz,	O'Neil,	Wargo,
Donahue,	Kooker,	Pacchioli,	Waterhouse,
Dougherty,	Kornick,	Parry,	Weidner,
Ehrgood,	Kratz,	Pashley,	Welsh,
Eilberg,	Kromer,	Paulhamus,	Wescott,
Eshleman,	Kubacki,	Petrosky,	Wheeler,
Ewing,	Lafore,	Pettigrew,	Whitenight,
Farabaugh,	Lawyer,	Polaski,	Willaredt,
Filo,	Leiby,	Polen,	Williams,
Fineman,	Lelsey,	Pomeroy,	Willt,
Flint,	Leonard,	Price,	Wood,
Floyd,	Leven,	Pursley,	Worley,
Flynn,	Light,	Readinger,	Yetter,
Foster,	Limper,	Reibman,	Yetzer,
Frank,	Lippincott,	Renwick,	Ziegler,
Frascella,	Lopresti,	Rigby,	Andrews,
Frost,			Speaker

## NAYS—0

## NOT VOTING—16

Cooper,	Gibson,	Mills,	Varallo,
Donaldson,	Greenwood,	Needham,	Vaughan,
Down,	Kline,	Reidenbach,	Walsh,
Erb,	McKeever,	Schuster,	Young,

The majority required by the Constitution having voted  
in the affirmative, the question was determined in the  
affirmative.

Ordered, That the Clerk return the same to the Senate  
with information that the House of Representatives has  
passed the same without amendment.

## BILLS PASSED OVER

There being no objection,

Senate Bill No. 524, Printer's No. 339 and

Senate Bill No. 543, Printer's No. 231,

were passed over at the request of the SPEAKER pro  
tempore.

Agreeably to order,

The House proceeded to the third reading and considera-  
tion of Senate Bill No. 582, as follows:

An Act amending the act of August 19, 1953 (P. L. 1104)  
entitled "An act relating to the acknowledgement of in-  
struments the attestation of documents the administra-  
tion of oaths and affirmations the execution of deposi-  
tions and affidavits and other notarial acts heretofore  
or hereafter taken before any commissioned officer of  
the armed forces of the United States and providing  
that such instruments and documents executed by any  
person who is a member of or actually present with the  
armed forces of the United States or is outside the  
United States for certain purposes shall be legal valid  
and binding and providing for the form of the instru-  
ment or document and what proof shall be sufficient of  
the authority of such commissioned officer so to act"  
extending affidavit provisions to include the spouse of a  
member of the armed forces

The General Assembly of the Commonwealth of Penn-  
sylvania hereby enacts as follows

Section 1 Subsection (a) of section 1 act of August 19,  
1953 (P. L. 1104) entitled "An act relating to the ac-  
knowledgegment of instruments the attestation of docu-  
ments the administration of oaths and affirmations the  
execution of depositions and affidavits and other notarial  
acts heretofore or hereafter taken before any commis-  
sioned officer of the armed forces of the United States and  
providing that such instruments and documents executed  
by any person who is a member of or actually present  
with the armed forces of the United States or is outside  
the United States for certain purposes shall be legal  
valid and binding and providing for the form of the in-  
strument or document and what proof shall be sufficient  
of the authority of such commissioned officer so to act"  
is amended to read

Section 1 (a) In addition to the acknowledgement of  
instruments and the performance of other notarial acts  
in the manner and form and as otherwise authorized by  
law instruments may be acknowledged documents attested  
oaths and affirmations administered depositions and affi-  
davits executed and other notarial acts performed before  
or by any commissioned officer in active service of the  
armed forces of the United States with the rank of second  
lieutenant or higher in the army or marine corps or with  
the rank of ensign or higher in the navy or coast guard  
or with equivalent rank in any other component part of  
the armed forces of the United States by any person who  
either (a) is a member of the armed forces of the United  
States or (b) is a spouse of a member of the armed  
forces of the United States or (c) is serving as a mer-  
chant seaman outside the limits of the United States in-  
cluded within the forty-eight states and the District of  
Columbia or [(c)] (d) is outside said limits by permission  
assignment or direction of any department or official of  
the United States Government in connection with any  
activity pertaining to the prosecution of any war in which  
the United States is then engaged

\* \* \*

And said bill having been read at length the third time,  
On the question,  
Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas  
and nays were taken and were as follows:

## YEAS—193

Adam,	Gaffney,	Lovett,	Rosen,
Agnew,	Garlock,	Lutty,	Rovansek,
Amarando,	Gelfand,	Magee,	Royer,
Anderson, M. S.,	George,	Mahan,	Rubin,
Anderson, S. A.,	Gibb,	Markley,	Rudisill,
Ashton,	Goldstein,	Maxwell,	Sarra,
Auker,	Gramlich,	McCann,	Scarcell,
Barnatovich,	Guss,	McCormack,	Sherman,
Banker,	Guthrie,	McGee,	Sigman,
Bazin,	Hamilton, R. K.,	McInroy,	Smith, C. C.,
Bell,	Hamilton, W. H.,	McLaughlin,	Smith, Wm. B.,
Blair,	Hass,	McWherter,	Snider,
Boles,	Haudenschild,	Meholchick,	Stank,
Bonner,	Heavey,	Metz,	Stebbins,
Boory,	Helm,	Mihm,	Steckel,
Bower,	Henzel,	Mikula,	Stephens,
Branca,	Hewitt,	Miller,	Stevenson,



Breisch, Brennan, A. P., Brennan, J. J., Brenninger, Breth, Brown, Bucchin, Bullen, Capano, Cianfrani, Cioffi, Cochran, Comer, Connelly, Curwood, Davis, Donahue, Dougherty, Ehrgood, Ellberg, Eshleman, Ewing, Farabaugh, Filo, Fineman, Flint, Floyd, Flynn, Foster, Frank, Frascella, Frost,	Hocker, Holt, Horst, Houk, Isaacs, Jenkins, Johnson, Jones, G. E., Jones, T. H. W., Jump, Kamyk, Kehler, Keller, Kent, Knecht, Kolankiewicz, Kooker, Kornick, Kratz, Kromer, Kubacki, Lafore, Lawyer, Leiby, Lelsey, Leonard, Leven, Light, Limper, Lippincott, Lopresti,	Monroe, Moody, Moran, Moscrip, Muldowney, Mullen, Munley, Murphy, Murray, H. P., Murray, J. J., Murray, P. G., Musto, Naugle, Ogilvie, Olsen, O'Neill, Pacchioli, Parry, Pashley, Paulhamus, Petrosky, Pettigrew, Polaski, Polen, Pomeroy, Price, Pursley, Readinger, Reibman, Renwick, Rigby,	Stone, Stoner, Strausser, Stroup, Swartz, Taylor, Thomas, Thompson, Toll, Tompkins, Toomey, Varner, Verona, Wall, Wallace, Wargo, Waterhouse, Weidner, Welsh, Wescott, Wheeler, Whitenight, Willaredt, Williams, Wilt, Wood, Worley, Yetter, Yetzer, Ziegler, Andrews, Speaker
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NAYS—0

NOT VOTING—16

Cooper, Donaldson, Down, Erb,	Gibson, Greenwood, Kilne, McKeever,	Mills, Needham, Reidenbach, Schuster,	Varallo, Vaughan, Walsh, Young,
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The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House of Representatives has passed the same without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of Senate Bill No. 729, as follows:

A Joint Resolution proposing an amendment to article two section four of the Constitution of the Commonwealth of Pennsylvania by providing for annual sessions of the General Assembly

The General Assembly of the Commonwealth of Pennsylvania hereby resolves as follows

Section 1 The following amendments to the Constitution of the Commonwealth of Pennsylvania be and the same is hereby proposed in accordance with the provisions of the eighteenth article thereof

That section four article two of the Constitution of the Commonwealth of Pennsylvania is hereby amended to read as follows

Section 4 Upon adoption of this amendment the General Assembly shall meet at twelve o'clock noon on the first Tuesday of January of the year following such adoption and shall meet at such time annually thereafter and at other times when convened by the Governor At regular sessions convening in even-numbered years the General Assembly shall not enact any laws except laws raising revenue laws making appropriations and laws pertaining to subjects designated by proclamation of the Governor prior to the first Tuesday of January.

And said bill having been read at length the third time,  
On the question,  
Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—192

Adam, Agnew, Amarando, Anderson, M. S., Anderson, S. A., Ashton, Auker, Banker, Barnatovich, Bazin, Bell, Blair, Boles, Bonner, Boory, Bower, Branca, Breisch, Brennan, A. P., Brennan, J. J., Brenninger, Breth, Brown, Bucchin, Bullen, Capano, Cianfrani, Cioffi, Cochran, Comer, Connelly, Curwood, Davis, Donahue, Dougherty, Ehrgood, Ellberg, Eshleman, Ewing, Farabaugh, Filo, Fineman, Flint, Floyd, Flynn, Foster, Frank, Frascella, Frost,	Gaffney, Garlock, Gelfand, George, Gibb, Goldstein, Gramlich, Guss, Guthrie, Hamilton, R. K., Hamilton, W. H., Hass, Haudenshield, Heavey, Helm, Henzel, Hewitt, Hocker, Holt, Horst, Houk, Isaacs, Jenkins, Johnson, Jones, G. E., Jones, T. H. W., Jump, Kamyk, Kehler, Keller, Kent, Knecht, Kolankiewicz, Kooker, Kornick, Kratz, Kromer, Kubacki, Lafore, Lawyer, Leiby, Lelsey, Leonard, Leven, Light, Limper, Lippincott, Lopresti,	Lovett, Lutty, Magee, Mahan, Markley, Maxwell, McCann, McCormack, McGee, McInroy, McLaughlin, McWherter, Meholchick, Metz, Mihm, Mikula, Miller, Monroe, Moody, Moran, Moscrip, Muldowney, Mullen, Munley, Murphy, Murray, H. P., Murray, J. J., Murray, P. G., Musto, Naugle, Ogilvie, Olsen, O'Neill, Pacchioli, Parry, Pashley, Paulhamus, Petrosky, Pettigrew, Polaski, Polen, Pomeroy, Price, Pursley, Readinger, Reibman, Renwick, Rigby,	Rosen, Rovanssek, Royer, Rubin, Rudisill, Sarraf, Scarcelli, Sherman, Sieman, Smith, C. C., Smith, Wm. B., Snider, Spencer, Stank, Stebbins, Steckel, Stephens, Stevenson, Steman, Stoner, Strausser, Stroup, Swartz, Taylor, Thomas, Thompson, Toll, Tompkins, Toomey, Varner, Verona, Wall, Wallace, Wargo, Waterhouse, Weidner, Welsh, Wescott, Wheeler, Whitenight, Willaredt, Williams, Wilt, Wood, Worley, Yetter, Yetzer, Ziegler, Andrews, Speaker
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NAYS—1

NOT VOTING—16

Worley,	Cooper, Donaldson, Down, Erb,	Gibson, Greenwood, Kilne, McKeever,	Mills, Needham, Reidenbach, Schuster,	Varallo, Vaughan, Walsh, Young,
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The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House of Representatives has passed the same with amendments in which the concurrence of the Senate is requested.

BILL PASSED OVER

There being no objection,

Senate Bill No. 758, Printer's No. 277,  
was passed over at the request of the SPEAKER pro tempore.

PARLIAMENTARY INQUIRY

Mr. BANKER. I rise to a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. BANKER. How can you take a vote on a bill and then finding it is defeated decide that it is an argumentative bill?

The SPEAKER pro tempore. The gentleman will repeat his question.



Mr. BANKER. How can you take a vote on a bill and after the decision has been announced decide that it is a controversial bill and should not be brought up?

The SPEAKER pro tempore. For the information of the gentleman, the Chair agreed with a Member of the Ways and Means Committee that there would be no controversial bills considered during the time the Committee was meeting.

Mr. BANKER. Then why shouldn't it be announced before the bill is voted on that it is controversial??

Mr. READINGER. Mr. Speaker, I don't know which bill the gentleman is referring to. I don't remember the Chair having made any decision on a vote which was later withdrawn because some of the Members are not here. If he was referring to the previous bill—

Mr. BANKER. I am referring to 758.

Mr. READINGER. Mr. Speaker, there was no roll call vote taken on that bill. I believe the question of the bill being controversial was raised when the Members were in the process of voting but there was no count made.

Mr. BANKER. Well, there were about 10 or 12 nays who stood up.

Mr. READINGER. Mr. Speaker, if we had followed through and completed it; the bill would have passed But we decided to withdraw it at the time so that the Members who are in a committee meeting would have an opportunity to be here to vote.

Mr. BANKER. I would agree with that. I voted against the bill and would be satisfied if it were passed but I don't see how you can take the bill out of action.

The SPEAKER pro tempore. By unanimous consent. For the information of the gentleman, the Chair expects to return to that bill.

Mr. BANKER. It was not unanimous consent. I don't agree with it.

### BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of Senate Bill No. 767, as follows:

An Act amending the act of August 9, 1955 (Act No. 130) entitled "An act relating to counties of the third fourth fifth sixth seventh and eighth classes amending revising consolidating and changing the laws relating thereto" changing technical provisions with respect to plans required to be submitted to the county planning commission

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Subsection (a) and (b) of section 2004 of the act of August 9, 1955 (Act No 130) known as "The County Code" are amended to read

Section 2004 Plans of Subdivisions Jurisdiction Scope of Subdivisions Regulations Procedure Penalties (a) The County Planning Commission shall have jurisdiction and control of the subdivision of land located within the county limits For the purpose of this section a subdivision shall be construed to be a division of any part parcel or area of land by the owner or agent either by lots or by metes and bounds into lots or parcels three or more in number for the purpose of conveyance transfer improvement or sale with appurtenant roads streets lanes alleys and ways dedicated or intended to be dedicated to public use or the use of purchasers or owners of lots fronting thereon All plans plots and replots of land laid out in building lots and the streets highways alleys or other portions of the same intended to be dedicated to public use or the use of purchasers or owners of lots fronting thereon or adjacent thereto located within the county limits except those located within a city [borough

or township having in existence a zoning or real estate development control ordinance within the said county] or borough or within a township having adopted by resolution or ordinance land subdivision regulations shall be submitted to the County Planning Commission if one has been created and approved by it before they shall be recorded.

(b) It shall not be lawful to receive or record any [such] plan required to be approved by the County Planning Commission in any public office unless the same shall bear thereon by endorsement or otherwise the approval of the County Planning Commission if one has been created The disapproval of any such plan by the County Planning Commission shall be deemed a refusal of the proposed dedication shown thereon The approval of the commission shall be deemed as acceptance of the proposed dedication but shall not impose any duty upon the county concerning maintenance or improvement of any such dedicated streets highways alleys or other portions of the same until the proper authorities of the county shall have made actual appropriation of the same by entry use or improvement

\* \* \*

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

### YEAS—188

Adam,	Frost,	Lutty,	Rosen,
Agnew,	Gaffney,	Magee,	Royer,
Amarando,	Garlock,	Mahan,	Rubin,
Anderson, S. A.,	Gelfand,	Markley,	Rudisill,
Anderson, M. S.,	George,	Maxwell,	Sarraf,
Ashton,	Gibb,	McCann,	Scarcelll,
Auker,	Goldstein,	McCormack,	Sherman,
Banker,	Gramlich,	McGee,	Sigman,
Barnatovich,	Guss,	McInroy,	Smith, C. C.,
Bazin,	Guthrie,	McLaughlin,	Smith, Wm. B.,
Bell,	Hamilton, R. K.,	McWherter,	Snider,
Blair,	Hamilton, W. H.,	Meholchick,	Stank,
Boles,	Hass,	Metz,	Stebbins,
Bonner,	Haudensfield,	Mihm,	Steckel,
Boory,	Heavey,	Mikula,	Stevenson,
Bower,	Helm,	Miller,	Stone,
Branca,	Henzel,	Monroe,	Stoner,
Breisch,	Hewitt,	Moody,	Strausser,
Brennan, A. P.,	Hocker,	Moran,	Stroup,
Brennan, J. J.,	Holt,	Moscrip,	Swartz,
Brenninger,	Horst,	Muldowney,	Taylor,
Breth,	Houk,	Mullen,	Thomas,
Brown,	Jenkins,	Munley,	Thompson,
Bucchin,	Johnson,	Murphy,	Toll,
Bullen,	Jones, G. E.,	Murray, H. P.,	Tompkins,
Capano,	Jones, T. H. W.,	Murray, J. J.,	Toomey,
Cianfrani,	Jump,	Murray, P. G.,	Varner,
Cioffi,	Kamyk,	Musto,	Verona,
Cochran,	Kehler,	Naugle,	Wall,
Comer,	Keller,	Ogilvie,	Wallace,
Connelly,	Kent,	Olsen,	Wargo,
Curwood,	Knecht,	O'Neill,	Waterhouse,
Davis,	Kolankiewicz,	Pacchioli,	Weidner,
Donahue,	Kooker,	Parry,	Welsh,
Dougherty,	Kornick,	Pashley,	Wescott,
Ehrgood,	Kratz,	Paulhamus,	Wheeler,
Eilberg,	Kromer,	Petrosky,	Whitenight,
Eshleman,	Kubacki,	Pettigrew,	Willaredt,
Ewing,	Lawyer,	Polaski,	Williams,
Farabaugh,	Leiby,	Polen,	Wilt,
Filo,	Leisey,	Pomeroy,	Wood,
Fineman,	Leonard,	Price,	Worley,
Flint,	Leven,	Pursley,	Yetzer,
Floyd,	Light,	Readinger,	Yetter,
Flynn,	Limper,	Reibman,	Ziegler,
Foster,	Lippincott,	Renwick,	Andrews,
Frank,	Lovett,	Rigby,	Speaker
Frascella,			

### NAYS—5

Isaacs,	Lopresti,	Rovansek,	Stephens,
Lafore,			



## NOT VOTING—16

Cooper.	Gibson,	Mills,	Varallo.
Donaldson.	Greenwood,	Needham.	Vaughan.
Down,	Kline,	Reidenbach,	Walsh,
Erb,	McKeever,	Schuster,	Young.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed the same with amendments in which the concurrence of the Senate is requested.

Agreeably to order,

The House proceeded to the third reading and consideration of Senate Bill No. 780 as follows:

An Act amending the act of July 2, 1937 (P. L. 2821) entitled "An act to regulate the sale and advertising for sale of goods wares and merchandise purporting to be an insurance bankruptcy mortgage insolvent assignees receivers trustees removal or closing-out sale or sale of goods damaged by fire smoke or water in cities and certain boroughs of this Commonwealth and to prevent fraudulent practices in connection therewith and providing penalties for the violation thereof and for the imposition license fees for permission to conduct the same" making the provisions of the act effective in municipalities and townships further regulating statements of inventories further regulating the issuance renewal denial revocation and refusal of licenses and the conduct of sales designating certain actions as violations of the act authorizing appeals from refusal or denial to issue licenses.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The title and sections 1 and 2 act of July 2, 1937 (P. L. 2821) entitled "An act to regulate the sale and advertising for sale of goods wares and merchandise purporting to be an insurance bankruptcy mortgage insolvent assignees receivers trustees removal or closing-out sale or sale of goods damaged by fire smoke or water in cities and certain boroughs of this Commonwealth and to prevent fraudulent practices in connection therewith and providing penalties for the violation thereof and for the imposition of license fees for permission to conduct the same" are amended to read.

## AN ACT

To regulate the sale and advertising for sale of goods wares and merchandise purporting to be an insurance bankruptcy mortgage insolvent assignees receivers trustees removal or closing-out sale or sale of goods damaged by fire smoke or water in [cities and certain boroughs of this Commonwealth] municipalities and townships and to prevent fraudulent practices in connection therewith and providing penalties for violation thereof and for the imposition of license fees for permission to conduct the same.

Section 1 Be it enacted &c That from and after the first day of July one thousand nine hundred and thirty-seven it shall be unlawful for any person partnership association or corporation in [the cities] municipalities or townships of this Commonwealth [and in boroughs having a population of more than two thousand five hundred inhabitants] to advertise or hold out by any means that any sale of goods wares and merchandise in an insurance bankruptcy mortgage insolvent assignees receivers trustees removal or closing out sale or a sale of goods damaged by fire smoke or water unless a license is first obtained to conduct such sale from the treasurer of the city or borough or from the council of the town or board of commissioners or board of supervisors of the township in which it is to be held.

Section 2 (a) Upon application for such license the applicant shall make a full disclosure under oath of the following information. The true name of the owner of

the goods to be offered for sale the name of the operator of the sale if a person other than the true owner a full and complete detailed and itemized inventory of the quantity kind brand name and character of the goods to be offered for sale and the source from which the goods wares and merchandise were secured together with the names and addresses of the last previous owners thereof which shall be prepared in the following manner. First a listing of all goods which have been in stock for a period of fifteen days or longer prior to the application for the license second a listing of all goods received in stock within fifteen days immediately preceding the application for the license third a listing of all goods which have been ordered and will be placed in stock during the pendency of the sale the method by which the applicant for the license or the true owner of the goods if a different person acquired title to the same and the reason for the urgent and expeditious disposal thereof [The said treasurer may require any further information necessary to inform him as to whether such license should be granted and if any defect appears in the title to the goods or any false representation is] [made in such application the said treasurer may refuse the license] Upon receipt of the application the treasurer of any city or borough the council of the town or board of commissioners or board of supervisors of the township may in his or their discretion make or cause to be made an examination audit or investigation of the applicant and all of the facts contained in the application and inventory in relation to the proposed sale. A license shall be denied or refused if any defect appears in the title to the goods or wares represented or any false representation is made in the application or inventory or if the inventory contains goods wares or merchandise purchased by the applicant on consignment except if the goods wares or merchandise has been damaged while in the consignee's possession.

Application for a license except a license for sale of goods damaged by fire within one year of a previous sale for the same type of business shall be presumptive evidence that the sale for which the license is sought is not bona fide and the license may be refused.

(b) Any applicant for a license who is aggrieved by the denial refusal or revocation of a license may appeal within twenty days from the date of denial refusal or revocation to the court of common pleas of the county in which the license is sought. The appeal shall be upon petition of the applicant for a license who shall serve a copy thereof upon the city or borough treasurer the town council or the board of commissioners or board of supervisors of the township who or which has refused or denied the license. The court shall hear the application for license de novo expeditiously at a time as it shall fix of which notice shall be given to the city or borough treasurer the town council or the board of commissioners or board of supervisors of the township from whose refusal or denial of a license the appeal has been taken. The court shall either sustain the denial or refusal of the license or order the issuance of the license to the applicant.

Section 2 The act is amended by adding after section 2 four new sections to read.

Section 2.1 After a license has been granted and it is established that the license has violated any provisions of this act the license shall be revoked immediately.

Section 2.2 No merchandise shall become the subject of any license pursuant to this act if it has not been listed in the application for the license as goods wares or merchandise in stock or in transit.

Section 2.3 No merchandise shall become the subject of any sale licensed pursuant to this act if it has previously been the subject of a licensed sale unless the original licensee conducts the subsequent sale under a subsequent license.

Section 2.4 Reopening of a business similar to the one for which the sale licensed pursuant to this act was conducted except the licensed sale of goods damaged by fire by the person partnership association or corporation who or which conducted the sale upon the same premises upon which the business for which the sale was conducted within thirty days of the sale shall constitute presumptive



evidence of a violation of this act Every day in which business is conducted within the prohibited period of thirty days shall constitute a separate violation of this act

Section 3 Section 3 of the act is amended to read

Section 3 It shall be the duty of each such licensee to post a copy of the said application and inventory in the sales room or place where the goods are to be sold so that the public may be informed of the facts in relation to the goods before purchasing the same.

Section 4 Section 4 of the act amended April 15, 1943 (P. L. 52) is amended to read.

Section 4 Any person conducting or being responsible for any sale as set forth in section one [hereof] as herein amended without first having obtained the license or any person making or being responsible for any misrepresentation in connection with the goods so offered for sale or sold or continuing the same business at the same location after the expiration of a license issued for conducting a removal or closing-out sale shall upon conviction thereof in a summary proceeding be sentenced to pay a fine of not more than one hundred dollars (\$100) or to imprisonment for a term of not exceeding thirty days. Each day any sale is conducted in violation of this section shall be a separate violation of this act. The right to appeal from such conviction shall exist as in other cases of summary convictions.

Section 5 Section 5 of the act is amended to read.

Section 5 Any license so granted as aforesaid shall be good for no more than a period of [ninety days and shall not be renewable] thirty consecutive calendar days (Sundays and legal holidays excluded) and may be renewed for two consecutive periods not exceeding thirty consecutive calendar days each (Sundays and legal holidays excluded) Provided That a revised inventory is filed with each application for renewal of a license showing the items listed on the original inventory remaining unsold and that no goods wares or merchandise not included in the original inventory is in stock [nor shall any other such license be granted to the same person within the same [city or borough] for a period of one year succeeding the expiration of a previous license] The treasurer of the city or borough or the council of the town or board of commissioners or board of supervisors of the township shall receive from the applicant for such license upon the granting thereof or the renewal thereof a license fee which shall be twenty-five dollars (\$25).

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

#### YEAS—191

Adam,	Gaffney,	Lovett,	Rosen,
Agnew,	Garlock,	Lutty,	Rovansek,
Amarando,	Gelfand,	Magee,	Rubin,
Anderson, M. S.,	George,	Mahan,	Rudisill,
Anderson, S. A.,	Gibb,	Markley,	Royer,
Ashton,	Goldstein,	Maxwell,	Sarraf,
Auker,	Gramlich,	McCann,	Scarcelli,
Barnatovich,	Guss,	McCormack,	Sherman,
Bazin,	Guthrie,	McGee,	Sigman,
Bell,	Hamilton, R. K.,	McInroy,	Smith, C. C.,
Blair,	Hamilton, W. H.,	McLaughlin,	Smith, Wm. B.,
Boles,	Hass,	McWherter,	Snider,
Bonner,	Haudenschild,	Meholchick,	Stank,
Boory,	Heavey,	Metz,	Stebbins,
Bower,	Helm,	Mihm,	Steckel,
Branca,	Henzel,	Mikula,	Stephens,
Brelsich,	Hewitt,	Miller,	Stevenson,
Brennan, A. P.,	Hocker,	Monroe,	Stone,
Brennan, J. J.,	Holt,	Moody,	Stoner,
Brenninger,	Horst,	Moran,	Strasser,
Breth,	Houk,	Moscrip,	Stroup,
Brown,	Isaacs,	Muldowney,	Swartz,
Bucchin,	Jenkins,	Mullen,	Taylor,
Bullen,	Johnson,	Munley,	Thomas,
Capano,	Jones, G. E.,	Murphy,	Thompson,
Cianfrani,	Jones, T. H. W.,	Murray, H. P.,	Toll,

Cioffi,	Jump,	Murray, J. J.,	Tompkins,
Cochran,	Kamyk,	Murray, P. G.,	Varner,
Comer,	Kehler,	Musto,	Verona,
Connelly,	Keller,	Naugle,	Wall,
Curwood,	Kent,	Ogilvie,	Wallace,
Davis,	Knecht,	Olsen,	Wargo,
Donahue,	Kolankiewicz,	O'Neill,	Waterhouse,
Dougherty,	Kooker,	Pacchioli,	Weidner,
Ehrgood,	Kornick,	Parry,	Welsh,
Eilberg,	Kratz,	Pashley,	Wescott,
Eshleman,	Kromer,	Paulhamus,	Wheeler,
Ewing,	Kubacki,	Petrosky,	Whitenight,
Farabaugh,	Lafore,	Pettigrew,	Willaredt,
Fineman,	Lawyer,	Polaski,	Williams,
Filo,	Leiby,	Polen,	Wilt,
Flint,	Lelsey,	Pomeroy,	Wood,
Floyd,	Leonard,	Price,	Worley,
Flynn,	Leven,	Pursley,	Yetter,
Foster,	Light,	Readinger,	Yetzer,
Frank,	Limper,	Reibman,	Ziegler,
Frascella,	Lippincott,	Renwick,	Andrews,
Frost,	Lopresti,	Rigby,	Speaker

#### NAYS—2

Banker,

Toomey,

#### NOT VOTING—16

Cooper,	Gibson,	Mills,	Varallo,
Donaldson,	Greenwood,	Needham,	Vaughan,
Down,	Kline,	Reidenbach,	Walsh,
Erb,	McKeever,	Schuster,	Young,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed the same with amendments in which the concurrence of the Senate is requested.

#### CONCURRENCE HOUSE RESOLUTION NO. 116

Mr. READINGER. Mr. Speaker, I call up on page 11 of today's calendar, House Resolution No. 116.

The resolution was read, considered and adopted as follows:

In the House of Representatives, September 26, 1955.

Large areas in northwestern Pennsylvania continue undeveloped generally marked by low population and a feeble struggling economy In many localities their economies are limited to fishing hunting and vacation-land activities.

Nevertheless there exist in this northwestern region vast potentialities for commercial and industrial growth a growth that is increasingly needed if this Commonwealth is to regain some of the dynamic quality of earlier expansion.

Such expansion is keyed to main-line low-rated transportation service and implicit in the coming operation of the St. Lawrence Waterway system lies the means for bringing main-line low-rated transportation to northwestern Pennsylvania.

The upper reaches of the Allegheny River flow close to the Great Lakes system a system destined to become an American freshwater Mediterranean Clearly more than one of Lake Erie's ports will progress to the stature of trans-oceanic steamship terminals.

Logically then to link the far-flung and industrially advanced inland waterway of the Allegheny and its connecting waters with the coming Lake Erie coastal expansion would add immeasurably to the welfare of both Nation and Commonwealth Precedents all through history indicate that the resulting heavy flow of water-borne traffic would bring mounting industrial and commercial growth to the Upper Allegheny and its watershed therefore be it

Resolved (the Senate concurring) That the General Assembly of the Commonwealth of Pennsylvania memorialize the Congress of the United States to enact into



legislation the measures necessary to connect Lake Erie with the Upper Allegheny River by canal and to extend the existing lock system along the Allegheny to the river terminus of the canal and be it further

Resolved That copies of this resolution be transmitted to the presiding officers of each House of the Congress of the United States and to each Senator and Representative from Pennsylvania in the Congress of the United States.

Ordered, That the Clerk present the same to the Senate for concurrence.

#### ANNOUNCEMENT BY MAJORITY LEADER

Mr. READINGER. Mr. Speaker, I have sent a Member over to the Appropriations Committee room to find out whether they can approximate how long the Ways and Means Committee expects to be meeting.

I think that before we adjourn today's session, for a recess that might be as long as January 16th, we should dispose of some more of the bills that are on the calendar. I ask the Members to bear with us temporarily. In a few minutes we should know whether the Ways and Means Committee meeting will be a protracted one or whether they will be back soon.

I would like to return to some of these bills which have been passed over temporarily so that they can be acted upon before the recess.

The SPEAKER pro tempore. Does the gentleman desire to call up additional resolutions?

Mr. READINGER. Not until the Ways and Means Committee has returned.

The SPEAKER pro tempore. The Chair thanks the gentleman.

#### BILL INTRODUCED AND REFERRED

The SPEAKER pro tempore. The Speaker has referred the following bill:

By Mrs. MUNLEY and Mr. WARGO.

HOUSE BILL No. 1953.

An Act to further amend section four hundred fifteen of the act, approved the first day of May, one thousand nine hundred twenty-nine (P. L. 905) entitled "An act for the protection of the public safety \*\*\* by permitting the Secretary of Revenue to provide for the sale by subscription or otherwise of lists of learner's permits as issued.

Referred to the Committee on Rules.

#### BILL SIGNED BY SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

The SPEAKER pro tempore. The Speaker, in the presence of the House, has signed the following bill.

HOUSE BILL No. 1267.

An Act amending the act of July 28, 1953 (P. L. 723) entitled "An act relating to counties of the second class amending revising consolidating and changing the laws relating thereto" increasing the annual salaries of certain officers in counties of the second class.

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

#### COMMUNICATION AND BILL TAKEN FROM TABLE

Mr. READINGER. Mr. Speaker, I move that Senate Bill No. 593, Printer's No. 386, together with the communication from the Senate be taken from the table.

The motion was agreed to.

#### SENATE MESSAGE

##### AMENDED SENATE BILL RECALLED FROM THE GOVERNOR RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence bill numbered and entitled as follows:

SENATE BILL No. 593.

An Act amending the act of May 28, 1915 (P. L. 596) entitled "An act resuiring cities of the second class to establish a pension fund for employes of said cities and regulating the administration and the payment of such pensions" extending the benefits to employes of certain authorities created jointly with other political subdivisions or joined in by the cities and authorizing credit for past service on making back payments.

Said bill having been recalled from the Governor for the purpose of amendment. The vote had on final passage and third reading on said bill was reconsidered in the Senate and the bill amended, in which amendments the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments. The Clerk read the amendments as follows:

Amend Section 2, page 4, line 16, by striking out after the word "within" the word "six" and inserting in lieu thereof the word "twelve"; line 17, by striking out after the word "within" the word "six" and inserting in lieu thereof the word "twelve"; line 18, by striking out after the word "later" the following: "or at such subsequent time as the pension board shall approve."

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

#### YEAS—193

Adam,	Gaffney,	Lovett,	Rosen,
Agnew,	Lutty,	McInroy,	Rovansek,
Amarando,	Garlock,	McLaughlin,	Royer,
Anderson, M. S.,	Gelfand,	McWherter,	Rubin,
Anderson, S. A.,	George,	Meholchick,	Rudisill,
Ashton,	Gibb,	Metz,	Sarra,
Auker,	Goldstein,	Mihm,	Scarcell,
Banker,	Gramlich,	Mikula,	Sherman,
Barnatovich,	Guss,	Miller,	Sigman,
Bazin,	Guthrie,	Monroe,	Smith, C. C.,
Bell,	Hamilton, R. K.,	Moody,	Smith, Wm. B.,
Blair,	Hamilton, W. H.,	Moran,	Snider,
Boles,	Hass,	Moscrip,	Stank,
Bonner,	Haudenshield,	Muldowney,	Stebbins,
Boory,	Heavey,	Mullen,	Steckel,
Bower,	Helm,	Munley,	Stephens,
Branca,	Henzel,	Murphy,	Stevenson,
Breisch,	Hewitt,	Murray, H. P.,	Stone,
Brennan, A. P.,	Hocker,	Murray, J. J.,	Stoner,
Brennan, J. J.,	Holt,	Murray, P. G.,	Strausser,
Brenninger,	Horst,	Musto,	Stroup,
Breth,	Houk,	Naugle,	Swartz,
Brown,	Isaacs,		Taylor,
Bucchin,	Jenkins,		Thomas,
Bullen,	Johnson,		Thompson,
Capano,	Jones, G. E.,		Toll,
Clanfrani,	Jones, T. H. W.,		Tompkins,
Cloff,	Jump,		Toomey,
Cochran,	Kamyk,		Vaughan,
Comer,	Kehler,		Verona,



Connelly,	Keller,	Ogilvie,	Wall,
Curwood,	Kent,	Olsen,	Wallace,
Davis,	Knecht,	O'Neil,	Wargo,
Donahue,	Kolankiewicz,	Pacchioli,	Waterhouse,
Dougherty,	Kratz,	Parry,	Weidner,
Ehrgood,	Kooker,	Pashley,	Welsh,
Ellberg,	Kornick,	Paulhamus,	Wescott,
Eshleman,	Kromer,	Petrosky,	Wheeler,
Ewing,	Kubacki,	Pettigrew,	Whitenight,
Farabaugh,	Lafore,	Polaski,	Willaredt,
Filo,	Lawyer,	Polen,	Williams,
Fineman,	Leiby,	Pomeroy,	Wilt,
Flint,	Leisey,	Price,	Wood,
Floyd,	Leonard,	Pursley,	Worley,
Flynn,	Leven,	Readinger,	Yetter,
Foster,	Light,	Reibman,	Yetzer,
Frank,	Limper,	Renwick,	Ziegler,
Frascella,	Lippincott,	Rigby,	Andrews,
Frout,	Lopresti,		Speaker

NAYS—0

NOT VOTING—16

Cooper,	Gibson,	Mills,	Varallo,
Donaldson,	Greenwood,	Needham,	Varner,
Down,	Kline,	Reidenbach,	Walsh,
Erb,	McKeever,	Schuster,	Young,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

#### COMMUNICATION AND BILL TAKEN FROM TABLE

Mr. READINGER. Mr. Speaker, I move that House Bill No. 1630, Printer's No. 1045, together with the communication from the Senate be taken from the table.

The motion was agreed to.

#### SENATE MESSAGE

##### SENATE INSISTS ON AMENDMENTS NON-CONCURRED IN BY HOUSE

The Clerk of the Senate being introduced, informed that the Senate has insisted upon its amendments, non-concurred in by the House of Representatives, to House Bill No. 1630, entitled:

An Act amending the act of May 1 1929 (P L 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" regulating registration of antique motor vehicles

Mr. READINGER. Mr. Speaker, I move that the House insist upon its amendments non-concurred in by the Senate to House Bill No. 1630 and that a Committee of Conference be appointed.

The motion was agreed to.

#### APPOINTMENT OF COMMITTEE OF CONFERENCE ON HOUSE BILL No. 1630

The SPEAKER. The Chair appoints as a Committee of Conference on the part of the House, Messrs. AMARANDON, LEVEN and KENT.

Ordered, That the Clerk inform the Senate accordingly.

#### COMMUNICATION AND BILL TAKEN FROM TABLE

Mr. READINGER. Mr. Speaker, I move that House Bill No. 114, Printer's No. 1207 together with the communication from the Senate be taken from the table.

The motion was agreed to.

#### SENATE MESSAGE

##### AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

##### HOUSE BILL No. 114.

An Act to repeal Section 518 of and to add a new section 518.1 to the act approved the twenty-second day of May one thousand nine hundred thirty-three (P. L. 853), entitled "An act relating to taxation designating the subjects property and persons subject to and exempt from taxation for all local purposes providing for and regulating the assessment and valuation of persons property and subjects of taxation for county purposes and for the use of those municipal and quasi-municipal corporations which levy their taxes on county assessments and valuations amending revising and consolidating the law relating thereto and repealing existing laws" by eliminating all the provisions of the act which regulate the payment of the taxes pending appeals from assessments

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments. The Clerk read the amendments as follows:

Amend title, page 2, line 3 by striking out after the word "assessments" the following: "and providing for the payment of refunds by taxing districts upon final adjudication."

Amend section 2, page 4, line 17 by inserting after the word "refund" the following "may at the election of the taxing district be set off or credited against any future taxes assessed against appellant in the same taxing district provided that where such taxing district is unable to thus credit all of such refund or any balance thereof in any one year the court may upon application of either party ascertain and determine how much of said refund shall be credited in that year the aforesaid proviso shall be construed to apply to all refunds that are now due or may hereafter become due as the result of appeals from assessments that have not been finally determined or adjusted at the time this act takes effect" page 5, line 10 by striking out the following: "may at the election of the taxing district be set off or credited against any future taxes assessed against appellant in the same taxing district Provided That where such taxing district is unable to thus credit all of such refund or any balance thereof in any one year the court may upon application of either party ascertain and determine how much of said refund shall be credited in that year The aforesaid proviso shall be construed to apply to all re-



funds that are now due or may hereafter become due as the result of appeals from assessments that have not been finally determined or adjusted at the time this act takes effect shall be paid forthwith by the taxing district having collected the taxes"

On the question,

Will the House concur in the amendments made by the Senate?

Mr. READINGER. Mr. Speaker, I request that the House concur in the amendments made by the Senate.

#### YEAS—193

Adam,	Gaffney,	Lovett,	Rosen,
Agnew,	Garlock,	Luttv.	Rovanseck,
Amarando,	Gelfand,	Magee,	Royer,
Anderson, M. S.,	George,	Mahan,	Rubin,
Anderson, S. A.,	Gibb,	Markley,	Rudisill,
Ashton,	Goldstein,	Maxwell,	Sarra,
Auker,	Gramlich,	McCann,	Scarceill,
Banker,	Guss,	McCormack,	Sherman,
Barnatovich,	Guthrie,	McGee,	Sigman,
Bazin,	Hamilton, R. K.,	McInroy,	Smith, C. C.,
Bell,	Hamilton, W. H.,	McLaughlin,	Smith, Wm. B.,
Blair,	Hass,	McWhorter,	Snider,
Boles,	Haudenschild,	Meholchick,	Stank,
Bonner,	Heavey,	Metz,	Stebbins,
Boory,	Helm,	Mihm,	Steckel,
Bower,	Henzel,	Mikula,	Stephens,
Branca,	Hewitt,	Miller,	Stevens,
Brelschi,	Hocker,	Monroe,	Stone,
Brennan, A. P.,	Holt,	Moody,	Stoner,
Brennan, J. J.,	Horst,	Moran,	Strausser,
Brenninger,	Houk,	Moscrip,	Stroup,
Breth,	Isaacs,	Muldowney,	Swartz,
Brown,	Jenkins,	Mullen,	Taylor,
Bucchin,	Johnson,	Munley,	Thomas,
Bullen,	Jones, G. E.,	Murphy,	Thompson,
Capano,	Jones, T. H. W.,	Murray, H. P.,	Toll,
Cianfrani,	Jump,	Murray, P. G.,	Tompkins,
Cioffi,	Kamyk,	Musto,	Toomey,
Cochran,	Kehler,	Naugle,	Varner,
Comer,	Keller,	Ogilvie,	Verona,
Connelly,	Kent,	Olsen,	Wall,
Curwood,	Knecht,	O'Neill,	Wallace,
Davis,	Kolankiewicz,	Pacchioli,	Wargo,
Donahue,	Kooker,	Parry,	Waterhouse,
Dougherty,	Kornick,	Pashley,	Weidner,
Ehrgood,	Kratz,	Paulhamus,	Weisch,
Ellberg,	Kromer,	Petrosky,	Wescott,
Eshleman,	Kubacki,	Pettigrew,	Wheeler,
Ewing,	Lafore,	Polaski,	Whitenight,
Farabaugh,	Lawyer,	Polen,	Willaredt,
Fillo,	Leiby,	Pomeroy,	Williams,
Fineman,	Leisey,	Price,	Wilt,
Flint,	Leonard,	Pursley,	Wood,
Floyd,	Leven,	Readinger,	Worley,
Flynn,	Limper,	Reibman,	Yetter,
Foster,	Lippincott,	Renwick,	Yetzer,
Frank,	Lopresti,	Rigby,	Ziegler,
Frascella,			Andrews,
Frost,			Speaker

#### NAYS—0

#### NOT VOTING—16

Cooper,	Gibson,	Mills,	Varallo,
Donaldson,	Greenwood,	Needham,	Vaughan,
Down,	Kline,	Reidenbach,	Walsh,
Erb,	McKeever,	Schuster,	Young,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

Mr. WORLEY. Mr. Speaker, I object to this procedure of calling up bills for concurrence in Senate amendments without Members having a chance to get the bill in time to know what is going to be called up to see whether we want to vote for it or not.

I was informed by the Parliamentarian there would be no more after the first one. Now, here came another

one and we did not have time to look these amendments up to know whether or not we wanted to vote for them, and we were not informed ahead of time that they were going to be called.

The SPEAKER pro tempore. The Chair suggests that the gentleman confer with the respective Floor Leaders.

Mr. WORLEY. I did do that, Mr. Speaker. I was unable to find Mr. Johnson, who I was told had them.

The SPEAKER pro tempore. The Chair thanks the gentleman for his expression and his remarks will be spread upon the Journal.

#### COMMITTEE RETURNS

The SPEAKER pro tempore. The Chair has been informed that the Ways and Means Committee is back in the Hall of the House and we intend to proceed with the calendar.

#### BILL ON FINAL PASSAGE

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 1849 as follows:

An Act amending the act of May 31, 1945 (P. L. 1198) entitled "An act providing for the conservation and improvement of land affected in connection with the mining of bituminous coal by the open pit mining method regulating such mining and providing penalties" further regulating mining operations requiring the filing of maps changing provisions with respect to registration bonds backfill overburden enforcement of the act and penalties and providing for the payment of fines into a special fund

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 4 act of May 31, 1945 (P. L. 1198) known as the "Bituminous Coal Open Pit Mining Conservation" amended May 23, 1949 (P. L. 1730) is amended to read

Section 4 Before any operator shall hereafter engage in open pit mining of bituminous coal within the Commonwealth he shall [register] first apply for registration with the Department of Mines of this Commonwealth by filing [a certificate] on a form to be provided by the department [and giving information sufficient to identify the operator and an] giving the following information (1) Name or number of the operation (2) Location of the operation as to county and township and with reference to the nearest public road (3) A description of the tract or tracts by metes and bounds (4) The name and address of the landowner or his duly authorized representative and (5) An estimate of the number of acres of land in each mine inspection district that the operator will affect by open pit mining during one year immediately following the date of filing As a part of the application for registration the operator shall furnish in duplicate a map or plan on a scale of not less than four hundred feet to the inch in a manner satisfactory to the Secretary of Mines showing the location and the acreage of both the tract of land and the area to be effected by the operation contemplated If an operator continues to operate beyond one year the mine inspector shall be furnished with a new map at the end of each year of operation on which is outlined the area affected and restored from the date started to the date the map is furnished the inspector When the requirements of this act are met and no claims are outstanding under this act against the operator or in the case of any corporation against any officer or director a registration certificate shall issue Contemporaneously with and as a part of said registration the operator shall file with the Department of Mines a bond on a form to be prescribed and furnished by the department payable to the Commonwealth and conditioned that the operator shall faithfully perform all of the requirements of this act The bond shall be in the amount of [three hundred



dollars (\$300.00)] four hundred dollars (\$400.00) per acre based upon the number of acres of land in each mine inspection district which the operator estimates that will be affected by open pit mining during one year immediately thereafter Provided That no bond shall be filed for less than [three thousand dollars (\$3000.00)] four thousand dollars (\$4000.00) Liability under such bond shall be for the duration of open pit mining at each operation and for a period of five years thereafter unless released prior thereto as hereinafter provided Such bond shall be executed by the operator and a corporate surety licensed to do business in the Commonwealth Provided however That the operator may elect to deposit cash or negotiable bonds of the United States Government or the Commonwealth of Pennsylvania the Pennsylvania Turnpike Commission the General State Authority the State Public School Building Authority or any municipality within the Commonwealth with the department in lieu of a corporate surety The cash deposit or market value of such securities shall be equal to the sum of the bond The Secretary of Mines shall upon receipt of any such deposit of cash or securities immediately place the same with the State Treasurer whose duty it shall be to receive and hold the same in the name of the Commonwealth in trust for the purposes for which such deposit is made The State Treasurer shall at all times be responsible for the custody and safekeeping of such deposits The operator making the deposit shall be entitled from time to time to demand and receive from the State Treasurer on the written order of the Secretary of Mines the whole or any portion of any securities so deposited upon depositing with him in lieu thereof other negotiable securities of the classes herein specified having a market value at least equal to the sum of the bond and also to demand receive and recover the interest and income from said securities as the same becomes due and payable Provided however That where securities deposited as aforesaid mature or are called the State Treasurer at the request of the operator shall convert such securities into such other negotiable securities of the classes herein specified as may be designated by the operator Contemporaneous with the filing of said registration certificate and any renewal thereof the operator shall pay to the department a filing fee of one hundred dollars (\$100.00) Should the area of land affected in each mine inspection district by open pit mining within the registration year exceed the estimate made in the registration certificate the operator shall within thirty (30) days [thereafter] if the area of land affected in each mine inspection district exceeds the estimate made file an amended registration certificate and additional bond but no filing fee shall be required in connection with the filing of such amendment

Section 2 The act is amended by adding after section 4 three new sections to read

Section 4.1 On or before the third day of each month every operator of a coal stripping operation shall furnish the mine inspector in whose district the operation is located on a form provided by the Department of Mines an accurate monthly report of coal produced number of employes and days worked and also a report of all fatal and nonfatal accidents for the previous month An annual report shall be furnished to the Secretary of Mines on forms provided for that purpose not later than the twenty-fifth day of January each year for the preceeding year

Section 4.2 All coal stripping operations coming within the provisions of this act shall be under the exclusive jurisdiction of the Department of Mines and shall be conducted in compliance with such reasonable rules and regulations as may be deemed necessary by the Secretary of Mines for the health and safety of those persons engaged in the work The Secretary of Mines through the mine inspectors shall have the authority and power to enforce the provisions of this act and the rules and regulations promulgated thereunder by him

Section 4.3 Any mine inspector directed by the Department of Mines shall have the right to enter upon and inspect all stripping operations for the purpose of determining conditions of safety and for compliance with

the terms of the registration certificate A mine inspector shall have the authority to order the halting of mine operations in any case where safety regulations are being violated where stripping operations exceed the acreage registered or where the bond may be inadequate to cover the acreage of the operation

Section 3 Section 5 of the act amended August 19, 1953 (P. L. 1175) is amended to read

Section 5 [Operation Report and Backfilling Within thirty (30) days after starting the removal of overburden at each operation for the removal of coal by open pit mining the operator shall file an operation report with the Department of Mines on a form to be prescribed and furnished by the secretary giving the following information (a) Name or number of the operation (b) Location of the operation as to county and township and with reference to the nearest public road (c) A description of the tract or tracts by metes and bounds and (d) The name and address of the landowner or his duly authorized representative]

The operator shall backfill the operation made by the open pit mining operation to a distance of [fifteen (15)] seventy-five feet beyond the boundary line of the right of way of any public highway and to a distance of two hundred feet from the property line of any dwelling house public building school church and community or institutional building The backfilling shall be done in such a manner as to insure lateral support [of a public highway] and to provide a slope having an angle not exceeding forty (40) degrees The Department of Mines may specify the time within which it shall be completed in order to protect the public safety [and may require such backfilling to be done in part before the completion of the open pit mining operation]

Nothing contained in this section shall be construed to prohibit the relocation of any public road in the manner provided by law

Section 4 Sections 8 9 and 10 of the act amended May 23, 1949 (P. L. 1730) are amended to read

Section 8 Upon receipt of said completion report or annual report the Secretary of Mines shall charge the land affected in each mine inspection district by open pit mining against the bond filed by the operator at the time of registration at the rate of [three hundred dollars (\$300.00)] four hundred dollars (\$400.00) per acre Should the land actually affected in each mine inspection district by open pit mining within the year exceed the estimate made at the time of registration the operator shall within thirty (30) days thereafter file an amended certificate and additional bond If the land actually affected in each mine inspection district by open pit mining during the registration year is less than the estimate made by the operator in the registration certificate the secretary shall at the end of the registration year release the surplus of the bond and collateral upon which liability has not been charged as aforesaid Provided That no bond or collateral shall be released below [three thousand dollars (\$3000.00)] four thousand dollars (\$4000.00) in the absence of complete compliance with the requirements of this act and should there be a failure of complete compliance with the requirements of this act then regardless of the number of acres remaining to be backfilled the entire bond shall be forfeited as provided in this act

Section 9 If the operator continues to engage in open pit mining of bituminous coal beyond the period for which a certificate has been filed the operator shall reregister with the Department of Mines as hereinbefore provided in the case of the original registration [Provided however That the operator may with the consent of the Secretary of Mines and the surety if any apply the surplus of the bond filed for the preceding year upon bond requirement for the year for which he is reregistering in lieu of a release of the surplus as provided in section eight (8)]

Section 10 Within one year after the operation is completed the operator shall place sufficient overburden or earth not containing reject coal or combustible material in the open cut to cover the exposed face of the unmined coal [which shall begin at least three feet above the top of the coal and shall extend to the bottom of the pit at



an angle not to exceed forty-five (45) degrees except where open pit mining cuts into active worked out or abandoned deep mine workings the] The angle shall not exceed forty-five (45) degrees from the top of the high wall to the bottom thereof and the peaks and ridges of spoilbanks shall be leveled and rounded off to such an extent as will permit the planting of trees grasses or shrubs Provided however That if the operator or other person desires to conduct drift mining upon the premises the operator may designate drift locations at which places it will not be necessary to so place overburden over the face of the coal Placing of overburden shall be postponed and the strip mine operator or the drift mine operator shall deposit with the Department of Mines a bond equal to the actual acreage reserved for drift mining at the rate of four hundred dollars (\$400.00) per acre which shall be released to the depositor after the drift mine operation has been abandoned and the area backfilled and planted as required by law Such drift location shall be described in the completion report and designated on the map attached thereto Provided also That if the operator desires to use the open cut as a haulageway for the removal of coal from other operations the Secretary of Mines may postpone the covering of the exposed face of the unmined coal for the duration of such use

Section 5 Section 16 of the act is amended to read

Section 16 Any operator who proceeds to mine bituminous coal by the open pit mining method without having [registered] received a registration certificate as herein provided or who proceeds to mine bituminous coal by the open pit mining method without securing an amended registration certificate or who fails to register and secure a new registration certificate as herein provided or who proceeds to mine bituminous coal by the open pit mining method without having furnished the proper bond as herein provided or who has filed false information in the application for a registration certificate shall be guilty of a misdemeanor and upon conviction shall be sentenced to pay a fine not exceeding five thousand dollars (\$5000.-00) [The fine shall be payable to the county in which the violation occurs] and further each day of a violation as herein set out shall constitute a separate and distinct violation The fines so collected shall be paid into and held by the State Treasurer in a special fund separate and apart from all other moneys in the State Treasury to be known as the "Bituminous Coal Open Pit Mining Reclamation Fund" and shall be used by the Secretary of Mines for the sole purpose of foresting or reclaiming land affected by open pit mining of bituminous coal upon lands situated in the county in which the violation occurred

On the question,

Shall the bill pass finally?

Mr. HEWITT. Mr. Speaker, I asked to have this bill held over until the next time we meet. It is now up for consideration, is it not?

The SPEAKER pro tempore. The Chair has been so informed.

Mr. HEWITT. I have tried to make myself plain to the people about the nature of this bill and said about all I can say about it. It is a piece of legislation that will do a great lot of harm to the stripping industry in the bituminous area. I would not be doing my duty if I did not get up and say something against the bill.

I have told a lot of the people about it and I think some of them are convinced and perhaps some are not. If you will not hold it over until we come back the next time, you will have to run it. That is all I can say.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—114

Adam,	Gelfand,	McGee,	Rudisill,
Agnew,	Goldstein,	Melachuk,	Sarrat,
Amarando,	Guss,	Metterter,	Scarcell,
Anderson, M. S.,	Hamilton, R. K.,	Meholchick,	Sherman,
Anderson, S. A.,	Hamilton, W. H.,	Makula,	Simon,
Barnatovich,	Hass,	Monroe,	Smith, Wm. B.,
Bazin,	Heavey,	Moran,	Snider,
Boles,	Hocker,	Muldowney,	Stank,
Bonner,	Holt,	Mullen,	Stebbins,
Boory,	Horst,	Munley,	Steckel,
Branca,	Jenkins,	Murphy,	Stone,
Brennan, A. P.,	Jones, G. E.,	Murray, J. J.,	Strausser,
Brennan, J. J.,	Jump,	Musto,	Stroup,
Buechlin,	Kamyk,	O'Neill,	Swartz,
Cianfrani,	Kolankiewicz,	Pacchioli,	Taylor,
Cioffi,	Kornick,	Parry,	Thomas,
Cochran,	Kubacki,	Pashley,	Toll,
Curwood,	Lawyer,	Paulhamus,	Wallace,
Dougherty,	Leiby,	Petrosky,	Wargo,
Ellberg,	Leven,	Polaski,	Welsh,
Filo,	Limper,	Polen,	Wheeler,
Fineman,	Lopresti,	Price,	Whitenight,
Flint,	Lovett,	Readinger,	Williams,
Floyd,	Lutty,	Reibman,	Wilt,
Flynn,	Markley,	Renwick,	Worley,
Frank,	Maxwell,	Rigby,	Yetter,
Frascella,	McCann,	Rosen,	Yetter,
Gaffney,	McCormack,	Rovansek,	Andrews,
Garlock,		Rubin,	Speaker

#### NAYS—61

Ashton,	Frost,	Kooker,	Royer,
Banker,	Gramlich,	Kratz,	Smith, C. C.,
Bell,	Guthrie,	Kromer,	Stevenson,
Blair,	Haudenschild,	Lafore,	Stoner,
Bower,	Helm,	Leisey,	Tompson,
Breisch,	Henzel,	Light,	Tompkins,
Brown,	Hewitt,	Lippincott,	Toomey,
Bullen,	Houk,	Magee,	Varner,
Comer,	Isaacs,	Mahan,	Wall,
Davis,	Johnson,	McInroy,	Waterhouse,
Donahue,	Jones, T. H. W.,	Moscrip,	Weidner,
Ehrgood,	Kehler,	Murray, H. P.,	Wescott,
Eshleman,	Keller,	Murray, P. G.,	Willaredt,
Ewing,	Kent,	Ogilvie,	Wood,
Farabaugh,	Knecht,	Pursley,	Ziegler,
Foster,			

#### NOT VOTING—34

Auker,	George,	Mihm,	Pomeroy,
Brenninger,	Gibb,	Miller,	Reidenbach,
Breth,	Gibson,	Mills,	Schuster,
Capano,	Greenwood,	Moodv,	Stephens,
Connelly,	Kline,	Naugle,	Varallo,
Cooper,	Leonard,	Needham,	Vaughan,
Donaldson,	McKeever,	Olsen,	Verona,
Down,	Metz,	Pettigrew,	Walsh,
Erb,			Young,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

#### PERMISSION TO ADDRESS HOUSE

Mr. CHARLES C. SMITH asked and obtained unanimous consent to address the House.

Mr. CHARLES C. SMITH. Mr. Speaker, if the House is not too busy at this time, and we don't seem to be, I would like to make a few suggestions, if it meets with the approval of the Chair.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Philadelphia, Mr. Charles C. Smith, for the purpose of making a statement.

Mr. CHARLES C. SMITH. Mr. Speaker, the last few weeks we have heard a lot pro and con on the sales tax. We have heard from a lot of people who want to be for a sales tax and a lot of people who do not want to be for a sales tax. All of us seem to be getting nowhere.



It just struck me that we are going to have a holiday for about fifteen days and that something might be worked out.

The Ways and Means Committee met and I hear by the grapevine that sales tax bills were tabled.

Let us once and for all, some of us, decide to take the bull by the horns and at least do something for the people of Pennsylvania, at least give them a break over Christmas. We don't know where we stand, you don't know where you stand, we think we know where the Governor stands, but minds have been changed so often that sometimes I think it might be advisable to clear it once and for all.

We have had meetings with the Governor, and when we do have meetings there seem to be misunderstandings arising after the meetings, the Republicans say this and the Democrats say that. I have been accused by some individuals of being for or being against the sales tax. It depends where you stand at the time.

I do not think that I or anyone in this House can be for any tax unless we have a right to vote on it. I do not think we can discuss taxes as long as the Governor takes a stand where he says he will veto it. He doesn't say he will veto a one per cent, he doesn't say he will veto a two per cent, or he doesn't say he will veto a three per cent tax.

I would like, if it meets with the approval of the Chair, and I see the Speaker himself is not too busy, to recess this House immediately and let the Speaker of the House pick a committee on his side of two members, including himself, I would like to be given the same opportunity of picking a committee on this side of the House of two Members—or three Members including myself,—three with the Speaker. I would like the Press among themselves to pick their own committee of three members.

Let us go over to the Governor right now and ask the Governor what he is going to do. If he will ever consider a sales tax, what kind of a sales he will consider, or if he will not consider any sales tax? I want the Press in on this thing so it is given to the public in the right way.

#### MOTION TO RECESS

Mr CHARLES C. SMITH. Mr. Speakekr, I move to immediately recess this House for a few minutes so the committees picked by the Speaker, my committee and the Press can go to the Governor and settle this question this year. Let's get this thing over with.

On the question,

Will the House agree to the motion?

#### PERMISSION TO ADDRESS HOUSE

The SPEAKER. (Mr. Andrews), asked and received unanimous consent to address the House.

Mr. Speaker, the suggestion made by the Minority Leader is unacceptable. We presume the Minority Leader can read, and we would remind him that when a Governor of a great Commonwealth says repeatedly that he will not accept a sales tax that that is what he means, and it is an insult to question his integrity.

The gentleman has said that nobody knows where anybody is. We know where at least 98 of the Democratic Members of this House are and we do not have the faintest notion what the sentiments regarding a sales tax are on the other side of the aisle.

The Democratic caucus stands at the present time at least 98 votes against a sales tax and we would remind the Minority Leader that notwithstanding all of the knowledge of parliamentary law he possesses, or the record he has had, that he can change his mind, because since the beginning of this session he has changed his mind on various matters. He has always said he would never vote to discharge a Committee, but he might find himself with 90 panting Republicans that want to vote for a sales tax, and even though he has said that never, no, never, will he vote to discharge a Committee, since his devotion to the sales tax is so intense, so driving, we might suggest that he lay aside his parliamentary prejudices and just tell the people of this Commonwealth, and tell the Governor of the Commonwealth how many votes he has to override a veto, and tell us how many votes he has. He might see, he might see, a development, who knows where? Over here miracles happen. To 97 Republican votes to override a veto there might be a lot of Democrats. Who knows? But, at least, since the gentleman desires to ascertain the facts, let him convene his caucus instead of sending a delegation to see the Governor. Let him convene his caucus and come back and tell the Members of this House and tell the people in the Commonwealth how many votes he has for a sales tax.

Mr. CHARLES C. SMITH. Mr. Speaker, I take it now that the gentleman, the Speaker of the House, is taking the prerogative of definitely speaking for the Governor. If that be so, that is fine. That is what I want to know, I want to pinpoint who is doing the speaking for whom around here.

In the second place, if the gentleman is right when he says the Governor will definitely veto a sales tax and that we tread on his integrity, again there is no use of even attempting to discharge a Committee.

Perhaps for the gentleman's information he had better get correct in his mathematics. He is offering us 90 votes, which means 16 votes they will give. I wonder if the gentleman knows it takes a two-thirds vote to override a veto? Will they supply the balance of votes? If they are going to override a veto, their party is going to have to be part of it. Don't throw your figures around so loosely, Mr. Speaker.

And speaking of changing one's mind, perhaps the Governor might change his mind. I thought perhaps he did want to work out a fiscal situation. For the gentleman's information, I have stood on the floor of this House and said I would never vote for a three per cent sales tax to pull the Governor out of a hole when he left the other one expire, so don't try to tag me with being a sales tax individual.

We will support a sales tax probably if the Governor would say that he would sign it, but now the gentleman has definitely quoted the Governor, said he would not sign a sales tax under any condition and has not come along and said they would supply votes to override his veto.

I think then, Mr. Speaker, we ought to agree on one thing with the gentlemen on the other side of the House, we will do it with them if it meets with their approval, we will forget sales tax. We will not even mention it. There would be no use of bringing up the question of discharging a Committee.

I will stand on my record, and I think the Republican majority, when we were in the majority, the gentleman



remembers, never voted to discharge a Committee. We will not vote to discharge any Committee on any bill, regardless of the sales tax, and the gentleman knows it. We will be consistent in our thinking.

Now we have cleared the air. We definitely heard from the spokesman for the Governor, and he speaks with the authority I know him to have, that he will definitely veto a sales tax. Let the gentleman forget about discharging Committees, let the gentleman forget about talking sales tax, and let the Ways and Means Committee keep it buried where it now is, evidently that is the way they feel, and let us during the interim try to work out an equitable tax program for the people of this Commonwealth.

If the gentleman feels that is going to be the basis, that perhaps the Governor might change his mind, because he plainly says that I do, and I have that prerogative—I think any man's mind should be flexible enough to change—if I have changed mine, perhaps the Governor might change his.

So I would suggest to you to put your own sales tax bill in and supply the votes and see how many of us on the minority side will come through with votes to help you out.

Mr. ANDREWS. I desire to reply forcefully to the gentleman from Philadelphia. The gentleman says "let's forget the sales tax." We would like to know for whom he speaks. How far his authority goes. Sales tax agitation has not proceeded from this side of the House. Sales tax agitation has not proceeded from any prominent Democratic leader that I know anything about. I would like to know for whom the gentleman from Philadelphia speaks.

Talking about an agreement about conferences and all that sort of thing, will the gentleman who is well acquainted with processes in another place please tell us with what authorized agents this House can deal, can talk to or confer with, with any certainty that the conclusions arrived, at as a result of man to man conferences today, will be kept tomorrow?

What this House needs and what those who function in another place need is, what facility can we create that would enable a responsible committee of this House to confer with a responsible committee that serves in another place, to thrash out some of these things at the legislative level. I shall agree with that. But up to the present time, there has been no one among those who serve in another place with whom we can confer with any assurance that the conclusions arrived at will hold. We are dealing so far, in so far as they who serve in another place are concerned, with a leaderless corp.

Now, the thing to do is to establish some semblance of parliamentary responsibility. We know where we stand. The gentleman says he does not know how strong the sales tax, is running. We know how strong it is running, one way or another, over on this side. The only mystery is how many folks they have over there for the baby that the gentleman says has now been definitely abandoned. But there is no weeping on this side of the aisle.

Mr. CHARLES C. SMITH. Just as a reminder to the Speaker, when the gentleman wants to know on what authority I speak on the sales tax, I now speak and will speak in the future on the authority of the Speaker of this House.

He has assured us again and again tonight that the Governor will not sign a sales tax. I speak on his authority at this point, and I also say, and I do not do this to shift any responsibility, if he is speaking for the Governor and he is actually quoting the Governor, and I believe his integrity would not permit him to make those statements if he were not on sure ground, I then say that we will forget the sales tax. Let them stop making a political football of it and let us get to work and solve this problem, regardless of who is saying what.

We have a problem in Pennsylvania. You know it, I know it and the people know it. Now, if that be true, and I think we all recognize that the Speaker has ruled out the sales tax without any doubt here at this time, who would be foolish enough to even consider a sales tax or to talk about it? Let us honestly be practical, and let us all be honest with the people of Pennsylvania. The Speaker ruled it out so come up with another tax program and maybe we can get together.

And keep one other thing in mind. When the Governor so avidly goes around speaking of what we the terrible Republicans do, there was never a Republican considered when the excise tax was brought up. I plead with you people on the other side of the House. You knew you had a hot potato and you got rid of it, smartly political for yourself, but you were told, and I don't like to be a fellow who said, "I told you so," you knew what you had and your own Democratic Senators couldn't hold up under it. I told you at the beginning of this session that the Governor talks bipartisanship out of one side of his mouth and then tries to knock our brains out on the other side. Let him for goodness sake sit down, if he really wants to solve a tax program, and try to give us a tax program. Let us rule the sales tax out if they are the Speaker's words and the Governor's words, let us both forget about it, but let us come up with something that is going to do the job and get this Legislature out of here and solve the financial crisis which we hear so often from the other side, which they evidently seem to want to continue, because now we can start on the firm basis of letting them tell us what they want and perhaps we can go along or supply some votes at some point of the game.

The SPEAKER pro tempore. The Chair would inquire of the gentleman from Philadelphia if he insists upon his motion or withdraws it.

Mr. CHARLES C. SMITH. I would like to take a vote on the motion, Mr. Speaker, yes.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Berks, Mr. Readinger.

Mr. READINGER. Mr. Speaker, before the motion is put on the question, may I interrogate the Minority Floor Leader?

The SPEAKER pro tempore. Will the Minority Leader permit himself to be interrogated?

Mr. CHARLES C. SMITH. I shall, Mr. Speaker.

Mr. READINGER. May I ask the gentleman whether he said in his remarks that the proposal he made was brought about by the grapevine or the grape wine?

Mr. CHARLES C. SMITH. I believe, Mr. Speaker, the gentleman knowing that I do not drink, smoke or look at the girls; it could not be grape wine.

Mr. READINGER. I thank the gentleman.



May I suggest, Mr. Speaker, that it would be rather useless to put this motion, in view of the fact that the motion was, as I understand it, that the Speaker should appoint a committee, a certain number of people, including members of the Press, the Speaker has already stated that he would not appoint such a committee. So I wish the gentleman would withdraw his motion.

#### MOTION WITHDRAWN

Mr. CHARLES C. SMITH. In fairness to the gentleman, Mr. Speaker, I must say that I probably should withdraw the motion. I did not let him know about it. There may be a count of noses and I don't want him to think that we are taking advantage of him because we may have more members on this side of the House than he has. If the gentleman and the Speaker both desire that this motion be withdrawn, I will withdraw it but still think it was a mighty good idea to work out something.

The SPEAKER pro tempore. The Chair thanks the gentleman for withdrawing the motion.

#### PERMISSION TO ADDRESS HOUSE

Mr. READINGER asked and obtained unanimous consent to address the House.

May I say for the benefit of the Minority Leader and his colleagues that he can be very sure that the matter of taxes is being considered daily by the membership on this side, and there is not going to be any cessation of meetings in consideration of another tax program, now that the Senate has killed our last one.

If he is concerned about the fact that the Ways and Means Committee has met and has decided to table the sales tax bills, if he is concerned and thinks that no other tax bills will be considered he is greatly mistaken. We said a long time ago and have repeatedly said that we recognize our responsibility of financing this Commonwealth and we are going to carry it out. It might be very distasteful to continue to conceive and try to enact one tax program after another, which his party is killing, but it is our job to do it in the House, and we are going to do it. There is not going to be any delay.

#### INTERROGATION

The SPEAKER pro tempore. For what purpose does the gentleman from Blair, Mr. Auker, rise?

Mr. AUKER. I would like to interrogate the Majority Floor Leader, Mr. Speaker, if I may.

The SPEAKER pro tempore. Will the Majority Leader permit himself to be interrogated?

Mr. READINGER. I shall, Mr. Speaker.

Mr. AUKER. Mr. Speaker, I would like to ask the Majority Floor Leader if he made the statement that if a motion passed this House authorizing the Speaker to appoint a committee that the Speaker would refuse to do it?

Mr. READINGER. No, I didn't make that statement. I said the Speaker has indicated that he did not want to appoint such a committee and, therefore, I asked the gentleman to withdraw his motion and not compel the Speaker to appoint such a committee. But I suppose if this House passed a motion that the Speaker should do something within the realm of his jurisdiction he would have no choice. He would have to do it.

Mr. AUKER. That is all, Mr. Speaker.

Mr. CHARLES C. SMITH. I hesitate about prolonging discussion at this late hour but I do think there is another word, or suggestion, that if the Majority Leader is sincere in saying that they and the Governor are trying to work out a tax program, I sincerely hope the Governor will consider that he does have a Republican majority in the Senate, and that it might be advisable for him to sit down with the Republican majority and work out a tax program before they try to stick it down our throats like they did the last one. And, perhaps, if he is honest and sincere in his efforts, and I mean that honestly, in his efforts, perhaps a tax program can be worked out right after the first of the year.

Mr. READINGER. May I remind the Minority Leader that some months ago a sincere effort was made to sit down with the Republican leadership in the Senate by the Governor and by the leadership on this side of the House. He attended some of the meetings and he knows what they were.

As I recall, the House said we won't pass any appropriation bills until you give us a tax program, and the Senate said we won't pass any tax bill until you give us an appropriation program. So there has been more than one attempt made to sit down and work this thing out with no success to date.

That doesn't mean we should not keep on trying. In my opinion the Governor and the leadership on this side of the House will certainly consult with the Republican leadership in the Senate. Because we have seen two of our tax bills die and we certainly have no desire to see another one go the same way.

#### BILL ON THIRD READING

Mr. READINGER. Mr. Speaker, I call up on page 5 of today's calendar, bills on third reading, House Bill 926.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 926, as follows:

An Act amending the act of April 28, 1937 (P. L. 417) entitled "An act relating to milk and the products thereof creating a Milk Control Commission establishing its jurisdiction powers and duties regulating the production transportation manufacturing processing storage distribution delivery and sale of milk and certain products thereof providing for the licensing of milk dealers and the payment of fees therefor requiring milk dealers to file bonds to secure payment for milk to producers and certain milk dealers authorizing the holding of hearings and the issuance of subpoenas by the commission conferring jurisdiction upon courts to punish contempt and to prohibit violations of this act and of rules regulations and orders of the commission authorizing the commission to adopt rules regulations and orders and to enter into interstate and Federal compacts requiring persons who weigh measure sample or test milk to procure permits or certificates to take examinations to pay fees therefor to furnish certain notices records and statements and to use certain methods of weighing measuring sampling and testing authorizing the commission to examine the business papers and premises of milk dealers and producers requiring the keeping of records and the filing of reports by milk dealers and permitting with limitations the use of information thereby authorizing the commission to fix prices for milk and certain milk products subject to the approval of the Governor and conferring certain powers upon the Governor with respect thereto providing for appeals to the courts from decisions of the commission and for the burden of proof upon such appeals prescribing



ing penalties fines and imprisonment for violations of this act and rules regulations and orders of the commission defining perjury defining remedies repealing legislation supplied and superseded by this act and saving rights duties and proceedings thereunder and making appropriations" requiring testing of composite sample within five days after taken and changing testing place

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The third paragraph of section 606 act of April 28, 1937( P. L. 417) known as the "Milk Control Law" is amended to read

Section 606 Samples Check Tests \* \* \*

The commission [may] shall require that the composite samples be tested [on the premises where they are taken] at the plant where the milk is received within five days from the end of the period when the composite samples were taken After such samples have been tested their residues shall be held intact and in condition suitable to test on the premises where they are tested for a further period of not less than ten (10) days after the rendering of a statement to the producer for milk delivered during such period in order to make possible a check test

\* \* \*  
Section 2 This act shall take effect immediately

And said bill having been read at length the third time, considered and agreed to.

On the question,  
Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

A verification of the roll was required by Messrs. LIGHT, OGILVIE, STONER and DAVIS.

The affirmative roll was verified and the roll was as follows:

YEAS—90

Adam,	Fineman,	Lovett,	Rosen,
Amarando,	Flint,	Maxwell,	Rubin,
Anderson, M. S.,	Floyd,	McCann,	Sarraf,
Anderson, S. A.,	Flynn,	McCormack,	Scarcelli,
Barnatovich,	Frank,	McGee,	Sherman,
Bazin,	Frascella,	McLaughlin,	Snider,
Boles,	Gaffney,	McWherter,	Stank,
Bonner,	Gelfand,	Meholchick,	Stephens,
Boory,	Guss,	Monroe,	Swartz,
Branca,	Hass,	Moran,	Taylor,
Brennan, A. P.,	Heavey,	Mullen,	Thomas,
Brennan, J. J.,	Holt,	Munley,	Toll,
Breth,	Jenkins,	O'Neill,	Verona,
Bucchin,	Jones, G. E.,	Pacchioli,	Wallace,
Capano,	Kamyk,	Pashley,	Wargo,
Cianfrani,	Kornick,	Paulhamus,	Welsh,
Cioffi,	Kubacki,	Petrosky,	Whitenight,
Cochran,	Lawyer,	Pettigrew,	Williams,
Comer,	Leiby,	Polaski,	Worley,
Curwood,	Leven,	Readinger,	Yetter,
Dougherty,	Limper,	Reibman,	Yetter,
Eilberg,	Lopresti,	Renwick,	Andrews,
Filo,			Speaker

NAYS—78

Agnew,	Goldstein,	Lafore,	Sigman,
Ashton,	Gramlich,	Lelsey,	Smith, C. O.
Auker,	Guthrie,	Light,	Steckel,
Banker,	Hamilton, W. H.,	Magee,	Stevenson,
Bell,	Haudenschild,	Mahan,	Stoner,
Blair,	Helm,	Markley,	Strausser,
Brelsich,	Henzel,	McInroy,	Stroup,
Brown,	Hocker,	Mikula,	Thompson,
Bullen,	Horst,	Moody,	Tompkins,
Connelly,	Houk,	Moscip,	Toomey,
Davis,	Isaacs,	Murphy,	Varnier,
Donahue,	Johnson,	Murray, H. P.,	Wall,
Ehrgood,	Jones, T. H. W.	Murray, P. G.,	Waterhouse,
Eshleman,	Jump,	Ogilvie,	Weidner,
Ewing,	Kehler,	Parry,	Wescott,
Farabaugh,	Keller,	Price,	Willaredt,
Foster,	Kent,	Pursley,	Wilt,

Frost,  
Garlock,  
Gibb,

Knecht,  
Kratz,  
Kromer.

Rovansek,  
Royer,

Wood,  
Ziegler,

NOT VOTING—41

Bower,  
Brenninger,  
Cooper,  
Donaldson,  
Down,  
Erb,  
George,  
Gibson,  
Greenwood,  
Hamilton, R. K.,

Hewitt,  
Kline,  
Kooker,  
Leonard,  
Lippincott,  
Lutty,  
McKeever,  
Metz,  
Mihm,  
Miller,

Mills,  
Muldowney,  
Murray, J. J.,  
Musto,  
Naugle,  
Needham,  
Olsen,  
Polen,  
Pomeroy,  
Reidenbach,

Rigby,  
Rudisill,  
Schuster,  
Smith, W. B.,  
Stebbins,  
Stone,  
Varallo,  
Vaughan,  
Walsh,  
Wheeler,  
Young,

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the bill falls.

BILLS PASSED OVER

The SPEAKER pro tempore. If there is no objection, all other bills on the calendar will be passed over. The Chair hears none.

CONCURRENT HOUSE RESOLUTION NO. 124

Mr. READINGER. Mr. Speaker, I call up on page 11 of today's calendar House Resolution No. 124.

The resolution was read, considered and adopted as follows:

In the House of Representatives, November 21, 1955.

During the past several years, riots and disturbances have occurred in many of the prisons and correctional institutions of this Commonwealth

Charges and accusations of an unfavorable nature have more recently been levelled against certain of the Juvenile Correctional and Mental Institutions of this Commonwealth

The riots and disturbances become a useless unwarranted and additional expense to the Commonwealth in the destruction of property jeopardy to health limb and life and a threat to the peace and security of the community

The charges and accusations are detrimental to the health and welfare program of this Commonwealth in making it difficult to retain present personnel to procure new and additional personnel required for the efficient and proper operation and administration of our institutions and in creating extremely disturbing conditions among and with the population of the institutions

It appears that the conditions and circumstances which induced the riots disturbances charges and accusations could have been avoided by a closer and more constant inspection of these institutions therefore be it

Resolved (if the Senate concur) That a permanent committee of six members of the General Assembly be created three from the House of Representatives to be appointed by the Speaker and three from the Senate to be appointed by the President Pro Tempore whose duty it shall be from time to time to make unannounced visits to and inspections of all Commonwealth-owned and Commonwealth-aided institutions and to make periodic reports thereof to the House of Representatives and Senate when in session and to the Governor the Speaker of the House and the President Pro Tempore of the Senate when the General Assembly is in recess

Ordered, That the Clerk present the same to the Senate for concurrence.

SENATE RESOLUTION SERIAL NO. 154

Mr. READINGER. Mr. Speaker, I call up on page 11 of today's calendar, Senate Resolution Serial No. 154.



The resolution was read, considered and adopted as follows:

SENATE SERIAL No. 154.

In the Senate, October 11, 1955.

The Commonwealth through its General State Authority is constructing an important flood control dam on the First Fork of the Sinnemahoning Creek in Grove Township, Cameron County, at a location originally selected by the United States Army Engineers. The dam when completed and put into operation at full capacity will form a lake of 1485 acres in area in Cameron and Potter Counties.

Because of his untiring efforts in securing effective flood control for the West Branch of the Susquehanna River and his active interest and assistance in furthering the construction of the First Fork Sinnemahoning Dam, it is fitting that the Honorable George B. Stevenson, Senator from the Twenty-sixth Senatorial District, be honored in connection therewith; therefore be it

Resolved (the House of Representatives concurring), That the flood control dam on the First Fork of the Sinnemahoning Creek in Grove Township, Cameron County, be designated as the George B. Stevenson Dam; and be it further

Resolved, That the Department of Forests and Waters erect suitable tablets or markers on the dam to perpetuate this resolution.

Ordered, That the Clerk inform the Senate accordingly.

RECESS

Mr. READINGER. Mr. Speaker, I request that when the business of the moment is finished, the Speaker declare a recess until 10 p. m. tonight.

I am informed that the conferees who were considering Senate Bill 785 have reached an agreement and that the conference report will be in print and ready for adoption by that time.

Since that has occurred, it is unnecessary to have any session tomorrow, and when we finish tonight we shall not be required to come back until next Wednesday, and not even then unless the Members are so notified.

RECESS

The SPEAKER pro tempore. If there is no objection, the Chair will declare a recess until 10:00 p. m. The Chair hears none and a recess is declared.

AFTER RECESS

The time of recess having expired, the House was called to order.

The SPEAKER (Hiram G. Andrews) in the Chair.

BILLS INTRODUCED AND REFERRED

By Mr. GRAMLICH. HOUSE BILL No. 1954.

An Act amending "The Vehicle Code," approved May 1, 1929 (P. L. 905) regulating the passing of school buses in residential districts.

Referred to the Committee on Motor Vehicles.

By Messrs. WHITENIGHT and BOWER.

HOUSE BILL No. 1955.

An Act amending the act of September 3, 1955 (Appropriation Act No. 17-A) entitled "An act making an appropriation to the Council of Civil Defense for disaster relief in connection with the hurricane and flood damage of August, one thousand nine hundred fifty-five," making

the moneys appropriated available for flood damage of October, 1955.

Referred to the Committee on Appropriations.

RESOLUTION INTRODUCED AND REFERRED

By Messrs. DAVIS, FLINT, RENWICK and JOHNSON.  
(Concurrent) RESOLUTION No. 142.

In the House of Representatives, December 20, 1955.

The withdrawal of locally owned land from local taxation by Federal and State government acquisition poses a generations-old problem in Pennsylvania.

In the past there have been attempts by statutes to compensate governments at the local levels for the ensuing losses of taxing potentials. However, these efforts have been of a fragmentary nature. The problem has never enjoyed a broad-gauge study wherein all aspects have been studied, weighed and made the subject of a recommended, fully-integrated program.

For the lack of a soundly rooted and well considered program, four counties have suffered serious losses of State moneys in lieu of taxes from Federal and State owned lands beginning in 1953. These counties are Elk, Forest, McKean and Warren. At best, and only until the end of 1956 will these four counties have their lost revenues restored if pending legislation be enacted.

Clearly, a thorough study and the formulation of an equitable, realistic and long range policy is needed; therefore be it

Resolved, (the Senate concurring) That the Joint State Government Commission is directed to make a complete study, including (1) losses to local government units in Pennsylvania caused by Federal and State government ownership of local lands, (2) the efforts which the Federal government is making to compensate for local tax losses involved in withdrawal of lands to Federal ownership, (3) the involvements and obligations of Commonwealth departments and agencies, (4) the various proved systems by which local units could be compensated by Federal and State governments; and be it further

Resolved, That the Joint State Government Commission report to the next regular session of the General Assembly its findings and recommendations, with drafts of legislation necessary to carry the recommendations into effect.

Referred to the Committee on Rules.

SENATE MESSAGE

AMENDED HOUSE BILL RECALLED FROM GOVERNOR CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 834

An Act amending the act of May 9, 1949 (P. L. 927), entitled "An act fixing and regulating the fees, commissions, mileage and other costs chargeable by the sheriff in counties of the second, third, fourth, fifth, sixth, seventh and eighth classes, for their official acts and the services of their deputies, watchmen, appraisers, and other agents; requiring prepayment of same, unless secured or chargeable to the county, and delivery of itemized receipts therefor; requiring certain payments by the county, including the compensation of special deputies, providing for the taxation and collection of fees, commissions, mileage and other costs; requiring salaried sheriffs to account to the county for certain fees and commissions collected; and repealing inconsistent laws, general special or local," changing fees, commissions, mileage and other costs chargeable by sheriffs.

Said bill having been recalled from the Governor for



the purpose of amendment, the vote had on final passage and third reading on said bill was reconsidered in the House and the bill amended, in which amendments the Senate has concurred.

### BILLS SIGNED BY SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

#### HOUSE BILL No. 114

An Act to repeal Section 518 of and to add a new section 518.1 to the act approved the twenty-second day of May one thousand nine hundred thirty-three (P. L. 853) entitled "An act relating to taxation designating the subjects property and persons subject to and exempt from taxation for all local purposes providing for and regulating the assessment and valuation of persons property and subjects of taxation for county purposes and for the use of those municipal and quasi-municipal corporations which levy their taxes on county assessments and valuations amending revising and consolidating the law relating thereto and repealing existing laws" by eliminating all the provisions of the act which regulate the payment of the taxes pending appeals from assessments.

#### HOUSE BILL No. 834

An Act amending the act of May 9, 1949 (P. L. 927), entitled "An act fixing and regulating the fees, commissions, mileage and other costs chargeable by the sheriff in counties of the second, third, fourth, fifth, sixth, seventh and eighth classes, for their official acts and the services of their deputies, watchmen, appraisers, and other agents; requiring prepayment of same, unless secured or chargeable to the county, and delivery of itemized receipts therefor; requiring certain payments by the county, including the compensation of special deputies, providing for the taxation and collection of fees, commissions, mileage and other costs; requiring salaried sheriffs to account to the county for certain fees and commissions collected; and repealing inconsistent laws, general, special or local," changing fees, commissions, mileage and other costs chargeable by sheriffs.

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

### REPORT OF COMMITTEE OF CONFERENCE ON SENATE BILL NO. 785

Mr. POLEN. Mr. Speaker, I present the report of the Committee of Conference on Senate Bill No. 785.

The SPEAKER. This being a Senate Bill, the report will lie over for printing by the Senate

### SENATE MESSAGE

#### SENATE ADOPTS REPORT OF COMMITTEE OF CONFERENCE ON SENATE BILL No. 785

The Clerk of the Senate being introduced, informed that the Senate has adopted the report of the Committee of Conference on the subject of the difference existing between the two Houses on Senate Bill numbered and entitled as follows:

#### SENATE BILL No. 785.

An Act to provide for the ordinary expenses of the Department of Public Instruction for two years beginning June first one thousand nine hundred fifty-five and for the payment of bills incurred and remaining unpaid at

the close of the fiscal year ending May thirty-first one thousand nine hundred fifty-five and making appropriations to the Department of Public Instruction for reimbursements to school districts.

### REPORT OF COMMITTEE OF CONFERENCE ON SENATE BILL NO. 785

Mr. READINGER. Mr. Speaker, I call up the report of the Committee of Conference on Senate Bill No. 785.

The report was read by the Clerk as follows:

### REPORT OF THE COMMITTEE OF CONFERENCE ON SENATE BILL No. 785

To the Members of the Senate and House of Representatives:

We, the undersigned, Committee of Conference on the part of the Senate and House of Representatives for the purpose of considering Senate Bill No. 785, entitled: An Act to provide for the ordinary expenses of the Department of Public Instruction for two years beginning June first, one thousand nine hundred fifty-five and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred fifty-five and making appropriations to the Department of Public Instruction for reimbursements to school districts.

Respectfully submit the following bill as our report:

The names of the Senate Conferees are:

PAUL L. WAGNER,  
EDWARD J. KESSLER,  
HARRY E. SEYLER,

The names of the House Conferees are:

J. DEAN POLEN,  
STEPHEN McCANN,  
ALBERT W. JOHNSON.

An Act to provide for the ordinary expenses of the Department of Public Instruction for two years beginning June first one thousand nine hundred fifty-five and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred fifty-five and making appropriations to the Department of Public Instruction for reimbursements to school districts

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of four hundred twenty-three million eight hundred forty thousand dollars (\$423,840,000) or as much thereof as is necessary is appropriated to the Department of Public Instruction for reimbursing school districts upon the salaries of school teachers and upon the basis of teaching units as prescribed by law for closed schools and for nonresident high school tuition and any other nonresident tuition as required by law and for the minimum salaries of teachers and supervisors of home bound children and extension class pupils Provided That the Superintendent of Public Instruction with the approval of the Governor may make payments from this appropriation in advance of the due dates prescribed by law to school districts which are financially handicapped whenever he deems it necessary to make such advanced payments to enable school districts to keep their public schools open

Section 2 An additional sum of thirty-one million dollars (\$31,000,000) or as much thereof as is necessary is appropriated to the Department of Public Instruction to be used for reimbursing school districts upon salaries of school teachers if and when legislation is enacted in the 1955 session of the General Assembly increasing the annual compensation of school teachers

Section 3 The following sums or as much thereof as may be necessary are hereby specifically appropriated from the general fund to the Department of Public Instruction for the purpose hereinafter set forth for the



two years beginning June first one thousand nine hundred fifty-five and for the payment of the bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred fifty-five

For the payment of the salary of the Superintendent of Public Instruction and for the payment of salaries wages or other compensation of Deputy Superintendents and other employes for the payment of general expenses supplies printing and equipment necessary for the proper conduct of the work of the department and the State Council of Education the sum of one million six hundred forty thousand dollars (\$1,640,000)

For the payment of salaries wages or other compensation of employes for the payment of general expenses supplies printing and equipment and for the purchase of books maps charts manuscripts records exchanges pamphlets illustrations lantern slides periodicals parliamentary papers legal books and periodicals subscriptions to newspapers necessary for the proper conduct of the work of the Department with respect to the State Library the sum of four hundred eighty-three thousand dollars (\$483,000)

For the payment of salaries wages or other compensation of a deputy member and other employes for the payment of general expenses supplies printing and equipment necessary for the proper conduct of the work of the department of public instruction with respect to professional education and licensure and the professional examining boards and advisory committees within the department the sum of one million sixteen thousand dollars (\$1,016,000)

Provided that no part of this appropriation shall be expended for any purpose other than the work of the department with respect to pre-professional professional education and licensure the professional examining boards and advisory committees within the department

For the payment of salaries wages general expenses supplies printing and equipment necessary for the work of the department in advising and coordinating the work of the Pennsylvania Federation of Junior Historians in the secondary schools of the Commonwealth the sum of twenty thousand dollars (\$20,000)

For the payment of salaries wages and other compensation of members and other employes for the payment of general expenses supplies printing equipment and the purchase of tests for the proper conduct of the work in the department of public instruction with respect to the conduct of examination for the evaluation of credentials issuance of preliminary education certificates and the determination evaluation and issuances of equivalent high school credits certificates or diplomas the sum of eighty-five thousand dollars (\$85,000)

For the payment of salaries wages and all other expenses of the department in conducting examinations of auditory acuity of pupils in public schools the sum of fifty thousand dollars (\$50,000)

For the payment of salaries wages general expenses supplies printing and equipment necessary for the work of the department with respect to the acquisition of federal surplus property and the distribution of such property to schools and other agencies authorized to receive it the sum of one hundred thousand dollars (\$100,000)

And Be It Provided that moneys collected from schools and agencies to whom such property shall have been distributed covering cost of acquisition and handling shall be paid into the general fund and credited to this appropriation and available for the purposes for which this appropriation has been made

For the payment of salaries wages general expenses supplies printing and equipment necessary for the work of the department and the State Board for Vocational Education in licensing and regulating private schools private trade schools business schools and correspondence schools and classes the sum of one hundred fifty-eight thousand dollars (\$158,000)

For the payment of salaries wages general expenses supplies printing and equipment necessary for the work of the Department in providing large-type books for partially sighted children in the public schools the sum of thirty thousand dollars (\$30,000)

For the payment of salaries wages general expenses supplies printing and equipment necessary for the work of the department in providing farm and home safety education through the schools and farm and home organizations in the Commonwealth the sum of twenty-nine thousand dollars (\$29,000)

For the payment of the salaries wages general expenses supplies printing and equipment necessary for the purpose of revising the elementary secondary and vocational curricula in the public schools of the Commonwealth in accordance with the provisions of Act 551 approved July seventh one thousand nine hundred forty-seven (P. L. 1427) the sum of eighty thousand dollars (\$80,000)

All moneys collected from the sale of any publications issued pursuant to said act shall be paid into the general fund and credited to the foregoing appropriation and are hereby appropriated for the same purposes in addition to the amount hereinbefore appropriated

For the payment of salaries wages general expenses supplies printing and equipment necessary for the work of the department in accrediting facilities for the training of veterans the sum of fifty-six thousand dollars (\$56,000)

Provided that thirty-six thousand dollars (\$36,000) of the appropriation made by this paragraph shall be used by the department as working capital only and shall lapse at the end of the biennium in the full amount in addition all moneys collected from the federal government shall be credited to the appropriation made by this paragraph

For the payment of salaries wages printing supplies and general expenses necessary to carry out the provisions of the act approved the thirteenth day of May one thousand nine hundred twenty-five (P. L. 644) entitled "An act relating to and regulating the solicitation of moneys and property for charitable religious benevolent humane and patriotic purposes" the sum of twenty-five thousand seven hundred dollars (\$25,700)

For the payment of salaries wages general expenses supplies printing and equipment necessary for the work of the department with respect to the public school employes retirement board the sum of six hundred twenty thousand dollars (\$620,000)

For the payment of salaries wages postage printing and other necessary expenses incurred in the operation of speech and hearing rehabilitation centers as provided by law the sum of three hundred five thousand dollars (\$305,000)

For the payment of expenses incurred in maintaining administering supervising and operating day care training centers for mentally handicapped children as provided by law the sum of two hundred thousand dollars (\$200,000)

For the payment of salaries wages or other compensation of the presidents or principals and other employes for the expenses of maintaining and operating automobiles and other equipment for the payment to the department of property and supplies of mileage charges for the use of automobiles for the purchase of supplies food and fuel for repairs alterations and improvements to plant and equipment for improvements to land for the purchase of equipment furniture and furnishings for the expenses of boards of trustees and incidental expenses for the payment to fire companies of costs of fighting fires upon approval of the institution and the department and for all other expenses of maintenance and operation necessary for the proper conduct of the work of the state teachers colleges as may be authorized and approved by the superintendent of public instruction the sum of fifteen million dollars (\$15,000,000) and in addition to said amount all income and all moneys collected at the various state teachers colleges and paid into the general fund of the state treasury under existing laws are hereby appropriated out of the general fund to the several state teachers colleges for the same purpose each college to receive from such appropriation the exact amount which was collected at said college during the said fiscal years

For the payment of salaries wages or other compensation of superintendents and other employes for the payment of general expenses supplies printing and equipment for repairs alterations and improvements to plant



and equipment for improvements to land for the purchase of equipment furniture furnishings and livestock for the payment of fire companies of costs of fighting fires upon approval of the institution and the department for the expenses of boards of trustees and incidental expenses and for all other expenses of maintenance and operation necessary for the proper conduct of the work of the hereinafter designated institutions as may be authorized and approved by the superintendent of public instruction in the amounts hereinafter specified Pennsylvania state oral school for the deaf at Scranton Pennsylvania 400,000 Scotland school for veterans' children at Scotland Pennsylvania ..... 1,395,000

Theaddeus Stevens Trade school at Lancaster Pennsylvania ..... 845,000 and in addition to said amount all income and all moneys collected at the Theaddeus Stevens Trade school shall be paid into the general fund and shall be credited to the appropriation to the Thaddeus Stevens Trade school made by this paragraph

For the payment of salaries of the county superintendents and assistant county superintendents of public schools and supervisors or special education or persons acting in their stead as required by law the sum of three million four hundred one thousand five hundred dollars (\$3,401,500)

For the payment of expenses of county superintendents and assistant county superintendents of public schools and supervisors of special education or persons acting in their stead as required by law the sum of two hundred ninety-seven thousand dollars (\$297,000)

For the payment of expenses of members of county boards of school directors and the fees of their attorneys the sum of fifty-two thousand eight hundred dollars (\$52,800)

For reimbursement to school districts for transportation of school children as required by law the sum of twenty-nine million two hundred sixty-one thousand dollars (\$29,261,000)

For aid to school districts that now maintain or shall cause to be established and maintained as part of the public school system vocational schools or departments schools for agricultural education industrial training home economics distributive occupations public service occupations and other vocational and practical education for the salaries wages and expenses of employes for general expenses supplies printing and equipment of vocational divisions and the payment to the department of property and supplies of mileage for the use of automobiles by traveling vocational education supervisors and for the cost of training vocational teachers in such institutions as the state council of education may designate and under such regulations as the state council of education may prescribe as provided by law the sum of three million dollars (\$3,000,000,000)

And be it provided that as much of this appropriation as can be made available may be expended with the governors approval in paying the cost of vocational training of qualified public assistance recipients or other unemployed to take definite employment which may be contingent upon such training

For the payment of salaries wages general expenses supplies printing and equipment necessary for the work of the Department in Carrying out the school lunch program as provided by law the sum of one hundred fifty-five thousand dollars (\$155,000)

For the cost of transportation investigation and necessary expenses involved in the education of blind children as required by law for the education of children placed in homes by the courts or other agencies as required by law for the award of scholarships to graduates of secondary schools to aid them in obtaining higher education as required by law for cornplanter Indians to be paid to the superintendent of schools of Warren County to be expended and disbursed by him in maintaining and conducting the school on the Cornplanter Indian Reservation for the expenses of blind students in attendance at institution of higher learning as provided by law and for the payment to school districts of annual

fixed charges in lieu of taxes on State lands as required by law the sum of six hundred eighty-three thousand dollars (\$683,000)

For special education including the payment of the Commonwealth's share in the case of children between the ages of six (6) and twenty-one (21) and the payment of all in the case of pupils under the age of six (6) or over twenty-one (21) of the cost of tuition and maintenance (as determined by the Superintendent of Public Instruction) of Pennsylvania pupils enrolled with the approval of the Department of Public Instruction in schools or institutions for the blind or for the deaf or cerebral palsied under the supervision of or approved by the department in accordance with law and for readers helpers guides aids and appliances of such children in public schools also for cost of tuition and maintenance of mothers and their blind babies in schools approved by the Department of Public Instruction the sum of four million two hundred thousand dollars (\$4,200,000)

For the payment of salaries wages expenses printing supplies equipment fuel and incidental expenses and for all expenses of maintenance and operation for the proper conduct of the public service institute including the Firemen's Training School at Lewistown the sum of two hundred fifty thousand dollars (\$250,000)

For the payment of salaries wages general expenses supplies printing and equipment necessary to make a survey of public school plant facilities in the Commonwealth the sum of thirteen thousand nine hundred dollars (\$13,900) in addition all moneys received from the federal government under Public Law 815 of the 81st Congress for this purpose shall be credited to the appropriation made by this paragraph

For the payment into the School Employees' Retirement Fund to the credit of the contingent reserve account of the School Employees' Retirement Fund as required by law the sum of thirty-two million four hundred sixty-five thousand dollars (\$32,465,000)

For the payment into the School Employees' Retirement Fund to the Credit of the State Annuity Reserve Account number two of School Employees' Retirement Fund as required by law the sum of eight million fourteen thousand four hundred ninety-five dollars (\$8,014,495)

For the payment of compensation to former teachers principals superintendents who agree in writing to hold themselves ready under the direction of the board of school directors to advise and counsel with school officials to visit and counsel with new teachers to act as substitute teachers when able to examine and report on public school work to visit pupils' homes in the interest of child welfare to attend educational conferences and addresses and to be concerned with other educational work as may be deemed necessary and helpful to community-school interest as provided by law the sum of one hundred eighty-five thousand dollars (\$185,000)

For the payment of increased retirement allowances to employes on retirement as of September first one thousand nine hundred forty-nine the sum of two million one hundred thousand dollars (\$2,100,000)

Section 4 No appropriation made by this act shall be available unless and until the Department of Public Instruction shall have complied with sections six hundred four six hundred five and six hundred six of the Administrative Code

Section 5 The term "employes" as used in this act shall include all directors superintendents bureau or division chiefs assistant directors assistant superintendents assistant chiefs experts scientists engineers surveyors draftsmen accountants secretaries auditors inspectors examiners statisticians marshals clerks stenographers bookkeepers messengers and other assistants

Section 6 The terms "general expenses" and "maintenance" shall include all printing binding and stationery food and forage materials and supplies traveling expenses motor vehicle supplies and repairs freight express and cartage postage telephone and telegraph rentals and toll charges newspaper advertising and notices fuel light heat power and water repairs or reconstruction of equipment buildings and facilities rent of real estate and equip-



ment premiums on workmen's compensation insurance premium on policies of liability insurance covering the operation of permanently assigned automobiles premiums on surety bonds the purchase of replacement or additional equipment and machinery other than passenger motor vehicles and all other incidental costs and expenses including payment to the Department of Property and Supplies of mileage charges for the use of automobiles and of expenses or costs of services incurred through the purchasing fund

On the question,

Will the House adopt the report of the Committee of Conference?

Mr. READINGER. Mr. Speaker, I think the Committee of Conference on this bill should be commended. They have worked very diligently today and I believe they have sent to us a very fair report which the House should adopt. It is a good indication of how things can be accomplished where there is a will to cooperate.

I think the thanks of the Members of the House should be extended to these six conferees who have done an excellent job in compiling this report.

On the question recurring,

Will the House adopt the report of the Committee of Conference?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

#### YEAS—193

Adam,	Gaffney,	Lovett,	Rosen,
Agnew,	Garlock,	Lutty,	Rovansek,
Amarando,	Gelfand,	Magee,	Royer,
Anderson, M. S.,	George,	Mahan,	Rubin,
Anderson, S. A.,	Gibb,	Markley,	Rudisill,
Ashton,	Goldstein,	Maxwell,	Sarra,
Auker,	Gramlich,	McCann,	Scarcell,
Banker,	Guss,	McCormack,	Sherman,
Barnatovich,	Guthrie,	McGee,	Sigman,
Bazin,	Hamilton, R. K.,	McInroy,	Smith, C. C.,
Bell,	Hamilton, W. H.,	McLaughlin,	Smith, Wm. B.,
Blair,	Hass,	McWherter,	Snider,
Boies,	Haudenschild,	Meholchick,	Stank,
Bonner,	Heavey,	Metz,	Stebbins,
Boory,	Helm,	Mihm,	Steckel,
Bower,	Henzel,	Mikula,	Stephens,
Branca,	Hewitt,	Miller,	Stevenson,
Brelschi,	Hocker,	Monroe,	Stone,
Brennan, A. P.,	Holt,	Moody,	Stoner,
Brennan, J. J.,	Horst,	Moran,	Strausser,
Brenninger,	Houk,	Moscrip,	Stroup,
Breth,	Isaacs,	Muldowney,	Swartz,
Brown,	Jenkins,	Mullen,	Taylor,
Buccin,	Johnson,	Munley,	Thomas,
Bullen,	Jones, G. E.,	Murphy,	Thompson,
Capano,	Jones, T. H. W.,	Murray, H. P.,	Toll,
Cianfrani,	Jump,	Murray, J. J.,	Tompkins,
Cioffi,	Kamyk,	Murray, P. G.,	Toomey,
Cochran,	Kehler,	Musto,	Varner,
Comer,	Keller,	Naugle,	Verona,
Connelly,	Kent,	Ogilvie,	Wall,
Curwood,	Knecht,	Olsen,	Wallace,
Davis,	Kolankiewicz,	O'Neill,	Wargo,
Donahue,	Kooker,	Pacchioli,	Waterhouse,
Dougherty,	Kornick,	Parry,	Weldner,
Ehrgood,	Kratz,	Pashley,	Welsh,
Eilberg,	Kromer,	Paulhamus,	Wescott,
Eshleman,	Kruckacki,	Petrosky,	Wheeler,
Ewing,	Lafore,	Pettigrew,	Whitnight,
Farabaugh,	Lawyer,	Polaski,	Willaredt,
Filo,	Leiby,	Polen,	Williams,
Fineman,	Lelsey,	Pomeroy,	Wilt,
Flint,	Leonard,	Price,	Wood,
Floyd,	Leven,	Pursley,	Worley,
Flynn,	Light,	Readinger,	Yetter,
Poster,	Limper,	Reibman,	Yetzer,
Frank,	Lippincott,	Renwick,	Ziegler,
Frascella,	Lopresti,	Rigby,	Andrews,
Prost,			

#### NAYS—0

#### NOT VOTING—16

Cooper,	Gibson,	Mills,	Varallo,
Donaldson,	Greenwood,	Needham,	Vaughan,
Down,	Kline,	Reidenbach,	Walsh,
Erb,	McKeever,	Schuster,	Young,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the report was adopted.

Ordered, That the Clerk inform the Senate accordingly.

#### BILL SIGNED BY SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

#### SENATE BILL No. 785.

An Act to provide for the ordinary expenses of the Department of Public Instruction for two years beginning June first one thousand nine hundred fifty-five and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred fifty-five and making appropriations to the Department of Public Instruction for reimbursements to school districts.

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

#### SENATE MESSAGE

#### AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

#### HOUSE BILL No. 986.

An Act relating to chattel mortgages executed and filed prior to July 1, 1954 regulating the assignment release satisfaction and extension of the lien of mortgages and the filing indexing and docketing thereof in prothonotaries' offices prescribing methods of foreclosure defining defaults and violations prescribing prothonotaries' fees and fixing penalties.

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend Section 7, page 6, line 1, by striking out after the word "extension" the following: "in the 'Chattel Mortgage Index' in the same manner as provided for the indexing of chattel mortgages originally filed" and inserting in lieu thereof the following:

In the index of financing statements maintained by him pursuant to the uniform commercial code of April 6, 1953 (P. L. 3) showing the mortgagor as the debtor and the mortgagee or his assignee as the secured party and noting in the index in place of the file number and addresses of such parties the book and page number of the book where the chattel mortgage is docketed

Amend Section 11, page 9, line 11, by inserting after the word "assignment" the words "or extension"; line 12, by striking out after the word "mortgage" the following: "one dollar and fifty cents (\$1.50)" and inserting in lieu thereof the following: "two dollars (\$2.00)"; line 14, by striking out after the word "satisfaction" the word "extension";

Amend Section 12, page 10, line 16, by inserting after the word "encumbrancers" the word "of".

Speaker



On the question,  
Will the House concur in the amendments made by the Senate?

COMMUNICATION AND BILL LAID ON TABLE

Mr. READINGER. Mr. Speaker, I move that the communication from the Senate together with the bill be laid on the table.  
The motion was agreed to.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:  
  
HOUSE BILL No. 1160.

An Act amending the act of June 16, 1836 (P. L. 715) entitled "An act relating to Reference and Arbitration" providing for payment by the county of part of arbitrator's fees in certain cases.  
  
With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments  
The Clerk read the amendments as follows:  
  
Amend Section 1, page 2, line 8, by striking out after the word "exceeding" the following: "fifteen twenty-five" and inserting in lieu thereof the word "fifty."

On the question,  
Will the House concur in the amendments made by the Senate?

COMMUNICATION AND BILL LAID ON TABLE

Mr. READINGER. Mr. Speaker, I move that the communication from the Senate together with the bill be laid on the table.  
The motion was agreed to

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:  
  
HOUSE BILL No. 1174

An Act amending the act of March 10, 1949 (P. L. 30) entitled "An act relating to the ppublic school system including certain provisions applicable as well to private and parochial schools amending revising consolidating and changing the laws relating thereto" by providing for military leaves of absence for public school employes who are inducted for military service at any time.

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.  
The Clerk read the amendments as follows:  
  
Amend the Title, page 1, line 6, by striking out after the word "are" the words "called drafted" and inserting in lieu thereof the word "inducted";

Amend Section 1, page 2, line 10, by striking out after the word "be" the words "called drafted" and inserting in lieu thereof the word "inducted."

On the question,  
Will the House concur in the amendments made by the Senate?

COMMUNICATION AND BILL LAID ON TABLE

Mr. READINGER. Mr. Speaker, I move that the communication from the Senate together with the bill be laid on the table.  
The motion was agreed to.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:  
  
HOUSE BILL No. 1188.

An Act amending the act of April 9, 1929 (P. L. 343) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth limiting interest payments on refund of money subject to escheat to moneys originally on deposit as interest bearing items

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.  
  
The SPEAKER. The Clerk will read the amendments.  
The Clerk read the amendments as follows:

Amend title, page 2, last line by striking out after the word "deposit" the word "in" and inserting in lieu thereof the word "as"; by striking out after the word "bearing" the word "accounts" and inserting in lieu thereof the word "items."  
  
Amend bill, section 1, page 3, line 14, by striking out after the word "deposit" the word "in" and inserting in lieu thereof the word "as"; by striking out after the word "bearing" in the same line the word "account" and inserting in lieu thereof the word "item"; line 20 by striking out after the word "which" the word "monys" and inserting in lieu thereof the word "moneys."

On the question,  
Will the House concur in the amendments made by the Senate?



## COMMUNICATION AND BILL LAID ON TABLE

Mr. READINGER. Mr. Speaker, I move that the communication from the Senate together with the bill be laid on the table.

The motion was agreed to.

## BILLS SIGNED BY SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

## SENATE BILL No. 757.

An Act amending the act of June 25, 1947 (P. L. 1145) entitled as amended "An act empowering cities of the second class cities of the second class A cities of the third class boroughs towns townships of the first class townships of the second class school districts of the second class school districts of the third class and school districts of the fourth class to levy assess and collect or to provide for the levying assessment and collection of certain additional taxes subject to maximum limitations for general revenue purposes authorizing the establishment of bureaus and the appointment and compensation of officers and employees to assess and collect such taxes and permitting penalties to be imposed and enforced providing an appeal from the ordinance or resolution levying such taxes to the court of quarter sessions and to the Supreme Court and Superior Court" defining the effect of requirement that real property transfer taxes be paid by the transferor on preexisting ordinances and resolutions and validating such ordinances and resolutions.

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

## HOUSE BILL No. 1923.

An Act making an appropriation to the Department of Public Assistance and providing for certain allocations therefrom for the purpose of carrying out the Public Assistance Law for the two fiscal years beginning June first one thousand nine hundred fifty-five

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

## COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE CONCURRENT RESOLUTION  
RECALLING HOUSE BILL No. 445.

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, December 15, 1955.  
To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Concurrent Resolution recalling from the Governor House Bill No. 445, Printer's No. 1132, for the purpose of amendment.

Accordingly, the original bill is herewith returned.

GEORGE M. LEADER.

## COMMUNICATION AND BILL LAID ON TABLE

Mr. READINGER. Mr. Speaker, I move that the communication from the Governor together with the bill be laid on the table.

The motion was agreed to.

## COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE CONCURRENT RESOLUTION  
RECALLING HOUSE BILL No. 620.

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, December 15, 1955.  
To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Concurrent Resolution recalling from the Governor House Bill No. 620, Printer's No. 1042, for the purpose of amendment.

Accordingly, the original bill is herewith returned.

GEORGE M. LEADER.

## COMMUNICATION AND BILL LAID ON TABLE

Mr. READINGER. Mr. Speaker, I move that the communication from the Governor together with the bill be laid on the table.

The motion was agreed to.

## COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE CONCURRENT RESOLUTION  
RECALLING HOUSE BILL No. 1621.

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, December 15, 1955.  
To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Concurrent Resolution recalling from the Governor House Bill No. 1621, Printer's No. 769, for the purpose of amendment.

Accordingly, the original bill is herewith returned.

GEORGE M. LEADER.

## COMMUNICATION AND BILL LAID ON TABLE

Mr. READINGER. Mr. Speaker, I move that the communication from the Governor together with the bill be laid on the table.

The motion was agreed to.

## COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE CONCURRENT RESOLUTION  
RECALLING HOUSE BILL No. 1622.

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, December 15, 1955.  
To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:



I have the honor to inform you that I have this day approved and signed House Concurrent Resolution recalling from the Governor House Bill No. 1622, Printer's No. 770, for the purpose of amendment.

Accordingly, the original bill is herewith returned.

GEORGE M. LEADER.

#### COMMUNICATION AND BILL LAID ON TABLE

Mr. READINGER. Mr. Speaker, I move that the communication from the Governor together with the bill be laid on the table.

The motion was agreed to.

#### COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

#### APPROVAL OF HOUSE CONCURRENT RESOLUTION RECALLING HOUSE BILL No. 1623

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, December 15, 1955.  
To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Concurrent Resolution recalling from the Governor House Bill No. 1623, Printer's No. 783, for the purpose of amendment.

Accordingly, the original bill is herewith returned.

GEORGE M. LEADER.

#### COMMUNICATION AND BILL LAID ON TABLE

Mr. READINGER. Mr. Speaker, I move that the com-

munication from the Governor together with the bill be laid on the table.

The motion was agreed to.

#### COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

#### APPROVAL OF HOUSE CONCURRENT RESOLUTION RECALLING HOUSE BILL No. 1625

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, December 15, 1955.  
To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Concurrent Resolution recalling from the Governor House Bill No. 1625, Printer's No. 771, for the purpose of amendment.

Accordingly, the original bill is herewith returned.

GEORGE M. LEADER.

#### COMMUNICATION AND BILL LAID ON TABLE

Mr. READINGER. Mr. Speaker, I move that the communication from the Governor together with the bill be laid on the table.

The motion was agreed to.

#### ADJOURNMENT

Mr. WORLEY. Mr. Speaker, I move that this House do now adjourn until Wednesday, December 28, 1955 at 3:30 p. m.

The motion was agreed to, and (at 11:32 p. m.) the House adjourned.







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Session 1955.

141st of the General Assembly.

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HARRISBURG, PA., WEDNESDAY, DECEMBER 28, 1955.

No. 122.

## SENATE

WEDNESDAY, December 28, 1955.

The Senate met at 3:30 o'clock, p. m., Eastern Standard Time.

The PRESIDENT pro tempore (M. Harvey Taylor) in the Chair.

### PRAYER

The Chaplain, Rev. J. B. Williams, Pastor of Second Baptist Church, Harrisburg, offered the following prayer:

Gracious Creator, our need of Thee becomes more manifest hour by hour as we progress along life's way. Some heedless and foolish ones believe they can rely upon their own strength and comfort. We seek Thy guidance because we have become assured of the uselessness of depending upon ourselves and have learned that all things are possible through Thee.

We shall learn, through Thy gracious help, to trust Thee in all things, knowing that our portion is to tell Thee of our need, and trust Thee to fulfill our petitions in Thine own wisdom. Help us to understand the need for faith and trust in Thee, not only in momentous matters but in all matters, since most important matters are the outgrowth of small things. In Jesus' name we ask it, Amen.

### JOURNAL APPROVED

The PRESIDENT pro tempore. A quorum of the Senate being present, the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. MAHANY and Mr. DIEHM, further reading was dispensed with, and the Journal was approved.

### NOMINATIONS BY THE GOVERNOR

#### REFERRED TO COMMITTEE

The Secretary to the Governor being introduced, presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Executive Nominations:

#### MEMBER OF THE PENNSYLVANIA LIQUOR CONTROL BOARD

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, December 28, 1955.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate A. D. Cohn, 210 Elmwood Boulevard, York, York County, for appointment as a member of the Pennsylvania Liquor Control Board, to serve until November 29, 1961, and until his successor shall have been appointed and qualified, vice Hon. John S. Rice, Gettysburg, whose term expired.

GEORGE M. LEADER.

#### MEMBERS OF THE PENNSYLVANIA FAIR EMPLOYMENT PRACTICE COMMISSION

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, December 28, 1955.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as members of the Pennsylvania Fair Employment Practice Commission:

Hon. Homer S. Brown (Dem.), 744 Anaheim Street, Pittsburgh, Allegheny County, for a term of one year, or until his successor shall have been duly appointed and qualified.

Mrs. Florence Reizenstein (Dem.), 1301 Inverness Street, Pittsburgh, Allegheny County, for a term of two years, or until her successor shall have been duly appointed and qualified.

Rev. Jesse D. Reber (Rep.), 3401 Cloverfield Road, Harrisburg, Dauphin County, for a term of two years, or until his successor shall have been duly appointed and qualified.

Samuel H. Daroff (Rep.), walnut at 23d Streets, Philadelphia 3, Philadelphia County, for a term of three years, or until his successor shall have been duly appointed and qualified.

William H. Sylk (Rep.), 4855 Lancaster Avenue, Philadelphia, Philadelphia County, for a term of three years, or until his successor shall have been duly appointed and qualified.

Matthew H. McCloskey III (Dem.), Muirfield Road, Bryn Mawr, Montgomery County, for a term of four years, or until his successor shall have been duly appointed and qualified.

Edward G. Petrillo, Esq. (Rep.), 515 G. Daniel Baldwin Building, Erie, Erie County, for a term of four years, or until his successor shall have been duly appointed and qualified.

Charles R. Brown (Dem.), 918 North Wayne Street, Hollidaysburg, Blair County, for a term of five years, or until his successor shall have been duly appointed and qualified.

Harry Boyer (Dem.), 904 Rose Street, Reading, Berks



County, for a term of five years, or until his successor shall have been duly appointed and qualified.

GEORGE M. LEADER.

#### MEMBERS OF THE PENNSYLVANIA HISTORICAL AND MUSEUM COMMISSION

Commonwealth of Pennsylvania,

Governor's Office, Harrisburg, December 28, 1955.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as members of the Pennsylvania Historical and Museum Commission, to serve until the third Tuesday of January 1959, and until their successors shall have been appointed and qualified:

Frank W. Melvin, Esq., 3211 West Penn Street, Philadelphia, Philadelphia County, vice Maj. Charles J. Biddle, Andalusia, whose term expired.

Thomas Murphy, Scranton Times, 145 Penn Avenue Scranton, Lackawanna County (Reappointment).

Miss Frances Dorrance, 38 Church Street, Dallas, Luzerne County (Reappointment).

Dr. John W. Oliver, 55 Hoodridge Drive, Mt. Lebanon, Allegheny County (Reappointment).

J. Bennett Nolan, Esq., 432 Oley Street, Reading, Berks County, vice A. Atwater Kent, Jr., Ardmore, whose term expired.

Miss Grace Rankin, 706 Coal Street, Wilkesburg, Allegheny County, vice Hon. Charles G. Webb, Wellsboro, whose term expired.

Dr. Maurice Mook, Professor of Anthropology, Pennsylvania State University, University Park, Centre County, vice Richard N. Williams II, Wayne, whose term expired.

Mrs. Eleanor H. Smith, 3460 Schoolhouse Lane, Germantown, Philadelphia County, vice Hon. Lambert Cadwalader, Haverford, whose term expired.

GEORGE M. LEADER.

#### WORKMEN'S COMPENSATION REFEREE

Commonwealth of Pennsylvania,

Governor's Office, Harrisburg, December 28, 1955.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Charles J. Tetlow, Poplar Avenue, Parkland, Bucks County, for appointment as a Workmen's Compensation Referee, to serve until the third Tuesday of January 1959, and until his successor shall have been appointed and qualified, vice Joseph A. Keating, Pennadel, whose term expired.

GEORGE M. LEADER.

#### MEMBER OF THE BOARD OF TRUSTEES OF PHILIPSBURG STATE HOSPITAL

Commonwealth of Pennsylvania,

Governor's Office, Harrisburg, December 28, 1955.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Fred B. Hughes, Clearfield, Clearfield County, for appointment as a member of the Board of Trustees of

Philipsburg State Hospital, for the term of four years and until his successor is appointed and qualified, vice Earl Shoff, Madera, resigned.

GEORGE M. LEADER.

#### JUSTICE OF THE PEACE

Commonwealth of Pennsylvania,

Governor's Office, Harrisburg, December 28, 1955

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Ervine N. Branch, 32 Water Street, Warren, Warren County, for appointment as Justice of the Peace in and for the Borough of Warren, Warren County, until the first Monday of January 1958, vice Tracy M. Greenlund, deceased.

GEORGE M. LEADER.

#### JUSTICE OF THE PEACE

Commonwealth of Pennsylvania,

Governor's Office, Harrisburg, December 28, 1955.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Ernest W. Hofman, Washington Township, York County, P. O., R. D. 1, East Berlin, for reappointment as Justice of the Peace in and for the Township of Washington, York County, until the first Monday of January 1958, to compute from January 3, 1956.

GEORGE M. LEADER.

#### JUSTICE OF THE PEACE

Commonwealth of Pennsylvania,

Governor's Office, Harrisburg, December 28, 1955.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Robert J. Benvin, Sr., 70 Cherry Street, Etna, Allegheny County, for appointment as Justice of the Peace in and for the Borough of Etna, Allegheny County, until the first Monday of January 1958, vice Joseph G. Benvin, resigned.

GEORGE M. LEADER.

#### COMMUNICATIONS FROM THE GOVERNOR

He also presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows:

APPROVED AND SIGNED SENATE BILL No. 105,  
PRINTER'S No. 337

Commonwealth of Pennsylvania,

Governor's Office, Harrisburg, December 22, 1955.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed Senate Bill No. 105, Printer's No. 337, entitled "An Act amending the act of May 1, 1929, (P. L. 905) entitled 'An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley



omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds' war amputees and paralytics from the payment of certain fees in connection with motor vehicles."

GEORGE M. LEADER.

APPROVED AND SIGNED SENATE BILL No. 179,  
PRINTER'S No. 309

Commonwealth of Pennsylvania,

Governor's Office, Harrisburg, December 22, 1955.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed Senate Bill No. 179, Printer's No. 309, entitled "An act amending the act of April 25, 1929 (P. L. 723) entitled 'An act regulating the investment of funds by administrative departments boards commissions and officers of the State Government' increasing the investment powers of State administrative departments boards commissions or officers."

GEORGE M. LEADER.

APPROVED AND SIGNED SENATE BILL No. 531,  
PRINTER'S No. 424

Commonwealth of Pennsylvania,

Governor's Office, Harrisburg, December 22, 1955.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed Senate Bill No. 531, Printer's No. 424, entitled "An Act amending the act of May 3, 1909 (P. L. 413) entitled 'An act relating to the granting of titles by the Commonwealth of Pennsylvania to vacant or unappropriated land the price to be paid for the same the conveyance to the State Forestry Reservation Commission where desirable for forest culture or forest preservation preventing the granting of warrants for the beds of navigable rivers and providing for acceptance of returns of surveys without limitation as to excess or surplus' providing for and regulating the granting of warrants or other office rights and easements in across and under the beds of navigable rivers for sewer lines and other facilities of sewage treatment systems."

GEORGE M. LEADER.

APPROVED AND SIGNED SENATE BILL No. 541,  
PRINTER'S No. 311

Commonwealth of Pennsylvania,

Governor's Office, Harrisburg, December 22, 1955.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed Senate Bill No. 541, Printer's No. 311, entitled "An Act amending the act of March 31, 1949 (P. L. 372) entitled 'An act to promote the welfare of the people of the Commonwealth creating The General State Authority as a body corporate and politic

with power to construct improve equip furnish and operate projects and to lease the same and to fix fees rentals and charges for the use thereof authorizing and regulating the issuance of bonds for said Authority and providing for the payment of such bonds and the rights of the holders thereof and to enter into agreements with the Government of the United States or any Federal agency and authorizing the Department of Property and Supplies to grant assign convey or lease to the Authority lands of the Commonwealth and interests therein and to acquire lands therefor granting the right of eminent domain empowering The General State Authority to sell and convey projects and property to the Commonwealth and providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act' authorizing the sale transfer and conveyance of property or interest therein."

GEORGE M. LEADER.

APPROVED AND SIGNED SENATE BILL No. 757,  
PRINTER'S No. 276

Commonwealth of Pennsylvania,

Governor's Office, Harrisburg, December 22, 1955.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed Senate Bill No. 757, Printer's No. 276, entitled "An Act amending the act of June 25, 1947 (P. L. 1145) entitled as amended 'An act empowering cities of the second class cities of the second class A cities of the third class boroughs towns townships of the first class townships of the second class school districts of the second class school districts of the third class and school districts of the fourth class to levy assess and collect or to provide for the levying assessment and collection of certain additional taxes subject to maximum limitations for general revenue purposes authorizing the establishment of bureaus and the appointment and compensation of officers and employes to assess and collect such taxes and permitting penalties to be imposed and enforced providing an appeal from the ordinance or resolution levying such taxes to the court of quarter sessions and to the Supreme Court and Superior Court' defining the effect of requirement that real property transfer taxes be paid by the transferor on preexisting ordinances and resolutions and validating such ordinances and resolutions."

GEORGE M. LEADER.

APPROVED AND SIGNED SENATE BILL No. 785,  
PRINTER'S No. 459

Commonwealth of Pennsylvania,

Governor's Office, Harrisburg, December 22, 1955.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed Senate Bill No. 785, Printer's No. 459, entitled "An Act to provide for the ordinary expenses of the Department of Public Instruction for two years beginning June first one thousand nine hundred fifty-five and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred fifty-five and making appropriations to the Department of Public Instruction for reimbursements to school districts."

GEORGE M. LEADER.

## BILLS SIGNED

The President pro tempore (M. Harvey Taylor) announced that the Chief Clerk having reported that the following bills had passed both houses of the General Assembly and the same being correct, the titles were publicly read as follows:



Senate Bill No. 511, entitled:

An Act amending the act of April 12 1951 (P. L. 90) entitled "An act relating to alcoholic liquors alcohol and malt and brewed beverages amending revising consolidating and changing the laws relating thereto regulating and restricting the manufacture purchase sale possession consumption importation transportation furnishing holding in bond holding in storage traffic in and use of alcoholic liquors alcohol and malt and brewed beverages and the persons engaged or employed therein defining the powers and duties of the Pennsylvania Liquor Control Board providing for the establishment and operation of State liquor stores for the payment of certain license fees to the respective municipalities and townships for the abatement of certain nuisances and in certain cases for search and seizure without warrant prescribing penalties and forfeitures providing for local option and repealing existing laws" permitting transfer of distributor's and importing distributor's licenses anywhere within the same county

Senate Bill No. 773, entitled:

An Act amending the act of May 1 1929 (P. L. 905) entitled "An act for the protection of the public safety regulaing the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" prohibiting the operation of motor vehicles the mufflers of which have internal parts removed

House Bill No. 1002, entitled:

An Act relating to conditional sales made and filed prior to July 1, 1954.

House Bill No. 1089, entitled:

An Act amending the act of May 17, 1921 (P. L. 682), entitled "Insurance Company Law of 1921," defining and providing for the establishment, maintenance and the amount of and use of unearned premium reserves, the release of unearned premiums, reserves for unpaid losses and loss expense and the investment of reserve funds.

House Bill No. 1091, entitled:

An Act amending the act of May 17, 1921 (P. L. 682), entitled "Insurance Company Law of 1921," providing for and regulating the investments of title insurance companies.

House Bill No. 1172, entitled:

An Act amending the act of June 14, 1923 (P. L. 710), entitled "Boxing and Wrestling Law," prohibiting the use of a fictitious or assumed name for the purpose of participating in any amateur boxing match or exhibition.

House Bill No. 1552, entitled:

An Act authorizing and directing the Governor on behalf of the Commonwealth of Pennsylvania to execute an interstate compact concerninng juveniles and for related purposes.

House Bill No. 1722, entitled:

An Act amending the act of May 15, 1933 (P. L. 624), entitled as amended "Banking Code" further regulating changes of places of business and establishment of branches.

House Bill No. 1737, entitled:

An Act amending the act of May 5, 1933 (P. L. 457), entitled "Building and Loan Code," regulating the establishment of places of business and changes in the places of business and the establishment and maintenance of branches.

Whereupon,

The President pro tempore (M. Harvey Taylor) in the presence of the Senate signed the same.

## HOUSE MESSAGES

### HOUSE CONCURS IN SENATE CONCURRENT RESOLUTION, SERIAL No. 154

The Clerk of the House of Representatives being introduced, informed the Senate that the House has concurred in resolution from the Senate as follows:

### DESIGNATING THE FLOOD CONTROL DAM OF THE FIRST FORK OF THE SINNEMAHONING CREEK AS THE GEORGE B. STEVENSON DAM

In the Senate, October 11, 1955.

The Commonwealth through its General State Authority is constructing an important flood control dam on the First Fork of the Sinnemahoning Creek in Grove Township, Cameron County, at a location originally selected by the United States Army Engineers. The dam when completed and put into operation at full capacity will form a lake of 1485 acres in area in Cameron and Potter Counties.

Because of his untiring efforts in securing effective flood control for the West Branch of the Susquehanna River and his active interest and assistance in furthering the construction of the First Fork Sinnemahoning Dam, it is fitting that the Honorable George B. Stevenson, Senator from the Twenty-sixth Senatorial District, be honored in connection therewith; therefore be it

Resolved (the House of Representatives concurring), That the flood control dam on the First Fork of the Sinnemahoning Creek in Grove Township, Cameron County, be designated as the George B. Stevenson Dam; and be it further

Resolved, That the Department of Forests and Waters erect suitable tablets or markers on the dam to perpetuate this resolution.

### HOUSE CONCURS IN AMENDMENTS TO HOUSE BILL No. 114

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 114, entitled:

An Act to repeal Section 518 of and to add a new section 518.1 to the act approved the twenty-second day of May one thousand nine hundred thirty-three (P. L. 853), entitled "The General County Assessment Law," by eliminating all the provisions of the act which regulate the payment of the taxes pending appeals from assessments.

### HOUSE BILLS FOR CONCURRENCE

He also presented for concurrence bills of the House, as follows:



## House Bill No. 272, entitled:

An Act authorizing counties of the fourth class to regulate the production of smoke and other forms of air pollution from chimneys, smokestacks or other sources including provisions for the payment of inspection and certificates of compliances fees incident thereto; authorizing commissioners of such counties to create commissions to make studies; authorizing the expenditure of money for the employment of persons; and the acquisition of property for effectuating such regulations; and providing penalties.

Which was committed to the Committee on Local Government.

## House Bill No. 323, entitled:

An Act providing for the protection of the public safety by prohibiting the sale, offering or exposing for sale at retail, and the use of air rifles; defining air rifles; authorizing cities, boroughs and townships to issue permits for licensing and to regulate target ranges; imposing duties on the Pennsylvania State Police, sheriffs, police officers and constables, and providing penalties.

Which was committed to the Committee on Law and Order.

## House Bill No. 1314, entitled:

An Act amending the act of April 9, 1929 (P. L. 177), titled "Administrative Code of 1929," changing the provisions relating to sick leaves for certain State employees.

Which was committed to the Committee on Education.

## House Bill No. 1570, entitled:

An Act amending the act of May 11, 1925 (P. L. 561), entitled "Second Class County Jury Law," authorizing the president judge of the court of common pleas to transfer and assign jurors summoned to serve in any court, civil and criminal, of the county, and changing form of venire and summons to comply therewith.

Which was committed to the Committee on Judiciary General.

## House Bill No. 1750, entitled:

An Act amending the act of August 9, 1955 (P. L. , Act No. 130), entitled "The County Code," providing for appeals to courts of common pleas from the decisions of salary boards.

Which was committed to the Committee on Local Government.

## House Bill No. 1755, entitled:

An Act amending the act of June 27, 1947 (P. L. 1095), entitled as amended "Anthracite Strip Mining Law," further regulating strip mining operations; making changes with respect to backfilling, restoration, accumulation of water, permits, bonds, penalties and fees; and providing for filing of maps.

Which was committed to the Committee on Mines and Mining.

## House Bill No. 1765, entitled:

An Act relating to services furnished to or performed for contractors and subcontractors; regulating waivers, releases, receipts and other evidence of payment, and their effect; providing procedure for collecting certain claims.

Which was committed to the Committee on Judiciary General.

## House Bill No. 1793, entitled:

An Act amending the act of June 12, 1931 (P. L. 510) entitled "An act providing for the licensure and regulation of certain private nursing homes and private hospitals conferring certain powers and duties upon the Department of Welfare and providing penalties" extending the act to private convalescent homes conducted for profit requiring licensing under the act for treatment care or nursing by reason of pregnancy changing license fees requiring certain records to be kept by hospitals regulating the refusal to grant refuse or renew licenses and changing penalties

Which was committed to the Committee on Public Health and Welfare.

## House Bill No. 1797, entitled:

An Act amending the act of June 25, 1947 (P. L. 973), entitled "An act relating to annual salaries of certain county officers of counties of the third class," increasing the salaries of prothonotaries of counties of the third class.

Which was committed to the Committee on Local Government.

## House Bill No. 1849, entitled:

An Act amending the act of May 31, 1945 (P. L. 1198), entitled "Bituminous Coal Open Pit Mining Conservation Act," further regulating mining operations; requiring the filing of maps; changing provisions with respect to registration, bonds, backfill, overburden, enforcement of the act and penalties; and providing for the payment of fines into a special fund.

Which was committed to the Committee on Mines and Mining.

## House Bill No. 1889, entitled:

An Act amending the act of August 10, 1951, (P. L. 1182), entitled "Chiropractic Registration Act of 1951," further providing for the licensing of certain graduates of unincorporated schools or colleges of chiropractic.

Which was committed to the Committee on Public Health and Welfare.

## House Bill No. 1921, entitled:

An Act making certain warrants for the confession of judgment executed in connection with contracts relating to repairs, alterations, additions, or improvements to buildings invalid and unenforceable and restricting the right to enter judgment by confession upon warrants executed in connection with contracts relating to repairs, alteration, additions, or improvements to buildings.

Which was committed to the Committee on Judiciary General.

## SENATE BILL No. 729 RETURNED WITH AMENDMENTS

He also returned to the Senate, Senate Bill No. 729, entitled:

A Joint Resolution proposing an amendment to article two, section four of the Constitution of the Commonwealth of Pennsylvania by providing for annual sessions of the General Assembly.

with the information that the House has passed the same with amendments in which the concurrence of the Senate is requested.

The PRESIDENT pro tempore. The bill, as amended, will appear on tomorrow's Calendar.



## SENATE BILL No. 767 RETURNED WITH AMENDMENTS

He also returned to the Senate, Senate Bill No. 767, entitled:

An Act amending the act of August 9, 1955, (Act No. 130) entitled "An act relating to counties of the third, fourth, fifth, sixth, seventh and eighth classes; amending, revising, consolidating and changing the laws relating thereto," extending the powers of the County Planning Commission in counties of the third class subject to action by the county commissioners.

with the information that the House has passed the same with amendments in which the concurrence of the Senate is requested.

The PRESIDENT pro tempore. The bill, as amended, will appear on tomorrow's Calendar.

## SENATE BILL No. 780 RETURNED WITH AMENDMENTS

He also returned to the Senate, Senate Bill No. 780, entitled:

An Act amending the act of July 2, 1937 (P. L. 2821) entitled "An act to regulate the sale and advertising for sale of goods wares and merchandise purporting to be an insurance bankruptcy mortgage insolvent assignees receivers trustees removal or closing-out sale or sale of goods damaged by fire smoke or water in cities and certain boroughs of this Commonwealth and to prevent fraudulent practices in connection therewith and providing penalties for the violation thereof and for the imposition of licensee fees for permission to conduct the same" making the provisions of the act effective in municipalities and townships further regulating statements of inventories further regulating the issuance renewal denial and refusal of licenses and the conduct of sales designating certain actions as violations of the act authorizing appeals from refusal or denial to issue licenses.

with the information that the House has passed the same with amendments in which the concurrence of the Senate is requested.

The PRESIDENT pro tempore. The bill, as amended, will appear on tomorrow's Calendar.

## HOUSE CONCURS IN SENATE BILL No. 480

He also returned to the Senate, Senate Bill No. 480, entitled:

An Act amending the act of May 25, 1951 (P. L. 415), entitled "An act relating to habeas corpus; conferring jurisdiction upon the judges of the courts of common pleas; prescribing venue; defining procedure in all cases; authorizing service to be made upon persons anywhere in the Commonwealth; providing for the imposition of costs; allowing appeals; specifying the appellate court to which appeals may be taken; and repealing inconsistent legislation including that conferring jurisdiction on courts of quarter sessions," extending jurisdiction as to habeas corpus to courts of quarter sessions.

with the information that the House has passed the same without amendments.

## HOUSE CONCURS IN SENATE BILL No. 523

He also returned to the Senate, Senate Bill No. 523, entitled:

An Act amending the act of May 29 1931 (P. L. 280) entitled "An act relating to delinquent taxes on seated

lands and prescribing interest charges on nonpayment thereof requiring the receivers and collectors of county city borough town township school district and poor district taxes to make a return to the county commissioners of such unpaid taxes and providing for the lien thereof authorizing the county treasurers to collect such taxes and to sell seated lands at public sale for taxes heretofore or hereafter returned as unpaid and authorizing the county commissioners to purchase such lands and resell the same under certain circumstances" further regulating the tax sales and payment of the purchase money

with the information that the House has passed the same without amendments.

## HOUSE CONCURS IN SENATE BILL No. 582

He also returned to the Senate, Senate Bill No. 582, entitled:

An Act amending the act of August 19, 1953 (P. L. 1104), entitled "An act relating to the acknowledgement of instruments, the attestation of documents, the administration of oaths and affirmations, the execution of depositions and affidavits, and other notarial acts, heretofore or hereafter taken before any commissioned officer of the armed forces of the United States, and providing that such instruments and documents executed by any person who is a member of or actually present with the armed forces of the United States or is outside the United States for certain purposes shall be legal, valid and binding, and providing for the form of the instrument or document and what proof shall be sufficient of the authority of such commissioned officer so to act," extending affidavit provisions to include the spouse of a member of the armed forces.

with the information that the House has passed the same without amendments.

## HOUSE CONCURS IN AMENDMENTS TO SENATE BILL No. 593, RECALLED FROM THE GOVERNOR

He also informed the Senate that the House has concurred in amendments made by the Senate to Senate Bill No. 593 entitled:

An Act amending the act of May 28, 1915 (P. L. 596), entitled "An act requiring cities of the second class to establish a pension fund for employees of said cities, and regulating the administration and the payment of such pensions," extending the benefits to employees of certain authorities created jointly with other political subdivisions or joined in by the cities; and authorizing credit for past service on making back payments.

Said bill having been recalled from the Governor for the purpose of amendment. The votes had on final passage and third reading were reconsidered in the Senate and the bill amended.

The PRESIDENT pro tempore. At this time, the Chair invites the gentleman from Schuylkill, Mr. Wagner, to the rostrum to preside.

The PRESIDING OFFICER (Paul L. Wagner) in the Chair.

## REPORT FROM COMMITTEE ON EXECUTIVE NOMINATIONS

Mr. WOLFE, from the Committee on Executive Nominations, reported with a favorable recommendation the following nominations, made by His Excellency, the Governor:



## SECRETARY OF THE COMMONWEALTH

Commonwealth of Pennsylvania,

Governor's Office, Harrisburg, December 13, 1955.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Henry E. Harner, 135 Briarcliff Road, Bellevue Park, Harrisburg, Dauphin County, for appointment as Secretary of the Commonwealth, to serve until superseded, vice James A. Finnegan, Philadelphia, resigned, to compute from December 15, 1955.

GEORGE M. LEADER.

## SECRETARY OF PROPERTY AND SUPPLIES

Commonwealth of Pennsylvania,

Governor's Office, Harrisburg, December 19, 1955.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate John S. Rice, 60 West Broadway Gettysburg, Adams County, for appointment as Secretary of Property and Supplies, to serve until the third Tuesday of January 1959, and until his successor shall have been appointed and qualified, vice William D. Thomas, resigned, to compute from January 3, 1956.

GEORGE M. LEADER.

## BILL INTRODUCED AND REFERRED

Messrs. MALLERY and MAHANY read in place and presented to the Chair Senate Bill No. 927, entitled:

An Act amending the act of June 24, 1937 (P. L. 2051) entitled: "Public Assistance Law, making blind persons in public mental institutions eligible for assistance.

Which was committed to the Committee on Public Health and Welfare.

## PETITIONS AND REMONSTRANCES

Mr. SEYLER. Mr. President, it was my intention to subject the Senator from Schuylkill to a friendly interrogation. I congratulate the Senator on the exalted position in which I find him and, of course, he is unable now to undergo such interrogation. I wonder if I might defer this interrogation to a later order of business and have it still be in order.

The PRESIDING OFFICER. As I understand it, the Senator from York desires, sometime this afternoon, to interrogate the Senator from Schuylkill and since he occupies the Chair of the Presiding Officer at the moment, you would like to have unanimous consent to do that out of order later in the afternoon.

The Chair hears no objections and assumes that this is agreeable.

## HOUSE MESSAGE

HOUSE INSISTS UPON ITS NON-CONCURRENCE IN AMENDMENTS TO HOUSE BILL No. 1630, AND APPOINTS COMMITTEE OF CONFERENCE

The Clerk of the House of Representatives being introduced, informed the Senate that the House insists on its non-concurrence in Senate amendments to House Bill No. 630, entitled:

An Act amending the act of May 1, 1929 (P. L. 905), entitled "Vehicle Code," regulating registration of antique motor vehicles.

and has appointed Messrs. AMARANDO, LEVEN and KENT as a Committee of Conference to confer with a similar committee of the Senate (if the Senate shall appoint such committee) to consider the differences existing between the two houses in relation to said bill.

## HOUSE BILL No. 1630 TAKEN FROM THE TABLE

Mr. MAHANY. Mr. President, I call from the table House Bill No. 1630, and move a committee of conference on the part of the Senate be appointed.

Mr. BARR. Mr. President, I second the motion.

The motion was agreed to.

## COMMITTEE OF CONFERENCE APPOINTED ON HOUSE BILL No. 1630

The PRESIDING OFFICER. The Chair announces, on behalf of the President pro tempore, the appointment of Messrs. WADE, DIEHM and RUTH as a committee of conference on the part of the Senate to confer with a similar committee of the House (already appointed) to consider the difference existing between the two houses in relation to House Bill No. 1630.

Ordered, That the Clerk inform the House of Representatives accordingly.

SENATE CONCURRENT RESOLUTIONS  
RECALLING SENATE BILL No. 192 FROM THE GOVERNOR

Mr. LANE offered the following resolution which was twice read, considered and agreed to:

In the Senate, December 28, 1955.

Resolved (if the House of Representatives concur), That Senate Bill No. 192, Printer's No. 246, entitled "An act providing for and regulating the licensing and practice of practical nursing imposing duties on the State Board of Nurse Examiners and imposing penalties," be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk present the same to the House of Representatives for concurrence.

## TIME OF NEXT MEETING

Mr. MALLERY offered the following resolution which was twice read, considered and agreed to:

In the Senate, December 28, 1955.

Resolved (the House of Representatives concurring), That when the Senate adjourns this week, it reconvene Monday, January 16, 1956, at three o'clock, p. m., E.S.T., unless sooner recalled by the President pro tempore of the Senate; and when the House of Representatives adjourns this week it reconvene Wednesday, January 4, 1956, at three o'clock, p. m., E.S.T.; and when the House of Representatives adjourns the week of January 2, 1956, it reconvene Monday, January 16, 1956, at three o'clock, p. m., E.S.T., unless sooner recalled by the Speaker of the House of Representatives.

Ordered, That the Clerk present the same to the House of Representatives for concurrence.

## CONSIDERATION OF EXECUTIVE NOMINATIONS

Mr. WOLFE asked and obtained unanimous consent for immediate consideration of the nominations reported at today's Session.



## EXECUTIVE SESSION

A motion was made by Mr. WOLFE and Mr. MAHANY, That the Senate do now resolve itself into Executive Session, for the purpose of acting upon the nominations reported at today's Session.

Which was agreed to.

The nominations were read as follows:

## SECRETARY OF THE COMMONWEALTH

Commonwealth of Pennsylvania,

Governor's Office, Harrisburg, December 13, 1955.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Henry E. Harner, 135 Briarcliff Road, Bellevue Park, Harrisburg, Dauphin County, for appointment as Secretary of the Commonwealth, to serve until superseded, vice James A. Finnegan, Philadelphia, resigned, to compute from December 15, 1955.

GEORGE M. LEADER.

## SECRETARY OF PROPERTY AND SUPPLIES

Commonwealth of Pennsylvania,

Governor's Office, Harrisburg, December 19, 1955.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate John S. Rice, 60 West Broadway, Gettysburg, Adams County, for appointment as Secretary of Property and Supplies, to serve until the third Tuesday of January 1959, and until his successor shall have been appointed and qualified, vice William D. Thomas, Sharon, resigned, to compute from January 3, 1956.

GEORGE M. LEADER.

A motion was made by Mr. WOLFE and Mr. BARR,

That the Senate do advise and consent to said nominations.

On the question.

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

## YEAS—49

Bane,	Haluska,	McPherson, Jr.,	Stevenson,
Barr,	Harney,	McMenamin,	Stiefel,
Berger,	Hays,	Miller,	Taylor,
Blass,	Holland,	Mullin,	Van Sant,
Camiel,	Kessler,	Pechan,	Wade,
Chapman,	Koprivier, Jr.,	Peelor,	Watkins,
Dent,	Lane,	Probert,	Watson,
Derk,	Madigan,	Ruth,	Weiner,
Diehm,	Mahany,	Schmidt,	Whalley,
DiSilvestro,	Mallery,	Scott,	Wolfe,
Donolow,	McCresch,	Seyler,	Yosko,
Flack,	McGinnis,	Silvert,	Wagner,
Fleming,			Presiding Officer

## NAYS—0

Two-thirds of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

## EXECUTIVE SESSION RISES

Mr. WOLFE. Mr. President, I move that the Executive Session do now rise.

Mr. STEVENSON. Mr. President, I second the motion. The motion was agreed to.

## RECONSIDERATION OF HOUSE BILL No. 1879

Mr. MAHANY. Mr. President, I move that the Senate do now reconsider the vote by which House Bill No. 1879, entitled:

An Act to provide revenue for Commonwealth purposes by imposing a tax on the sale of certain tangible personal property and on the use storage or consumption of certain tangible personal property providing for the reporting and payment of tax payment of interest and penalties assessments collections liens reviews and appeals conferring powers and imposing duties upon the Department of Revenue public officers manufacturers wholesalers retailers and individuals.

failed of final passage.

The PRESIDING OFFICER. How did the Senator vote?

Mr. MAHANY. Mr. President, I voted with the prevailing side.

Mr. KESSLER. Mr. President, I second the motion.

The PRESIDING OFFICER. How did the Senator vote?

Mr. KESSLER. Mr. President, I voted with the prevailing side.

The motion was agreed to.

And the question recurring,

Shall the bill pass finally?

Mr. MAHANY. Mr. President, I move to reconsider the vote by which the bill passed third reading.

The PRESIDING OFFICER. How did the Senator vote?

Mr. MAHANY. Mr. President, I voted with the prevailing side.

Mr. KESSLER. Mr. President, I second the motion.

The PRESIDING OFFICER. How did the Senator vote?

Mr. KESSLER. Mr. President, I voted with the prevailing side.

The motion was agreed to.

And the question recurring,

Will the Senate agree to the bill on third reading?

## BILL RECOMMITTED

Mr. MAHANY. Mr. President, I move that House Bill No. 1879, on third reading, entitled:

An Act to provide revenue for Commonwealth purposes by imposing a tax on the sale of certain tangible personal property and on the use storage or consumption of certain tangible personal property providing for the reporting and payment of tax payment of interest and penalties assessments collections liens reviews and appeals conferring powers and imposing duties upon the Department of Revenue public officers manufacturers wholesalers retailers and individuals.

re recommended to the Committee on Finance.

Mr. BARR. Mr. President, I second the motion.

The motion was agreed to.

## CALENDAR

## BILLS ON CONCURRENCE IN HOUSE AMENDMENTS

## BILLS OVER IN ORDER

Mr. MAHANY. Mr. President, I ask unanimous consent that the following bills, on concurrence in House amendments, go over in their order:



Senate Bill No. 813, Printer's No. 432; and  
Senate Bill No. 835, Printer's No. 413.  
The PRESIDING OFFICER. Is there objection? The  
Chair hears none.

THIRD READING CALENDAR

BILLS ON THIRD READING RECALLED FROM  
THE GOVERNOR

BILLS OVER IN ORDER

Mr. MAHANY. Mr. President, I ask unanimous consent  
that the following bills, on third reading, recalled from  
the Governor, go over in their order:  
Senate Bill No. 475, Printer's No. 440; and  
Senate Bill No. 603, Printer's No. 439.  
The PRESIDING OFFICER. Is there objection? The  
Chair hears none.

BILLS OVER IN ORDER

Mr. MAHANY. Mr. President, I ask unanimous consent  
that the following bills, on third reading, go over in their  
order:  
House Bill No. 8, Printer's No. 1252;  
Senate Bill No. 188, Printer's No. 370; and  
Senate Bill No. 316, Printer's No. 372.

The PRESIDING OFFICER. Is there objection? The  
Chair hears none.  
Mr. LANE. Mr. President, I ask unanimous consent that  
Senate Bill No. 446, Printer's No. 376, on third reading, go  
over in its order.  
The PRESIDING OFFICER. Is there objection? The  
Chair hears none.

Mr. MAHANY. Mr. President, I ask unanimous consent  
that the following bills, on third reading, go over in their  
order:  
House Bill No. 499, Printer's No. 165; and  
House Bill No. 641, Printer's No. 1238.  
The PRESIDING OFFICER. Is there objection? The  
Chair hears none.

BILLS ON THIRD READING AND FINAL  
PASSAGE

Agreeably to order,  
The Senate proceeded to the third reading and con-  
sideration of Senate Bill No. 820, as follows:

An Act amending the act of June 14, 1935 (P. L. 341)  
entitled as amended "An act to provide revenue by im-  
posing a State tax upon sales or gifts of cigarettes by  
dealers as herein defined requiring persons engaged in  
the sale of cigarettes at wholesale and retail to secure  
permits prescribing the method and manner of collect-  
ing such tax making it unlawful to possess cigarettes  
upon which the tax has not been paid conferring pow-  
ers and imposing duties on the Department of Revenue  
and persons as herein defined engaged in the sale of  
cigarettes at retail or wholesale and providing penalties"  
declaring the taxes to be a levy on the consumers and  
imposing duties on dealers  
The General Assembly of the Commonwealth of Penn-  
sylvania hereby enacts as follows  
Section 1 Section 4 act of June 14, 1935 (P. L. 341)  
known as the "Cigarette Tax Act" amended September  
3, 1955 (Act No. 139) is amended to read  
Section 4 A State excise tax is hereby imposed and as-  
sessed upon sale of cigarettes by dealers at the rate of two  
cents per ten cigarettes or fraction thereof except such

sales of cigarettes as are not within the taxing power of  
this Commonwealth under the commerce clause of the Con-  
stitution of the United States and except such sales as are  
made to authorized purchasers by those persons exempt  
under section 3 (a) hereof Provided That only one sale  
of the same package of cigarettes shall be used in com-  
puting the amount of tax due hereunder  
In addition to the foregoing tax an additional State  
excise tax is hereby imposed and assessed upon the sale of  
cigarettes by dealers at the rate of one-half cent per ten  
cigarettes or fraction thereof except such sales of cigar-  
ettes as are not within the taxing power of this Common-  
wealth under the commerce clause of the Constitution of  
the United States and except such sales as are made to  
authorized purchasers by those persons exempt under  
section 3 (a) hereof Provided That only one sale of the  
same package of cigarettes shall be used in computing the  
amount of tax due hereunder The additional tax shall be  
imposed for the period beginning the first day of the first  
calendar month after the effective date of this amending  
act and ending May 31 1957

[Except as hereinafter provided dealers shall be liable  
to the Commonwealth as taxpayers for the payment of  
the tax imposed by this act and] The tax on cigarettes is  
hereby declared to be a levy on the consumer or person  
who receives the cigarettes for purposes other than resale  
Dealers shall pay the tax into the State Treasury through  
the department by purchasing from the department ad-  
hesive stamps of such design and denominations as may  
be prescribed by the department Dealers shall add the  
amount of the tax on cigarettes presently levied to the  
price of the cigarettes and the dealer may state the  
amount of the tax separately from the price of the cigar-  
ettes on all price display signs sales or delivery slips bills  
and statements which advertise or indicate the price of  
the cigarettes This provision shall in no way affect the  
method of collection of the tax as provided by this act  
Manufacturers of cigarettes located either within or  
outside of this Commonwealth and wholesale dealers in  
cigarettes located outside of this Commonwealth may  
purchase stamps from the department and affix such  
stamps in the manner hereinafter prescribed to packages  
of cigarettes to be sold within this Commonwealth in  
which case the dealer within this Commonwealth receiv-  
ing such stamped packages of cigarettes will not be re-  
quired to purchase and affix stamps on such packages of  
cigarettes

And said bill having been read at length the third time,  
and agreed to,  
On the question,  
Shall the bill pass finally?  
The yeas and nays were taken agreeably to the pro-  
visions of the Constitution, and were as follows, viz:

YEAS—49

Bane,	Haluska,	McMenamin,	Stevenson.
Barr,	Harney,	McPherson, Jr.,	Stiefel,
Berger,	Hays,	Miller,	Taylor,
Blass,	Holland,	Mullin,	Van Sant,
Camiel,	Kessler,	Pechan,	Wade,
Chapman,	Koprivier, Jr.,	Peelor,	Watkins,
Dent,	Lane,	Propert,	Watson,
Derk,	Madigan,	Ruth,	Weiner,
Diehm,	Mahany,	Schmidt,	Whalley,
DiSilvestro,	Mallery,	Scott,	Wolfe,
Donolow,	McCreesh,	Seyler,	Yosko,
Flack,	McGinnis,	Silvert,	Wagner,
Fleming,			Presiding Officer

NAYS—0

A majority of all the Senators having voted "aye," the  
question was determined in the affirmative.  
Ordered, That the Clerk present the said bill to the  
House of Representatives for concurrence.  
Agreeably to order,  
The Senate proceeded to the third reading and consider-  
ation of Senate Bill No. 830, as follows:



An Act amending the act of May 21, 1943 (P. L. 571) entitled as amended "An act relating to assessment for taxation in counties of the fourth fifth sixth seventh and eighth classes designating the subjects property and persons subject to and exempt from taxation for county borough town township school except in cities and county institution district purposes and providing for and regulating the assessment and valuation thereof for such purposes creating in each such county a board for the assessment and revision of taxes defining the powers and duties of such boards providing for the acceptance of this act by cities regulating the office of ward borough town and township assessors abolishing the office of assistant triennial assessor in townships of the first class providing for the appointment of a chief assessor assistant assessors and other employees providing for their compensation payable by such counties prescribing certain duties of and certain fees to be collected by the recorder of deeds and municipal officers who issue building permits imposing duties on taxables making improvements on land and grantees of land prescribing penalties and eliminating the triennial assessment" requiring notice of certain changes in property valuations be given to political subdivisions in which the properties are located

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The act of May 21, 1943 (P. L. 571) known as "The Fourth to Eighth Class County Assessment Law" is amended by adding after section 703 a new section to read

Section 703.1 Notice of Changes Given to Taxing Authorities When the board shall make any change in the amount of three hundred dollars (\$300) or more in the assessed value of property as finally fixed in the preceding assessment roll or shall fix the valuation of property which has not theretofore been separately fixed whether such change or new valuation is made before or after an appeal has been heard by the board or the Court of Common Pleas the board shall give notice of such change or new valuation to the clerk of the city (if it has accepted the provisions of this act) in which the assessed property is located to the secretary of the school district in which the assessed property is located and to the secretary of the borough or township in which the assessed property is located The time limit within which the city borough township and school district is entitled to appeal from the actions of the board or from the decision of the Court of Common Pleas shall commence to run on the day such notice is mailed or otherwise delivered

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

#### YEAS—49

Bane,	Haluska,	McMenamin,	Stevenson,
Barr,	Harney,	McPherson, Jr.,	Stiefel,
Berger,	Hays,	Miller,	Taylor,
Blass,	Holland,	Mullin,	Van Sant
Camiel,	Kessler,	Pechan,	Wade
Chapman,	Koprivier, Jr.,	Peelor,	Watkins,
Dent,	Lane,	Probert,	Watson,
Derk,	Madigan,	Ruth,	Weiner,
Diehm,	Mahany,	Schmidt,	Whalley,
DiSilvestro,	Mallery,	Scott,	Wolfe,
Donolow,	McCreesh,	Seyler,	Yosko,
Flack,	McGinnis,	Silvert,	Wagner
Fleming,			Presiding Officer

#### NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present the said bill to the House of Representatives for concurrence.

Agreeably to order.

The Senate proceeded to the third reading and consideration of Senate Bill No. 831, as follows:

An Act amending the act of June 26, 1931 (P. L. 1379) entitled "An act creating in counties of the third class a board for the assessment and revision of taxes providing for the appointment of the members of such board by the county commissioners providing for their salaries payable by the county abolishing existing boards defining the powers and duties of such board regulating the assessment of persons property and occupations for county borough town townships school and poor purposes authorizing the appointment of subordinate assessors a solicitor engineers and clerks providing for their compensation payable by such counties abolishing the office of ward borough and township assessors so far as the making of assessments and valuations for taxation is concerned and providing for the acceptance of this act by cities" requiring notice of certain changes in property valuations be given to political subdivisions in which the properties are located

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The act of June 26, 1931 (P. L. 1379) entitled "An act creating in counties of the third class a board for the assessment and revision of taxes providing for the appointment of the members of such board by the county commissioners providing for their salaries payable by the county abolishing existing boards defining the powers and duties of such board regulating the assessment of persons property and occupations for county borough town townships school and poor purposes authorizing the appointment of subordinate assessors a solicitor engineers and clerks providing for their compensation payable by such counties abolishing the office of ward borough and township assessors so far as the making of assessments and valuations for taxation is concerned and providing for the acceptance of this act by cities" is amended by adding after section 8 a new section to read

Section 8.1 When the board shall make any change in the amount of three hundred dollars (\$300) or more in the assessed value of property as finally fixed in the preceding assessment roll or shall fix the valuation of property which has not theretofore been separately fixed whether such change or new valuation is made before or after an appeal has been heard by the board or by the Court of Common Pleas the board shall give notice of such change or new valuation to the clerk of the city (if it has accepted the provisions of this act) in which the assessed property is located to the secretary of the school district in which the assessed property is located and to the secretary of the borough or township in which the assessed property is located The time limit within which the city borough township and school district is entitled to appeal from the actions of the board or from the decision of the Court of Common Pleas shall commence to run on the day such notice is mailed or otherwise delivered.

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

#### YEAS—49

Bane,	Haluska,	McMenamin,	Stiefel,
Barr,	Harney,	McPherson, Jr.,	Stevenson,
Berger,	Hays,	Miller,	Taylor,
Blass,	Holland,	Mullin,	Van Sant,
Camiel,	Kessler,	Pechan,	Wade,



Chapman, Dent, Derk, Diehm, DiSilvestro, Donolow, Flack, Fleming,	Koprivier, Jr., Lane, Madigan, Mahany, Mallery, McCreesh, McGinnis,	Peelor, Propert, Ruth, Schmidt, Scott, Seyler, Silvert,	Watkins, Watson, Weiner, Whalley, Wolfe, Yosko, Wagner, Presiding Officer
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## NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present the said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 832, as follows:

An Act amending the act of May 22, 1933 (P. L. 853) entitled "An act relating to taxation designating the subjects property and persons subject to and exempt from taxation for all local purposes providing for and regulating the assessment and valuation of persons property and subjects of taxation for county purposes and for the use of those municipal and quasi-municipal corporations which levy their taxes on county assessments and valuations amending revising and consolidating the law relating thereto and repealing existing laws" requiring notice of certain changes in property valuations be given to political subdivisions in which the properties are located

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The act of May 22 1933 (P. L. 853) known as "The General County Assessment Law" is amended by adding after section 514 a new section to read

Section 514.1 Notice of Changes Given to Taxing Authorities When the commissioners acting as a board of revision or the board for the assessment and revision of taxes as the case may be shall make any change in the amount of three hundred dollars (\$300) or more in the assessed value of property as finally fixed in the preceding assessment roll or shall fix the valuation of property which has not therefore been separately fixed whether such change or new valuation is made before or after an appeal has been heard by the board or by the Court of Common Pleas the board shall give notice of such change or new valuation to the clerk of the city (if it has accepted the provisions of this act) in which the assessed property is located to the secretary of the school district in which the assessed property is located and to the secretary of the borough or township in which the assessed property is located The time limit within which the city borough township and school district is entitled to appeal from the actions of the board or from the decision of the Court of Common Pleas shall commence to run on the day such notice is mailed or otherwise delivered

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

## YEAS—49

Bane, Barr, Berger, Blass, Camel, Chapman, Dent, Derk, Diehm,	Haluska, Harney, Hays, Holland, Kessler, Koprivier, Jr., Lane, Madigan, Mahany,	McMenamin, McPherson, Jr., Miller, Mullin, Pechan, Peelor, Propert, Ruth, Schmidt,	Stevenson, Stiefel, Taylor, Van Sant, Wade, Watkins, Watson, Weiner, Whalley,
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DiSilvestro, Donolow, Flack, Fleming,	Mallery, McCreesh, McGinnis,	Scott, Seyler, Silvert,	Wolfe, Yosko, Wagner, Presiding Officer
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## NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present the said bill to the House of Representatives for concurrence.

## BILL OVER IN ORDER

Mr. MAHANY. Mr. President, I ask unanimous consent that House Bill No. 856, Printer's No. 248, on third reading, go over in its order.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

## BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 881, as follows:

An Act declaring the public interest in certain historic sites and buildings and providing for certificates and markers

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 All the historic sites and buildings listed in the Report of the Joint State Government Commission of March 1949 entitled "Catalog of Historical Buildings Sites and Remains in Pennsylvania" and any other historic sites and buildings which may be designated by the Pennsylvania Historical and Museum Commission are hereby declared to be of significance and value to the history of this Commonwealth and their protection and preservation are hereby declared to be a matter of public interest

Section 2 In designating historic sites and buildings not contained in the "Catalog of Historical Buildings Sites and Remains in Pennsylvania" the Pennsylvania Historical and Museum Commission shall be guided by the standards followed by the Joint State Government Commission in preparing this report and shall consider these sites and buildings in terms of generality of historical significance uniqueness accessibility and present condition

Section 3 The Pennsylvania Historical and Museum Commission shall issue and deliver a certificate to each individual agency or organization owning or administering a historic site or building which has thus been declared to be of significance and value to the history of this Commonwealth This certificate shall state that the site or building has been designated as a historic site or building of Pennsylvania and shall give recognition to the owner or administrator for maintaining and preserving a distinctive part of Pennsylvania's historic heritage

Section 4 To distinguish these historic sites and buildings of Pennsylvania each such site or building may be marked by a suitable plaque or marker Upon the petition of the county historical society or of not less than twenty citizens of the county the board of county commissioners of each county is hereby authorized to appropriate moneys from the county funds for the purchase and placing of such plaques or markers within the county by the Pennsylvania Historical and Museum Commission The Commission shall plan and determine the size text and construction of these plaques or markers so that they will be uniformly applicable throughout the Commonwealth and not detract from the appearance of any building or site where they may be used.

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,



On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

#### YEAS—49

Bane,	Haluska,	McMenamin,	Stevenson,
Barr,	Harney,	McPherson, Jr.,	Stiefel,
Berger,	Hays,	Miller,	Taylor,
Blass,	Holland,	Mullin,	Van Sant,
Camiel,	Kessler,	Pechan,	Wade,
Chapman,	Koprivier, Jr.,	Peelor,	Watkins,
Derk,	Lane,	Propert,	Watson,
Dent,	Madigan,	Ruth,	Weiner,
Diehm,	Mahany,	Schmidt,	Whalley,
DiSilvestro,	Mallery,	Scott,	Wolfe,
Donolow,	McCreesh,	Seyler,	Yosko,
Flack,	McGinnis,	Silvert,	Wagner,
Fleming,			Presiding Officer

#### NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present the said bill to the House of Representatives for concurrence.

### BILLS OVER IN ORDER

Mr. LANE. Mr. President, I ask unanimous consent that the following bills, on third reading, go over in their order:

Senate Bill No. 889, Printer's No. 404;  
Senate Bill No. 890, Printer's No. 405;  
Senate Bill No. 891, Printer's No. 406;  
Senate Bill No. 892, Printer's No. 414;  
Senate Bill No. 893, Printer's No. 407;  
Senate Bill No. 894, Printer's No. 408;  
Senate Bill No. 895, Printer's No. 409; and  
Senate Bill No. 896, Printer's No. 458.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

### BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 906, as follows:

An Act amending the act of June 20, 1947 (P. L. 745) entitled "An act to provide revenue for school districts of the first class by imposing a temporary mercantile license tax on persons engaging in certain occupations and businesses therein providing for its levy and collection for the issuance of mercantile licenses upon the payment of fees therefor conferring and imposing powers and duties on boards of public education receivers of school taxes and school treasurers in such districts saving certain ordinances of council of certain cities and providing compensation for certain officers and employes and imposing penalties" as amended by changing the penalties on taxes not paid when due

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Clause (b) of Section 9 of the Act of June 20, 1947 (P. L. 745) entitled "An act to provide revenue for school districts of the first class by imposing a temporary mercantile license tax on persons engaging in certain occupations and businesses therein providing for its levy and collection for the issuance of mercantile licenses upon the payment of fees therefor conferring and imposing powers and duties on boards of public education receivers of school taxes and school treasurers in such

districts saving certain ordinances of council of certain cities and providing compensation for certain officers and employes and imposing penalties" as amend by the Act of May 12, 1949 (P. L. 1238) is amended to read

Section 9 Suit on Collection Penalty

\* \* \*

(b) If for any reason the tax is not paid when due in each year interest at the rate of six per centum (6%) per annum on the amount of said tax and an additional penalty of one per centum (1%) of the amount of the unpaid tax for each month or fraction thereof during which the tax remains unpaid shall be added and collected provided that the maximum penalty which shall be imposed on a tax not paid when due shall be seven (7%) percent Where suit is brought for the recovery of any such tax the person shall be liable for and in addition to the tax assessed against such person the costs of such collection and interest and penalties herein imposed shall be collected

Section 2 The provisions of this act shall be effective for all taxes levied for the tax year 1948 and all subsequent tax years

And said bill having been read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

#### YEAS—49

Bane,	Haluska,	McMenamin,	Stevenson,
Barr,	Harney,	McPherson, Jr.,	Stiefel,
Berger,	Hays,	Miller,	Taylor,
Blass,	Holland,	Mullin,	Van Sant,
Camiel,	Kessler,	Pechan,	Wade,
Chapman,	Koprivier, Jr.	Peelor,	Watkins,
Dent,	Lane,	Propert,	Watson,
Derk,	Madigan,	Ruth,	Weiner,
Diehm,	Mahany,	Schmidt,	Whalley,
DiSilvestro,	Mallery,	Scott,	Wolfe,
Donolow,	McCreesh,	Seyler,	Yosko,
Flack,	McGinnis,	Silvert,	Wagner,
Fleming,			Presiding Officer

#### NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present the said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 1222, as follows:

An Act to further amend the act aproved the twenty-third day of May one thousand nine hundred forty-nine (P. L. 1669), entitled as amended "An act to provide revenue for school districts of the first class by imposing a tax on persons engaging in certain businesses professions occupations trades vocations and commercial activities therein providing for its levy and collection conferring and imposing powers and duties on the Board of Public Education receiver of school taxes and school treasurer in such districts and prescribing penalties" as amended by further defining "receipts"

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Clause five of section one of the act aproved the twenty-third day of May one thousand nine hundred forty-nine (P. L. 1669) entitled as amended "An act to provide revenue for school districts of the first class by imposing a tax on persons engaging in certain businesses professions occupations trades vocations and commercial activities therein providing for its levy and collection conferring and imposing powers and duties on the Board of Public Education receiver of school taxes and school treasurer in such districts and prescribing penalties" as



last amended by the act approved the twenty-second day of August one thousand nine hundred fifty-three (P. L. 1357) is hereby further amended to read as follows

Section 1 Definitions The following words and phrases when used in this act shall have the meanings ascribed to them in this section except where the context clearly indicates a different meaning

(5) "Receipts" Cash credits property of any kind or nature received in or allocable to a school district of the first class from any business or by reason of any sale made or services rendered or commercial or business transaction had within a school district of the first class without deduction therefrom on account of the cost of property sold materials used labor service or other cost interest or discount paid or any other expense "Receipts" shall exclude (a) the dollar volume of annual business covering the resale of goods wares or merchandise taken by a dealer as a trade-in or as part payment for other goods wares and merchandise in the usual and ordinary course of his business except to the extent that the resale price exceeds the trade-in allowance (b) in the case of the financial business the cost of securities and other property sold exchanged paid at maturity or redeemed and moneys or credits received in repayment of advances credits and loans but not to exceed the principal amount of such advances credits and loans and shall also exclude deposits and in the case of building and loan or savings and loan associations payments received on account of shares purchased by shareholders (c) in the case of a broker any commissions paid by him to another broker on account of a purchase or sales contract initiated executed or cleared in conjunction with such other broker (d) the receipts or the portion thereof attributable to any sale involving the bona fide delivery of goods commodities wares or merchandise of the taxpayer's own manufacture growth or produce to a location regularly maintained by the other party to the transaction outside the limits of such school district and not for the purpose of evading or avoiding payment of the tax or any portion thereof imposed under this act (e) in the case of a person who at the execution of a contract for the sale in a natural state of the produce of a mine does not have title thereto and does not at any time take possession thereof the cost to him of the produce of a mine covered by the contract For the purpose of determining taxable receipts from sales made by a manufacturing corporation of goods commodities wares and merchandise of its own manufacture through a wholly owned distributing corporation such sales shall be treated as if made directly by the manufacturing corporation to the vendees of the distributing corporation For the purpose of determining taxable receipts from sales made by a manufacturing corporation of goods commodities wares and merchandise of its own manufacture made through a distributing corporation such sales shall be treated as if made directly by the manufacturing corporation to the vendees of the distributing corporation if a majority of the shares of stock of both the manufacturing corporation and the distributing corporation is owned by the same individual association or corporation For the purpose of determining receipts from the business of insurance such receipts shall mean those from premiums received from risks within the school district of the first class whether by mutual or stock companies domestic or foreign without any deductions therefrom for any cost or expense whatsoever The collector shall determine from such data as he shall require from insurance companies subject to this act the amount of such receipts and shall ascertain the amount of the tax in accordance with such determination "Receipts" shall exclude the cost of the commodity at its source in the case of a person who is a wholesale dealer in grain butter eggs fruit or produce in its natural state

Section 2 The provisions of this act shall be retroactive to the first day of January one thousand nine hundred and fifty No refunds of taxes interest or penalties paid prior to the date of the enactment of this act shall be made as a result of the amendments herein contained

And said bill having been read at length the third time, and agreed to,

On the question,

And the amendments made thereto having been printed as required by the Constitution,

Shall the bill pass finally,

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

#### YEAS—49

Bane,	Haluska,	McMenamin,	Stevenson,
Barr,	Harney,	McPherson, Jr.	Stiefel,
Berger,	Hays,	Miller,	Taylor,
Blass,	Holland,	Mullin,	Van Sant,
Camel,	Kessler,	Pechan,	Wade,
Chapman,	Koprivier, Jr.	Peelor,	Watkins,
Dent,	Lane,	Propert,	Watson,
Derk,	Madigan,	Ruth,	Weiner,
Diehm,	Mahany,	Schmidt,	Whalley,
DiSilvestro,	McGinnis,	Scott,	Wolfe,
Donolow,	Mallery,	Seyler,	Yosko,
Flack,	McCreesh,	Silver,	Wagner,
Fleming,			Presiding Officer

#### NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 1223, as follows:

An Act amending the act of May 23 1949 (P. L. 1669) entitled as amended "An act to provide revenue for school districts of the first class by imposing a tax on persons engaging in certain businesses professions occupations trades vocations and commercial activities therein providing for its levy and collection conferring and imposing powers and duties on the Board of Public Education receiver of school taxes and school treasurer in such districts and prescribing penalties" changing the method of computing the tax of certain taxpayers changing the penalty on taxes not paid when due defining business to include activities of cooperatives and limiting the time within which suit may be started for collection of taxes

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Clause (2) of section 1 act of May 23 1949 (P. L. 1669) entitled as amended "An act to provide revenue for school districts of the first class by imposing a tax on persons engaging in certain businesses professions occupations trades vocations and commercial activities therein providing for its levy and collection conferring and imposing powers and duties on the Board of Public Education receiver of school taxes and school treasurer in such districts and prescribing penalties" re-enacted and amended May 10 1951 (P. L. 265) is amended to read

Section 1 Definitions The following words and phrases when used in this act shall have the meanings ascribed to them in this section except where the context clearly indicates a different meaning

\* \* \*

(2) "Business" Carrying on or exercising for gain or profit within a school district of the first class any trade business including financial business is hereinafter defined profession vocation or commercial activity or making sales to persons within such school district of first class "Business" shall not include the following Any business conducted by a non-profit corporation or association organized for religious charitable or educational purposes the business of any political subdivision or of any author-



ity created and organized under and pursuant to any act of Assembly the specific business conducted by any public utility operating under the laws rules and regulations administered by the Pennsylvania Public Utility Commission of furnishing or supplying service or services at the fixed rates specified in its tariffs the business of any insurance company association or exchange or any fraternal benefit or beneficial society of any other state under the laws of which insurance companies associations or exchanges or fraternal benefit or beneficial societies of this Commonwealth doing business in such other state are subjected by reason of the tax imposed by this act to additional or further taxes fines penalties or license fees by such other state and any employment of a wage or salary

\* \* \*

Section 2 Clause (5) of section 1 of the act amended August 22 1953 (P. L. 1357) is amended to read

#### Section 1 Definitions

\* \* \*

(5) "Receipts" Cash credits property of any kind or nature received in or allocable to a school district of the first class from any business or by reason of any sale made or services rendered or commercial or business transaction had within a school district of the first class without deduction therefrom on account of the cost of property sold materials used labor service or other cost interest or discount paid or any other expense "Receipts" shall exclude (a) the dollar volume of annual business covering the resale of goods wares or merchandise taken by a dealer as a trade-in or as part payment for other goods wares and merchandise in the usual and ordinary course of his business except to the extent that the resale price exceeds the trade-in allowance (b) in the case of a financial business the cost of securities and other property sold exchanged paid at maturity or redeemed and moneys or credits received in repayment of advances credits and loans but not to exceed the principal amount of such advances credits and loans and shall also exclude deposits and in the case of building and loan or savings and loan associations payments received on account of shares purchased by shareholders (c) in the case of a broker any commissions paid by him to another broker on account of a purchase or sales contract initiated executed or cleared in conjunction with such other broker (d) the receipts or the portion thereof attributable to any sale involving the bona fide delivery of goods commodities wares or merchandise of the taxpayer's own manufacture growth or produce to a location regularly maintained by the other party to the transaction outside the limits of such school district and not for the purpose of evading or avoiding payment of the tax or any portion thereof imposed under this act (e) in the case of a person who at the execution of a contract for the sale in a natural state of the produce of a mine does not have title thereto and does not at any time take possession thereof the cost to him of the produce of a mine covered by the contract (f) receipts by dealers from sales to other dealers in the same line where the dealer transfers title or possession at the same price for which he acquired the goods wares or merchandise For the purpose of determining taxable receipts from sales made by a manufacturing corporation of goods commodities wares and merchandise of its own manufacture through a wholly owned distributing corporation such sales shall be treated as if made directly by the manufacturing corporation to the vendees of the distributing corporation For the purpose of determining taxable receipts from sales made by a manufacturing corporation of goods commodities wares and merchandise of its own manufacture made through a distributing corporation such sales shall be treated as if made directly by the manufacturing corporation to the vendees of the distributing corporation if a majority of the shares of stock of both the manufacturing corporation and the distributing corporation is owned by the same individual association or corporation For the purpose of determining receipts from the business of insurance such receipts shall mean those from premiums received from risks within the school district of the first class whether by mutual or stock companies domestic or foreign without any deductions therefrom for any cost

or expense whatsoever The collector shall determine from such data as he shall require from insurance companies subject to this act the amount of such receipts and shall ascertain the amount of the tax in accordance with such determination

Section 3 Section 3 subsection (b) of section 4 subsection (d) of section 5 and section 8 of the act reenacted and amended May 10 1951 (P. L. 265) are amended to read

Section 3 Imposition and Rate of Tax Every person engaging in any business in any school district of the first class shall pay an annual tax at the rate of one (1) mill on each dollar of the annual receipts thereof

Where a receipt in its entirety cannot be subjected to the tax imposed by this act by reason of the provisions of the Constitution of the United States or any other provision of law the collector shall establish rules and regulations and methods of allocation and evaluation so that only that part of such receipt which is properly attributable and allocable to the doing of business in the school district levying the tax shall be taxed hereunder The collector may make such allocation with due regard to the nature of the business concerned on the basis of mileage division of the receipt according to the number of jurisdictions in which it may be taxed the ratio of the value of the property or assets of the taxpayer owned and situated in the school district levying the tax to the total property or assets of the taxpayer wherever owned and situated and any other method or methods of allocation other than foregoing calculated to effect a fair and proper allocation Every person who ceases to carry on a business during any tax year shall be permitted to apportion his tax for such tax year and shall pay for such tax year an amount to be computed by multiplying his gross receipts for the preceding full calendar year by a fraction whose numerator shall be the number of months such person was in business during the tax year and whose denominator shall be twelve

#### Section 4 Computation of Annual Receipts \* \* \*

(b) Every person subject to the payment of the tax hereby imposed who has commenced his business less than one (1) full year prior to the tax year one thousand nine hundred fifty for the tax year one thousand nine hundred fifty or who has commenced his business subsequent to the beginning of any tax year for such tax year [and the succeeding tax year] shall compute his annual receipts upon the actual receipts received by him [during the first month of his engaging in such business multiplied by the number of months of the current tax year remaining or multiplied by twelve (12)] during the part of such tax year remaining and on his actual receipts of his first full year for the first full tax year he engages in business as the case may be

\* \* \*

#### Section 5 Returns \* \* \*

(d) Every person subject to the tax imposed by this act who commences business subsequent to the beginning of any tax year [shall within forty (40) days from the date of commencing such business and on or before May fifteenth] for such tax year and for his first full tax year shall on or before January thirty-first of the succeeding tax year file a return with the collector setting forth his name his business and business address and such information as may be necessary in arriving at the actual receipts received by him during his first month of business and the amount of the tax due

\* \* \*

Section 8 Suit on Collection Penalty (a) It shall be the duty of the collector to sue for recovery of all taxes due him not paid when due [Such suits shall be begun within three (3) years after] [such taxes become due] No suit shall be begun for unpaid taxes later than five (5) years after the date on which such taxes should have been paid the provisions of this sub-section shall be retroactive to the tax year 1950

(b) If for any reason the tax is not paid when due in each year interest at the rate of six per centum (6%) per annum on the amount of said tax and an additional penalty of one-half per centum ( $\frac{1}{2}\%$ ) of the amount of the unpaid tax for each month or fraction thereof during



which the tax remains unpaid after said tax becomes due shall be added and collected by the collector provided that the maximum penalty added for non-payment of the tax shall be seven per centum (7%) Where suit is brought for the recovery of any such tax the person shall be liable for and it shall be the duty of the collector to collect in addition to the tax assessed against such person the costs of such collection and the interest and penalties herein imposed

(c) All penalties in excess of seven per centum (7%) imposed on unpaid taxes levied pursuant to this act for 1955 and all previous years are hereby abated if the unpaid delinquent taxes and penalty (not to exceed seven per centum) and interest are paid on or before December 1 1956 Provided the taxpayer's 1955 and 1956 taxes levied under this act are paid

Section 4 This act shall take effect immediately No refunds of taxes interest or penalties paid prior to the date of the enactment of this act shall be made as a result of the amendments herein contained

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

#### YEAS—49

Bane,	Haluska,	McMenamin,	Stevenson,
Barr,	Harney,	McPherson, Jr.	Stiefel,
Berger,	Hays,	Miller,	Taylor,
Blass,	Holland,	Mullin,	Van Sant,
Camiel,	Kessler,	Pechan,	Wade,
Chapman,	Koprivier, Jr.	Peelor,	Watkins,
Dent,	Lane,	Propert,	Watson,
Derk,	Madigan,	Ruth,	Weiner,
Diehm,	Mahany,	Schmidt,	Whalley,
DiSilvestro,	Mallery,	Scott,	Wolfe,
Donolow,	McCreesh,	Seyler,	Yosko,
Flack,	McGinnis,	Silvert,	Wagner,
Fleming,			Presiding Officer

#### NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 1674, as follows:

An Act making an appropriation to the Department of Welfare for the two fiscal years beginning June 1, 1955 to assist in the payment of the operation and maintenance by the Trustees of Mercy-Douglass Hospital of the addition to Philadelphia State Hospital constructed by The General State Authority

Whereas The General State Authority has recently completed a two hundred thirty-eight (238) bed ten (10) story addition to the Philadelphia State Hospital which the Legislature has authorized the Mercy-Douglass Hospital to operate and

Whereas These facilities which have not yet been put into use are urgently needed for the treatment of mental patients as well as for medical and surgical care and

Whereas The Trustees of the Mercy-Douglass Hospital do not have any funds to open the hospital nor will their income from patients or donations be sufficient to operate and maintain this new addition to the hospital and

Whereas It now appears that eight hundred eighty thousand dollars (\$880,000.00) will be needed during the next two years for such operation and maintenance

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of six hundred fifty thousand dollars (\$650,000.00) or so much thereof as may be necessary is hereby specifically appropriated to the Department of Welfare for the two fiscal years beginning June 1, 1955 to assist in paying for the operation and maintenance by the Board of Trustees of the Mercy-Douglass Hospital of the addition to the Philadelphia State Hospital constructed by The General State Authority in accordance with the provisions of the act of September 29, 1951 (P. L. 1652) and its amendments

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

#### YEAS—49

Bane,	Haluska,	McMenamin,	Stevenson,
Barr,	Harney,	McPherson, Jr.	Stiefel,
Berger,	Hays,	Miller,	Taylor,
Blass,	Holland,	Mullin,	Van Sant,
Camiel,	Kessler,	Pechan,	Wade,
Chapman,	Koprivier, Jr.	Peelor,	Watkins,
Dent,	Lane,	Propert,	Watson,
Derk,	Madigan,	Ruth,	Weiner,
Diehm,	Mahany,	Schmidt,	Whalley,
DiSilvestro,	Mallery,	Scott,	Wolfe,
Donolow,	McCreesh,	Seyler,	Yosko,
Flack,	McGinnis,	Silvert,	Wagner,
Fleming,			Presiding Officer

#### NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

#### ALL OVER IN ORDER

Mr. MAHANY. Mr. President, I ask unanimous consent that House Bill No. 1736, Printer's No. 1255, in third reading, go over in its order.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

#### SECOND READING CALENDAR

#### BILLS OVER IN ORDER

Mr. MAHANY. Mr. President, I ask unanimous consent that the following bills, on second reading, go over in their order:

House Bill No. 53, Printer's No. 1192;  
House Bill No. 173, Printer's No. 1247;  
Senate Bill No. 317, Printer's No. 394;  
Senate Bill No. 318, Printer's No. 388;  
Senate Bill No. 382, Printer's No. 457;  
Senate Bill No. 420, Printer's No. 451;  
House Bill No. 655, Printer's No. 258;  
House Bill No. 730, Printer's No. 1270; and  
House Bill No. 756, Printer's No. 1269.

The PRESIDING OFFICER. Is there objection? The Chair hears none.



## BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 802, entitled:

An Act to provide for an additional law judge of the orphans' court in the fifth judicial district

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

## BILLS OVER IN ORDER

Mr. MAHANY. Mr. President, I ask unanimous consent that the following bills, on second reading, go over in their order:

Senate Bill No. 854, Printer's No. 415;  
Senate Bill No. 855, Printer's No. 416;  
Senate Bill No. 856, Printer's No. 417;  
Senate Bill No. 857, Printer's No. 383;  
House Bill No. 857, Printer's No. 455;  
Senate Bill No. 866, Printer's No. 453;  
House Bill No. 874, Printer's No. 1218;  
Senate Bill No. 911, Printer's No. 454;  
Senate Bill No. 912, Printer's No. 455;  
Senate Bill No. 918, Printer's No. 456; and  
House Bill No. 970, Printer's No. 275.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

## BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 1129, entitled:

An Act amending the act of May 17 1929 (P. L. 1798) entitled "An act providing a fixed charge payable by the Commonwealth on lands acquired by the State and the Federal Government for forest reserves" requiring the Commonwealth for a limited time to pay charges to counties on certain federal forest reserves

And said bill having been read at length the third time and agreed to,

Ordered, To be transcribed for a third reading.

## BILLS OVER IN ORDER

Mr. MAHANY. Mr. President, I ask unanimous consent that the following bills, on second reading, go over in their order:

House Bill No. 1294, Printer's No. 1210;  
House Bill No. 1330, Printer's No. 800;  
House Bill No. 1773, Printer's No. 1079; and  
House Bill No. 1795, Printer's No. 1086.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

## BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 1898, entitled:

An Act amending the act of July 28 1953 (P. L. 723) entitled "Second Class County Code" further providing for and changing the provisions of the act relating to employees' retirement system and the powers duties and liabilities of the county the county institution district and the retirement board relative thereto and the rights privileges and limitations of employees and beneficiaries under the retirement system

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 1915, entitled:

An Act amending the act of May 22 1935 (P. L. 233) entitled "An act creating and establishing a fund for the care maintenance and relief of aged retired and disabled employees of the Bureau of Police in cities of the second class . . ." changing the amount of payments to certain beneficiaries

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 1916, entitled:

An Act amending the act of May 25, 1933 (P. L. 1050) entitled "An act creating and establishing a fund for the care maintenance and relief of aged retired and disabled employees of the bureau of fire in cities of the second class . . ." changing the amounts of payments to certain beneficiaries

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 1922, entitled:

An Act reenacting and amending section 4 of the act of May 28 1915 (P. L. 596) entitled "An act requiring cities of the second class to establish a pension fund for employees of said cities . . ." increasing the amount of pensions in certain cases

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

THE PRESIDENT pro tempore (M. Harvey Taylor) in the Chair.

The PRESIDENT pro tempore. At this time, the Chair invites the gentleman from Cumberland, Mr. Wade, to the rostrum to preside.

The PRESIDING OFFICER (George N. Wade) in the Chair.



## INTERROGATION

Mr. SEYLER. Mr. President, I desire to interrogate the gentleman from Schuylkill, Senator Wagner.

The PRESIDING OFFICER. Will the gentleman from Schuylkill, Mr. Wagner, permit himself to be interrogated?

Mr. WAGNER. I will, Mr. President.

Mr. SEYLER. Mr. President, I would like to interrogate the gentleman about a statement, apparently made by him, which I read in the newspaper today that was shown to me to the effect that the gentleman had said that Senate Bill No. 769, which is the bill dealing with the establishment of regional service areas, was dead. I have great respect for newspaper reporting and I am sure the gentleman must have said that, but I would just like a little clarification. I would like to ask the gentleman first of all whether he expressed this as a firm intention, as Chairman of the Education Committee, or as a prediction in light of his long experience as a Senator or just as an informal personal opinion.

Mr. WAGNER. Mr. President, I would like to assure one of the co-sponsors of the bill that so far as I can recollect, I never said that the bill was dead because bills do not die in my committee until the committee has passed on them or the Session has come to an end.

The only recollection I have of a statement on the bill, for the benefit of the Senator from York, was that in the light of the controversy which seems to exist among various members of the school fraternity who are immediately affected, I thought the bill should be left undistributed for a seasoning period so that we might hear and evaluate the reactions to it. That, in my book, does not constitute embalming or funeral rites which may or may not be held at some future date, Senator.

Mr. SEYLER. Mr. President, I thank the gentleman very much for that answer and I am very much relieved to hear that he was not entirely correctly reported. I felt at the time that it was not the sort of statement I anticipated from the gentleman from Schuylkill.

I would also like to ask the Senator another question. I realize that, as he so well put it, in a certain area of our educational fraternity there is objection to the bill and I think he and I would agree that it is understandable on the part of that particular group. I realize also that this has been very controversial, but as the gentleman knows, some efforts are presently being made to work out amendments which might make the bill more palatable to many of the people who have objection and I would ask him whether, in his opinion, the friends and advocates of this bill should just give up those efforts and forget about the bill for the rest of the Session or whether he believes that the bill is still alive, at least enough to be worth the consideration of amendments which would improve the bill. I am asking now for his opinion, as a seasoned statesman and one who is particularly interested in education.

Mr. WAGNER. Will the Chair allow me a moment to enjoy the description of my labors here?

I would suggest, Mr. President, for the benefit of the Senator from York and any other interested parties who may be within the sound of our voices, that those who are interested in this particular bill, which is a bit revolutionary, ought to, as soon as they can, let their wishes

and suggestions be registered with either the chairman of the committee or any member of the committee because it seems to me, and I say this very deliberately, that the proposal is important enough to have committee consideration, whatever their determinations might be, Senator.

Mr. SEYLER. Mr. President, I thank the gentleman.

## PERMISSION TO ADDRESS SENATE

Mr. SEYLER asked and obtained unanimous consent to address the Senate.

Mr. SEYLER. Mr. President, I certainly agree with the gentleman from Schuylkill about the importance of this bill. In fact, I would say to him that there are many people in the Commonwealth, people whose opinions are worth respecting because of their many years in the field of education administration, who feel that this bill is probably the most important educational bill which will be considered at this Session because its implications for the future, of course, are tremendous.

I may say that this bill, as it stands, represents a long period of study and conferences on the part of many educators. I do not think I would subscribe to the word "revolutionary," but certainly the gentleman's import of the word is correct in that it would be a strong and very important change. I would be very loath to have those people feel that the door has been slammed in their faces in an effort to make this change in our education administration in Pennsylvania, which they feel is so urgently needed. I am greatly relieved to have the gentleman's clarification of the situation.

## HOUSE MESSAGES

## HOUSE CONCURS IN SENATE CONCURRENT RESOLUTION

The Clerk of the House of Representatives being introduced, informed the Senate that the House has concurred in resolution from the Senate as follows:

## RECALLING SENATE BILL No. 192 FROM THE GOVERNOR

In the Senate, December 28, 1955.

Resolved (if the House of Representatives concur), That Senate Bill No. 192, Printer's No. 246, entitled "An act providing for and regulating the licensing and practice of practical nursing imposing duties on the State Board of Nurse Examiners and imposing penalties," be recalled from the Governor for the purpose of amendment.

## HOUSE CONCURS IN SENATE CONCURRENT RESOLUTION

He also informed the Senate that the House has concurred in resolution from the Senate as follows:

## TIME OF NEXT MEETING

In the Senate, December 28, 1955.

Resolved, (the House of Representatives concurring), That when the Senate adjourns this week, it reconvene Monday, January 16, 1956, at three o'clock, p. m., E. S. T., unless sooner recalled by the President pro tempore of the Senate; and when the House of Representatives adjourns this week it reconvene Wednesday, January 4, 1956 at three o'clock, p. m., E.S.T.; and when the House of Representatives adjourns the week of January 2, 1956, it reconvene Monday, January 16, 1956, at three o'clock,



p. m., E.S.T., unless sooner recalled by the Speaker of the House of Representatives.

### ADJOURNMENT

Mr. WAGNER. Mr. President, I move that the Senate do now adjourn until Monday, January 16, 1956, at 3:00 o'clock, p. m., Eastern Standard Time, unless sooner recalled by the President pro tempore.

Mr. KESSLER. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 5:24 o'clock, p. m., Eastern do now adjourn until Monday, January 16, 1956, at 3:00 o'clock, p. m., Eastern Standard Time, unless sooner recalled by the President pro tempore.

## HOUSE OF REPRESENTATIVES

WEDNESDAY, December 28, 1955

The House met at 3:30 p. m.

The CHIEF CLERK. The Speaker has requested the Chief Clerk to announce the appointment of the gentleman from Armstrong, Mr. Helm, as Speaker pro tempore for today's session.

MR. HELM IN THE CHAIR

### JOURNALS APPROVED

The SPEAKER pro tempore. Are there any corrections to the Journals of Monday, December 5, Tuesday, December 6 and Wednesday, December 7, 1955? If not, and without objection, the Journals are approved.

### JOURNAL APPROVAL POSTPONED

The SPEAKER pro tempore. If there is no objection, the approval of the Journal for Tuesday, December 20, 1955 will be postponed until printed. The Chair hears none.

### COMMUNICATIONS FROM GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILLS Nos. 834, 1267, 1378, 1392, 1707, 1726, 1790, and 1923

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, December 22, 1955.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 834, Printer's No. 1257, entitled "An Act amending the act of May 9, 1949 (P. L. 927) entitled 'An act fixing and regulating the fees commissions mileage and other costs chargeable by the sheriff in counties of the second third fourth fifth sixth seventh and eighth classes for their official acts and the services of their deputies watchmen appraisers and other agents requiring prepayment of same unless secured or chargeable to the county and delivery of itemized receipts therefor requiring certain payments by the county including the compensation of special deputies providing for the taxation and collection of fees commissions mileage and other costs requiring salaried sheriffs to account to the county for certain fees and commissions collected and repealing inconsistent laws general special or local' changing fees commissions mileage and other costs chargeable to sheriffs."

GEORGE M. LEADER.

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, December 22, 1955.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 1267, Printer's No. 1254, entitled "An Act amending the act of July 28, 1953 (P. L. 723) entitled 'An act relating to counties of the second class amending revising consolidating and changing the laws relating thereto' increasing the annual salaries of certain officers in counties of the second class."

GEORGE M. LEADER.

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, December 22, 1955.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 1378, Printer's No. 536, entitled "An Act amending the act of May 20, 1915 (P. L. 566) entitled 'An act requiring cities of the first class to establish a pension fund for employees of said cities and all county or other public employees if any paid by appropriation of the city councils thereof and out of the treasury of said cities and regulating the administration and the payment of such pensions' increasing period of school service for which credit may be given."

GEORGE M. LEADER.

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, December 22, 1955.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 1392, Printer's No. 433, entitled "An Act amending the act of May 10, 1939 (P. L. 111) entitled 'An act relating to and providing for the promotion and development of business industry and commerce in the Commonwealth conferring powers and duties upon the Department of Commerce and other agencies of the Commonwealth abolishing the Pennsylvania State Publicity Commission terminating the terms of its members and conferring its powers upon and transferring and appropriating the balance of its current appropriation to the Department of Commerce and repealing certain laws' granting to and imposing certain powers and duties on the Department of Commerce relating to planning programs assistance and other work heretofore administered by the State Planning Board and transferring records and equipment relative thereto."

GEORGE M. LEADER.

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, December 22, 1955.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 1707, Printer's No. 842, entitled "An Act amending the act of June 21, 1939 (P. L. 626) entitled 'An act providing for and regulating the assessment and valuation of all subjects of taxation in counties of the second class creating and prescribing the powers and duties of a Board of Property Assessment Appeals and Review imposing duties on certain county and city officers abolishing the board for the assessment and revision of taxes in such counties and prescribing penalties' changing the time for valuation or assessment of new buildings."

GEORGE M. LEADER.

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, December 22, 1955.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 1726, Printer's No. 954, entitled "An Act amending the act of May 5, 1933 (P. L.



457) entitled 'An act relating to the business of building and loan associations providing for the organization and voluntary dissolution of such associations defining the rights powers duties liabilities and immunities of such associations and of their officers directors shareholders solicitors and other employees prohibiting the transaction of business in this Commonwealth by foreign building and loan associations conferring powers and imposing duties upon the courts recorders of deeds and certain State departments commissions and officers establishing limitations of acts imposing penalties and repealing certain acts and parts of acts' further regulating regular meetings of boards of directors."

GEORGE M. LEADER.

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, December 22, 1955.

To the Honorable the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 1790, Printer's No. 1004, entitled "An Act giving the consent of the Commonwealth of Pennsylvania to the acquisition by the United States of America of approximately one thousand two hundred sixty-six acres of land in the Township of Coolbaugh County of Monroe Pennsylvania known as Tobyhanna Signal Depot and ceding jurisdiction to the United States."

GEORGE M. LEADER.

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, December 22, 1955.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 1923, Printer's No. 1227, entitled "An Act making an appropriation to the Department of Public Assistance and providing for certain allocations therefrom for the purpose of carrying out the Public Assistance Law for the two fiscal years beginning June first one thousand nine hundred fifty-five."

GEORGE M. LEADER.

## BILLS INTRODUCED AND REFERRED

By Mr. PETROSKY. HOUSE BILL No. 1956.

An Act authorizing the Department of Property and Supplies to sell and convey 57.8 acres, more or less, of land situate in Hanover Township, Beaver County, Pennsylvania, with the approval of the Governor.

Referred to the Committee on State Government.

By Mr. READINGER. HOUSE BILL No. 1957.

An Act to further amend subsection (a) of section twelve hundred one of the act, approved the first day of May, one thousand nine hundred twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; . . ." by providing for one year statute of limitations for violation of section six hundred twenty (j).

Referred to the Committee on Rules.

By Mr. READINGER. HOUSE BILL No. 1958.

An Act amending the "State Workmen's Insurance Fund Law," approved June 2, 1915 (P. L. 762), extending insurance coverage provisions for policemen and firemen, authorizing the board to fix premiums and to contract for supplying additional hospital and other services.

Referred to the Committee on Rules.

By Mr. HELM. HOUSE BILL No. 1959.

An Act amending the act of April 9, 1872 (P. L. 47), entitled "An act for the better protection of the wages of

mechanics, miners, laborers and others," further regulating and increasing the amount of preferred claims.

Referred to the Committee on Labor Relations.

## SENATE MESSAGE

### SENATE BILLS FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence, bills numbered and entitled as follows:

SENATE BILL No. 842.

An Act amending the act of May 15, 1939 (P. L. 134) entitled as amended "An act relating to fireworks . . ." authorizing the use of fireworks in connection with raising crops

Referred to the Committee on Agriculture and Dairy Industries.

SENATE BILL No. 900.

An Act amending the act of July 7, 1947 (P. L. 1368) entitled "Real Estate Tax Sale Law" clarifying the provisions of the act relating to private sales of certain properties by the Tax Claim Bureau

Referred to the Committee on Judiciary.

SENATE BILL No. 901.

An Act amending the act of August 9, 1955 (Act No. 130) entitled "The County Code" fixing the time for the annual report by the county auditors to the court of common pleas and changing the provisions relating to the appointment of depositories of county funds

Referred to the Committee on Counties.

## SENATE MESSAGE

### HOUSE BILLS CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bills from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 78.

An Act amending the act of March twenty-seventh one thousand nine hundred and twenty-nine (P. L. 84) entitled "An act to fix the fees to be charged by coroners in counties of the second class" increasing fees to be charged

HOUSE BILL No. 814.

An Act amending the act of June 11, 1915 (P. L. 938) entitled "An act to regulate and establish the fees to be charged and collected by the several clerks of the courts of oyer and terminer general jail delivery and quarter sessions of the peace in counties of this Commonwealth having a population of over eight hundred thousand and less than one million five hundred thousand inhabitants as computed by the last preceding United States census" changing and fixing fees in counties of the second class.

With the information that the Senate has passed the same without amendment.

## SENATE MESSAGE

### AMENDED HOUSE BILL RECALLED FROM GOVERNOR CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:



## HOUSE BILL No. 342.

An Act amending the act of May 1 1929 (P. L. 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" exempting motor vehicles of war amputees from the payment of title or registration fees.

Said bill having been recalled from the Governor for the purpose of amendment, the vote had on final passage and third reading on said bill was reconsidered in the House and the bill amended, in which amendments the Senate has concurred.

## SENATE MESSAGE

AMENDED HOUSE BILL RECALLED FROM  
GOVERNOR CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

## HOUSE BILL No. 662.

An Act amending the act of May 5 1933 (P. L. 289) entitled "An act relating to nonprofit corporations defining and providing for the organization merger consolidation and dissolution of such corporation conferring certain rights powers duties and immunities upon them and their officers and members prescribing the conditions which such corporations may exercise their powers providing for the inclusion of certain existing corporations of the first class within the provisions of this act prescribing the terms and conditions upon which foreign nonprofit corporations may be admitted or may continue to do business within the Commonwealth conferring powers and imposing duties on the courts of common pleas prothonotaries of such courts recorders of deeds and certain State departments commissions and officers authorizing certain local public officers and State departments to collect fees for services required to be rendered by this act imposing penalties and repealing certain acts and parts of act relating to corporations" empowering nonprofit corporations to transfer their property and assets in trust

Said bill having been recalled from the Governor for the purpose of amendment, the vote had on final passage and third reading on said bill was reconsidered in the House and the bill amended, in which amendments the Senate has concurred.

## SENATE MESSAGE

AMENDED HOUSE BILL RECALLED FROM  
GOVERNOR CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bill

from the House of Representatives numbered and entitled as follows:

## HOUSE BILL No. 737.

An Act amending the act approved the ninth day of August one thousand nine hundred fifty-five (P. L. ) (Act No. 130) entitled "An act relating to counties of the third fourth fifth sixth seventh and eighth classes amending revising consolidating and changing the laws relating thereto" providing rooms for use of the American Gold Star Mothers Inc and for certain ladies auxiliaries.

Said bill having been recalled from the Governor for the purpose of amendment, the vote had on final passage and third reading on said bill was reconsidered in the House and the bill amended, in which amendments the Senate has concurred.

## SENATE MESSAGE

AMENDED HOUSE BILL RECALLED FROM  
GOVERNOR CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

## HOUSE BILL No. 738.

An Act amending the act of July 8, 1919 (P. L. 784 No. 321) "An act authorizing counties cities and boroughs to furnish rooms in public buildings for meeting places for certain organizations" including certain ladies' auxiliaries and the American Gold Star Mothers Inc within provisions of act

Said bill having been recalled from the Governor for the purpose of amendment, the vote had on final passage and third reading on said bill was reconsidered in the House and the bill amended, in which amendments the Senate has concurred.

## BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 312, entitled:

An Act amending the "Pennsylvania Election Code" approved June 3 1937 (P. L. 1333) giving any candidate whose name is written stamped or affixed upon a ballot the right to petition the court for the cumulation of such votes.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 796, entitled:

An Act regulating the mining of anthracite coal prescribing duties for certain officers of political subdivisions and imposing penalties.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 797, entitled:

An Act designating how certain expenditures shall be made from appropriations to the Department of Mines.



And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1128, entitled:

An Act to quiet title to real estate and to facilitate the alienation thereof creating a conclusive presumption of payment satisfaction or release and making unenforceable any claim for money charged against real estate under any deed certain mortgages or any decree of any court of record of this Commonwealth \* \* \*

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1619, entitled:

An Act providing for the prevention and control of communicable and non-communicable diseases including venereal diseases fixing responsibility for disease prevention and control requiring reports of diseases authorizing financial assistance to typhoid fever carriers and authorizing treatment of venereal diseases and providing for premarital and prenatal blood tests amending revising and consolidating the laws relating thereto and repealing certain acts.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1871, entitled:

An Act amending "The Game Law" approved June 3, 1937 (P. L. 1225) regulating refund of fees fines or other moneys erroneously or unjustly collected and deposited and appropriating moneys from the Game Fund for the refund of fees fines or other moneys unjustly collected.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1939, entitled:

An Act amending "The Game Law" approved June 3, 1937 (P. L. 1225) authorizing use of money from resident hunter's fees for controlled burning of marginal and sub-marginal game land.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1940, entitled:

An Act amending "The Game Law" approved June 3, 1937 (P. L. 1225) requiring use of certain fees for removing overshadowing tree growth to produce underbrush sprouts and saplings for deer food and cover.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of Senate Bill No. 274, entitled:

An Act amending the "Pennsylvania Election Code" of June 3, 1937 (P. L. 1333) \* \* \* increasing the terms of office of judges and inspectors of elections.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of Senate Bill No. 443, entitled:

An Act amending the "Osteopathic Practice Law" of March 19, 1909 (P. L. 46) \* \* \* redefining osteopathy changing the provisions relating to qualifications and licensing of osteopathic physicians and surgeons and abolishing the State Osteopathic Surgeon's Examining Board.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of Senate Bill No. 685, entitled:

An Act amending the act of June 24, 1939 (P. L. 685) entitled "An act designating certain life insurance companies as limited life insurance companies and further describing the powers thereof" further regulating the powers of limited life insurance companies.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of Senate Bill No. 686, entitled:

An Act amending the act of May 7, 1935 (P. L. 130) . . . making the consent deemed to have been given by a nonresident operator or owner of an aircraft involved in an accident or collision within this Commonwealth for appointment of the Secretary of the Commonwealth as his agent for service of process irrevocable and binding upon his personal representatives; providing for service of process when the nonresident operator or owner has died prior to the commencement of an action, and making changes to conform with existing laws.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of Senate Bill No. 687, entitled:

An Act amending the act of May 14, 1929 (P. L. 1721), entitled "An act providing for the service of process in civil suits on nonresident operators, or nonresident owners, of motor vehicles operated within the Commonwealth of Pennsylvania and making the operation of such a motor vehicle on the public highways of the Commonwealth of Pennsylvania the equivalent of the appointment of the Secretary of Revenue of the Commonwealth of Pennsylvania as the agent of the said nonresident, upon whom civil process may be served; and providing for further notice to the defendant in any such suit," making the consent deemed to have been given by a nonresident operator or owner of a motor vehicle involved in an accident or collision within this Commonwealth for appointment of the Secretary of the Commonwealth as his agent for service of process irrevocable and binding upon his personal representatives; providing for service of process when the nonresident operator or owner has died prior to the commencement of an action, and making changes to conform with existing law.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,



The House proceeded to the first reading and consideration of Senate Bill No. 689, entitled:

An Act amending the "Wills Act of 1947" of April 24 1947 (P. L. 89) \* \* \* revising and changing provisions relating to foreign wills divorce testamentary conveyances affecting right of spouse taking against a will rights of adopted persons and illegitimates in lapsed and void devises and legacies and appointment of guardian of property passing to a minor upon testator's death whether or not passing under the will.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of Senate Bill No. 690, entitled:

An Act amending the "Interstate Act of 1947" of April 24, 1947 (P. L. 80) \* \* \* and repealing parts thereof limiting right of spouse on partial intestacy and in selection of allowance and revising procedure for setting aside spouse's allowance establishing title to real estate when spouse claims entire estate and distribution to the Commonwealth as statutory heir.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of Senate Bill No. 691, entitled:

An Act amending the "Estates Act of 1947 (P. L. 100) \* \* \*" revising and changing provisions relating to power of court to terminate trusts heretofore created release or disclaimer by beneficiary of spendthrift trust income accumulations conveyances to defeat marital rights and elections against such conveyances the conveyor's will and the procedure therefor.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of Senate Bill No. 692, entitled:

An Act amending the "Register of Wills Act of 1951" of June 29, 1951 (P. L. 638) \* \* \* changing the procedure on probate of wills probated outside the Commonwealth.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of Senate Bill No. 694, entitled:

An Act repealing the "Orphan's Court Partition Act of 1917 of June 7, 1917 (P. L. 337) \* \* \*" with exceptions.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of Senate Bill No. 696, entitled:

An Act relating to the administration and distribution of incompetents' estates (except in Philadelphia County) both as to real and personal property and the procedure relating thereto including the disposition of such estates or portions thereof and the determination of title thereto without the appointment of a guardian in certain cases the appointment bond removal and discharge of guardians of such estates their powers duties and liabilities the rights

of persons dealing with such guardians and the rights of persons claiming an interest in such estates or in property distributed therefrom whether as claimants or distributees and containing provisions concerning the determination of incompetency and the powers duties and liabilities of foreign guardians and also generally dealing with the jurisdiction powers and procedure of the orphans' court and the common pleas court relating to incompetents estates.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of Senate Bill No. 697, entitled:

An Act amending the "Fiduciaries Act of 1949" of April 18, 1949 (P. L. 512) \* \* \* revising and changing provisions relating to first complete advertisement of the grant of letters payment of accrued pensions without letters amount of estates distributed on petition family exemptions place for grants of letters inventory and appraisement and objections thereto claims against decedents against personal representatives and against decedents' property awards to nonresident beneficiaries presumption of release or extinguishment amount of minors' estates administered without guardian and exercise of powers by foreign fiduciaries.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of Senate Bill No. 775, entitled:

An Act making an appropriation to the Joint Committee appointed by the Senate and House of Representatives to investigate the Pennsylvania Training School at Morgantown.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of Senate Bill No. 871, entitled:

An Act authorizing certain mutual insurance companies other than life insurance companies now in existence under the provisions of the act of May 17, 1921 (P. L. 682) its supplements and amendments to reincorporate as mutual life insurance companies outlining the requirements and procedure and defining the rights of dissenting members.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of Senate Bill No. 899, entitled:

An Act authorizing temporary loans for the immediate payment of overdue reimbursements to school districts.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

## BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1947, entitled:

An Act making an appropriation to the State Treasurer for the purpose of paying salaries and wages of State officers and employes and other ordinary and general expenses in the interim between the thirty-first day of May



one thousand nine hundred fifty-five and such time as the funds provided by the General Appropriation Act and other appropriation acts become available and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred fifty-five

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

#### BILLS PASSED OVER

There being no objection

Senate Bill No. 284, Printer's No. 441,  
Senate Bill No. 285, Printer's No. 442 and  
Senate Bill No. 442, Printer's No.

were passed over at the request of the Speaker pro tempore.

#### BILLS ON FINAL PASSAGE

##### BILLS PASSED OVER

There being no objection

House Bill No. 667, Printer's No. 1256, and  
House Bill No. 1311, Printer's No. 1102,

were passed over at the request of the Speaker pro tempore.

#### BILLS ON FINAL PASSAGE POSTPONED

##### TIME EXTENDED ON BILLS

Mr. READINGER asked and obtained unanimous consent to extend the time five days on House Bill No. 68, Printer's No. 1189, on page 8 of today's calendar, bills on first passage postponed.

Mr. READINGER asked and obtained unanimous consent to extend the time five days on House Bill No. 319, Printer's No. 1137, on page 8 of today's calendar, bills on final passage postponed.

Mr. READINGER asked and obtained unanimous consent to extend the time five days on House Bill No. 1219, Printer's No. 383, on page 8 of today's calendar, bills on final passage postponed.

Mr. READINGER asked and obtained unanimous consent to extend the time five days on House Bill No. 1379, Printer's No. 1196, on page 9 of today's calendar, bills on final passage postponed.

Mr. READINGER asked and obtained unanimous consent to extend the time five days on House Bill No. 1517, Printer's No. 1145, on page 9 of today's calendar, bills on final passage postponed.

Mr. READINGER asked and obtained unanimous consent to extend the time five days on House Bill No. 1562, Printer's No. 607, on page 9 of today's calendar, bills on final passage postponed.

Mr. READINGER asked and obtained unanimous consent to extend the time five days on House Bill No. 1824, Printer's No. 1031, on page 9 of today's calendar, bills on final passage postponed.

Mr. READINGER asked and obtained unanimous consent to extend the time five days on House Bill No. 1825, Printer's No. 1104, on page 9 of today's calendar, bills on final passage postponed.

#### BILLS ON THIRD READING

##### BILLS PASSED OVER

There being no objection,

House Bill No. 118, Printer's No. 1215,  
House Bill No. 119, Printer's No. 1216,  
House Bill No. 322, Printer's No. 255,  
House Bill No. 1080, Printer's No. 1191,  
House Bill No. 1349, Printer's No. 1246,  
House Bill No. 1644, Printer's No. 1198,  
House Bill No. 1827, Printer's No. 1201,  
House Bill No. 1828, Printer's No. 1202,  
House Bill No. 1829, Printer's No. 1203,  
House Bill No. 1846, Printer's No. 1231,  
House Bill No. 1864, Printer's No. 1125,  
House Bill No. 1894, Printer's No. 1232,  
House Bill No. 1911, Printer's No. 1233,  
Senate Bill No. 467, Printer's No. 412,  
Senate Bill No. 524, Printer's No. 339,  
Senate Bill No. 543, Printer's No. 231, and  
Senate Bill No. 758, Printer's No. 277,

were passed over at the request of the Speaker pro tempore.

##### HOUSE RESOLUTION NO. 138

Mr. READINGER. Mr. Speaker, I call up House Resolution No. 138 on page 14 of today's calendar.

The resolution was read, considered and unanimously adopted as follows:

In the House of Representatives, December 13, 1955.

The magnificent grants totaling a half billion dollars made by the Ford Foundation to self-supporting hospitals and colleges throughout the nation establishes a new high in generosity

Fifty seven colleges located in Pennsylvania will be enabled to further their efforts to prepare students to assume leadership in the industrial and commercial endeavors of Pennsylvania and her sister states Hospitals throughout Pennsylvania have received aid in their efforts to combat the ills of humanity Throughout the United States educational and medical activities of schools and hospitals will be aided The Benefits to be derived from the far sighted generosity of the Ford Foundation will be enjoyed throughout this nation and will go far to help it maintain its high standards of education and medical research and practice therefore be it

Resolved that this House of Representatives extend its sincere thanks to the Ford Foundation for the material aid given to the vital fields of higher education and hospitalization and be it further

Resolved That this House of Representatives congratulates the Ford Foundation on the fine example which it has set in demonstrating that the heart and mind of America is ever bent on improving the lot of humanity through providing educational and material opportunities for those who seek and deserve the chance to be of service and be it further

Resolved That a copy of this resolution be sent to the Ford Foundation

##### RESOLUTION (Not Printed)

Mr. READINGER. Mr. Speaker, I call up the resolution (not printed) on page 14 of today's calendar.

The resolution was read, considered and unanimously adopted as follows:

In the House of Representatives, December 12, 1955.

One of baseball's greatest figures for more than half a century has passed on. John Peter (Honus) Wagner, idol of Pittsburgh fans and a prime favorite elsewhere, died in his sleep at his home in nearby Carnegie, Pennsylvania



at the age of 81. At his bedside was his wife, Bessie Wagner.

Despite the fact that several great players played short-stop, Wagner was the greatest of them all. As a fielder, hitter and base-stealer, the Flying Dutchman, as Pittsburgh fans called Honus, was the best of all. Many old timers considered him the most outstanding player of all time.

During his spectacular career, Wagner stole 720 bases, paced the National League in extra base hits seven years, led in triples five years and was first in doubles eight seasons. He played in 2,785 games, posted a .329 life-time batting average, made 4,320 putouts and 5,664 assists. He had only 612 errors for a .943 fielding average during his 21 year major league career. He was elected to the Baseball Hall of Fame in 1934 in the first group.

No player covered a greater space of ground than the Flying Dutchman. He "killed" what seemingly were hits over second with an ease that made the plays look ordinary. Yet to any other shortstop they would have been most difficult to field. He filled in when occasions required in other infield positions. Wagner was a modest player. All baseball honors accredited to him were accepted with a rather offhand acknowledgement.

The death of Wagner was mourned throughout the baseball world and has brought forth many expressions of sorrow and sympathy from its leaders; therefore be it

Resolved, That the House of Representatives joins with the baseball world in expressing its deepest sorrow and sympathy in the loss of Honus Wagner, a great competitor, an outstanding credit to the game and to the Commonwealth of Pennsylvania and a great inspiration to the American youth, and be it further

Resolved, That a copy of the resolution be transmitted to his wife, Bessie Wagner.

#### COMMUNICATION AND BILL TAKEN FROM TABLE

Mr. READINGER. Mr. Speaker, I move that House Bill No. 445, Printer's No. 1132, together with the communication from the Governor be taken from the table.

The motion was agreed to.

#### COMMUNICATION FROM GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

#### APPROVAL OF HOUSE CONCURRENT RESOLUTION RECALLING HOUSE BILL No. 445 FROM GOVERNOR

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, December 15, 1955.  
To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Concurrent Resolution recalling from the Governor House Bill No. 445, Printer's No. 1132, for the purpose of amendment.

Accordingly, the original bill is herewith returned.

GEORGE M. LEADER.

#### RECONSIDERATION OF VOTE

Mr. READINGER. Mr. Speaker, I move that the vote by which this bill passed finally be reconsidered.

Mr. McCANN. Mr. Speaker, I second the motion

The SPEAKER. How did the gentleman from Berks, Mr. Readinger vote on the final passage of this bill?

Mr. READINGER. Mr. Speaker, I voted with the prevailing side.

The SPEAKER. How did the gentleman from Greene, Mr. McCann vote on the final passage of this bill?

Mr. McCANN. Mr. Speaker, I voted with the prevailing side.

On the question,

Will the House agree to the motion?

It was agreed to.

Mr. READINGER. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered.

The motion was agreed to.

On the question recurring,

Will the House agree to the bill on third reading?

Mr. READINGER. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

Amend Title, page 2, next to last line of Title, by inserting after "buses" and loading zones.

Amend Sec. 1 (Sec. 626), page 3, line 13, by inserting a bracket after "zones."

Amend Sec. 1 (Sec. 828), page 3, line 13, by inserting brackets before and after "and designate."

Amend Sec. 1 (Sec. 828), page 3, line 15, by inserting a bracket before "by" where it appears the second time on said line.

The SPEAKER. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

#### COMMUNICATION AND BILL TAKEN FROM TABLE

Mr. READINGER. Mr. Speaker, I move that House Bill No. 1621, Printer's No. 769, together with the communication from the Governor be taken from the table.

The motion was agreed to.

#### COMMUNICATION FROM GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

#### APPROVAL OF HOUSE CONCURRENT RESOLUTION RECALLING HOUSE BILL No. 1621 FROM GOVERNOR

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, December 15, 1955.  
To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Concurrent Resolution recalling from the Governor House Bill No. 1621, Printer's No. 769, for the purpose of amendment.

Accordingly, the original bill is herewith returned.

GEORGE M. LEADER.

#### RECONSIDERATION OF VOTE

Mr. READINGER. Mr. Speaker, I move that the vote by which this bill passed finally be reconsidered.

Mr. McCANN. Mr. Speaker, I second the motion.



The SPEAKER. How did the gentleman from Berks, Mr. Readinger vote on the final passage of this bill?

Mr. READINGER. Mr. Speaker, I voted with the prevailing side.

The SPEAKER. How did the gentleman from Greene, Mr. McCann vote on the final passage of this bill?

Mr. McCANN. Mr. Speaker, I voted with the prevailing side.

On the question,

Will the House agree to the motion?

It was agreed to.

Mr. READINGER. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered.

The motion was agreed to.

On the question recurring,

Will the House agree to the bill on third reading?

Mr. READINGER. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

Amend page 1, line 1 of the title by striking out "May 2 1929 (P L 1278)" and inserting "August 9 1955 (P L ) (Act No. 130)."

Amend page 1, line 2 of the title by striking out "second."

Amend page 1, line 3 of the title by striking out "and revising amending and consolidating" and inserting "amending revising consolidating and changing."

Amend page 1, line 6 of the title, by striking out "and giving retirement benefits to."

Amend page 2, by striking out all of lines 1 to 16 and inserting Section 1. Subsection (e) of section 1923 of the act of August 9, 1955 (P L ) (Act No. 130) is hereby amended to read:

Amend page 2, line 17, by striking out "439" and inserting "1923."

Amend page 2, line 18, by striking out "(c)" and inserting "(e)."

Amend page 3, line 7, by striking out "State" and inserting "Commonwealth."

Amend page 3, line 9, by striking out "certificate and inserting "certificates."

Amend page 3, line 9, by striking out the second "For" and all of lines 10 to 13, inclusive.

Amend page 3, by striking out line 15, and inserting "Section 2. Section 2355 of the act of August 9, 1955 (P L ) (Act No. 130)."

Amend page 3, line 17 by striking out "590" and inserting "2355."

Amend page 4, line 3, by striking out the first "the" and inserting "any."

Amend page 4, line 3, by striking out "is now engaged or in," all of line 4 and "hereafter be engaged" in line 5 and inserting "has been or may hereafter be engaged."

The SPEAKER. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

## COMMUNICATION AND BILL TAKEN FROM TABLE

Mr. READINGER. Mr. Speaker, I move that House Bill

No. 1622, Printer's No. 770 together with the communication from the Governor be taken from the table.

The motion was agreed to.

## COMMUNICATION FROM GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

### APPROVAL OF HOUSE BILL No. 1622

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, December 15, 1955.  
To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Concurrent Resolution recalling from the Governor House Bill No. 1622, Printer's No. 770, for the purpose of amendment.

Accordingly, the original bill is herewith returned.

GEORGE M. LEADER.

### RECONSIDERATION OF VOTE

Mr. READINGER. Mr. Speaker, I move that the vote by which this bill passed finally be reconsidered.

Mr. McCANN. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from Berks, Mr. Readinger vote on the final passage of this bill?

Mr. READINGER. Mr. Speaker, I voted with the prevailing side.

The SPEAKER. How did the gentleman from Greene, Mr. McCann vote on the final passage of this bill?

Mr. McCANN. Mr. Speaker, I voted with the prevailing side.

On the question,

Will the House agree to the motion?

It was agreed to.

Mr. READINGER. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered.

The motion was agreed to.

On the question recurring,

Will the House agree to the bill on third reading?

Mr. READINGER. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

Amend page 1, line 1 of the title, by striking out "May 2 1929 (P L 1278)," and inserting "August 9 1955 (P L ) (Act No. 130)."

Amend page 1, line 2 of the title, by striking out "second."

Amend page 1, line 3 of the title, by striking out "and revising amending and consolidating" and inserting "amending revising consolidating and changing."

Amend page 2 by striking out all of lines 1 to 5, and inserting "Section 1. Section 1908 of the act of August 9 1955 (P L ) (Act No. 130) is amended to read."

Section 1908. Definitions. (a) The term deceased service person as used in this subsection shall mean and include Amend Section 1, page 2, line 7, by inserting after "Navy" Air Force.

Amend Section 1, page 2, line 18, by striking out "War or Naval Departments" and inserting "Department of Defense."

Amend Section 1, page 3, line 8, by striking out "and" and inserting "who was."

Amend Section 1, page 3, line 9, by striking out "and has been" and inserting "but was."

Amend Section 1, page 3, line 11, by inserting before "The" (b).



Amend Section 1, page 3, line 11, by striking out "act" and inserting "subsection."

The SPEAKER. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

#### COMMUNICATION AND BILL TAKEN FROM TABLE

Mr. READINGER. Mr. Speaker, I move that House Bill No. 1623, Printer's No. 783 together with the communication from the Governor be taken from the table.

The motion was agreed to.

#### COMMUNICATION FROM GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

##### APPROVAL OF HOUSE BILL No. 1623

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, December 15, 1955.  
To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Concurrent Resolution recalling from the Governor House Bill No. 1623, Printer's No. 783, for the purpose of amendment.

Accordingly, the original bill is herewith returned.

GEORGE M. LEADER.

#### RECONSIDERATION OF VOTE

Mr. READINGER. Mr. Speaker, I move that the vote by which this bill passed finally be reconsidered.

Mr. McCANN. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from Berks, Mr. Readinger vote on the final passage of this bill?

Mr. READINGER. Mr. Speaker, I voted with the prevailing side.

The SPEAKER. How did the gentleman from Greene, Mr. McCann vote on the final passage of this bill?

Mr. McCANN. Mr. Speaker, I voted with the prevailing side.

On the question,

Will the House agree to the motion?

It was agreed to.

Mr. READINGER. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered.

The motion was agreed to.

On the question recurring,

Will the House agree to the bill on third reading?

Mr. READINGER. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

Amend page 1, line 1 of the title by striking out "May 2, 1929 (P. L. 1278)" and inserting "July 28, 1953 (P. L. 723)."

Amend page 1, line 2 of the title by striking out "third fourth fifth sixth seventh and" and "eighth classes and revising amending and consolidating" in line 3, and inserting "class amending revising consolidating and changing."

Amend page 2 by striking out lines 1 to 16, inclusive, and inserting Section 1. Subsection (d) of section 1710 of article XVII of the act of July 28, 1953 (P. L. 723), known as "The Second Class County Code" is amended to read:

Section 1710. Employees Entitled to Retirement Allowances.

\* \* \* \* \*

(d) Any county employe who, on and after the sixteenth day of September, one thousand nine hundred forty, has been employed by the county or county institution district for a period of six or more months, and who, on or subsequent to such date, shall have enlisted or been inducted into military service of the United States in time of war or national emergency, so proclaimed by the President or the Congress of the United States; or any police action in which the United States is engaged, or shall serve in the military service of the United States during any armed conflict shall have credited to his employment record, for retirement benefits, all of the time spent by him in such military service during the continuance of such war, armed conflict, national emergency or police action, if such person returns or has heretofore returned to his employment within one year after his separation from military service and such payments as are required to be made by such county employe into the county employes' retirement fund shall be paid into such fund by the county or county institution district, upon application by such county employe for retirement benefits. Any county employe who has been in military service and returned to the employ of the county or county institution district shall, within one year after the effective date of this article, file with the board a record of the time spent by him in such military service. Any county employe who has been in military service prior to the effective date of this article and has made payments into the county employes' retirement fund to secure for his employment record credit for his military service shall be reimbursed to the full extent of such payments by the board.

The SPEAKER. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

#### SENATE MESSAGE

##### AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

##### HOUSE BILL No. 844.

An Act amending the act of May 1, 1929 (P. L. 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators there-



of upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" authorizing use of warning figures commonly known as "silent policemen" to be erected on highways and State highways by certain political subdivisions

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend Section 1, page 3, line 10, by striking out after the word "towns" the word "and"; line 11, by inserting after the word "townships" the following: "and school districts"; line 16, by inserting after the word "direction" the following: "the local authority responsible for the placing of such traffic signs signals and markings shall also be responsible for their removal within a reasonable period of time at the conclusion of the school day all such signs signals and markings shall have the approval of the Secretary of Highways prior to being put in use."

On the question,

Will the House concur in the amendments made by the Senate?

#### COMMUNICATION AND BILL TAKEN FROM TABLE

Mr. READINGER. Mr. Speaker, I move that House Bill No. 844, Printer's No. 1129 together with the communication from the Senate be taken from the table.

The motion was agreed to.

Mr. READINGER. Mr. Speaker, I request that the House concur in the amendments made by the Senate.

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

#### YEAS—209

Adam,	Gaffney,	Lutty,	Royer,
Agnew,	Garlock,	Magee,	Rubin,
Amarando,	Gelfand,	Mahan,	Rudisill,
Anderson, M. S.,	George,	Markley,	Sarra,
Anderson, S. A.,	Gibb,	Maxwell,	Scarcelll,
Ashton,	Gibson,	McCann,	Schuster,
Auker,	Goldstein,	McCormack,	Sherman,
Banker,	Gramlich,	McGee,	Sigman,
Barnatovich,	Greenwood,	McInroy,	Smith, C. C.,
Bazin,	Guss,	McKeever,	Smith, Wm. B.,
Bell,	Guthrie,	McLaughlin,	Snider,
Blair,	Hamilton, R. K.,	McWherter,	Stank,
Boles,	Hamilton, W. H.,	Meholchick,	Stebbins,
Bonner,	Hass,	Metz,	Steckel,
Boory,	Haudenshield,	Mihm,	Stephens,
Bower,	Heavey,	Mikula,	Stevenson,
Branca,	Helm,	Miller,	Stone,
Brelsich,	Henzel,	Mills,	Stoner,
Brennan, A. P.,	Hewitt,	Monroe,	Strausser,
Brennan, J. J.,	Hocker,	Moody,	Stroup,
Brenninger,	Holt,	Moran,	Swartz,
Breth,	Horst,	Moscrip,	Taylor,
Brown,	Houk,	Muldowney,	Thomas,
Bucchin,	Isaacs,	Mullen,	Thompson,
Bullen,		Munley,	Toll,

Capano,	Jenkins,	Murphy,	Tompkins,
Clanfrani,	Johnson,	Murray, H. P.,	Toomey,
Cioffi,	Jones, G. E.,	Murray, J. J.,	Varallo,
Cochran,	Jones, T. H. W.,	Murray, P. G.,	Varner,
Comer,	Jump,	Musto,	Vaughan,
Connelly,	Kamyk,	Naugle,	Verona,
Cooper,	Kehler,	Needham,	Wall,
Curwood,	Keller,	Ogilvie,	Wallace,
Davis,	Kent,	Olsen,	Walsn,
Donahue,	Kline,	O'Neill,	Wargo,
Donaldson,	Knecht,	Pacchioli,	Waterhouse,
Dougherty,	Kolankiewicz,	Parry,	Weidner,
Down,	Kooker,	Pashley,	Welsh,
Ehrgood,	Kornick,	Paulhamus,	Wescott,
Eilberg,	Kratz,	Petrosky,	Wheeler,
Erb,	Kromer,	Pettigrew,	Whitenight,
Eshleman,	Kubacki,	Polaski,	Willaredt,
Ewing,	Lafore,	Polen,	Williams,
Farabaugh,	Lawyer,	Pomeroy,	Wilt,
Filo,	Leiby,	Price,	Wood,
Fineman,	Leisey,	Pursley,	Worley,
Flint,	Leonard,	Readinger,	Yetter,
Floyd,	Leven,	Reibman,	Yetzer,
Flynn,	Light,	Reidenbach,	Young,
Foster,	Limper,	Renwick,	Ziegler,
Frank,	Lippincott,	Rigby,	Andrews,
Frascella,	Lopresti,	Rosen,	Speaker
Frost,	Lovett,	Rovansek,	

#### NAYS—0

#### NOT VOTING—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

#### COMMUNICATION AND BILL TAKEN FROM TABLE

Mr. READINGER. Mr. Speaker, I move that House Bill No. 1501, Printer's No. 1211, together with the communication from the Senate be taken from the table.

The motion was agreed to.

#### SENATE MESSAGE

#### AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

#### HOUSE BILL NO. 1501.

An Act authorizing the Department of Property and Supplies with the approval of the Governor to sell and convey real property situate in the Township of West Goshen Chester County

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend Title, page 1, line 3, by striking out after the word "the" the words "Borough of West Chester" and inserting in lieu thereof the following: "Township of West Goshen"

Amend Section 1, page 2, line 1, by striking out after the word "the" the words "Borough of West Chester" and inserting in lieu thereof the words "Township of West Goshen".

On the question,

Will the House concur in the amendments made by the Senate?



Mr. READINGER. Mr. Speaker, I request that the House concur in the amendments made by the Senate.

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

## YEAS—209

Adam,	Gaffney,	Lutty,	Rovansek,
Agnew,	Garlock,	Magee,	Royer,
Amarando,	Gelfand,	Mahan,	Rubin,
Anderson, M. S.,	George,	Markley,	Rudisill,
Anderson, S. A.,	Gibb,	Maxwell,	Sarra,
Ashton,	Gibson,	McCann,	Scarcelli,
Auker,	Goldstein,	McCormack,	Schuster,
Banker,	Gramlich,	McGee,	Sherman,
Barnatovich,	Greenwood,	McInroy,	Sigman,
Bazin,	Guss,	McKeever,	Smith, C. C.,
Bell,	Guthrie,	McLaughlin,	Smith, Wm. B.,
Blair,	Hamilton, R. K.,	McWherter,	Snider,
Boles,	Hamilton, W. H.,	Meholchick,	Stank,
Bonner,	Hass,	Metz,	Stebbins,
Boory,	Haudenschild,	Mihm,	Steckel,
Bower,	Heavey,	Mikula,	Stephens,
Branca,	Helm,	Miller,	Stevenson,
Breisch,	Henzel,	Mills,	Stone,
Brennan, A. P.,	Hewitt,	Monroe,	Stoner,
Brennan, J. J.,	Hocker,	Moody,	Strausser,
Brenninger,	Holt,	Moran,	Stroup,
Breth,	Horst,	Moscrip,	Swartz,
Brown,	Houk,	Muldowney,	Taylor,
Bucchin,	Isaacs,	Mullen,	Thomas,
Bullen,	Jenkins,	Munley,	Thompson,
Capano,	Johnson,	Murphy,	Toll,
Cianfrani,	Jones, G. E.,	Murray, H. P.,	Tompkins,
Cioffi,	Jones, T. H. W.,	Murray, J. J.,	Toomey,
Cochran,	Jump,	Murray, P. G.,	Varallo,
Comer,	Kamyk,	Musto,	Varner,
Connelly,	Kehler,	Naugle,	Vaughan,
Cooper,	Keller,	Needham,	Verona,
Curwood,	Kent,	Ogilvie,	Wall,
Davis,	Kilne,	Olsen,	Wallace,
Donahue,	Knecht,	O'Neil,	Walsh,
Donaldson,	Kolankiewicz,	Pacchioli,	Wargo,
Dougherty,	Kooker,	Parry,	Waterhouse,
Down,	Kornick,	Pashley,	Weidner,
Ehrgood,	Kratz,	Paulhamus,	Weish,
Ellberg,	Kromer,	Petrosky,	Wescott,
Erb,	Kubacki,	Pettigrew,	Wheeler,
Eshleman,	Lafore,	Polaski,	Whitenight,
Ewing,	Lawyer,	Polen,	Willaredt,
Farabaugh,	Leiby,	Pomeroy,	Williams,
Filo,	Leisey,	Price,	Wilt,
Fineman,	Leonard,	Pursley,	Wood,
Flint,	Leven,	Readinger,	Worley,
Floyd,	Light,	Reibman,	Yetter,
Flynn,	Limper,	Reidenbach,	Yetzer,
Foster,	Lippincott,	Renwick,	Young,
Frank,	Lopresti,	Rigby,	Ziegler,
Frascella,	Lovett,	Rosen,	Andrews,
Frout,			Speaker

## NAYS—0

## NOT VOTING—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

## COMMUNICATION AND BILL TAKEN FROM TABLE

Mr. READINGER. Mr. Speaker, I move that House Bill No. 986, Printer's No. 1206, together with the communication from the Senate be taken from the table.

The motion was agreed to.

## SENATE MESSAGE

## AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned

bill from the House of Representatives numbered and entitled as follows:

## HOUSE BILL NO. 986.

An Act relating to chattel mortgages executed and filed prior to July 1, 1954 regulating the assignment release satisfaction and extension of the lien of mortgages and the filing indexing and docketing thereof in prothonotaries' offices prescribing methods of foreclosure defining defaults and violations prescribing prothonotaries' fees and fixing penalties.

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend Section 7, page 6, line 1, by striking out after the word "extension" the following: "in the 'Chattel Mortgage Index' in the same manner as provided for the indexing of chattel mortgages originally filed" and inserting in lieu thereof the following: "in the index of financing statements maintained by him pursuant to the uniform commercial code of April 6, 1953 (P. L. 3) showing the mortgagor as the debtor and the mortgagee or his assignee as the secured party and noting in the index in place of the file number and addresses of such parties the book and page number of the book where the chattel mortgage is docketed."

Amend Section 11, page 9, line 11, by inserting after the word "assignment" the words "or extension"; line 12, by striking out after the word "mortgage" the following: "one dollar and fifty cents (\$1.50)" and inserting in lieu thereof the following: "two dollars (\$2.00)"; line 14, by striking out after the word "satisfaction" the word "extension."

On the question,

Will the House concur in the amendments made by the Senate?

Mr. READINGER. Mr. Speaker, I request that the House concur in the amendments made by the Senate.

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

## YEAS—208

Adam,	Gaffney,	Lutty,	Rovansek,
Agnew,	Garlock,	Magee,	Royer,
Amarando,	Gelfand,	Mahan,	Rubin,
Anderson, M. S.,	George,	Markley,	Rudisill,
Anderson, S. A.,	Gibb,	Maxwell,	Sarra,
Ashton,	Gibson,	McCann,	Scarcelli,
Auker,	Goldstein,	McCormack,	Schuster,
Banker,	Gramlich,	McGee,	Sherman,
Barnatovich,	Greenwood,	McInroy,	Sigman,
Bazin,	Guss,	McKeever,	Smith, C. C.,
Bell,	Guthrie,	McLaughlin,	Smith, Wm. B.,
Blair,	Hamilton, R. K.,	McWherter,	Snider,
Boles,	Hamilton, W. H.,	Meholchick,	Stank,
Bonner,	Hass,	Metz,	Stebbins,
Boory,	Haudenschild,	Mihm,	Steckel,
Bower,	Heavey,	Mikula,	Stephens,
Branca,	Helm,	Miller,	Stevenson,
Breisch,	Henzel,	Mills,	Stone,
Brennan, A. P.,	Hewitt,	Monroe,	Stoner,
Brennan, J. J.,	Hocker,	Moody,	Strausser,
Brenninger,	Holt,	Moran,	Stroup,
Breth,	Horst,	Moscrip,	Swartz,
Brown,	Houk,	Muldowney,	Taylor,
Bucchin,	Isaacs,	Mullen,	Thomas,
Bullen,	Jenkins,	Munley,	Thompson,
Capano,	Johnson,	Murphy,	Toll,
Cianfrani,	Jones, G. E.,	Murray, H. P.,	Tompkins,
Cioffi,	Jones, T. H. W.,	Murray, P. G.,	Toomey,
Cochran,	Jump,	Murray, J. J.,	Varallo,
Comer,	Kamyk,	Musto,	Varner,
Connelly,	Kehler,	Naugle,	Vaughan,
Cooper,	Keller,	Needham,	Verona,
Curwood,	Kent,	Ogilvie,	Wall,



Davis, Donahue, Donaldson, Dougherty, Down, Ehrgood, Eilberg, Erb, Eshleman, Ewing, Filo, Fineman, Flint, Floyd, Flynn, Foster, Frank, Farabaugh, Frascella, Frost,	Kline, Knecht, Kolankiewicz, Kooker, Kornick, Kratz, Kromer, Kubacki, Lafore, Lawyer, Leiby, Lelsey, Leonard, Leven, Light, Limper, Lippincott, Lopresti, Lovett,	Olsen, O'Neill, Pacchioli, Parry, Pashley, Paulhamus, Petrosky, Pettigrew, Polaski, Polen, Pomeroy, Price, Pursley, Readinger, Reibman, Reidenbach, Renwick, Rigby, Rosen,	Wallace, Walsh, Wargo, Waterhouse, Weidner, Welsh, Wescott, Wheeler, Whitenight, Willaredt, Williams, Wilt, Wood, Yetter, Yetzer, Young, Ziegler, Andrews, Speaker
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NAYS—1

Worley,

NOT VOTING—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

COMMUNICATION AND BILL TAKEN FROM TABLE

Mr. READINGER. Mr. Speaker, I move that House Bill No. 1174, Printer's No. 1244, together with the communication from the Senate be taken from the table.

The motion was agreed to.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL NO. 1174.

An Act amending the act of March 10, 1945 (P. L. 30) entitled "An act relating to the public school system including certain provisions applicable as well to private and parochial schools amending revising consolidating and changing the laws relating thereto" by providing for military leaves of absence for public school employes who are inducted for military service at any time.

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend Title, page 1, line 6, by striking out after the word "are" the following: "called drafted" and inserting in lieu thereof the word "inducted";

Amend Section 1, page 2, line 10, by striking out after the word "be" the words "called drafted" and inserting in lieu thereof the word "inducted".

On the question,

Will the House concur in the amendments made by the Senate?

Mr. READINGER. Mr. Speaker, I request that the House concur in the amendments made by the Senate.

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—209

Adam, Agnew, Amarando, Anderson, M. S., Anderson, S. A., Ashton, Auker, Banker, Barnatovich, Bazin, Bell, Blair, Boles, Bonner, Boory, Bower, Branca, Breisch, Brennan, A. P., Brennan, J. J., Brenninger, Breth, Brown, Bucchin, Bullen, Capano, Cianfrani, Cioffi, Cochran, Comer, Connelly, Cooper, Curwood, Davis, Donahue, Donaldson, Dougherty, Down, Ehrgood, Eilberg, Erb, Eshleman, Ewing, Farabaugh, Filo, Fineman, Flint, Floyd, Flynn, Foster, Frank, Frascella, Frost,	Gaffney, Garlock, Gelfand, George, Gibb, Gibson, Goldstein, Gramlich, Greenwood, Guss, Guthrie, Hamilton, R. K., Hamilton, W. H., Hass, Haudenshield, Heavey, Helm, Henzel, Hewitt, Hocker, Holt, Horst, Houk, Isaacs, Jenkins, Johnson, Jones, G. E., Jones, T. H. W., Jump, Kamyk, Kehler, Keller, Kent, Kline, Knecht, Kolankiewicz, Kooker, Kornick, Kratz, Kromer, Kubacki, Lafore, Lawyer, Leiby, Lelsey, Leonard, Leven, Light, Limper, Lippincott, Lopresti, Lovett, Lutty,	Magee, Mahan, Markley, Maxwell, McCann, McCormack, McGee, McInroy, McKeever, McLaughlin, McWherter, Meholchick, Metz, Mihm, Mikula, Miller, Mills, Monroe, Moody, Moran, Moscrip, Muldowney, Mullen, Munley, Murphy, Murray, H. P., Murray, J. J., Murray, P. G., Musto, Naugle, Needham, Ogilvie, Olsen, O'Neill, Pacchioli, Parry, Pashley, Paulhamus, Petrosky, Pettigrew, Polaski, Polen, Pomeroy, Price, Pursley, Readinger, Reibman, Reidenbach, Renwick, Rigby, Rosen, Rovansek,	Rubin, Rudisill, Royer, Sarraf, Scarcelli, Schuster, Sherman, Sigman, Smith, C. C., Smith, Wm. B., Slider, Stank, Stebbins, Steckel, Stephens, Stevenson, Stone, Stoner, Strausser, Stroup, Swartz, Taylor, Thomas, Thompson, Toll, Tompkins, Toomey, Varallo, Varner, Vaughan, Verona, Wall, Wallace, Walsh, Wargo, Waterhouse, Weidner, Welsh, Wescott, Wheeler, Whitenight, Willaredt, Williams, Wilt, Wood, Worley, Yetter, Yetzer, Young, Ziegler, Andrews, Speaker
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NAYS—0

NOT VOTING—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

COMMUNICATION AND BILL TAKEN FROM TABLE

Mr. READINGER. Mr. Speaker, I move that House Bill No. 1188, Printer's No. 1220 together with the communication from the Senate be taken from the table.

The motion was agreed to.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:



## HOUSE BILL No. 1188.

An Act amending the act of April 9 1929 (P. L. 343) entitled "An act relating to the finances of the State Government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of fund and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" limiting interest payments on refund of money subject to escheat to moneys originally on deposit as interest bearing items

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend the Title, page 2, line 16, by striking out after the word "deposit" the word "in" and inserting in lieu thereof the word "as"; line 16, by striking out after the word "bearing" the word "accounts" and inserting in lieu thereof the word "items";

Amend Section 1, page 3, line 14, by striking out after the word "deposit" the word "in" and inserting in lieu thereof the word "as"; line 14, by striking out after the word "bearing" the word "account" and inserting in lieu thereof the word "item"; line 20, by striking out after the word "which" the word "monys" and inserting in lieu thereof the word "moneys."

On the question,

Will the House concur in the amendments made by the Senate?

Mr. READINGER. Mr. Speaker, I request that the House concur in the amendments made by the Senate.

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

## YEAS—209

Adam,	Gaffney,	Magee,	Royer,
Agnew,	Garlock,	Mahan,	Rubin,
Amarando,	Gelfand,	Markley,	Rudisill,
Anderson, M. S.,	George,	Maxwell,	Sarra,
Anderson, S. A.,	Gibb,	McCann,	Scarcelli,
Ashton,	Gibson,	McCormack,	Schuster,
Auker,	Goldstein,	McGee,	Sherman,
Banker,	Gramlich,	McInroy,	Sigman,
Barnatovich,	Greenwood,	McKeever,	Smith, C. C.,
Bazin,	Guss,	McLaughlin,	Smith, Wm. B.,
Bell,	Guthrie,	McWherter,	Snider,
Blair,	Hamilton, R. K.,	Meholchick,	Stank,
Boies,	Hamilton, W. H.,	Metz,	Stebbins,
Bonner,	Hass,	Mihm,	Steckel,
Boory,	Haudenschild,	Mikula,	Stephens,
Bower,	Heavey,	Miller,	Stevenson,
Branca,	Helm,	Mills,	Stone,
Breisch,	Henzel,	Monroe,	Stoner,
Brennan, A. P.,	Hewitt,	Moody,	Strausser,
Brennan, J. J.,	Hocker,		

Brenninger,	Holt,	Moran,	Stroup,
Breth,	Horst,	Moscrip,	Swartz,
Brown,	Houk,	Muldowney,	Taylor,
Bucchin,	Isaacs,	Mullen,	Thomas,
Bullen,	Jenkins,	Munley,	Thompson,
Capano,	Johnson,	Murphy,	Toil,
Cianfrani,	Jones, G. E.,	Murray, H. P.,	Tompkins,
Cioffi,	Jones, T. H. W.,	Murray, J. J.,	Toomey,
Cochran,	Jump,	Murray, P. G.,	Varallo,
Comer,	Kamyk,	Musto,	Varnar,
Connelly,	Kehler,	Naugle,	Vaughan,
Cooper,	Keller,	Needham,	Verona,
Curwood,	Kent,	Ogilvie,	Wall,
Davis,	Kline,	Olsen,	Wallace,
Donahue,	Knecht,	O'Neill,	Walsh,
Donaldson,	Kolankiewicz,	Pacchioli,	Wargo,
Dougherty,	Kooker,	Perry,	Waterhouse,
Down,	Kornick,	Pashley,	Weidner,
Erb,	Kratz,	Paulhamus,	Welsh,
Ehrgood,	Kromer,	Petrosky,	Wescott,
Eilberg,	Kubacki,	Pettigrew,	Wheeler,
Eshleman,	Lafore,	Polaski,	Whitenight,
Ewing,	Lawyer,	Polen,	Willaredt,
Farabaugh,	Leiby,	Pomeroy,	Williams,
Filo,	Lelsey,	Price,	Wilt,
Fineman,	Leonard,	Pursley,	Wood,
Flint,	Leven,	Readinger,	Worley,
Floyd,	Light,	Reibman,	Yetter,
Flynn,	Limper,	Reidenbach,	Yetzer,
Foster,	Lippincott,	Renwick,	Young,
Frank,	Lopresti,	Rigby,	Ziegler,
Frascella,	Lovett,	Rosen,	Andrews,
Frost,	Lutty,	Rovansek,	Speaker

## NAYS—0

## NOT VOTING—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

## COMMUNICATION AND BILL TAKEN FROM TABLE

Mr. READINGER. Mr. Speaker, I move that House Bill No. 1104, Printer's No. 1043 together with the communication from the Senate be taken from the table.

The motion was agreed to.

## SENATE MESSAGE

## SENATE INSISTS ON AMENDMENTS NON-CONCURRED IN BY HOUSE

The Clerk of the Senate being introduced, informed that the Senate has insisted upon its amendments non-concurred in by the House of Representatives, to House Bill No. 1104, entitled:

An Act amending the act of April 21 1949 (P. L. 665) entitled "An act to carry into effect section one of article fifteen of the Constitution giving cities of the first class the right and power to frame adopt and amend their own charters and to exercise the powers and authority of local self-government and providing the procedure therefor imposing certain restrictions limitations and regulations imposing duties upon city councils city officers county boards of election courts and the Secretary of the Commonwealth and providing for the payment of certain expenses by such cities and imposing penalties" providing for the revision of home rule charters providing for the establishment of a charter revision commission for the purpose of making revisions and imposing duties upon city councils city officers boards of election courts and the Secretary of the Commonwealth

Mr. READINGER. Mr. Speaker, I move that the House insist upon its non-concurrence in the amendments made



and insisted upon the Senate and that a Committee of Conference be appointed.

The motion was agreed to.

#### APPOINTMENT OF COMMITTEE OF CONFERENCE ON HOUSE BILL No. 1104

The SPEAKER. The Chair appoints as a Committee of Conference on the part of the House, Messrs. BAZIN, TOLL and CHARLES C. SMITH.

Ordered, That the Clerk inform the Senate accordingly.

#### SENATE MESSAGE

##### RECALLING SENATE BILL No. 192 FROM GOVERNOR

The Clerk of the Senate being introduced presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, December 21, 1955.

Resolved (if the House of Representatives concur), that Senate Bill No. 192, Printer's No. 246, entitled "An act providing for and regulating the licensing and practice of practical nursing imposing duties on the State Board of Nurse Examiners and imposing penalties," be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

On the question,

Will the House concur in the resolution of the Senate?

It was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

#### RESOLUTION

##### CONGRATULATIONS

Mr. KOLANKIEWICZ offered a resolution which was read, considered and unanimously adopted as follows:

In the House of Representatives, December 28, 1955.

On December 29, 1905 there was born to Michael and Regenia Long a son who will observe his 50th birthday tomorrow. They call the boy, Benjamin.

During the years of his education, extending through St. Joseph's Preparatory School, St. Joseph's College and Temple University School of Law, he won scholastic scholarship, was active in dramatics, debate, college magazine and athletics.

He is an attorney at law and has for years been active in politics as a stalwart Democrat. During the Legislative Sessions of 1935 and 1937 he was a member of the House of Representatives and Chairman of the Committee on State Boards and a member of numerous other committees. During the present session, he is our genial accommodating and very efficient Chief Clerk.

Honorable Benjamin L. Long is a native and life-long resident of Philadelphia. He married the former Charlotte Anne Seif and has three boys and one girl.

It is the wish of every member of the House that Ben Long will have a most happy 50th birthday; therefore be it

Resolved, That the House of Representatives congratulate Ben Long on the attainment of his 50th year and on his long line of success; and be it further

Resolved, That the Secretary of the House of Representatives present the Chief Clerk of the House with a copy of this resolution.

The SPEAKER pro tempore. The Chair recognizes the Chief Clerk.

The CHIEF CLERK (Benjamin L. Long). Mr. Speaker and Members of the House, I wish to thank you for your

congratulations upon my 50th birthday. I hope all of you when you reach your 50th have just as happy a birthday as I will have.

#### SENATE MESSAGE

##### AMENDED SENATE BILL CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives to Senate bill numbered and entitled as follows:

##### SENATE BILL No. 511.

An Act amending the act of April 12 1951 (P. L. 90) entitled "An act relating to alcoholic liquors alcohol and malt and brewed beverages amending revising consolidating and changing the laws relating thereto regulating and restricting the manufacture purchase sale possession consumption importation transportation furnishing holding in bond holding in storage traffic in and use of alcoholic liquors alcohol and malt and brewed beverages and the persons engaged or employed therein defining the powers and duties of the Pennsylvania Liquor Control Board providing for the establishment and operation of State liquor stores for the payment of certain license fees to the respective municipalities and townships for the abatement of certain nuisances and in certain cases for search and seizure without warrant prescribing penalties and forfeitures providing for local option and repealing existing laws regulating the exchange of and further limiting the transfer of licenses permitting transfer of distributor's and importing distributor's licenses anywhere within the same county.

#### SENATE MESSAGE

##### AMENDED SENATE BILL CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives to Senate bill numbered and entitled as follows:

##### SENATE BILL No. 773.

An Act amending the act of May 1, 1929 (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles, imposing penalties; imposing certain costs upon counties, providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," prohibiting the operation of motor vehicles with certain types of mufflers and changing penalties

#### SENATE MESSAGE

##### TIME OF NEXT MEETING

The Clerk of the Senate being introduced presented



an extract from the Journal of the Senate, which was read as follows:

In the Senate, December 28, 1955.

Resolved, (the House of Representatives concurring). That when the Senate adjourns this week, it reconvene Monday, January 16, 1956, at three o'clock p. m., EST, unless sooner recalled by the President Pro Tempore of the Senate and when the House of Representatives adjourns the week of January 2, 1956, it reconvene Monday, January 16, 1956, at three o'clock p. m., EST unless sooner recalled by the Speaker of the House of Representatives.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

On the question,

Will the House concur in the resolution of the Senate?

It was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

### BILLS SIGNED BY SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

#### HOUSE BILL No. 78.

An Act amending the act of March twenty-seventh one thousand nine hundred and twenty-nine (P. L. 84) entitled "An act to fix the fees to be charged by coroners in counties of the second class" increasing fees to be charged

#### HOUSE BILL No. 342.

An Act amending the act of May 1, 1929 (P. L. 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" exempting and limiting the number of motor vehicles of war amputees from the payment of title or registration fees

#### HOUSE BILL No. 662.

An Act amending the act of May 5, 1933 (P. L. 289) entitled "An act relating to nonprofit corporations defining and providing for the organization merger consolidation and dissolution of such corporations conferring certain rights powers duties and immunities upon them and their officers and members prescribing the conditions on which such corporations may exercise their powers providing for the inclusion of certain existing corporations of the first class within the provisions of this act prescribing the terms and conditions upon which foreign nonprofit corporations may be admitted or may continue to do business within the Commonwealth conferring powers and imposing duties on the courts of common pleas prothonotaries of such courts recorders of deeds and certain State departments commissions and officers authorizing certain

local public officers and State departments to collect fees for services required to be rendered by this act imposing penalties and repealing certain acts and parts of acts relating to corporations" empowering nonprofit corporations to transfer their property and assets in trust

#### HOUSE BILL No. 737.

An Act amending the act approved the ninth day of August one thousand nine hundred fifty-five (P. L. ) (Act No 130) entitled "An act relating to counties of the third fourth fifth sixth seventh and eighth classes amending revising consolidating and changing the laws relating thereto" providing rooms for use of the American Gold Star Mothers Inc and for certain ladies' auxiliaries

#### HOUSE BILL No. 738.

An Act amending the act of July 8, 1919 (P. L. 784 No 321) entitled "An act authorizing counties cities and boroughs to furnish rooms in public buildings for meeting places for certain organizations" including certain ladies' auxiliaries and the American Gold Star Mothers Inc within provisions of act

#### HOUSE BILL No. 814.

An Act amending the act of June 11, 1915 (P. L. 938), entitled "An act to regulate and establish the fees to be charged and collected by the several clerks of the courts of the courts of oyer and terminer, general jail delivery, and quarter sessions of the peace, in counties of this Commonwealth having a population of over eight hundred thousand and less than one million five hundred thousand inhabitants, as computed by the last preceding United States census," changing and fixing fees in counties of the second class.

#### HOUSE BILL No. 844.

An Act amending the act of May 1 1929 (P L 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" authorizing use of warning figures commonly known as "silent policemen" to be erected on highways and State highways by certain political subdivisions

#### HOUSE BILL No. 986.

An Act relating to chattel mortgages executed and filed prior to July 1, 1954 regulating the assignment release satisfaction and extension of the lien of mortgages and the filing indexing and docketing thereof in prothonotaries' offices prescribing methods of foreclosure defining defaults and violations prescribing prothonotaries' fees and fixing penalties.

#### HOUSE BILL No. 1174.

An Act amending the act of March 10, 1949 (P. L. 30) entitled "An act relating to the public school system in-



cluding certain provisions applicable as well to private and parochial schools amending revising consolidating and changing the laws relating thereto" by providing for military leaves of absence for public school employes who are inducted for military service at any time.

#### HOUSE BILL No. 1188.

An Act amending the act of April 9, 1929 (P. L. 343), entitled "An act relating to the finances of the State government; providing for the settlement, assessment, collection, and lien of taxes, bonus, and all other accounts due the Commonwealth, the collection and recovery of fees and other money or property due or belonging to the Commonwealth, or any agency thereof, including escheated property and the proceeds of its sale, the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth, and the settlement of claims against the Commonwealth, the resettlement of accounts and appeals to the courts, refunds of moneys erroneously paid to the Commonwealth, auditing the accounts of the Commonwealth and all agencies thereof, of all public officers collecting moneys to the Commonwealth, or any agency thereof, and all receipts of appropriations from the Commonwealth and imposing penalties; affecting every department, board, commission, and officer of the State government, every political subdivision of the State, and certain officers of such subdivisions, every person, association, and corporation required to pay, assess, or collect taxes, or to make returns or reports under the laws imposing taxes for State purposes, or to pay license fees or other moneys to the Commonwealth, or any agency thereof, every State depository and every debtor or creditor of the Commonwealth," limiting interest payments on refunds of money subject to escheat to moneys originally on deposit as interest bearing items

#### HOUSE BILL No. 1501.

An Act authorizing the Department of Property and Supplies with the approval of the Governor to sell and convey real property situate in the township of West Goshen Chester County

#### SENATE BILL No. 511.

An Act amending the act of April 12, 1951 (P. L. 90), entitled "An act relating to alcoholic liquors, alcohol and malt and brewed beverages; amending, revising, consolidating and changing the laws relating thereto; regulating and restricting the manufacture, purchase, sale, possession, consumption, importation, transportation, furnishing, holding in bond, holding in storage, traffic in and use of alcoholic liquors, alcohol and malt and brewed beverages and the persons engaged or employed therein; defining the powers and duties of the Pennsylvania Liquor Control Board; providing for the establishment and operation of State liquor stores, for the payment of certain license fees to the respective municipalities and townships, for the abatement of certain nuisances and, in certain cases, for search and seizure without warrant; prescribing penalties and forfeitures; providing for local option, and repealing existing laws" regulating the exchange of and further limiting the transfer of licenses permitting transfer of distributor's and importing distributor's licenses anywhere within the same county

#### SENATE BILL No. 773.

An Act amending the act of May 1, 1929 (P. L. 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing

duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justice of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" prohibiting the operation of motor vehicles with certain types of mufflers and changing penalties

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

### COMMUNICATION FROM GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

#### APPROVAL OF HOUSE CONCURRENT RESOLUTION RECALLING HOUSE BILL No. 1319 FROM GOVERNOR

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, December 22, 1955.  
To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Concurrent Resolution recalling from the Governor House Bill No. 1319, Printer's No. 880, for the purpose of amendment.

Accordingly, the original bill is herewith returned.

GEORGE M. LEADER.

### COMMUNICATION AND BILL LAID ON TABLE

Mr. HOCKER. Mr. Speaker, I move that the communication from the Governor together with the bill be laid on the table.

The motion was agreed to.

### PERMISSION TO ADDRESS HOUSE

Mr. READINGER asked and obtained unanimous consent to address the House.

Mr. Speaker, for the information of the membership of the House I would like to advise the Members that present plans are to have a token session next Wednesday January 4th, at 3:30 o'clock, but there is a real possibility that it will be necessary to call the Members back for about a three-day session next week. If that becomes a reality, we will advise the Members by letter as soon as we can do so, but at the present moment it may be a token session next Wednesday.

If the Members do not receive letters urging them to be present next Wednesday, they may remain at home if they so desire.

### ADJOURNMENT

Mr. TOOMEY. Mr. Speaker, I move that this House do now adjourn until Wednesday, January 4, 1956 at 3:30 p. m.

The motion was agreed to, and (at 4:59 p. m.) the House adjourned.







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No. 123.

## HOUSE OF REPRESENTATIVES

WEDNESDAY, January 4, 1956.

The House met at 3:30 p. m.

The CHIEF CLERK (Benjamin L. Long). The Chief Clerk announces with regret the illness of the Speaker of the House of Representatives, the gentleman from Cambria, Mr. Andrews. He is unable to be here today but he expects to be with us, if possible, next week.

I am directed by the Speaker to announce to the House that he has appointed the gentleman from Greene, Mr. McCann, as Speaker pro tempore for today's session.

Mr. McCANN IN THE CHAIR

### JOURNAL APPROVED

The SPEAKER. Are there any corrections to the Journal of Monday, December 12 and Tuesday, December 13, 1955? If not, and without objection, the Journal is approved.

### JOURNAL APPROVAL POSTPONED

The SPEAKER pro tempore. If there is no objection, the approval of the Journal for Wednesday, December 28, 1955 will be postponed until printed. The Chair hears none

### BILL INTRODUCED AND REFERRED

By Mr. READINGER. HOUSE BILL No. 1960.

An Act to provide revenue for Commonwealth purposes by imposing an excise tax on net income as defined by individual residents and nonresidents of the Commonwealth and of estates and trusts fixing the rate of tax thereon providing for the reporting of income payment of tax interest and penalties and installments of estimated tax collection of tax at the source assessments collections liens reviews appeals refunds and penalties and conferring powers and imposing duties upon the Department of Revenue public officers fiduciaries employers corporations partnerships associations and individuals.

Referred to the Committee on Rules.

### COMMUNICATIONS FROM GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILLS Nos. 114, 1722 and 1737.

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, December 28, 1955.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 114, Printer's No. 1207, entitled "An Act to repeal Section 518 of and to add a new section 518.1 to the act approved the twenty-second day of May one thousand nine hundred thirty-three (P. L. 853) entitled 'An act relating to taxation designating the subjects property and persons subject to and exempt from taxation for all local purposes providing for and regulating the assessment and valuation of persons property and subjects of taxation for county purposes and for the use of those municipal and quasi-municipal corporations which levy their taxes on county assessments and valuations amending revising and consolidating the law relating thereto and repealing existing laws' by eliminating all the provisions of the act which regulate the payment of the taxes pending appeals from assessments."

GEORGE M. LEADER.

December 30, 1955.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 1722, Printer's No. 1029, entitled "An act amending the act of May 15, 1933 (P. L. 624) entitled as amended "An act relating to the business of banking and to the exercise of fiduciary powers by corporations providing for the organization of corporations with fiduciary powers and of banking corporations with or without fiduciary powers including the conversion of National banks into State banks and for the licensing of private bankers and employees' mutual banking associations defining the rights powers duties liabilities and immunities of such corporations of existent corporations authorized to engage in a banking business with or without fiduciary powers of private bankers and employees' mutual banking associations and of the officers directors trustees shareholders attorneys and other employees of all such corporations employees' mutual banking associations or private bankers or of affiliated corporations associations or persons restricting the exercise of banking powers by any other corporation association or person and of fiduciary powers by any other corporation conferring powers and imposing duties upon the courts prothonotaries recorders of deeds and certain State departments commissions and officers imposing penalties and repealing certain acts and parts of acts' further regulating changes of places of business and establishment of branches."

GEORGE M. LEADER.

December 30, 1955.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 1737, Printer's No. 993, entitled "An act amending the act of May 5, 1933 (P. L. 457) entitled 'An act relating to the business of building and loan associations providing for the organiza-



tion and voluntary dissolution of such associations defining the rights powers duties liabilities and immunities of such associations and of their officers directors shareholders solicitors and other employees prohibiting the transaction of business in this Commonwealth by foreign building and loan associations conferring powers and imposing duties upon the courts recorders of deeds and certain State departments commissions and officers establishing limitations of actions imposing penalties and repealing certain acts and parts of acts' regulating the establishment of places of business and changes in the places of business and the establishment and maintenance of branches."

GEORGE M. LEADER.

### BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 312, entitled:

An Act amending the act of June 3, 1937 (P. L. 1333), entitled "An act concerning elections, including general, municipal, special and primary elections, the nomination of candidates, primary and election expenses and election contests; creating and defining membership of county boards of elections; imposing duties upon the Secretary of the Commonwealth, courts, county boards of elections, county commissioners; imposing penalties for violation of the act, and codifying, revising and consolidating the laws relating thereto; and repealing certain acts and parts of acts relating to elections," giving any candidate whose name is written, stamped or affixed upon a ballot the right to petition the court for the cumulation of such votes.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 796, entitled:

An Act regulating the mining of anthracite coal prescribing duties for certain officers of political subdivisions and imposing penalties

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 797, entitled:

An Act designating how certain expenditures shall be made from appropriations to the Department of Mines

The first section was read.

On the question,

Will the House agree to the section?

### BILL RECOMMITTED

Mr. POLEN. Mr. Speaker, I move that this bill be recommitted to the Committee on Appropriations.

The motion was agreed to.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1128, entitled:

An Act to quiet title to real estate and to facilitate the alienation thereof; creating a conclusive presumption of payment, satisfaction or release and making unenforceable any claim for money charged against real estate

under any deed, certain mortgages or any decree of any court of record of this Commonwealth and correcting defects in title arising out of unrecorded deeds and breaks in chain of title and making claims thereunder invalid by creating a conclusive presumption of release and satisfaction where the charges and mortgages mature or become due and payable, and decrees or defects of record arise, occur, exist or are dated more than fifty years prior to the time of the institution of any proceeding hereunder to enforce payment, perfect, revive or continue the aforesaid lien charge or encumbrances or to enforce any right arising out of a defect in title, unless an action is instituted to enforce charges, mortgages and decrees as aforesaid against the present owners or action is taken to enforce any right arising out of a defect in title within one year after the effective date of this act.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1619, entitled:

An Act providing for the prevention and control of communicable and noncommunicable diseases including venereal diseases fixing responsibility for disease prevention and control requiring reports of diseases authorizing financial assistance to typhoid fever carriers and authorizing treatment of venereal diseases and providing for premarital and prenatal blood tests amending revising and consolidating the laws relating thereto and repealing certain acts

The first section was read.

On the question,

Will the House agree to the section?

### BILL RECOMMITTED

Mr. POLEN. Mr. Speaker, I move that this bill be recommitted to the Committee on Appropriations.

The motion was agreed to.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1871, entitled:

An Act amending the act of June 3, 1937 (P. L. 1225), entitled "An act concerning game and other wild birds and wild animals; and amending, revising, consolidating, and changing the law relating thereto," regulating refund of fees, fines or other moneys erroneously or unjustly collected and deposited; and appropriating moneys from the Game Fund for the refund of fees, fines or other moneys unjustly collected.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1939, entitled:

An Act amending the act of June 3, 1937 (P. L. 1225) entitled "An act concerning game and other wild birds and wild animals and amending revising consolidating and changing the law relating thereto" authorizing use of money from resident hunter's fees for controlled burning of marginal and submarginal game land

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.



Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1940, entitled:

An Act amending the act of June 3, 1937 (P. L. 1225) entitled "An act concerning game and other wild birds and wild animals and amending revising consolidating and changing the law relating thereto" requiring use of certain fees for removing overshadowing tree growth to produce underbrush sprouts and saplings for deer food and cover

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate Bill No. 274, entitled:

An Act amending the act of June 3, 1937 (P. L. 1333) entitled "An act concerning elections, including general municipal, special and primary elections, the nomination of candidates, primary and election expenses and election contests; creating and defining membership of county boards of elections; imposing duties upon the Secretary of the Commonwealth courts county boards of elections county commissioners imposing penalties for violation of the act and codifying revising and consolidating the laws relating thereto and repealing certain acts and parts of acts relating to elections" increasing the terms of office of judges and inspectors of elections

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

#### BILLS PASSED OVER

There being no objection

Senate Bill No. 284, Printer's No. 441,

Senate Bill No. 285, Printer's No. 442,

Senate Bill No. 442, Printer's No. 190 and

Senate Bill No. 443, Printer's No. 443

were passed over at the request of the Speaker pro tempore.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate Bill No. 685, entitled:

An Act amending the act of June 24, 1939 (P. L. 685) entitled "An act designating certain life insurance companies as limited life insurance companies and further describing the powers thereof" further regulating the powers of limited life insurance companies

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate Bill No. 686, entitled:

An Act amending the act of May 7, 1935 (P. L. 130), entitled "An act providing for the service of process in civil suits on nonresident operators or nonresident owners, or a resident who becomes a nonresident and conceals his whereabouts, of aircraft operated within or above the Commonwealth of Pennsylvania and making the operation of such an aircraft within or above the Commonwealth of Pennsylvania, the equivalent of the appointment of the Secretary of Revenue of the Commonwealth of Pennsylvania as the agent of the said nonresident upon whom civil process may be served; and providing for

further notice to the defendant in any such suit," making the consent deemed to have been given by a nonresident operator or owner of an aircraft involved in an accident or collision within this Commonwealth for appointment of the Secretary of the Commonwealth as his agent for service of process irrevocable and binding upon his personal representatives; providing for service of process when the nonresident operator or owner has died prior to the commencement of an action, and making changes to conform with existing laws.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate Bill No. 687, entitled:

An Act amending the act of May 14, 1929 (P. L. 1721) entitled "An act providing for the service of process in civil suits on nonresident operators or nonresident owners of motor vehicles operated within the Commonwealth of Pennsylvania and making the operation of such a motor vehicle on the public highways of the Commonwealth of Pennsylvania the equivalent of the appointment of the Secretary of Revenue of the Commonwealth of Pennsylvania as the agent of the said nonresident upon whom civil process may be served and providing for further notice to the defendant in any such suit" making the consent deemed to have been given by a nonresident operator or owner of a motor vehicle involved in an accident or collision within this Commonwealth for appointment of the Secretary of the Commonwealth as his agent for service of process irrevocable and binding upon his personal representative providing for service of process when the nonresident operator or owner has died prior to the commencement of an action and making changes to conform with existing law

And said bill having been read at length the second time and agreed to

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate Bill No. 689, entitled:

An Act amending the act of April 24, 1947 (P. L. 89) entitled "An act relating to the form execution revocation operation and interpretation of wills to nuncupative wills to the appointment of testamentary guardians to elections to take under or against wills and the procedure in reference thereto" revising and changing provisions relating to foreign wills divorce testamentary conveyances affecting right of spouse taking against a will rights of adopted persons and illegitimates in lapsed and void devises and legacies and appointment of guardian of property passing to a minor upon testator's death whether or not passing under the will

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate Bill No. 690, entitled:

An Act amending the act of April 24, 1947 (P. L. 80), entitled "An act relating to the descent of the real personal estates of persons dying intestate and the procedure in reference thereto," and repealing parts thereof, limiting right of a spouse on partial intestacy and in selection of allowance; and revising procedure for setting aside spouse's allowance, establishing title to real estate when spouse claims entire estate, and distribution to the Commonwealth as statutory heir.



The first, second and third sections were separately read and agreed to.

The fourth section was read.

On the question,

Will the House agree to the section?

Mr. READINGER offered the following amendments:

Amend Sec. 4, page 4, line 7, by striking out "APRIL" and inserting in lieu thereof "January."

Amend Sec. 4, page 4, line 8, by striking out "January" and inserting in lieu thereof "April."

They were agreed to.

The section was agreed to as amended.

The title was read.

Will the House agree to the title?

Mr. READINGER offered the following amendment:

Amend Title, page 1, line 6 of Title, by striking out "spouce's" and inserting in lieu thereof "spouse's."

Amend Title, page 1, next to last line of Title, by striking out "spouce" and inserting in lieu thereof "spouse."

They were agreed to.

The title was agreed to as amended.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate Bill No. 691, entitled:

An Act amending the act of April 24, 1947 (P. L. 100), entitled "An act relating to the incidents of legal and equitable interests in real and personal property, including the validity thereof, the powers, rights and duties of persons with respect thereto, and the disposition of interest which fail, and containing provisions concerning termination of trusts, releases and disclaimers of powers and interests, perpetuities, accumulations, charitable estates, rights of a surviving spouse in property as to which the decedent has retained certain powers, spendthrift trusts, limited estates in property, rules of interpretation, estates pur autre vie, estates in fee tail, and the Rule in Shelley's Case," revising and changing provision relating to power of court to terminate trusts heretofore created, release or disclaimer by beneficiary of spendthrift trust, income accumulations, conveyances to defeat marital rights, and elections against such conveyances the conveyor's will and the procedure therefor.

The first, second and third sections were separately read and agreed to.

The fourth section was read.

On the question,

Will the House agree to the section?

Mr. READINGER offered the following amendment:

Amend Sec. 4, (Sec. 11) page 7, line 4 by inserting after "same" time.

It was agreed to.

The section was agreed to as amended.

The fifth section was read and agreed to.

The title was read.

On the question,

Will the House agree, to the title?

Mr. READINGER offered the following amendment:

Amend Title, page 2, third from last line of Title, by striking out "marital" and inserting in lieu thereof "marital."

It was agreed to.

The title was agreed to as amended.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate Bill No. 692, entitled:

An Act amending the act of June 28, 1951 (P. L. 638) entitled "An act relating to the jurisdiction powers and duties of registers of wills and regulating proceedings before them and the costs thereof the effects of their acts and appeals therefrom" changing the procedure on probate of wills probated outside the Commonwealth

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate Bill No. 694, entitled:

An Act repealing the act of June 7, 1917 (P. L. 337) entitled "An act relating to the jurisdiction powers and procedure of the several orphans' courts in proceedings for the partition and valuation of real estate and for the sale of real estate for the purpose of distribution and the fees costs and expenses therein" with exceptions

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

#### BILL PASSED OVER

There being no objection

Senate Bill No. 696, Printer's No. 448

was passed over at the request of the SPEAKER pro tempore.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate Bill No. 697, entitled:

An Act amending the act of April 18, 1949 (P. L. 512), entitled "An act relating to the administration and distribution of decedents' estates, trust estates, minors' estates and absentees' estates, both as to real and personal property, and the procedure relating thereto; including the disposition of such estates or portions thereof and the determination of title thereto without the appointment of a fiduciary in certain cases; the appointment, bond, removal and discharge of fiduciaries of such estates, their powers, duties and liabilities; the rights of persons dealing with such fiduciaries, and the rights of persons claiming an interest in such estates or in property distributed therefrom whether as claimants or distributees, and containing provisions concerning guardians of the person of minors, the powers, duties and liabilities of sureties and of foreign fiduciaries, the abatement, survival and control of actions and rights of action, and the presumption of death; and also generally dealing with the jurisdiction, powers and procedure of the orphans' court and of the register of wills in all matters relating to fiduciaries" revising and changing provisions relating to first complete advertisement of the grant of letters, payment of accrued pensions without letters, amount of estates distributed on petition, family exemptions, place for grant of letters, inventory and appraisal and objections thereto, claims against decedents against personal representatives and against decedents' property, awards to nonresident beneficiaries, presumption of release or extinguishment, amount of minors' estates administered without guardian, and exercise of powers by foreign fiduciaries.



And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate Bill No. 775, entitled:

An Act making an appropriation to the Joint Committee appointed by the Senate and House of Representatives to investigate the Pennsylvania Training School at Morgantown

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate Bill No. 871, entitled:

An Act authorizing certain mutual insurance companies other than life insurance companies now in existence under the provisions of the act of May 17, 1921 (P. L. 682) its supplements and amendments to reincorporate as mutual life insurance companies outlining the requirements and procedures and defining the rights of dissenting members

And said bill having been read at length the second time and agreed to

Ordered, To be transcribed for third reading.

#### BILL PASSED OVER

There being no objection

Senate Bill No. 899, Printer's No. 450

was passed over at the request of the SPEAKER pro tempore.

#### BILLS ON FINAL PASSAGE RECALLED FROM THE GOVERNOR PASSED OVER

The SPEAKER pro tempore. If there is no objection, all bills on final passage recalled from the Governor will be passed over. The Chair hears none.

#### BILLS ON FINAL PASSAGE PASSED OVER

The SPEAKER pro tempore. If there is no objection, all bills on final passage will be passed over. The Chair hears none.

#### BILLS ON THIRD READING PASSED OVER

The SPEAKER pro tempore. If there is no objection, all bills on third reading will be passed over. The Chair hears none.

#### RESOLUTIONS PASSED OVER

The SPEAKER pro tempore. If there is no objection, all resolutions will be passed over. The Chair hears none.

#### PERMISSION TO ADDRESS HOUSE

Mr. CHARLES C. SMITH asked and obtained unanimous consent to address the House.

Mr. Speaker, in the "mausoleum" of the Rules Committee there is Resolution No. 53. I would like to ask the Majority Leader if he would give it some consideration.

Very recently we read in the paper where Senator Dent had suggested a cut of \$25 million in the ceiling

of the Unemployment Compensation Fund. Whether it can afford a cut, or whether it should be cut, or whether it should not be cut, is beside the point.

We put this Resolution in for one reason. If you will remember, when the unemployment compensation bill passed the House we were told by the Governor that the increase in the cost because of the changes in the bill would only be about \$30 million. Industry at that time claimed it would be over \$100 million.

This resolution would do one thing. It would afford an independent and an impartial study so that we Members of the House when we vote on this legislation would know what we are doing. Certainly it is not our duty to go to the Chamber of Commerce or to go to any group outside the Legislature and ask them for their figures. We have the Joint State Government Commission which could make an honest and an unbiased study of what any change would mean.

This resolution, and I would like to quote, says:

"Joint State Government Commission be directed, to make a continuing study of the effect of the amendments to the Unemployment Compensation Act of 1936, contained in House Bill 120, as well as other factors bearing on the future stability of the Unemployment Compensation Fund, and make a preliminary report to the House of Representatives before the end of this regular session, and a final report to the next session of the General Assembly."

I do believe if the "mausoleum" would report that Resolution out the Joint State Government Commission could make a study and, if there should be any changes in the future while we are in session in regard to the ceiling, we in the House and the Senate would know what we are doing when voting either for or against it.

At this time I do not believe there is one man in this House who can honestly and definitely say he knew what he was doing when he voted for it in view of the fact that we did not know whether it was going to cost the employers \$30 million or \$130 million, and there is too big a discrepancy in these figures.

I certainly wish, Mr. Speaker, that the Resolution would be given every consideration, particularly in view of Senator Dent's statement on reducing the ceiling.

#### PERMISSION TO ADDRESS HOUSE

Mr. READINGER asked and obtained unanimous consent to address the House.

Mr. Speaker, the gentleman is most persuasive. In speaking for the occupants of the "mausoleum," may I tell him that this Resolution introduced by him and Mr. Johnson on March 30th will be given due consideration by the Rules Committee, together with many other Resolutions which are now in Rules Committee and which direct the Joint State Government Commission to make certain studies.

I know this Resolution requests a study and an interim report to be made during the session, but I doubt that it would have been done if we had acted on it some-time ago.

However, before the end of the session there will be a meeting and a full discussion with personnel from the Joint State Government Commission concerning the scope and breadth of the studies the Commission will make.



I assure the gentleman this one will be considered just as carefully and as thoroughly as any other Resolution which may be referred to the Committee.

From what the gentleman says, and from a hurried reading of this Resolution, it seems to have some merit. We certainly do not want to legislate in the dark when we can have some light thrown on it by the Commission.

Not having the other members of the "Mausoleum Committee" present at the moment, I cannot poll them to give a more definite answer than that, but I assure him it will not be overlooked.

Mr. CHARLES C. SMITH. Mr. Speaker, I hope the members of the "Mausoleum Committee" are on hand tomorrow to report a bill out in which the Majority Leader seems to be very interested.

Mr. READINGER. I thank the gentleman. I shall take steps to see that they are here.

#### SYMPATHY EXTENDED TO SPEAKER

Mr. Speaker, I know that all of us regretted learning of the Speaker's illness and his inability to be with us this week. I therefore move that the Chief Clerk of the House be instructed to forward some flowers to the Speaker at his home in Johnstown, together with the sympathy of the membership of this House.

Mr. CHARLES C. SMITH. Mr. Speaker, I certainly agree with the Majority Leader that something should be done, although knowing that the aesthetic taste of the Speaker is not as deep as his taste for the soil, perhaps we could take that \$50 and put it into some farm implements. He might appreciate it more and get better sooner.

The motion was unanimously agreed to.

#### PERMISSION TO ADDRESS HOUSE

Mr. READINGER asked and obtained unanimous consent to address the House.

Mr. Speaker, today I introduced in the House a bill which is part of a contemplated tax program, namely, a 2 per cent personal net income tax bill. It has been referred to the Rules Committee and it is my hope that the Rules Committee will be able to meet tomorrow morning and report the bill from Committee. It will by that time be in print.

At that time I am going to request the House allow

the bill to be read for the first time because it is our present plan not to meet again after tomorrow until January 16th. The Farm Show will be in progress during the week of the 9th and it will be practically impossible to ask or expect any Members to come to Harrisburg and stay over night during that week.

At the present time, and I hope continuing, there will be meetings scheduled between the leaders of the two parties and the Senate, and it is my hope, my fervent hope, that some definite agreement or understanding may be reached prior to the 16th of January.

Following these plans this particular bill should be on second reading and in a position for action by the House by the week of the 16th, if any agreement can be reached on this matter of taxes. We are not planning to have any meetings, even token sessions, during the week of January 9th.

Mr. CHARLES C. SMITH. Mr. Speaker, as long as the Majority Leader has divulged his plans for the week on the income tax bill, ordinarily we probably would have objected to the bill being read for the first time tomorrow. We would have done it on the same basis that we did it on the excise tax bill, because we did not want any tax bills steam-rolled through this House before the general public had a knowledge of the bill. But with the gentleman's assurance that this bill will be on the calendar and will not pass second reading until the week of the 16th, it will certainly give the general public at least two weeks, will give the Press at least two weeks to review the bill and to report to the public and we will not object to the bill's being read for the first time tomorrow.

Since the gentleman has assured us of that, and I think that is very important, because we do want the public and the Press to at least know what is in this bill—we on this side of the House have not seen the bill, we have not been talked to in any way, there has been no discussion whatsoever on this side of the House, in view of that fact, we would like to have at least a two week's period before we make any decisions in regard to this bill that is now being introduced.

#### ADJOURNMENT

Mr. POLEN. Mr. Speaker, I move that this House do now adjourn until Thursday, January 5, 1956, at 10:00 a. m.

The motion was agreed to, and (at 4:42 p. m.) the House adjourned.



# Legislative Journal.

Session 1955.

141st of the General Assembly.

Vol. 34.

HARRISBURG, PA., THURSDAY, JANUARY 5, 1956.

No. 124.

## HOUSE OF REPRESENTATIVES

THURSDAY, January 5, 1956.

The House met at 10:00 a. m.

The CHIEF CLERK. The Chief Clerk has been directed by the Speaker to announce to the House that he has appointed the gentleman from Dauphin, Mr. Hocker, as Speaker pro tempore for today's session.

Mr. HOCKER IN THE CHAIR

### JOURNAL APPROVAL POSTPONED

The SPEAKER pro tempore. If there is no objection, the approval of the Journal for Wednesday, January 4, 1956, will be postponed until printed. The Chair hears none.

### BILL INTRODUCED AND REFERRED

The SPEAKER pro tempore. The Speaker has referred the following bill:

By Mr. FRANK.

HOUSE BILL No. 1961.

An Act amending "The Third Class City Code" approved June 23, 1931 (P. L. 932) prohibiting political activity by members of the police force and members of paid fire bureaus.

Referred to the Committee on Cities—Third Class.

### PETITIONS

### SUPPORTING MENTAL HEALTH AND LEGISLATIVE PROGRAM

The SPEAKER laid before the House petitions from the

Employees of the Somerset State Hospital and the Mayview State Hospital supporting the mental health and legislative program of the Pennsylvania State Employees Council No. 26, American Federation of State, County and Municipal Employees.

Referred to the Committee on Appropriations.

### REPORT FROM COMMITTEE

Mr. READINGER from the Committee on Rules, reported as committed, House Bill No. 1960, entitled:

An Act to be known as the "Personal Net Income Tax Act."

### BILL ON FIRST READING

Mr. READINGER asked and obtained unanimous consent for House Bill No. 1960 to be read for the first time.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1960, entitled:

An Act to be known as the "Personal Net Income Tax Act."

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

### ADJOURNMENT

Mr. PETROSKY. Mr. Speaker, I move that this House do now adjourn until Monday, January 16, 1956 at 3:00 p. m.

The motion was agreed to, and (at 10:35 a. m.) the House adjourned.







# Legislative Journal.

Session 1955.

141st of the General Assembly.

Vol. 34.

HARRISBURG, PA., MONDAY, JANUARY 16, 1956.

No. 125.

## SENATE

MONDAY, January 16, 1956.

The Senate met at 3:00 o'clock, p.m., Eastern Standard Time.

The PRESIDENT (Lieutenant-Governor Roy E. Furman) in the Chair.

### PRAYER

The Chaplain, Rev. J. PAUL KEHM, Pastor of St. Paul's Evangelical and Reformed Church, Fleetwood, offered the following prayer:

Almighty God, our Heavenly Father, Thou Who art the Creator of this Universe and the Maker of all mankind, we ask Thee to look down upon us as we meet in Thy Name this afternoon. Imbue our hearts with Thy love, and instill into our minds Thy wisdom so that we may do those things which will bring about on this earth Thy Kingdom.

Create within us a desire to bring into our land and this Commonwealth all those things which will create happiness and good health, and make our State a State wherein the pattern will be blessing to Thee, O God.

Bless us and may Thy peace rest upon our hearts and abide therein always. In Jesus' Name we pray, Amen.

### JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. FLEMING and Mr. LANE, further reading was dispensed with, and the Journal was approved.

### LEAVES OF ABSENCE

Mr. FLEMING asked and obtained leave of absence for Mr. WATSON, due to illness.

He also asked and obtained leave of absence for Mr. PECHAN, due to illness.

Mr. LANE asked and obtained leave of absence for Mr. MILLER, for today's Session only, due to illness.

He also asked and obtained leave of absence for Mr. DERK, due to illness.

### COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented communication in writing from His Excellency, the Governor of the Commonwealth which was read as follows:

Commonwealth of Pennsylvania,

Governor's Office, Harrisburg, January 16, 1956.

To the Honorable, the Members of the General Assembly of the Commonwealth of Pennsylvania:

For many years our Commonwealth has enjoyed the benefits of a vigorous and progressive farm community which has contributed to our prosperity and has won for us National acclaim.

Today our Pennsylvania farmers, along with the farmers of the Nation are caught in a vise of rising costs for the things they buy and declining prices for their crops. As a result, the cash income of Pennsylvania farmers has fallen off more than ten per cent in the past three years.

Although the agricultural economy is basically a National problem, there are areas in which you, as legislators, and I, as Governor, can act to assist this vital segment of our population.

I ask that both Houses review the status of legislation affecting agriculture and that such legislation be given prompt attention.

A number of bills have been introduced in the Legislature to make certain that the farmer gets what he pays for when he purchases feeds, fertilizers or seeds. House Bill 1560 which is now in the Senate is a new commercial feed bill codifying and modernizing our basic law dealing with the manufacture and sale of livestock and poultry feeds. It requires a disclosure of basic elements which make up the feed itself and provides for a fee not exceeding five cents a ton to establish a fund which will make its enforcement self-supporting.

Similarly, a bill protecting the farmer from misrepresentation with regard to the chemical content of fertilizers and codifying our law pertaining to fertilizers has been introduced into the House. It provides for new products such as liquid fertilizer, requiring a full disclosure of its contents be made to the purchaser. The bill also makes provision for licensing fees which will make its enforcement financially self-supporting.

Two minor but important bills protect the farmer against misrepresentation when purchasing seeds or plants. These bills, House Bill 1048 and House Bill 1277, are now pending in the Senate.

Research which will help the farmer eradicate disease, improve production and help develop new markets is the purpose of House Bill 1584 now in the Senate. It appropriates \$500,000 for research at Pennsylvania State University. Its basic purpose is to promote research in animal husbandry, dairy sciences and poultry husbandry from which Pennsylvania farmers derive 78 per cent of their cash income.

Recent financial failure of certain dealers has again



high-lighted the necessity for an adequate licensing and bonding law in our Commonwealth. I urge that bonding legislation which will protect our Pennsylvania farmers against losses arising out of financial failure of those to whom they have sold their crops be enacted at this session. Many of our farmers cannot survive the impact of such losses of their limited cash income.

Of course, the prompt enactment of an appropriation bill to finance the Department of Agriculture itself is vital. Included in the Department's budget is an item which contemplates a more aggressive program to promote Pennsylvania farm products. Unfortunately, agricultural products have not had the benefit of an intensive publicity campaign which will allow them to compete successfully with many competitive products. To name just one, I would suggest that the use of milk as a beverage distributed through vending machines has scarcely been explored. It is my hope that the Department would be furnished an adequate budget which would permit the establishment of an intensive promotion program to encourage the use of such farm products.

It is my hope that the Senate will give serious consideration to House Bill 730 now pending on its calendar which allows technicians to draw blood under pullorum disease testing programs. As the law now stands, only licensed veterinarians are authorized to take such blood samples and in many areas veterinarians are carrying work loads that make it difficult for them to perform this important service for our farmers.

For a number of years our livestock farmers have urged our Commonwealth to establish an open livestock show. Such a show can be operated economically by the modest addition of 50 thousand dollars to the budget of the Department. Senate Bill 791, which has bipartisan sponsorship, contemplates such a program and I would ask that this legislation be given favorable consideration by both Houses.

Favorable consideration should be given to House Bill 861 now in the Senate which removes the \$12,000 per year limit which counties may allocate for agricultural and home economics extension work. The vital importance of this work to our farm community is familiar to you and need not be detailed here. Similarly, House Bill 1295 which appropriates \$30,000 for the holding of six regional and one State-wide Junior Dairy Shows should be acted upon favorably. It is on these members of the 4-H and Future Farmers of America Clubs that the future of Pennsylvania agriculture depends.

There is another area of legislation administered by our Department of Agriculture which is important to our consumers as well as to our farm community. I refer to legislation guaranteeing the purity of foods and beverages and the accuracy of representation regarding such products. An entirely new General Food Bill is being introduced in the House which will safeguard the health and the pocketbook of our consumers and at the same time protect food processors and farmers against competition from sub-standard food products.

The Bill represents the cooperative effort of the Public Health Law Research Project of the University of Pittsburgh; Dr. Joseph W. E. Harrison and Dr. R. Adams Dutcher, of Pennsylvania State University; Wm. William J. Schiller of Pittsburgh, the Pennsylvania Department of Agriculture; and other authorities on the subject. It has

been drafted by the Department of Justice at my request.

The new General Food Bill now being introduced substantially follows the provisions of the Uniform State Food, Drug and Cosmetics Act which was drafted by the Association of Food and Drug Officials of the United States, but is limited to those provisions dealing with food. (It does not incorporate provisions dealing with drugs and cosmetics).

You may be surprised to know that the new Bill represents the first revision of our General Food Law since 1909.

This modern version has been strengthened and made more specific where necessary to bring it into conformity with present-day food standards.

It provides broader definitions of adulteration and misbranding and the additional feature of making it unlawful to advertise falsely.

Recognizing that certain food items require the addition of substances which are deleterious to health, the Bill provides for establishment of tolerances for such substances. It also provides for the dissemination of information regarding food by the Secretary of Agriculture when such information will protect public health and safeguard the consumer against fraud.

The proposed Act authorizes the Department of Agriculture to consult with food processor and farmer to establish standards and to draft necessary regulations.

Twenty-nine other states have enacted legislation patterned after the Uniform Food Law.

Two bills have been introduced dealing with our beverage laws. The one, House Bill 1527 revises our carbonated beverage law in accordance with recent decisions of our Supreme Court. It protects the public against unproved artificial sweeteners which might endanger the public health and provides regulations for the use of automatic or manual disposing equipment. A second bill requires that all chocolate milk should contain a butter fat content of not less than 3.25 per cent by weight. This bill would protect the public against the use of inferior grades of milk for the preparation of chocolate milk and assure the farmer that such milk products use a minimum quantity of butter fat.

Finally, our farm people are human beings who turn to recreation to rekindle their minds and their spirits. I would urge that legislation be enacted which will allow our farm families to fish in farm ponds and which will at the same time not jeopardize the effective enforcement of our Fish Laws. I would urge the Fish Commission to cooperate with the Legislature in drafting such legislation.

If Pennsylvania is to remain in the forefront as a progressive agricultural State, it is essential that we join together in creating the best possible climate for farming in our Commonwealth. All of the bills which I have discussed have an immediate and helpful impact upon our farm economy. Only by attacking on every front the problems which confront our farmers can we assure a thriving farm community in Pennsylvania in the years ahead.

GEORGE M. LEADER, Governor.

The PRESIDENT. This communication will be printed in the Legislative Journal.

#### COMMUNICATIONS FROM THE GOVERNOR

He also presented communications in writing from His



Excellency, the Governor of the Commonwealth, which were read as follows:

APPROVED AND SIGNED SENATE BILL No. 190,  
PRINTER'S No. 62

Commonwealth of Pennsylvania,

Governor's Office, Harrisburg, December 28, 1955.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed Senate Bill No. 190, Printer's No. 62, entitled "An Act amending the act of March 10, 1949 (P. L. 30) entitled 'An act relating to the public school system including certain provisions applicable as well to private and parochial schools amending revising consolidating and changing the laws relating thereto' further regulating the employment of teachers who are related to members of the board of school directors."

GEORGE M. LEADER.

APPROVED AND SIGNED SENATE BILL No. 218,  
PRINTER'S No. 411

Commonwealth of Pennsylvania,

Governor's Office, Harrisburg, December 28, 1955.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed Senate Bill No. 218, Printer's No. 411, entitled "An Act to further amend Section 2 of the act approved the twentieth day of June one thousand nine hundred forty-seven (P. L. 733) entitled as amended 'An act to provide revenue in school districts of the first class A by imposing a temporary tax upon certain classes of personal property providing for its levy and collection conferring and imposing powers and duties on the county assessing authority board of revision of taxes receiver of school taxes school treasurer board of public education in such districts and courts providing for compensation to certain officers and employes and imposing penalties' by providing for the method of valuation of taxable shares of stock in any regulated investment company."

GEORGE M. LEADER.

APPROVED AND SIGNED SENATE BILL No. 365,  
PRINTER'S No. 308

Commonwealth of Pennsylvania,

Governor's Office, Harrisburg, December 28, 1955.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed Senate Bill No. 365, Printer's No. 308, entitled "An Act regulating the sale and possession of certain dangerous drugs in the interest of public health and imposing penalties."

GEORGE M. LEADER.

APPROVED AND SIGNED SENATE BILL No. 520,  
PRINTER'S No. 181

Commonwealth of Pennsylvania,

Governor's Office, Harrisburg, December 28, 1955.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed Senate Bill No. 520, Printer's No. 181, entitled "An Act amending the act of May 4, 1927 (P. L. 519) entitled 'An act concerning boroughs and revising amending and consolidating the law relating to boroughs' further regulating the procedure to be followed in enacting necessary ordinances in the course of preparing a consolidation codification or revision of ordinances."

GEORGE M. LEADER.

APPROVED AND SIGNED SENATE CONCURRENT  
RESOLUTION RECALLING SENATE BILL No.  
192, PRINTER'S No. 246

Commonwealth of Pennsylvania,

Governor's Office, Harrisburg, December 30, 1955.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed Senate Concurrent Resolution recalling from the Governor Senate Bill No. 192, Printer's No. 246, for the purpose of amendment.

Accordingly, the original bill is herewith returned.

GEORGE M. LEADER.

The PRESIDENT. The bill will be laid on the table.

NOMINATIONS BY THE GOVERNOR

REFERRED TO COMMITTEE

He also presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Executive Nominations:

MEMBER OF BLAIR COUNTY  
BOARD OF ASSISTANCE

Commonwealth of Pennsylvania,

Governor's Office, Harrisburg, January 16, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Mrs. Louise Wear (Dem.), Claysburg, Blair County, for appointment as a member of the Blair County Board of Assistance, to serve until December 31, 1958, and until her successor is duly appointed and qualified, vice Mrs. Jean Beyer, Claysburg, resigned.

GEORGE M. LEADER.

JUSTICE OF THE PEACE

Commonwealth of Pennsylvania,

Governor's Office, Harrisburg, January 16, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate John D. Evans, 820 North Juniata Street, Hollidaysburg, Blair County, for reappointment as Justice of the Peace in and for the Borough of Hollidaysburg, Blair County, to serve until the first Monday of January 1958.

GEORGE M. LEADER.

JUSTICE OF THE PEACE

Commonwealth of Pennsylvania,

Governor's Office, Harrisburg, January 16, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Cornelius de Groot, Revere, Bucks County, for reappointment as Justice of the Peace in and for the Township of Nockamixon, Bucks County, to serve until the first Monday of January 1958.

GEORGE M. LEADER.

MEMBER OF SULLIVAN COUNTY  
BOARD OF ASSISTANCE

Commonwealth of Pennsylvania,

Governor's Office, Harrisburg, January 16, 1956.



To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Robert H. Marquardt (Rep.), Muncy Valley, Sullivan County, for appointment as a member of the Sullivan County Board of Assistance, to serve until December 31, 1956, and until his successor is duly appointed and qualified, to fill a vacancy.

GEORGE M. LEADER

#### MEMBERS OF JUNIATA COUNTY BOARD OF ASSISTANCE

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, January 16, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as members of the Juniata County Board of Assistance:

D. Gray Switzer (Dem.), Mifflintown, to serve until December 31, 1958, and until his successor is duly appointed and qualified, vice Mrs. Bernice M. Copenhaver, Mifflintown, resigned.

Mrs. Margaret Welsh (Rep.), Mifflintown, to serve until December 31, 1958, and until her successor is duly appointed and qualified. (Reappointment)

Leo McNaught (Dem.), Mifflintown, to serve until December 31, 1958, and until his successor is duly appointed and qualified. (Reappointment)

GEORGE M. LEADER.

#### COMMISSIONER OF DEEDS

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, January 16, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Robert Mullen Starkey, The Travelers Insurance Company, 700 Main Street, Hartford 15, Connecticut, for reappointment as Commissioner of Deeds for the Commonwealth of Pennsylvania, with residence in the State of Connecticut, for the term of five years, to compute from February 5, 1956.

GEORGE M. LEADER.

#### JUSTICE OF THE PEACE

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, January 16, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Melvin B. Hoffman, 4th and Mill Streets, Mifflinburg, Union County, for reappointment as Justice of the Peace in and for the Borough of Mifflinburg, Union County, to serve until the first Monday of January 1958.

GEORGE M. LEADER.

#### JUSTICE OF THE PEACE

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, January 16, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Ellis E. Wambaugh, Emigsville, York County, for appointment as Justice of the Peace in and for the Township of Man-

chester, York County, to serve until the first Monday of January 1958, vice Mahlon E. Cassel, deceased.

GEORGE M. LEADER.

#### JUSTICE OF THE PEACE

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, January 16, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Mrs. Ethel Brooks, Covington, Tioga County, for reappointment as Justice of the Peace in and for the Township of Covington, Tioga County, to serve until the first Monday of January 1958.

GEORGE M. LEADER.

#### JUSTICE OF THE PEACE

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, January 16, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Peter J. Harkins, 628 Race Street, Bristol, Bucks County, for appointment as Justice of the Peace in and for the Borough of Bristol, Bucks County, to serve until the first Monday of January 1958, vice John J. Gallagher, deceased.

GEORGE M. LEADER.

#### COMMISSIONER OF DEEDS

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, January 16, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Alan Sydney Lavine, Esq., 223 East Hanover Street, Trenton, New Jersey, for appointment as Commissioner of Deeds for the Commonwealth of Pennsylvania, with residence in the State of New Jersey, for the term of five years to compute from the date of confirmation.

GEORGE M. LEADER.

#### JUSTICE OF THE PEACE

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, January 16, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Edward J. Kessler, R. D. 1, Mohnton, Berks County, for appointment as Justice of the Peace in and for the Township of Robeson, Berks County, to serve until the first Monday of January 1958, vice William M. Jefferson, deceased.

GEORGE M. LEADER.

#### JUSTICE OF THE PEACE

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, January 16, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Laurence K. Reth, 623 Main Street, McSherrystown, Adams County, for appointment as Justice of the Peace in and for the Borough of McSherrystown, Adams County,



to serve until the first Monday of January 1958, to fill a vacancy.

GEORGE M. LEADER.

MEMBERS OF THE STATE  
VETERAN'S COMMISSION

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, January 16, 1956.  
To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as members of the State Veterans' Commission, to serve until the third Tuesday of January 1959, and until their successors shall have been appointed and qualified:

John F. Stay, 2008 Deveraux Avenue, Philadelphia 49, Philadelphia County, vice Joseph S. McCracken, Kingston, whose term expired.

Samuel R. DiFrancesco, Menoher Boulevard, Johnstown, Cambria County, to fill a vacancy.

Raymond J. Hogenmiller, P. O. Box 571, Smithton, Westmoreland County, vice Rev. Michael A. Hally, Mildred, whose term expired.

James E. Hart, 3730 Hunter Street, Philadelphia, Philadelphia County, to fill a vacancy.

Leon Sacks, 2428 North 54th Street, Philadelphia, Philadelphia County (Reappointment)

William B. Freeland, 201 Market Street, Halifax, Dauphin County, to fill a vacancy.

Marlan O. Walter, 400 Market Street, Millersburg, Dauphin County, to fill a vacancy.

GEORGE M. LEADER.

MEMBER OF HUNTINGDON COUNTY  
BOARD OF ASSISTANCE

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, January 16, 1956.  
To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Mrs. Mary Elsie Madden (Dem.), Star Route, Orbisonia, Huntingdon County, for appointment as a member of the Huntingdon County Board of Assistance, to serve until December 31, 1956, and until her successor is duly appointed and qualified, vice Mrs. Margaret H. Ewing, Shade Gap, resigned.

GEORGE M. LEADER.

MEMBER OF ALLEGHENY COUNTY  
BOARD OF ASSISTANCE

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, January 16, 1956.  
To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Thomas M. Watt (Rep.), 814 Larimer Avenue, McKeesport, Allegheny County, for appointment as a member of the Allegheny County Board of Assistance, to serve until December 31, 1956, and until his successor is duly appointed and qualified, vice Edward A. Feigenbaum, Pittsburgh, resigned.

GEORGE M. LEADER.

MEMBERS OF CAMBRIA COUNTY  
BOARD OF ASSISTANCE

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, January 16, 1956.  
To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as members of the Cambria County Board of Assistance:

Dr. S. J. Bondy (Dem.), 908 United States Bank Building, Johnstown, to serve until December 31, 1958, and until his successor is duly appointed and qualified. (Reappointment)

Charles W. Symons, Sr. (Rep.), 244 Union Street, Johnstown, to serve until December 31, 1958, and until his successor is duly appointed and qualified. (Reappointment)

Dr. Burrell K. Johnson (Rep.), 728 Menoher Boulevard, Johnstown, to serve until December 31, 1958, and until his successor is duly appointed and qualified, vice James G. Contakos, Johnstown, whose term expired.

GEORGE M. LEADER.

MEMBER OF THE PENNSYLVANIA  
FISH COMMISSION

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, January 16, 1956.  
To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Maynard Bogart, R. D. 2, Danville, Montour County, for appointment as a member of the Pennsylvania Fish Commission, until the second Tuesday of January 1964, and until his successor is appointed, to fill a vacancy.

GEORGE M. LEADER.

COMMUNICATIONS FROM THE GOVERNOR  
REFERRED TO COMMITTEE

He also presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Executive Nominations:

RECALLING THE NOMINATION OF WILLARD S.  
HARING AS JUSTICE OF THE PEACE

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, January 16, 1956.  
To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated July 19, 1955, for the appointment of Willard S. Haring, Gilbertsville, Montgomery County, as Justice of the Peace in and for the Township of Douglass, Montgomery County, until the first Monday of January 1956, vice Ammon B. Mensch, deceased.

I respectfully request the return to me of the official message of nomination in the premises.

GEORGE M. LEADER.

RECALLING THE NOMINATION OF PETER S.  
SCHWEICH AS ALDERMAN

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, January 16, 1956.  
To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 18, 1955, for the appointment of Peter S. Schweich, 669 Poplar Street, Lancaster, Lancaster County as Alderman in and for the Eighth Ward of the City of Lancaster, Lancaster County, until the first Monday of January 1956, vice Hubert Miller, deceased.



I respectfully request the return to me of the official message of nomination in the premises.

GEORGE M. LEADER.

RECALLING THE NOMINATION OF HOWARD K. NEY  
AS ALDERMAN

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, January 16, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated July 11, 1955, for the appointment of Howard K. Ney, 2528 Lexington Street, Harrisburg, Dauphin County, as Alderman in and for the Tenth Ward of the City of Harrisburg, Dauphin County, until the first Monday of January, 1956, vice Charles J. Housholder, deceased.

I respectfully request the return to me of the official message of nomination in the premises.

GEORGE M. LEADER.

RECALLING THE NOMINATION OF EDWARD R.  
DeHART AS ALDERMAN

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, January 16, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall nomination dated July 11, 1955, for the appointment of Edward R. DeHart, 33 South 17th Street, Harrisburg, Dauphin County, as Alderman in and for the Ninth Ward of the City of Harrisburg, Dauphin County, until the first Monday of January, 1956, vice Tryon E. Benner, deceased.

I respectfully request the return to me of the official message of nomination in the premises.

GEORGE M. LEADER.

RECALLING THE NOMINATION OF FRANK BABIN  
AS JUSTICE OF THE PEACE

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, January 16, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated December 13, 1955, for the appointment of Frank Babin, 362 Munson Avenue, McKees Rocks, Allegheny County, as Justice of the Peace in and for the Borough of McKees Rocks, Allegheny County, until the first Monday of January, 1956, vice Frank Demjan, deceased.

I respectfully request the return to me of the official message of nomination in the premises.

GEORGE M. LEADER.

RECALLING THE NOMINATION OF JOHN E. BAER  
AS MEMBER OF THE MONTGOMERY COUNTY  
BOARD OF ASSISTANCE

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, January 16, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated September 12, 1955, for the appointment of John E. Baer (Dem.), 428 Foulke Avenue, Ambler,

as a member of the Montgomery County Board of Assistance, to serve until December 31, 1955, and until his successor is duly appointed and qualified, vice Rev. W. Paul Reumann, Lansdale, resigned.

I respectfully request the return to me of the official nomination in the premises.

GEORGE M. LEADER.

RECALLING THE NOMINATION OF MRS. ESTHER C.  
SHAFFER AS MEMBER OF THE MONTGOMERY  
COUNTY BOARD OF ASSISTANCE

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, January 16, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated August 2, 1955, for the appointment of Mrs. Esther C. Shaffer (Dem.), 614 Elkins Avenue, Elkins Park 17, as a member of the Montgomery County Board of Assistance, to serve until December 31, 1955, and until her successor is duly appointed and qualified, vice Milton H. Pagel, Norristown, whose term expired.

I respectfully request the return to me of the official nomination in the premises.

GEORGE M. LEADER.

RECALLING THE NOMINATIONS OF REVEREND MAR-  
TIN A. ROCHE AND MRS. WANDA AUSTIN AS  
MEMBERS OF THE TIOGA COUNTY BOARD  
OF ASSISTANCE

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, January 16, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nominations dated June 21, 1955, for the appointment of Rev. Martin A. Roche (Dem.), Mansfield, as a member of the Tioga County Board of Assistance, to serve until December 31, 1955, and until his successor is duly appointed and qualified, vice Fred A. Jupenlaz, Mansfield, whose term expired, and Mrs. Wanda Austin (Dem.), Wellsboro, for appointment as a member of the Tioga County Board of Assistance, to serve until December 31, 1955, and until her successor is duly appointed and qualified, vice Miss Isabel Martin, Morris Run, whose term expired.

I respectfully request the return to me of the official nominations in the premises.

GEORGE M. LEADER.

RECALLING THE NOMINATION OF EDWARD F.  
TOOHEY AS MEMBER OF THE UNEMPLOY-  
MENT COMPENSATION BOARD OF  
REVIEW

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, January 16, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 25, 1955, for the appointment of Edward F. Toohey, City Centre Building, Philadelphia 7, Philadelphia County, as a member of the Unemployment Compensation Board of Review, until July 1, 1955, and until his successor shall have been appointed and qualified, vice J. K. Clement, Dauphin, whose term expired.

I respectfully request the return to me of the official nomination in the premises.

GEORGE M. LEADER.



# RECALLING THE NOMINATION OF NORMAN MOUL AS JUSTICE OF THE PEACE

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, January 16, 1956.  
To the Honorable, the Senate of the Commonwealth of  
Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated July 25, 1955, for the appointment of Norman Moul, Abbottstown, Adams County, as Justice of the Peace in and for the Borough of Abbottstown, Adams County, until the first Monday of January, 1956, to fill a vacancy.

I respectfully request the return to me of the official nomination in the premises.

GEORGE M. LEADER.

## BILLS SIGNED

The PRESIDENT (Lieutenant-Governor Roy E. Furman) announced that the Chief Clerk having reported that the following bills had passed both Houses of the General Assembly and the same being correct, the titles were publicly read as follows:

### House Bill No. 78, entitled:

An Act amending the act of March 27, 1929 (P. L. 84), entitled "An act to fix the fees to be charged by coroners in counties of the second class," increasing fees to be charged.

### House Bill No. 342, entitled:

An Act amending the act of May 1, 1929 (P. L. 905), entitled "Vehicle Code," exempting motor vehicles of war amputees from the payment of title or registration fees.

### Senate Bill No. 480, entitled:

An Act amending the act of May 25, 1951 (P. L. 415), entitled "An act relating to habeas corpus; conferring jurisdiction upon the judges of the courts of common pleas; prescribing venue; defining procedure in all cases; authorizing service to be made upon persons anywhere in the Commonwealth; providing for the imposition of costs; allowing appeals; specifying the appellate court to which appeals may be taken; and repealing inconsistent legislation including that conferring jurisdiction on courts of quarter sessions," extending jurisdiction as to habeas corpus to courts of quarter sessions.

### Senate Bill No. 523, entitled:

An Act amending the act of May 20, 1931 (P. L. 280), entitled "Local Delinquent Tax Return Law," further regulating the tax sales and payment of the purchase money.

### Senate Bill No. 582, entitled:

An Act amending the act of August 19, 1953 (P. L. 1104), entitled "An act relating to the acknowledgement of instruments, the attestation of documents, the administration of oaths and affirmations, the execution of depositions and affidavits, and other notarial acts, heretofore or hereafter taken before any commissioned officer of the armed forces of the United States, and providing that such instruments and documents executed by any person who is a member of or actually present with the armed forces of the United States or is outside the United States for certain purposes shall be legal, valid and binding, and providing for the form of the instrument or document and what proof shall be sufficient of the authority of such commissioned officer so to act," extending affidavit provisions, to include the spouse of a member of the armed forces.

### Senate Bill No. 593, entitled:

An Act amending the act of May 28, 1915 (P. L. 596), entitled "An act requiring cities of the second class to establish a pension fund for employes of said cities, and regulating the administration and the payment of such pensions," extending the benefits to employes of certain authorities created jointly with other political subdivisions or joined in by the cities; and authorizing credit for past service on making back payments.

### House Bill No. 662, entitled:

An Act amending the act of May 5, 1933 (P. L. 289), entitled "Nonprofit Corporation Law" empowering nonprofit corporations to transfer their property and assets in trust.

### House Bill No. 737, entitled:

An Act amending the act of May 2, 1929 (P. L. 1278), entitled "General County Law," providing rooms for use of the American Gold Star Mothers, Inc.

### House Bill No. 738, entitled:

An Act amending the act of July 8, 1919 (P. L. 784, No. 321), entitled "An act authorizing counties, cities, and boroughs to furnish rooms in public buildings for meeting places for certain organizations," including the American Gold Star Mothers, Inc., within the provisions of act.

### House Bill No. 814, entitled:

An Act amending the act of June 11, 1915 (P. L. 938), entitled "An act to regulate and establish the fees to be charged and collected by the several clerks of the courts of oyer and terminer, general jail delivery, and quarter sessions of the peace, in counties of this Commonwealth having a population of over eight hundred thousand and less than one million five hundred thousand inhabitants, as computed by the last preceding United States census," changing and fixing fees in counties of the second class.

### House Bill No. 844, entitled:

An Act amending the act of May 1, 1929 (P. L. 905), entitled "Vehicle Code," authorizing use of warning figures, commonly known as "silent policemen" to be erected on highways and State highways by certain political subdivisions.

### House Bill No. 986, entitled:

An Act relating to chattel mortgages executed and filed prior to July 1, 1954, regulating the assignment, release, satisfaction and extension of the lien of mortgages, and the filing, indexing and docketing thereof in prothonotaries' offices; prescribing methods of foreclosure; defining defaults and violations; prescribing prothonotaries' fees; and fixing penalties.

### House Bill No. 1174, entitled:

An Act amending the act of March 10, 1949 (P. L. 30), entitled "Public School Code of 1949," by providing for military leaves of absence for public school employes who are called for military service at any time.

### House Bill No. 1188, entitled:

An Act amending the act of April 9, 1929 (P. L. 343), entitled "Fiscal Code," eliminating interest payments on refund of money subject to escheat.

### House Bill No. 1501, entitled:

An Act authorizing the Department of Property and Supplies, with the approval of the Governor, to sell and convey real property situate in the Borough of West Chester, Chester County.

Whereupon,



The PRESIDENT (Lieutenant-Governor Roy E. Furman) in the presence of the Senate signed the same.

### HOUSE MESSAGES

#### HOUSE CONCURS IN AMENDMENTS TO HOUSE BILL No. 844

The Clerk of the House of Representatives being introduced, presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 844, entitled:

An Act amending the act of May 1, 1929 (P. L. 905), entitled "The Vehicle Code" authorizing the use of warning figures commonly known as "silent policemen" to be erected within school zones on highways and State highways by certain political subdivisions.

#### HOUSE CONCURS IN AMENDMENTS TO HOUSE BILL No. 986

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 986, entitled:

An Act relating to chattel mortgages executed and filed prior to July 1, 1954 regulating the assignment release satisfaction and extension of the lien of mortgages and the filing indexing and docketing thereof in prothonotaries' offices prescribing methods of foreclosure defining defaults and violations prescribing prothonotaries' fees and fixing penalties.

#### HOUSE CONCURS IN AMENDMENTS TO HOUSE BILL No. 1174

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 1174, entitled:

An Act amending the act of March 10, 1949 (P. L. 30) entitled "Public School Code of 1949," by providing for military leaves of absence for public school employes who are inducted for military leave at any time.

#### HOUSE CONCURS IN AMENDMENTS TO HOUSE BILL No. 1188

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 1188, entitled:

An Act amending the act of April 9, 1929 (P. L. 343) entitled "The Fiscal Code" limiting interest payments on refunds of money subject to escheat to moneys originally on deposit as interest bearing items.

#### HOUSE CONCURS IN AMENDMENTS TO HOUSE BILL No. 1501

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 1501, entitled:

An Act authorizing the Department of Property and Supplies with the approval of the Governor to sell and convey real property situate in the Township of West Goshen, Chester County.

#### HOUSE CONCURRENT RESOLUTION No. 116 REFERRED TO COMMITTEE

He also presented extract from Journal of the House of Representatives which was twice read as follows and referred to the Committee on Constitutional Changes and Federal Relations:

#### CANAL TO CONNECT LAKE ERIE WITH THE UPPER ALLEGHENY RIVER

In the House of Representatives, September 27, 1955.

Large areas in northwestern Pennsylvania continue undeveloped, generally marked by low population and a feeble, struggling economy. In many localities, their economics are limited to fishing, hunting and vacation-land activities.

Nevertheless, there exist in this northwestern region vast potentialities for commercial and industrial growth; a growth that is increasingly needed if this Commonwealth is to regain some of the dynamic quality of earlier expansion.

Such expansion is keyed to main-line, low-rated transportation service; and implicit in the coming operation of the St. Lawrence Waterway system, lies the means for bringing main-line, low-rated transportation to northwestern Pennsylvania.

The upper reaches of the Allegheny River flow close to the Great Lakes system, a system destined to become an American fresh-water Mediterranean. Clearly, more than one of Lake Erie's ports will progress to the stature of trans-oceanic steamship terminals.

Logically then, to link the far-flung and industrially advanced inland waterway of the Allegheny and its connecting waters with the coming Lake Erie coastal expansion would add immeasurably to the welfare of both Nation and Commonwealth. Precedents all through history indicate that the resulting heavy flow of water-borne traffic would bring mounting industrial and commercial growth to the Upper Allegheny and its watershed; therefore be it

Resolved (the Senate concurring), That the General Assembly of the Commonwealth of Pennsylvania memorialize the Congress of the United States to enact into legislation the measures necessary to connect Lake Erie with the Upper Allegheny River by canal, and to extend the existing lock system along the Allegheny to the river terminus of the canal; and be it further

Resolved, That copies of this resolution be transmitted to the presiding officers of each House of the Congress of the United States, and to each Senator and Representative from Pennsylvania in the Congress of the United States.

#### HOUSE CONCURRENT RESOLUTION No. 124 REFERRED TO COMMITTEE

He also presented extract from Journal of the House of Representatives which was twice read as follows and referred to the Committee on Rules:

#### JOINT COMMITTEE TO MAKE UNANNOUNCED VISITS TO STATE-OWNED INSTITUTIONS

In the House of Representatives, November 21, 1955.

During the past several years, riots and disturbances have occurred in many of the prisons and correctional institutions of this Commonwealth.

Charges and accusations of an unfavorable nature have more recently been levelled against certain of the Juvenile Correctional and Mental Institutions of this Commonwealth.

The riots and disturbances become a useless, unwarranted and additional expense to the Commonwealth in the destruction of property, jeopardy to health, limb and life, and a threat to the peace and security of the community.

The charges and accusations are detrimental to the health and welfare program of this Commonwealth, in making it difficult to retain present personnel, to procure



new and additional personnel required for the efficient and proper operation and administration of our institutions, and in creating extremely disturbing conditions among and with the population of the institutions.

It appears that the conditions and circumstances which induced the riots, disturbances, charges and accusations could have been avoided by a closer and more constant inspection of these institutions; therefore be it

Resolved (if the Senate concur), That a permanent committee of six members of the General Assembly be created; three from the House of Representatives to be appointed by the Speaker, and three from the Senate to be appointed by the President Pro Tempore, whose duty it will be from time to time to make unannounced visits to and inspections of all Commonwealth-owned, and Commonwealth-aided institutions, and to make periodic reports thereof to the House of Representatives and Senate when in session, and to the Governor, the Speaker of the House, and the President Pro Tempore of the Senate, when the General Assembly is in recess.

#### HOUSE INSISTS UPON ITS NON-CONCURRENCE IN AMENDMENTS TO HOUSE BILL No. 1104, AND APPOINTS COMMITTEE OF CONFERENCE

He also informed the Senate that the House insists on its non-concurrence in Senate amendments to House Bill No. 1104, entitled:

An Act amending the act of April 21, 1949 (P. L. 665), entitled "First Class City Home Rule Act," providing for the revision of home rule charters; providing for the establishment of a charter revision commission for the purpose of making revisions; and imposing duties upon city councils, city officers, boards of election, courts and the Secretary of the Commonwealth.

and has appointed Messrs. BAZIN, TOLL and CHARLES C. SMITH as a Committee of Conference to confer with a similar committee of the Senate (if the Senate shall appoint such Committee) to consider the differences existing between the two houses in relation to said bill.

#### HOUSE BILL No. 1104 TAKEN FROM TABLE

Mr. FLEMING. Mr. President, I call from the table House Bill No. 1104, and move a committee of conference on the part of the Senate be appointed.

Mr. WAGNER. Mr. President, I second the motion. The motion was agreed to.

#### GENERAL COMMUNICATION

#### ONE HUNDRED AND FIRST ANNUAL STATEMENT OF THE SAVING FUND SOCIETY OF GERMANTOWN AND ITS VICINITY

The Chair cleared its table and laid before the Senate the following communication which was read by the Clerk:

#### SAVING FUND SOCIETY OF GERMANTOWN AND ITS VICINITY

5458 Germantown Avenue  
Philadelphia 44

January 12, 1956.

Presiding Officer of the Senate,  
Harrisburg, Pa.

Dear Sir:

In accordance with Article 13 of our Charter, we are enclosing a copy of the 101st Annual Statement of the Saving Fund Society of Germantown and Its Vicinity.

Very truly yours,

/s/ MILDRED M. MOORE, Secretary

The PRESIDENT. The One Hundred and First Annual Statement of the Saving Fund Society of Germantown and Its Vicinity will be noted in the Appendix to the Legislative Journal.

#### REPORTS FROM COMMITTEES

Mr. CHAPMAN, from the Committee on Public Health and Welfare, reported as amended Senate Bill No. 231, entitled:

An Act amending the act of May 11, 1921 (P. L. 522) entitled as amended "Dog Law of 1921," regulating and in certain cases prohibiting the impounding and killing of unclaimed dogs and providing that in the cities of Philadelphia and Pittsburgh they shall first be offered for sale to medical schools hospitals laboratories or other scientific or educational institutions.

He also, from the Committee on Appropriations, reported as amended House Bill No. 1907, entitled:

An Act making an appropriation to the Senate and House of Representatives of the General Assembly for the salaries of officers and employees and mileage of members and incidental expenses for the balance of the Legislative Session of 1955.

#### HOUSE CONCURRENT RESOLUTION No. 107 REPORTED FROM COMMITTEE

Mr. WEINER, from the Committee on State Government, to which was referred on December 6, 1955, the following resolution from the House of Representatives reported the same without amendments as follows, viz:

#### JOINT STATE GOVERNMENT COMMISSION TO STUDY SURFACE AND GROUND WATER RESOURCES

In the House of Representatives, August 2, 1955.

There is vastly increased use of both surface and ground water for domestic, industrial, agricultural, irrigational, recreational and related purposes. The continued expansion of water use may create shortage of these valuable resources. There is an inevitable relationship between the utilization of waters and the utilization of other mineral resources.

The Act of June 22, 1937, P. L. 1987 has declared the discharge of sewage or industrial waste or any noxious and deleterious substances into the waters of this Commonwealth which is or may become inimical and injurious to the public health or to animal or aquatic life or to the uses of such waters for domestic or industrial consumption or for recreation not to be a reasonable or natural use of such waters and to be a public nuisance and against public policy.

The Commonwealth recognizes a public interest in the quantity, quality and utilization of these waters and a duty upon the General Assembly to insure that such waters are conserved and that their use is allotted in a fair and equitable manner; therefore be it

Resolved (the Senate concurring), That the Joint State Government Commission be authorized to study the surface and ground water resources in the Commonwealth and the interrelationships between the utilization of water resources and other mineral resources and the urban and industrial development of the Commonwealth and more particularly to determine the adequacy or inadequacy of existing laws and to ascertain what new laws, if any, may be necessary to properly protect these valuable resources. The State Planning Board and the various administrative agencies of the Commonwealth now engaged in studies of these vital problems shall cooperate with the Commission in this study.



The Commission shall report its findings at the next regular session of the General Assembly.

Laid over for one day under the Rules.

### BILL INTRODUCED AND REFERRED

Mr. SILVERT (By request) read in his place and presented to the Chair Senate Bill No. 928, entitled:

An Act amending the act of June 24, 1939 (P. L. 872) entitled "The Penal Code," extending the provision relating to worthless checks and drafts.

Which was committed to the Committee on Judiciary General.

### PETITIONS AND REMONSTRANCES

Mr. LANE. Mr. President and Members of the Senate, in the past months, I might say in the past year, we have done a lot of talking about doing something in regard to the construction of a hospital for retarded children in western Pennsylvania.

Today, Mr. President, I have before me a communication which I received from the Current Events Club of Washington, Pennsylvania, which reads as follows:

"Dear Senator Lane:

"The Current Events Club of Washington, Pennsylvania wishes to express the desire for an institution for retarded children in southwestern Pennsylvania. The need is very great.

"The Polk Institution in northern Pennsylvania is crowded beyond capacity, with a long waiting list.

"Washington County has 66 needy cases and western Pennsylvania has 3000 cases, all waiting. Many hesitate to go on the list as they feel it is hopeless.

"Surely something must be done to fill the dire need.

"We, of The Current Events Club, wish to express our concern, knowing at first hand the real need for an institution."

Mr. President, I want the Membership of the Senate to know that this communication is signed by approximately thirty-eight prominent citizens from Washington County. I think we should take into consideration the fact that an institution for cerebral palsy cases in an absolute necessity so far as southwestern Pennsylvania is concerned. I think that this Senate and the House of Representatives should not adjourn until we have provided the necessary machinery for the construction of such an institution.

Mr. MALLERY. Mr. President, I agree with Senator Lane that something should be done for such children. However, I would like to remind him that Senator Ruth, Senator Diehm and I believe one or two other Members of the Senate and myself have introduced a resolution, petitioning an institution similar to Polk and which shall be provided for the central part of the State. We now have only two such institutions, one in the eastern part of the State and one in the western part of the State. That resolution passed unanimously in the Senate and it is over in the House. If it were acted upon and if such an institution were constructed in the central part of the State, then no longer would such children have to go either to the extreme eastern part of the State or the western part of the State.

Mr. LANE. Mr. President, I am very glad to know that Senator Mallery concurs with the statement which I

just made and, of course, with the position of this important club in Washington, Pennsylvania. I suggest that we use a bipartisan approach. I would appreciate it if Senator Mallery would talk to the Republican Members of the House of Representatives and I will guarantee you that I will try to do my work with the Democratic Members to get this resolution passed.

Mr. MALLERY. Mr. President, I will be very happy to do that.

### PERSONAL PRIVILEGE

Mr. DENT. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The gentleman from Westmoreland, Mr. Dent, will state his question of personal privilege.

Mr. DENT. Mr. President and Members of the Senate, I have before me, and I believe all of you have found in your mailboxes, a newspaper which is printed out in western Pennsylvania, called the Sun-Telegraph. It sells for five cents. I suppose I owe them some money for the publicity they have been giving me. However, the reason I rise to a question of personal privilege is because I believe that this newspaper has left its field of news-gathering and news dissemination and has gone even beyond the field of editorializing on news and has completely entered the field of coercion in the matter of public law making.

While I was at home a couple weeks ago, Mr. President, I received through the mail, and all in my family who are old enough to vote received in the mail, a double post card ballot, with a three-cent stamp on both sides of the post card. The post card asked a couple of questions. They call it a typical community and, of course, it does not take much thinking to know why they would go into the city of Jeannette, my home town, to sample the people and ask them how they would vote on an excise tax or a sales tax. I accuse this newspaper of not telling the people the truth. I say that if they want to run a poll, they should tell the people exactly what the question is and put it in such a manner that the people who vote would have some knowledge of what they were voting on. They devoted one day to the so-called returns, and I think you should hear them because they seem to be very interesting.

The returns to date show that of those in favor of an excise tax there were 176, of which 146 were Democrats and thirty were Republicans. Opposed to an excise tax were 724, of which 359 were Democrats and 365 were Republicans. In favor of a retail sales tax, there were 756 and opposed there were 268, of which there were 409 for the sales tax and 211 against it. The Republicans numbered 347 for a sales tax and 57 were against it. Of course, the largest number of votes cast was 756 and 268, which would be somewhere near 1,024. That is 1,024 votes out of 7,800 registered voters in the city of Jeannette. The peculiar thing about it is that we are registered in that town about four to one, but the returns on the ballot show that there were 409 Democrats voted and 347 Republicans.

The question which was asked was peculiarly phrased. It was something like the question that is asked by the slick lawyer when he has a witness, and he says to him, "Were you drunk when you beat your wife? Answer the question 'yes' or 'no.'" What the Sun-Telegraph did was say to the people in one block, "Are you in favor of



the excise tax, recently defeated by the Senate of Pennsylvania, which would have driven industry out of the State?", or something to that effect. Down below, it asks, "Would you favor a sales tax, which is a tax that is fair to everybody?" Of course, the people, naturally being good citizens in Jeannette and not wanting to be unfair to anybody, said they would go along with that proposition and had to say yes, they were drunk when they beat their wives.

Mr. President and Members of this Senate, it is a difficult job to be in public life at any time. It is a difficult job to stand up here and try to put into words the principles of the party that I represent and the administrative policies of the Administration that I represent upon this floor. It is difficult, as I say, to do this in the normal course of procedure. It becomes increasingly difficult, Mr. President and Members of this Senate, when agencies that disseminate public information use their efforts and devote their time to destroying the trust of the people in the legislative branches of government. Perhaps we are at fault and perhaps we should run for the General Assembly on a platform opposed by this newspaper, and then I should come to Harrisburg and say to the people who elected me, in opposition to this newspaper, "I am going to sell you down the river and vote the way the newspaper wants me to because it makes me look good in print."

The newspapers have deliberately distorted the tax picture in Harrisburg. They have deliberately and knowingly distorted this picture because they have tried to make the people believe that the sales tax, which the Republican Party wants, is a tax upon everybody. However, the very first ones to ask exemptions from that tax were the representatives of the Sun-Telegraph and every other newspaper in the State of Pennsylvania.

Mr. President, if they send out to my people a post card saying, "Do you favor a sales tax which we, the newspapers, will not have to pay, which the manufacturers will not have to pay, which business will not have to pay, but which the people will have to pay, or do you favor an excise tax which carries within it a tax upon the price of goods, at the manufacturers' level, without all of the markup of freight and the markup of the retail and wholesale establishments, which includes, if you please, in that markup the millions of dollars that are spent for advertising in newspapers such as this?" If they said to the people of my community, "Do you favor a sales tax which aims to take eighty-two per cent of \$400,000,000 out of the pockets of people making less than \$7,000 a year and eighteen per cent out of the pockets of people making over \$7,000 a year?", I wonder how my people would vote. If they would say to the people in my community, "We, the Sun-Telegraph, proposes tax legislation upon every other person in Pennsylvania except those of us who run newspapers," I wonder how my people would vote.

Mr. President, I do not try to tell the newspapers how to run their business. I believe that they should come down here and sit in on the Sessions of the Legislature and listen to the arguments on both sides, and then vote according to that which is good for Pennsylvania and not good only for the Sun-Telegraph. I do not care whether they run one poll or a million polls in my town. Until they run an honest poll, they will not phase my thinking. Certainly, I am considerate of the people in my com-

munity. I am considerate of them because I have lived with them all my life. Whether I am a Member of this Senate or not, I will still, in all probability, live the few remaining years of my life in that community. I do not want the Sun-Telegraph to be putting into the minds of my people false impressions and false statements.

Imagine, Mr. President, in another section of the newspaper they devote a whole day to this. This is the kind of comments they use. Of course, they are not coercive. They are not trying to hurt me. Here is what they say:

"Tell John Dent to be more cooperative to the voters who put him on the velvet carpet."

You know, Mr. President, I always wondered what this floor covering was; so it is velvet carpet.

"I suggest they send the Governor back to his chicken farm!"

Mr. President, these are intelligent statements and are very worthwhile. They say there is a shortage of news print. Well, they could do without it at all if that is the best they can do. Here are a couple good quotations, too. Here is one which is a very intelligent statement. On one of the cards they said, "I do not like taxes!" Who does? Another one says, "Vote the next election and throw out nine-tenths of them." We are for that, Mr. President. If they throw out nine-tenths of the sixteen Republican Senators who are running next year, we will take the situation over and do a good job.

Here is another one. "I'd appreciate any kind of tax which would make it easier on the working man." Certainly, that person might have even voted for a sales tax, because if he reads this newspaper he thinks that it is good for him.

Here is another one. "Tax the rich manufacturers."

Another one. "Tax the rich corporations."

Here is another one. "An income tax is the best and only way, because you get it before the wife gets it."

Another one. "Render unto Leader that which is his. An income tax would collect according to our ability to pay. That is the fairest way to collect taxes and not the way you spend it."

In another one of their arguments, they say that an income tax is bad. This is the newspaper, itself. I think it is by the Editor, if he took time to write something. He says, "The income tax is the worst kind of a tax because they tax it whether you spend it or not and the sales tax is good because they only tax it whether you spend it." Of course, he fails to say that the sales tax taxes whether you earn it or not.

Mr. President and Members of the Senate, if it would not be for the serious import of action like this, I would treat it as a basic joke. However, it is very serious. This is why it is serious, Mr. President and Members of the Senate. It is serious because we are finding ourselves in the position where most of the agencies which disseminate news and create opinion are owned by a very small group of men. We find now that many of the newspapers not only own newspapers, but they also own radio stations and television stations. It became increasingly difficult for a minority opinion to be given the proper amount of publicity. It becomes difficult for any popular movement for reform to receive enough publicity so that the people may know what is going on.

I honestly believe that there was a poll taken, and it was a poll of all the people in which both views were



aired very publicly. On November 8, 1955, there was an election. That is the only poll that is taken directly at the grass roots of America. In that poll, the people were asked to vote. They were asked to vote for a set of Democratic candidates and a set of Republican candidates. The issue from the very first day until election day was the question of Governor Leader's classified income tax as against the so-called Dave Lawrence's wage tax, as they called it, and the Republican proposal of a sales tax and a sales tax only.

Mr. President, my town carried the biggest majority of any time in its history. The same people who voted in the poll taken by the Sun-Telegraph voted in that poll on November 8th. They overwhelmingly voted for the candidates who represented Governor Leader's Administration. We gathered in county governments in this State, Mr. President, that have not been Democratic since the days of Andrew Jackson. We have control of Indiana County, where we have not had a county commissioner since Andrew Jackson was President. We selected a county sheriff in Somerset County, and I do not believe we ever had one in history. We also elected one in Jefferson County.

You know the people voted a poll that day and it was a poll in which the question was whether or not Leader's Administration was speaking for the people or whether Leader's Administration was ignoring the people. Now I say that there will be another poll taken this coming November. I think it is only fair that at this time I state, for the benefit of all concerned, that we have met with the Republican leaders, the House leaders met with us once, Representative Readinger met with us, our Democratic leaders, and I met with the Republican leaders, and we laid before them a third proposal for taxation in the Commonwealth of Pennsylvania. I think history will record that the Republicans defeated the first proposal offered by this Administration, known as the classified income tax. The second proposal was known as the Pennsylvania Manufacturers' Excise Tax; that, too, was defeated in the Senate and so I went before the Republican leaders and asked them if they would not sit down to try to discuss the possibilities of coming out with some kind of a tax program.

Mr. President, all of us are aware of the situation as we find it today in Pennsylvania. We are in a serious, serious situation. A large jointure school, I believe it is in Senator Stevenson's District, has notified the parents of the children in that school that come February 3, they are closing the school. There are many other schools in this State that find themselves in the same predicament. If you say that we are at fault, that is not true. Popular or unpopular, we at least attempted to pass the tax legislation that would have provided the necessary funds to keep these schools open.

When I met with the gentleman, I made a proposal in the name of the Democratic Senate Caucus and the Democratic House leadership. For the benefit of the people, I think that that proposal ought to be known and I want you to take it exactly as I give it in order that there will be no misunderstanding. We proposed a two per cent net personal income tax, based upon our net return as would be computed under Federal Income Tax Laws, which would give to each and every income tax earner in this Commonwealth the right to take advantage of all of the

exemptions and the allowances of the Federal Tax Law. Based at two per cent in the fifteen or so months collection, if passed this month, it would collect \$210,000,000.

I further proposed that we take the Pennsylvania manufacturers' excise tax of three and one-half per cent, reduce it to two per cent, cut out the word "manufacturer" and place the collection of the tax at the next receiver of goods, completely eliminating the manufacturer in Pennsylvania from any responsibility whatsoever under the excise tax.

I further proposed, in that paritcular package, to remove from taxation, because I could not get the votes any other way, all industrial machinery, all utility purchases, railroad purchases and the Sun Shipbuilding Company. I further went along and proposed that it would be unlawful for any person to advertise any goods sold that were taxable under the excise tax and in any way tend to lead the people to believe that the price of these goods did not take into consideration the so-called excise tax of the State of Pennsylvania.

I further proposed that there would be no restriction in the act to allow any person who had to pay the tax to Pennsylvania from passing the tax onto the next purchaser of goods. However, I also said it would not be mandatory that they do pass it on. That, Mr. President, would raise, in the period of time left in this biennium, \$150,000,000.

Then I further proposed, Mr. President, that we enact a one per cent emergency corporate net income tax increase, which would give us \$54,000,000 and this tax would be based upon our passing legislation that would take manufacturers out of the capital stock tax, which would save them \$65,000,000 a biennium as compared to the \$54,000,000 they would be paying under C.N.I. They said that the Chamber of Commerce has gone around and said that this is a bad State to do business in, but in order that we remove the psychological barrier built by the Chamber of Commerce around this State, we, the Democratic Administration, are willing to take the capital stock tax from manufacturing concerns in Pennsylvania that are Pennsylvania corporations.

I further proposed, in this four point program, that we accelerate the payment without any additional tax or increase whatsoever on the capital stock tax remaining, in order that we would have for our uses in this biennium twenty-five additional mililon dollars. That makes up a total of \$439,000,000, which represents \$408,000,000, as compared to the \$528,000,000 that the Governor asked for or a deduction in the budget of \$120,000,000, because the additional \$31,000,000 to \$408,000,000, or \$439,000,000, is the \$31,000,000 added to the Governor's budget by this State Senate.

We have reduced the Governor's budget, we have acceded to it and we have acceded to every demand that we can receive for economy. We have cut out of this program the entire \$20,000,000 for industrial expansion, because we were told by the Republican conferees late in the fall that they would not accept that. We reduced from \$26,000,000 to \$15,000,000 the amount requested by Senator Shapiro, the head of the Welfare Department, to put into vogue a new and better formula for the inmates of our mental institutions, with the hope that we would be able some day to clean the situation up on the basis of what is happening in the States of Kansas and Ohio



and other forward-looking States. We have cut to the bone every other appropriation. We have less people on the payroll in this biennium than we had in any of the last three bienniums. We are trying to do the job that the people have elected us to do.

The Republican Party spokesmen said that they would take it to their Caucus today. However, over the week end, before the Caucus had a chance to act, I think the Caucus action was already predetermined because we read in the papers where Senator Taylor and Senator Mahany and Senator Kessler said that the bill, or the compromise, or the so-called four point program was unacceptable. Nevertheless, they ratified that action today. They met in Caucus and I talked to Senator Mahany and Senator Taylor, and I am informed that the Republican Caucus refuses the four point program offered by the legislative leadership of the Democratic Party, and that they further refuse the Governor's desperation bid for a solution to the problem, the 50-50 plan of the Governor in which he said, "Since we control only half of the General Assembly, we will take half of the responsibility for the tax plan and you Republicans take the other half, and you can pass any kind of tax plan that you want. We don't care what it is and I will sign it."

Mr. President, it takes courage for any man to say that, because he stood before the people of this great Commonwealth and said that he never would vote for or sign a sales tax, but when he is faced with either bankruptcy or blackmail, there is no other alternative for him. He has to accede to the demands of the Republican Senators and go along in order that the schools and the children of the State do not suffer; in order that the hospitals can keep their doors open; that all of the necessary functions of government can operate and, therefore, the Governor is forced into the position, I am sorry to say, of probably having to lie down prostrate before the dictatorial demands of the Senate Republican block.

Mr. President, we have offered in every way that we can to work out a solution. I told them that if they could not agree with us, then it appeared to me, and I have not talked to the House or the Governor, but it appeared to me that the only avenue left if Pennsylvania is to be saved from bankruptcy and financial chaos is for the House of Representatives to report to the floor either one of the two sales taxes the Republicans have sponsored, bring them out and put them up for a vote and it comes to the Senate, I offered this and I put it in writing. The Republican Senators, being twenty-six strong, and this being their bill and their tax program, will naturally be overwhelmed at the opportunity to vote for a sales tax that they have demanded for eleven months, twelve months. However, I was informed that two of their Members were sick and that they could probably only muster twenty-four votes. I said to them, "I will never insist that you endanger the life of any Member of this Senate to bring him in here to vote if he is sick and unable to attend, and that I personally would cast my vote with the Republican Senators for a sales tax to replace any sick Member that you have and that I would go to Senator Barr, the Democratic State Chairman of Pennsylvania, and ask him to cast his vote for any sick Member that you have on the other side."

Victory at the polls, Mr. President, is not as important as this Sun-Telegraph or any other person or group be-

lieves it to be. I have tasted both victory and defeat in my time, and I do not know what the future may bring but if I do face the people again and if they defeat me because of what I have stood for, I earned that defeat.

Mr. President, all of us are perhaps confused by the word eternity. There is nothing eternal except time and death. Membership in this Senate is a passing thing. Life itself is only a passing thing. Some of us die at childbirth, some in early childhood, others in their teens and some of us in our young man and womanhood, and others at middle age and some long past the Biblical three score years and ten, so there is no tenure on life, I am not one who believes in predetermination. I believe that we are put here by a Supreme Being and when He decides that our time or our usefulness is past, and maybe for other reasons best known to the Supreme Being, himself, he calls us home. I at this moment want to announce that I am in no particular hurry to go home, but if I am called I hope that I am found ready. I certainly would not have to be ashamed of the positions that I have taken in twenty-two years of public life. If Saint Peter is still up there watching—I do not know whether they changed him since Eisenhower won, but he might have civil service and if he has, he is probably pretty well set up there. However, if I am faced with the prospect of going up to Saint Peter, I might have to confess that sometimes I have not felt too kindly toward my Republican colleagues and I might ask forgiveness and say that that, too, was just a passing thought because I know in the end they are usually pretty good fellows and if they were left alone, they would probably vote with us.

The other night, Mr. President, I could not sleep. It was about four o'clock and I was lying there awake, and there is nothing worse than being in bed awake, and I got up and I knew that by tossing around I was disturbing my wife, who was in the same room, of course. I got up and went into the living room and lit a cigar and made a pot of coffee. I have to admit the truth; I had a couple of eggs, too, and I started writing and having nothing else to do, I wrote a little play called, "In the Middle of the Muddle," and I have not had time to correct it. I said to the girl, "Just write it up the way it is because if I read it, I will throw it away." Anyway, I read it afterwards, but it is a dialogue between Old Harve, the Senate leader, and Governor George, and it runs through this year of our Leader, 1955. I was hoping that we would be able to quit this month so that I would not have to write another play about the second year of our Leader, 1956, and if you want me to get some sleep and not be writing all night, I wish you would agree to disagree on the other side and four of you stand up and say that you believe it is our responsibility and that you would like to see us keep the schools open and you would like to see us defeated at the next election because of the bad taxes we put on and we would be willing to shoulder the responsibility. However, since you do not want to do that, and since you get such unanimous decisions on your side without unit rule, I do not believe that it will do any good for the Governor to appeal to you, for the people to appeal to you or for this humble person to appeal to you and so, therefore, I am going to say to you now that I am sorry we have reached a stage in legislative history where a simple majority in the Senate can dictate to the Governor of the Common-



wealth and to the House of Representatives and force this Administration to accept the Republican sponsored fiscal program, and I want to say to you that it is a two-fold program.

When you accepted the responsibility for the taxes in your Caucus action today, it clearly states that you have accepted that responsibility. At the same time, you also accepted the responsibility for the budget. If you pass taxes of \$400,000,000, then I will expect you to cut the budget to the \$400,000,000 that you give us. I think it is only fair that when you accepted the responsibility for taxes, then you accepted the responsibility for cutting the budget. The Governor's budget is clear; it is an open book. The suggestions of reductions which I have given to your leaders, I will be willing to give to each and every one of you. I will be willing to give to each and every one of you an analysis of the budget which I have made up which will show that we require, if we are to do any of the things which this State ought to do, approximately \$465,000,000. However, we are willing to accept \$439,000,000, with the idea that perhaps in the next biennium we can make up a known budget deficiency of \$25,000,000 because of the twenty-four month collection of the taxes, which now will only be collected for fifteen months.

Mr. President, I believe that the people know that all taxes must be passed by the House of Representatives. I suggest to you that you twenty-four Members who are present today go over to the House and reach your legislative members, and ask them to support your stand in the Senate because it would be a terrible hoax upon the people of this Commonwealth if the Democrats accede to the dictatorial demands of this Senate block, put out the sales tax and then find that the Republican House Members will not vote for it.

Mr. MAHANY. Mr. President, I do not intend to take as long to answer Senator Dent as he took to give his usual Monday afternoon oration. I do want to point out to him, with regard to this article in the Sun-Telegraph, that I feel that he will admit that at least the first sentence is correct when it says, "The people of Jeannette are outspoken." I think if he represents the people of Jeannette, as I know he does, and the people are there as outspoken as he is, then I feel that the people of Jeannette can be said to be outspoken.

Senator, you did give us a four point program, as you called it, and I did submit that four point program to the Caucus, but they looked upon it as some kind of a four-way cold pill which sometimes loses its sense of direction. I think that they generally agreed that whatever was done in this Session of the Legislature, the Republican Members of the Senate were not going to put two broad base taxes upon the people of Pennsylvania. Each Republican feels that that certainly would be inexcusable, and they feel that they will not have any part of such a program as that. They also feel that perhaps we as a party, and speaking politically only, might be far ahead this year in a crucial election if we were to accept the Democratic program and then go out on the highways and byways of the Commonwealth and show how wrong the Governor and his Democratic advisors were in putting both a sales tax and an income tax on the people of Pennsylvania. We might very well profit this year if we took such a position. However, when you ask the

individual Members of the Republican Caucus whether or not they will vote for an income tax, each of them says he will not do so. Regardless of how fine a thing it might be politically to go along with putting an income tax on the people of Pennsylvania, I cannot find any Republican Senator in the Republican Caucus who will vote for such a tax. Therefore, Mr. President, I want to tell Senator Dent that as of now there are no votes for an income tax in the Republican Caucus.

Mr. President, so far as this paper, the Sun-Telegraph, is concerned, I do not see why anyone should malign it. Evidently the owners of the Sun-Telegraph and the editors of that paper feel that what is good for Pennsylvania is good for them. They are interested, I have no doubt, in seeing to it that their number of copies of the Sun-Telegraph are maintained and hope that they may be increased. The only way they have of increasing their circulation is by keeping more people at work in the area in which this paper is published, and also keeping in a healthy condition the merchants who advertise in their paper. They wanted, I think, to find out what the people generally wanted. They would not have had to conduct a poll in Jeannette. Perhaps they did that because of the fact that Senator Dent comes from the fine city of Jeannette and sought to spotlight that particular thing, but they could have gone right out, I think within the immediate confines of Pittsburgh and within the city of Pittsburgh, and they would have found the answers the same as they found them under this poll and as I have found the answers when I went around my District of Crawford and Mercer Counties. Going into the stores, not to speak to the merchants but to speak to the customers who were in there, by speaking to the clients who come into my office, by speaking to the members of the lodges to which I belong as I circulate among them, I find that overwhelmingly the desire of the people is to have a sales tax over an income tax.

Mr. President, I come down here trying to represent the wishes of the people who send me down here and I find it kind of difficult at times, because I find that the Senators on the other side are not satisfied with me trying to represent my people. They want me to represent something that the Governor wants instead of representing the people who sent me down here. I want to tell them that not only I, but all the other Republican Senators here are satisfied that we want to represent the wishes of the people who sent us here.

I have no doubt that Senator Dent, the Governor and the rest of the spokesmen are going to go out and try to show the people this year that the Republicans do not properly represent them, and we again will be on the defensive. We will have to show that the sales tax, if we get one through, is better than the income tax which you tried to put down their throats. If you are successful, then you are going to get a sufficient number of people here in the Senate and people in the House who will vote for the income tax which you seem to want.

Mr. President, I notice that Senator Dent is not sleeping well at nights, especially on Sunday nights because he comes down here with plays and various things. I would suggest to him that he take some kind of a pill before he goes to bed and he will not have that trouble. However, you might sometime wake up in the middle of the night and make a play-up on what happened be-



fore George Leader became Governor of Pennsylvania.

When the newspaper reporters then asked the candidate for Governor what he would substitute for the sales tax, if there was ever a man who walked on a tightrope, it was George Leader at that particular time. As soon as that question was asked of him, he backed away and made up all kinds of excuses and he said something about substituting good, old-fashioned Democratic economy and thrift and that would make up the difference which would be lost by the sales tax. The people, therefore, never did vote on the issue of an income tax versus a sales tax. They voted on the issue of no tax versus a sales tax and they voted, of course, in favor of the no tax. When the people woke up and found that they would not only have to pay all the taxes which were then on the books but they were asked to pay some more, they found that they had been hoodwinked. I would dislike to read into the record all of the letters which I have received from disgruntled people all over the State of Pennsylvania about how they were fooled, and wish that I would put in some type of legislation which could be a recall of the Governor.

Mr. President, I would like to say to Senator Dent that before the Christmas vacation, I thought we had voted for a sufficient appropriation to keep the schools running. I remember that I did ask the question whether or not, if we voted for this appropriation of over \$500,000,000, the Governor would have the money in sight to be able to sign this appropriation bill and I was assured that he would have. He must have had the money because he did sign the bill. Under the law, the Governor cannot sign an appropriation bill unless he has sufficient money on hand and sufficient money in sight to do the job. I found out, after the bill was signed, that they could not do anything about it and they could not send the checks out to the schools because the Governor said he did not have any money on hand.

We appropriated the money; we were told that the money would be in sight and would be on hand for this appropriation and now to wake up and have you tell us that there is no money there and these checks will not be able to go out, certainly is a disillusionment.

We, Senator, have been fair with you. We have told you time and time again that we cannot get any votes on this side of the aisle for an income tax, but that we do have votes for a sales tax. I am hoping that everyone of the Republican Senators here, if, as and when a sales tax comes over from the House will vote for it. I, personally, will assure you, Senator, that I will be one of the Republican votes to vote for a sales tax. I feel that we need at least a three per cent sales tax.

Mr. President, the proposed per cent of tax is no fault of ours. If the Governor had not been so stubborn last July in allowing this sales tax to expire and had kept it on the books at the rate that it then was, until such time as this matter was resolved, perhaps we would not need a three per cent sales tax now but we would be able to get along with a two per cent sales tax. We have lost around \$6,000,000 or \$7,000,000 every month since this sales tax was allowed to expire, and now we are faced with having to vote for a sales tax at a higher rate. We are willing to do that and hope to put in some exemptions in this tax of three per cent.

I, for one, do not want to see any sales tax on the

food that the people have to take home to cook and so forth, which is take-home food, as we call it. I, for one, do not want to see anybody have to pay a tax on the shoes that they buy or on the clothing they have to buy for their children or for themselves. If it were possible to put a tax on mink coats and not on some other kind of coats, I would be for that because I do not want to see that television program again where "Mrs. McGillicutti" wonders why she has to pay a tax on the little cloth she buys to make the kiddies some shirts, while Mrs. "So and So" buys a mink coat and does not have to pay any tax on it. I think that was worn to a frazzle. If it were possible, under the Constitution, not to tax the little people for their clothing and put the tax on the rich people who can afford mink coats, I can be for that sort of thing. I want to eliminate, from the sales tax, the clothing and the take-home food and any other necessities, such as drugs, medicines and so forth which the people must have.

Mr. President, I feel that that, as a base, will help us raise most of the money we need. In addition to that, between the amount that that will raise and the amount that is needed, which we say is \$400,000,000 and the Democrats say is \$430,000,000, no doubt we will have to get together and work those figures out and come to some kind of a compromise figure. We will try to work with the Democrats in trying to raise a tax from some other sources in order to make up the difference.

Mr. President, we do not want to have the little fellow, as they call it, bear all of this burden nor even the big fellow. We want to have industry bear their share of this burden. I feel that industry is willing to share a part of the burden. At no time have they refused to come in here and share all of the burden that is figured they can possibly share. They certainly do not want to be in a non-competitive position with industries in other States, and I do not feel that any Members of this Senate want to put our industries in a non-competitive position with industries in other States so that they will have to move out of the State of Pennsylvania.

Our big job, if we are thinking about labor, is to keep industry in Pennsylvania so that labor will have a place in which to work and, together, labor and industry will make this State a great State, as it has always been and we hope will continue to be in the future.

Mr. President, as to the mechanics of getting this sales tax over, I tried to suggest, and did suggest to Senator Dent, that we amend this excise tax and try to work up some type of a tax which would, in effect, be a transactions tax, or call it what you may, so that we could raise the money by that vehicle but he says, "No, that is not satisfactory because it bears Mr. Readinger's name and if a sales tax is voted on and he or Senator Barr votes for one, even in place of the sick Members, why they insist that it be some kind of a sales tax which will come over from the House and bear a Republican's name." Personally, I do not believe it makes much difference. The fellow who has to go to the store in my town and pay a sales tax will not know whether the sales tax bill was sponsored by Mr. Readinger or whether it was sponsored by Mr. Waterhouse or sponsored by Mr. Hewitt and will not much care.

Therefore, Senator Dent, if you will not vote for that



particular excise tax as amended, perhaps the only thing we can do is to wait until the House gets their tax bill out and passes it and sends it over here. I think we would have been way ahead if we had done this very thing last fall, and that is what I tried to do. I felt that until such time as the sales tax was either voted through or defeated in the House, it was silly for us to talk about any other kind of a tax because the people generally all over the State were besieging us by letter, by telephone by telegraph, by personal contact not to vote for any kind of an income tax as they much preferred the sales tax. For that reason, we are late in finally getting to the place where we should have been last July after the classified income tax was defeated, but at least we are here sooner or later and I hope that it will not be much later until such time that we have an opportunity of voting on a sales tax.

Mr. DENT. Mr. President and Members of the Senate, starting last things first and working toward the beginning, I would say to the Senator that I do not know whether he knows it but the record of the House is filled with statements by your leader in the House, Charlie Smith, in which he notified the Democrats time and time again that he nor the Republican Caucus would vote for a sales tax. I do not know where you get the idea that the reason you have not been able to get a vote on the sales tax lays at the door of the Democrats. Of course, there is an ugly rumor going around, which I myself do not know whether I believe it yet as I have not talked to Harvey about it, that now that Charlie Smith was put on the State ticket, he has made a deal where he will vote for the sales tax. We will find that out this week. I do not know whether he will or not, but he has said that he would not vote for a sales tax time and time again in the House. Of course, I think the thing which held us up all of this Session, for eleven months, was not the fact that we did not give you the tax bill, but you were waiting around to get your slate picked for this year. Now that Duff is assured of being on the ticket, why probably you will go ahead and get together and maybe give us the tax which you think is the best.

Mr. President, I do not know whether or not your letters, and all of these demands which you have been getting from so-called citizens all over Pennsylvania for a sales tax, are any more authoritative than the poll taken by the Sun-Telegraph in my home town. You see, there were about sixteen of those cards which came to my family and out of respect for me they did not even answer them. Therefore, there are sixteen which I think you would be able to count.

If the Republicans will take all of the letters that they have and multiply them by about 100,000, then you will get somewhere near the population of this State. I have a lot of letters, too. Who do I have them from? I have them from bankers, I have them from businessmen, I have them from manufacturers. At one point, you said that manufacturers would pay their share. Will you state on this floor that industry will pay the sales tax; that we are to leave industry in the sales tax; that industrial parts which they buy are going to be taxed the same as the man who buys a furnace for his home or buys a boiler for his house or a refrigerator or a set of beds or chairs to sit on? Will industry pay the same tax, too? From what I understand, you are not going to exempt industry and I

will advise the House that that is your desire. I also understand that you are not going to exempt the Sun Shipbuilding Company. That, of course, will ease the burden because if you had not demanded the exemption of them in the excise tax, you would have probably had it passed by now.

Am I to understand, too, that the Republicans feel that if and when they finally get a vote on the sales tax, they will go along with a one per cent increase in the corporate net income tax; that they will go along with the acceleration of the capital stock tax? Your estimate is \$400,000,000. I cannot say that you are wrong, because you have written new features into the bill here this afternoon and we will have to re-estimate it upon the basis of what might pass the House and what might pass the Senate. However, am I right in my understanding that the total budget allowance that you are going to allow, in new moneys, will be \$400,000,000? If I am right in that, then will you then cut the budget down to the \$400,000,000 level in order that you do not give the Governor, as you did, \$568,000,000 of school legislation?

You said that the Governor told you there was enough money for schools. Let us look the situation right squarely in the face. There is sufficient money in the revenue measures upon the books of this Commonwealth to meet the appropriation of \$568,000,000 for schools, but it means that out of the total of \$900,000,000 which is on the books, \$800,000,000, if the Governor does it, he would have to shut down other departments of government in order to keep sacred the \$568,000,000 which you have allocated for school purposes.

Mr. President, early in this Session the Republicans decided that they would limit the borrowing in this Session, by this Administration, to ten per cent of the revenue bills passed by this General Assembly as against the method which was employed before where we borrowed against appropriations made by the General Assembly. That was done, of course, as I understand it, and I remember somewhat if you go into the record, which you are used to reading. When you are looking for what I said in the record, look and see what Kessler said about it, but I think he said something about the fact that that would tie the hands of the Administration so that they just could not keep borrowing and keep us here forever. Under that bill, you are allowed to borrow something near \$90,000,000, of which we have borrowed \$60,000,000. I believe that the Governor advised me that there is only \$26,000,000 which can be borrowed. Senator Barr says \$28,000,000, so I will stand corrected and say it is \$28,000,000.

Mr. President, they started the movement immediately and it takes about thirty days to clear this borrowing. We also have something like \$20,000,000 which can be made available out of the General Fund and that will give us about \$46,000,000. However, the General Fund moneys are on thirty day call notice, too, and we have sent the notices out to recall that money. We also have established the date as somewhere around the third of February, wherein we will send out the checks to all the fourth class districts in the Commonwealth. That is about all that that money will cover.

If you pass the corporate net income tax this week, which the House passed months ago, and if you pass the additional increase on utility in Pennsylvania, then you



will add to the revenue and we will then immediately be able to borrow again. If you are going to pass the corporate net income tax bill, I would suggest that you do it this week so that we, at least, have that money as a reserve borrowing power.

Mr. President, I do not believe any of us can kid the people too long, and I am not so sure but what the people who Senator Mahany said want him to recall Governor Leader must be in the minority, because on November the 8th, which was a year after they elected Governor Leader, they had an opportunity at the polling places to have protested this Administration and, in a sense, recall at least the Administration's policies by voting against the Democrats at the polls. However, lo and behold, with ninety-eight per cent of all the newspapers in the State with you and with unlimited sums of money with you, somehow or other you were just not able to confuse the people because they voted overwhelmingly at the polls in favor of the Leader Administration's policies because they were the issue, at least they were in my county, and if you do not believe they were, all you have to do is get the back copies of this paper which is running a poll in my town.

I might ask Mr. Mahany, since you want the sales tax, do I understand then that the newspapers will also pay their share of the sales tax. Are you intending to allow them to pay part of the bill, too, in Pennsylvania along with industry which you have talked about, because if you are that makes it the broad base tax that you are talking about? Is it not the truth, however, Mr. Mahany, that those individuals who came down here to protest the excise tax, upon questioning by Senators Lane and Barr, replied they recognized that Pennsylvania needed money and when asked what type of a tax they believed was the best type of taxation to put on, they unanimously replied "a sales tax?"

I would like to have some interested party go over to the House of Representatives and go to the Chairman of the Finance Committee, who has the original bill on the sales tax as introduced by Representative Hewitt, and the original bill introduced by Representative Waterhouse, and ask Chairman Sarraf of that committee to give them the amendments which have been handed to the chairman and you will find that the people who came to this Senate floor and advocated a sales tax have asked for amendments which would exempt them from the sales tax.

Mr. President, if you pass a sales tax, and you say you want to be fair and if you believe in that principle of taxation which I disagree with, then the only fair thing that you can do is to make it apply equally upon all citizens, all business and all concerns in this Commonwealth. To do less than that is to do a dishonesty to the little peoples of Pennsylvania.

#### PERMISSION TO ADDRESS SENATE

Mr. STIEFEL asked and obtained unaimous consent to address the Senate.

Mr. STIEFEL. Mr. President and gentlemen of the Senate, we are on the eve of a great celebration throughout the civilized world. Tomorrow is the Sesqui-bicentennial of the birth of the sage of America, Benjamin Franklin.

While the Senate historian par excellence, Senator C.

Arthur Blass, of Erie, and I are going to introduce a resolution tomorrow, today this is a prelude dealing with one of the phases of Benjamin Franklin's genius; namely, The Junto a Philadelphia, which is the outstanding school of adult education throughout the world; a school which annually gives education to adults in the evening hours and has an attendance of about 15,000.

Mr. President, this resolution pays a tribute to Benjamin Franklin and pays a tribute to The Junto.

#### SENATE CONCURRENT RESOLUTION

##### CONGRATULATING BENJAMIN FRANKLIN'S JUNTO

Messrs. STIEFEL, CHAPMAN and BLASS offered the following resolution which was twice read, considered and agreed to:

In the Senate, January 16, 1956.

This being the historic year of the Sesqui-bicentennial Anniversary of the birth of Benjamin Franklin, one of the most distinguished of Pennsylvania's adopted citizens, the attention of the General Assembly of Pennsylvania is attracted to an institution he founded—the theme center whereof is bearing the imprint of his genius which is still serving the People of our Commonwealth.

In 1727, when Franklin had just come of voting age, he gathered together twelve of his Philadelphia friends to form a small club where each could improve the other. They met weekly, after the long working day, to discuss the topics of the times: the politics of the Republic-to-be, the character of the men who were about to make history in the Revolution, the business and industries that were springing up in Philadelphia, the new discoveries of scientists and travelers, the state of the arts and culture in Colonial America.

The name that Franklin gave to his club was "The Junto", derived from the Spanish word for "group" or "get-together". Franklin's Junto lasted for 40 years, as one by one the members passed on.

However, in 1941 there swept over this country a fresh desire among our people for additional knowledge—things that they had no time to study in their public school education—or had no desire to study in these younger years. In Philadelphia a handful of civic-minded men sponsored a mass meeting in the Academy of Music where they invited the public to come and make their wishes known. On that night in 1941, the 3,000 people who jammed into that hall were matched by another 3,000 who overflowed onto the streets outside. So great was the cry for continued education for adults. In giving form and substance to this need, the guiding spirits of this project took Franklin's old name, "The Junto", for the school for adults which became a non-profit educational institution.

Our Commonwealth gave the new Junto a charter and good wishes—nothing more. It was up to this handful of public-spirited men to underwrite the costs of operation until the students' fees could support the movement. In a short time, The Junto proved that people who want education can support a school which gives them what they want. Moreover, in doing this, The Junto's non-profit tuition fees were lower than the national average, while its teachers' honoraria were higher than those paid in the rest of the country.

One of the answers to this minor miracle lay in the dedicated people, who gave their time and talents to guiding the destiny of this unique institution. Among these have been: Dr. Albert A. Owens, Director of Extension Education of the Board of Education Philadelphia, Edward Shippen Morris, Esquire prominent Philadelphia attorney; Dr. J. Frank Jones, renown English teacher; John Frederick Lewis, public-spirited communal leader; George F. Kearney, noted publicist; Daumant Kusma, radio engineer; Dr. Benjamin Barkas, labor education expert; Donald Jenks; the late Arthur Bloch, department store magnate; and Philip Klein, President of Harcum Junior College.

As The Junto is rounding out its 15th year in 1956, it



is attracting an average of 15,000 students annually to its three terms of nine weeks each. Its alumni number over 150,000. These are men and women who have discovered that learning must be life-long—that leisure hours can bring untold pleasure if spent in improving the mind and body skills—that learning can be real fun. The Junto has performed an extra-ordinary service for one of our great cities, for our Commonwealth, and for our Nation by offering to our citizens a range of over 200 subjects designed to help everyone from the new American to our senior citizens.

Moreover, The Junto has furnished leadership—in manpower and in sparkling new ideas—to many other educational institutions in our Commonwealth, setting an inspiring example for emulation by others.

Now Be It Resolved (the House of Representatives concurring) that the General Assembly of Pennsylvania congratulates the "Junto" upon its egregious success and commends it for the cultural values it is steadily forging in the City of Brotherly Love, thereby contributing to Philadelphia's Renaissance of the Holy Experiment as well as setting an example for emulation elsewhere in Pennsylvania and in our Land.

And Be It Further Resolved that upon the adoption of the instant Senate Concurrent Resolution by both the Senate and the House of Representatives of the General Assembly, the Secretary of the Senate be and he is hereby directed to forward copies of the instant Resolution to Philip Klein, President of the "Junt" at the "Junto" Building, N. E. Corner, 12th & Walnut Streets, Philadelphia and to Edward Shippen Morris, Esquire, 1136 Fidelity Philadelphia Building, Philadelphia, Pennsylvania.

Ordered, That the Clerk present the same to the House of Representatives for concurrence.

#### PERMISSION TO ADDRESS SENATE

Mr. MAHANY asked and obtained unanimous consent to address the Senate.

Mr. MAHANY. Mr. President and Members of the Senate, I want to call the attention of this Senate to something which is going on in my District. As you no doubt know, the Westinghouse plant in Sharon has been on strike along with the other Westinghouse plants throughout the nation, but it seems that in the city of Sharon and vicinity there are certain individuals who are trying to keep those who would like to go back into the plant, to go to work, from going back into the plant. They have had court injunctions in connection with this picketing and they have had various other legal procedures before the court in Mercer County.

I have been receiving letters from individuals in Sharon and vicinity who tell me that their cars have been scratched, that windows in the cars have been broken, that people have been beaten up, that houses have been smeared with paint bombs and the people are generally in fear of their lives and property in the city of Sharon. Before the first of the year, when there was a Republican sheriff in Mercer County, he had asked the Governor of Pennsylvania to send the State Police there to keep down this rioting, but the Governor refused to do so and did send a couple of men to the vicinity so that they might report to him. I do not know what these people reported, but I did see certain pictures showing beatings and other rioting and if these men did not see it, I do not know what is wrong with their eyes.

Mr. President, since January 1st, we have a Mayor in Sharon who, I understand, is one of the members of the striking union and he has decided that things are well in hand. I cannot understand how he comes to that conclusion if all of the things which I have received in

these various letters are true. Also, the newspaper in Sharon, The Sharon Herald Daily, has written articles and reports relative to the rioting and acts of violence within the city of Sharon and vicinity.

In order that we might have an opportunity of knowing ourselves whether or not the law is being enforced in the city of Sharon, I have prepared a resolution. I expect to go to Sharon a week from Saturday with the sheriff, so that I may personally see what is going on in the city of Sharon. I have written to the sheriff that, due to a heavy schedule, it was impossible for me to get there sooner. However, in the meantime, I would like to have this resolution adopted by the Senate and by the House.

This is a concenterent resolution, which provides for a committee to be set up to investigate these conditions and gives this committee the power of subpoena. However, due to the fact that I have stood here on numerous occasions and stated that I did not think resolutions, other than certain congratulatory resolutions and historical resolutions, should be acted upon on the day on which they are presented, I am not going to ask for any different treatment on the part of my own resolution. Although time is really of the essence in connection with this resolution, due to the fact that I have gone on record in relation to procedures which I have suggested relative to resolutions presented, I am going to ask that, after this resolution is read, it be referred to the proper committee and hope that the committee to which it is referred will take action on it within the very near future so that we may have this committee of investigation appointed.

#### SENATE CONCURRENT RESOLUTIONS REFERRED TO COMMITTEE

##### JOINT COMMITTEE TO INVESTIGATE THE INDUSTRIAL STRIFE BETWEEN WESTINGHOUSE ELECTRIC CORPORATION AND ITS UNIONS

Mr. MAHANY offered the following resolution which was twice read and referred to the Committee on State Government:

In the Senate, January 16, 1956.

The press and other sources of information have reported that a labor dispute between certain Unions and Westinghouse Electric Corporation has resulted in rioting, personal injury to workers, and malicious destruction of property in Sharon and Greenville, all contrary to law.

If this be true, the existence of such conditions jeopardizes not only persons and property of the citizens of Sharon and Greenville, but also the position of this Commonwealth as a leading industrial state.

Repeated requests by local law enforcement agencies to the executive branch of the Commonwealth for assistance from the Pennsylvania State Police in the suppression of rioting and violence appear to have gone unheeded.

The provisions of Article IV, Section 2 of the Constitution of the Commonwealth of Pennsylvania requires that the Governor "shall take care that the laws be faithfully executed."

A similar duty is imposed on the Governor by the Administrative Code of 1929, Article VII, Section 701, as amended

The Administrative Code of 1929, Article VII, Section 710, as amended, provides, in part, with respect to the State Police, that they are:

"(b) To assist the Governor in the administra-



tion and enforcement of the laws of the Commonwealth, in such manner, at such times, and in such places, as the Governor may from time to time request."

and

"(d) Whenever possible, to cooperate with counties and municipalities in the detection of crime, the apprehension of criminals, and the preservation of law and order throughout the State."

therefore be it

Resolved (the House of Representatives concurring), That the President Pro Tempore of the Senate appoint three members of the Senate and the Speaker of the House appoint three members of the House of Representatives, who together shall constitute a joint legislative committee, whose duties it shall be to make a thorough, impartial and searching investigation of the industrial strife now existing in Pennsylvania because of the labor dispute between Westinghouse Electric Corporation and its unions to determine whether all necessary measures are being taken to protect the lives and property of our citizens, to determine the effect of such violence and lawlessness on the competitive position of Pennsylvania as an industrial state in maintaining industry and attracting new industry in this Commonwealth; to recommend what, if any, remedial legislation is necessary, and to investigate such other matters in connection therewith as may be deemed necessary for the information of the committee and the General Assembly; and be it further

Resolved, That the committee shall have power to issue subpoenas and subpoenas duces tecum, under the hand and seal of its chairman, requesting and commanding any proper person, corporation, partnership or association to appear before it and to answer such questions touching matters with respect to the matters inquired into by the committee for and on behalf of the General Assembly, and to procure such books, papers, records and documents as the committee may deem necessary. Such subpoenas or subpoenas duces tecum may be served upon any proper person, corporation, partnership, or association and shall have the force and effect of subpoenas issued out of the courts of this Commonwealth or by the General Assembly itself. Each member of the committee shall have the power to administer oaths and affirmations to witnesses appearing before the committee.

If any person, corporation, partnership or association wilfully neglects or refuses to testify before the committee or to produce any books, papers, records, or documents subpoenaed by the committee, the committee, or any member thereof, shall file a petition with a court of common pleas having competent jurisdiction over the person, corporation, partnership or association, setting forth the facts. The court of common pleas, or a judge thereof, shall thereupon issue a rule upon the person, corporation, partnership or association, returnable no less than five nor more than seven days from service thereof, commanding the person, corporation, partnership or association to appear before the court and show cause why the subpoena, subpoena duces tecum or similar order of the committee shall not be complied with.

If the person, corporation, partnership or association, upon the return day of said rule to show cause, is or are unable to show legal cause why the subpoena, subpoena duces tecum or order of the committee should not be complied with, the court of common pleas shall forthwith enter an order of court directing the person, corporation, partnership or association to comply with the terms of the subpoena, subpoena duces tecum or order of the committee. If thereupon, the person, corporation, partnership or association shall refuse or fail to comply with the order of court, the court of common pleas shall forthwith adjudge the person, corporation, partnership or association to be in contempt of court and the person, corporation, partnership or association shall thereupon forthwith be subject to the penalties provided by the

Commonwealth in such cases. If any subpoenas, subpoena duces tecum or order of the committee is deemed invalid by the court, the committee is authorized to issue a proper subpoena, subpoena duces tecum or order against such person, corporation, partnership or association; and be it further

Resolved, That the committee shall make report to the Governor and to the General Assembly of its findings of facts with such recommendation as it deems necessary.

#### DIRECTING THE CONTINUANCE OF THE SUBCOMMITTEE ON DECEDENT'S ESTATE LAWS OF THE JOINT STATE GOVERNMENT COMMISSION

Messrs. McPHERSON, JR. and WEINER offered the following resolution which was twice read and referred to the Committee on Judiciary General:

In the Senate, January 16, 1956.

Resolved (The House of Representatives concurring), That the Subcommittee on Decedent's Estate Laws of the Joint State Government Commission be continued until the end of the legislative session of 1957 for the purpose of considering necessary and desirable changes in the decedents' estate laws and related statutes developed by the Subcommittee, and to make recommendations to the commission with drafts of legislation necessary to carry the recommendations into effect.

#### SENATE RESOLUTION REFERRED TO COMMITTEE DIRECTING THE JOINT STATE GOVERNMENT COMMISSION TO MAKE A STUDY OF THE NEED FOR ADDITIONAL BRIDGES OVER THE SHENANGO AND MAHONING RIVERS AND OTHER WATERWAYS IN LAWRENCE COUNTY

Mr. LANE, on behalf of Mr. MILLER, offered the following resolution which was twice read and referred to the Committee on Highways:

In the Senate, January 16, 1956.

Lawrence County is one of the brightest spots on the western boundary of Pennsylvania; and

The City of New Castle with a population of 48,834 people and the Borough of Elwood City are among the advancing population areas which are bringing fame not only to Lawrence County but did well to be among the leading communities of this Commonwealth in the not too distant future; and

There is much travel between many places in Lawrence County and its neighboring City of Youngstown, Ohio, of great renown due to its manifold industries and between various places in Lawrence County and the City of Sharon, a steel center in Mercer County, Pennsylvania; and

The various highways of Lawrence County must provide transportation between various integrated industries in Lawrence County and highly industrialized surrounding areas; therefore be it

Resolved, That the Joint State Government Commission is hereby instructed to make a study of the need for additional bridges over the Shenango and Mahoning Rivers and other waterways in Lawrence County; and be it further

Resolved, That the Department of Highways is hereby instructed to make detailed traffic flow studies of the various main highways and other streets and roads in Lawrence County with a view to making necessary improvements and the establishing of new State routes for facilitating necessary vehicular traffic, and that the Highway Department give the results of its studies to the Joint State Government Commission; and be it further

Resolved, That the said Joint State Government Commission report its study and recommendations based upon its study and studies of the Department of Highways to the next regular session of the General Assembly.



## SENATE CONCURRENT RESOLUTION

## TIME OF NEXT MEETING

Mr. WHALLEY offered the following resolution which was twice read, considered and agreed to:

In the Senate, January 16, 1956.

Resolved (the House of Representatives concurred), That when the Senate adjourns this week, it reconvene Monday, January 23, 1956 at 3:00 o'clock p. m., E.S.T., and when the House of Representatives adjourns this week, it reconvene Monday, January 23, 1956 at a time to be fixed by the House of Representatives.

Ordered, That the Clerk present the same to the House of Representatives for concurrence.

## BILLS INTRODUCED AND REFERRED

Mr. BARR. Mr. President, I ask unanimous consent to introduce a bill at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Messrs. BARR and SCOTT read in place and presented to the Chair Senate Bill No. 929, entitled:

An Act amending the act of April 12, 1951 (P. L. 90), entitled "Liquor Code" providing for the exercise of discretion in the forfeiture and condemnation of property illegally possessed or used.

Which was committed to the Committee on Law and Order.

Mr. DENT. Mr. President, I ask unanimous consent to introduce a bill at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. DENT read in place and presented to the Chair Senate Bill No. 930, entitled:

An Act concerning gifts of securities to minors; providing for custodians of such gifts and their powers and duties; defining the effect of the gifts on guardians of minors or their estates; conferring jurisdiction on orphans' courts; and absolving agents dealing with securities from certain responsibilities.

Which was committed to the Committee on Judiciary General.

## PERMISSION TO ADDRESS SENATE

Mr. STIEFEL asked and obtained unanimous consent to address the Senate.

Mr. STIEFEL. Mr. President, the bill which I am about to introduce deals with a historical measure relating to the Guard House of Valley Forge.

Mr. President, this bill is being introduced on behalf of Senator Chapman and myself, and I trust that it will reach the place that all historical bills reach.

## BILLS INTRODUCED AND REFERRED

Mr. STIEFEL. Mr. President, I ask unanimous consent to introduce a bill at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Messrs. STIEFEL and CHAPMAN read in place and presented to the Chair Senate Bill No. 931, entitled:

An Act making an appropriation to the Department of Forests and Waters for use of the Valley Forge Park

Commission for the restoration of the Provost Guard House.

Which was committed to the Committee on Forests and Waters, Game and Fish.

Mr. SCOTT. Mr. President, I ask unanimous consent to introduce a bill at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Messrs. SCOTT and DENT read in place and presented to the Chair Senate Bill No. 932, entitled:

An Act amending the act of June 1, 1937 (P. L. 1120) entitled "An act to promote the safety of employes and travelers upon railroads by compelling common carriers by railroad to man locomotive trains and other self propelled engines or machines with competent employes; \* \* \*" requiring carriers to man certain locomotive with certain crews and regulating the personnel thereof.

Which was committed to the Committee on Labor and Industry.

## SENATE CONCURRENT RESOLUTION

## SERIAL NO. 144, TAKEN FROM TABLE

Mr. MAHANY. Mr. President, I call from the table Senate Concurrent Resolution, Serial No. 144.

The Clerk read the resolution as follows:

## DIRECTING THE JOINT STATE GOVERNMENT COMMISSION TO ASCERTAIN THE STANDARD OF LIVING OF PENNSYLVANIA FAMILIES

In the Senate, August 31, 1955.

During recent sessions of the General Assembly there has been considerable controversy with respect to proposed taxes and their effects upon persons at different income levels; and

Much controversy has been generated by the paucity of reliable data regarding the income position and expenditure pattern of the residents of the Commonwealth; therefore be it

Resolved (the House of Representatives concurring), That the Joint State Government Commission is hereby directed to ascertain for Pennsylvania families the level and sources of income, number of dependents, and major expenditures such as those for food, clothing, durable goods, and federal, state, and local taxes; and be it further

Resolved, That the Joint State Government Commission report the results of its investigation, together with such other fiscal data as may be pertinent, not later than October 1, 1956.

## SENATE CONCURRENT RESOLUTION

## SERIAL NO. 144, ADOPTED

Mr. MAHANY. Mr. President, I move that the resolution just read by the Clerk be adopted.

Mr. FLEMING. Mr. President, I second the motion.

On the question,

Will the Senate agree to the resolution?

Mr. DENT. Mr. President and Members of the Senate, before this Senate for the past eleven months, we have been discussing the question of taxes and appropriations and needs for moneys. The information desired by the sponsors of this resolution is available right now in the Joint State Government Commission. We have spent hundreds of thousands of dollars in the past twenty years on investigations on tax sources and taxation in the Joint State Government Commission, as well as in special tax-



ation commissions. If you will go over to the Joint State Government Commission offices, you can get right now the answers to every question posed by this resolution without spending an additional moneys or any further delay.

Most of the information that I have given to this General Assembly has been found from reports made by the Joint State Government Commission. I see no need to spend any additional moneys at this time in making an investigation to get information which is available at this time to any Member of the General Assembly. Any question that you want answered, if you will take this resolution over to the Joint State Government Commission, they will provide for you, within a minimum of time, the answers to everyone of the resolves which you have in this resolution.

Therefore, Mr. President, I intend to oppose the passage of this resolution.

Mr. MAHANY. Mr. President, if it is as easy as Senator Dent says it is to get this information, then the Joint State Government Commission will not have to spend very much money to carry out the objectives of this resolution. I think the authors of the resolution, Senator Kessler, Senator Wade, Senator Ruth and Senator Dent, evidently wanted to have this all under one cover.

I do not quite understand why Senator Dent would lend his name to such a worthwhile resolution and then take such a dim view of it when it got off the table. Perhaps he has some explanation to that. However, I thought I was helping Senator Dent along when I got his resolution off the table and got it up here so that we might vote on it.

Mr. DENT. Mr. President, at the time we signed this resolution, it was in August of 1955. At that time, we thought if we put the resolution through, that within thirty days, October 1st, they would be able to give us all the information because they had it. They did not want to take the figures that we were giving them at that time on the number of dependents and so forth, and as to the effect of the collection of sales taxes and the collection of income taxes. They would not accept our figures as valid.

Therefore, Mr. President, I went along with the resolution in order that we would get a copied report from the Joint State Government Commission. That has now lost all its purposes. They have determined that their only tax program is a sales tax, and I do not care what kind of information they get from the Joint State Government Commission. I am of the mind that it will not change their position.

Mr. KESSLER. Mr. President, the information, as I understand it, which the Joint State Government Commission has relates to the entire northeastern section of the United States. It does not segregate Pennsylvania at all.

We have gotten into arguments this past year on the various income data on Pennsylvania citizens. That information is available, but it must be dug out and prepared or compiled in useable form. I suppose when we come back here in 1957, we will possibly argue the same type of tax laws that we have been discussing this past year. I think, at the time, we all agreed that we needed some basic information on which we could all agree, so that there would be no difference of opinion between

the figures, whether we have so many thousand people in the \$10,000 class, the \$5,000 class or what it may be in Pennsylvania. That is the information which we were asking the Joint State Government Commission to compile, so that we would all agree on the basic data and not have any argument as to what the figures were from which we were going to work. That is all we were trying to do. It will take a long time to get that and I am afraid, even if we pass this resolution today, the Joint State Government Commission cannot get that information by the end of this year. I doubt it very much.

Mr. DENT. Mr. President, I desire to interrogate the gentleman from Lancaster, Senator Kessler.

The PRESIDENT. Will the gentleman from Lancaster, Mr. Kessler, permit himself to be interrogated?

Mr. KESSLER. Yes, sir, I will, Mr. President.

Mr. DENT. If we get information from the Joint State Government Commission, will you accept that as correct?

Mr. KESSLER. I will.

Mr. DENT. And if it shows that the tax burden lays heavier upon those under certain income levels, when it is placed on through the medium of a sales tax, will you alter your position on taxation?

Mr. KESSLER. I do not think I will.

Mr. DENT. Then, what is the use of having the information?

Mr. KESSLER. Only for this reason, Senator Dent. Today, we differ on the basic information. Whether the tax burden falls heavier on one group or another is not really the point. It is the fundamental data that we have differed with.

You say that a certain number of people in Pennsylvania are earning \$4,000 or \$5,000 a year or less. I say that that number which you use may not be right. Let us, at least, get agreement on our basic data. The one fact we cannot get away from is that, as Lincoln said, "God must have loved the common people because he made so many of us." It is the common people who are paying the taxes. You cannot get away from that.

Mr. DENT. Do you believe in the ability to pay as the basis of taxation?

Mr. KESSLER. No, sir; I do not.

Mr. DENT. Then, I am to assume that if the figures from the Joint State Government Commission were to show that the tax plan advanced by Governor Leader was more equitable and that it distributed the tax burden more on the basis of ability to pay, and that your tax plan which you advocated to me last week and to the conferees, placed a heavier burden upon those least able to pay, that that would not alter your position?

Mr. KESSLER. That would not alter my position.

Mr. President, I desire to interrogate the gentleman from Westmoreland, Senator Dent.

The PRESIDENT. Will the gentleman from Westmoreland, Mr. Dent, permit himself to be interrogated?

Mr. DENT. I will, Mr. President.

Mr. KESSLER. What is your measure of ability to pay?

Mr. DENT. My measure of ability to pay is based upon the ability of a man who works to the extent of his abilities, in the limitations of his capacities, and limited to the amount that he is paid and how that is related to his station in life. I believe that a man who raises the children who make up the backbone of this Country in its population, the defenders in time of war, the mill hands



in time of peace, those who go down into the bowels of the earth to make the rest of us wealthy and to keep our mills and wheels going, then that particular group should be assessed taxation according to their ability to pay, based upon their needs and upon their earnings.

Mr. KESSLER. Mr. President, it seems to me that we are a little confused. I can measure a man's height in inches; I can measure a man's weight in pounds, but how am I going to measure his ability to pay? Are we going to take into consideration the number of children the man has or the type of work in which he is engaged, whether he works eight or ten hours or fifteen hours a day? What is the measure? If we can arrive at a suitable measure of ability to pay, then I am willing to consider a change in my opposition to that. However, until we can get such a measure, I cannot go along with the ability to pay.

Mr. DENT. Senator Kessler, if I work in a shop and I make the average salary of about \$4,000 a year and I have six children and you, I believe have told me this, believe that a tax on sales of shoes and clothing for those children, for myself and my wife—that, in your opinion, it is just as equitable that I, with six children, earning \$4,000 a year, and you with \$100,000 a year and no children, that your ability to pay was no greater than my ability to pay and that it was equitable for me to be taxed on the basis of what I purchase for six children as against your purchases for none. Did you not tell me that? Is that true?

Mr. KESSLER. I did not say that; no, sir.

Mr. DENT. In the committee, did you say that it was not inequitable to tax a man with ten children on shoes, as against a man with no children regardless of income?

Mr. KESSLER. I do not think I said ten children. I think the word "children" was used.

Mr. DENT. I asked a question, I believe. I do not want to say that I have witnesses, but I think Senator Mahany and Senator Taylor and Senator Diehm and Representative Readinger and Representative Smith were there. I do believe, sir, that I asked a question on ten children and equity, and you said it was equitable.

You went further, if you want me to refresh your memory, and you said that the number of children a man had had nothing to do with his ability to pay taxes.

Mr. KESSLER. That is correct.

Mr. DENT. Thank you.

Mr. KESSLER. Is that all you want?

Mr. DENT. That is all I want.

Mr. KESSLER. I will be glad to discuss that further with you, Senator Dent. That is only part of the story.

Mr. DENT. That is true. Thank you very much.

Mr. President, I want it clearly understood that my opposition to this resolution is that it is purely academic at this point of the game. At this stage, it will not help because no matter what information we may get now or in the future, it will not change the position or the opinions of those who do not believe that ability to pay has anything to do nor is it the criteria upon which taxes must be based.

And the question recurring,

Will the Senate agree to the resolution?

Mr. BARR. I ask for a roll call, Mr. President.

Mr. SEYLER. I ask for a roll call, Mr. President.

The yeas and nays were required by Mr. BARR and Mr. SEYLER, and were as follows, viz:

## YEAS—24

Berger,	Harney,	McPherson, Jr.,	Van Sant,
Blass,	Kessler,	Peelor,	Wade,
Chapman,	Koprivier, Jr.,	Probert,	Wagner,
Diehm,	Madigan,	Scott,	Watkins,
Flack,	Mahany,	Stevenson,	Whalley,
Fleming,	Mallery,	Taylor,	Wolfe,

## NAYS—17

Barr,	Haluska,	McGinnis,	Schmidt,
Camiel,	Hays,	McMenamin,	Seyler,
Dent,	Lane,	Mullin,	Silvert,
Donolow,	McCreesh,	Ruth,	Stiefel,
			Weiner,

So the question was determined in the affirmative.

Ordered, That the Clerk present the same to the House of Representatives for concurrence.

### HOUSE CONCURRENT RESOLUTION No. 73 TAKEN FROM TABLE

Mr. MAHANY. Mr. President, I call from the table House Concurrent Resolution No. 73.

The Clerk read the resolution as follows:

#### "COLONEL DRAKE HIGHWAY"

In the House of Representatives, May 10, 1955.

It is tragic that many persons traveling in Pennsylvania are unaware that near Titusville a man drilled the first oil well in the world, thereby opening the door for the development of the oil industry which has played a great part in the progress of this great Commonwealth.

It is fitting and appropriate that legislative recognition be accorded Colonel Edwin L. Drake for his drilling the first oil well, therefore be it

Resolved (the Senate concurring), That State Highway Route No. 36 between the Borough of Pleasantville in Venango County and the City of Altoona in Blair County, be dedicated as a memorial to Colonel Edwin L. Drake and that this portion of the highway be known as the "Colonel Drake Highway" and be it further

Resolved, That the Department of Highways shall erect along the highway suitable tablets and markers and shall carry out suitable landscape development to perpetuate this resolution but shall not replace the officially designated route number of the highway hereby designated as the "Colonel Drake Highway."

### HOUSE CONCURRENT RESOLUTION No. 73 ADOPTED

Mr. MAHANY. Mr. President, I move that the resolution just read by the Clerk be adopted.

Mr. WADE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the resolution?

The resolution was agreed to.

Ordered, That the Clerk inform the House of Representatives accordingly.

### BILL INTRODUCED AND REFERRED

Mr. PROPERT. Mr. President, I ask unanimous consent to introduce a bill at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. PROPERT read in place and presented to the Chair Senate Bill No. 933, entitled:

An Act amending the act of May 15, 1933 (P. L. 624) entitled, as amended, "Banking Code," prohibiting the assumption and use of deceptive names by corporations and persons not authorized to engage in the banking busi-



ness, providing for investments of loans by and the purchase, sale and creation of obligations by banks, bank and trust companies, trust companies and savings banks, providing for the voluntary liquidation of banks, bank and trust companies, and trust companies and further providing for the powers and limitation on powers of corporations authorized to engage in a banking business.

Which was committed to the Committee on Banking.

### CALENDAR

#### BILLS ON TODAY'S CALENDAR OVER IN ORDER

Mr. MAHANY. Mr. President, I move that all bills on today's Calendar go over in order.

Mr. LANE. Mr. President, I second the motion.

The motion was agreed to.

The bills were as follows:

#### BILLS ON CONCURRENCE IN HOUSE AMENDMENTS

Senate Bill No. 729, Printer's No. 431;  
Senate Bill No. 767, Printer's No. 426;  
Senate Bill No. 780, Printer's No. 427;  
Senate Bill No. 813, Printer's No. 432; and  
Senate Bill No. 835, Printer's No. 413.

#### BILLS ON THIRD READING, RECALLED FROM THE GOVERNOR

Senate Bill No. 475, Printer's No. 440; and  
Senate Bill No. 603, Printer's No. 439.

#### BILLS ON THIRD READING

House Bill No. 8, Printer's No. 1252;  
Senate Bill No. 188, Printer's No. 370;  
Senate Bill No. 316, Printer's No. 372;  
Senate Bill No. 446, Printer's No. 376;  
House Bill No. 499, Printer's No. 165;  
House Bill No. 641, Printer's No. 1238;  
Senate Bill No. 802, Printer's No. 452;  
House Bill No. 856, Printer's No. 248;  
Senate Bill No. 889, Printer's No. 404;  
Senate Bill No. 890, Printer's No. 405;  
Senate Bill No. 891, Printer's No. 406;  
Senate Bill No. 892, Printer's No. 414;  
Senate Bill No. 893, Printer's No. 407;  
Senate Bill No. 894, Printer's No. 408;  
Senate Bill No. 895, Printer's No. 409;  
Senate Bill No. 896, Printer's No. 458;  
House Bill No. 1129, Printer's No. 1154;  
House Bill No. 1736, Printer's No. 1255;  
House Bill No. 1898, Printer's No. 1223;  
House Bill No. 1915, Printer's No. 1224;  
House Bill No. 1916, Printer's No. 1225; and  
House Bill No. 1922, Printer's No. 1226.

#### BILLS ON SECOND READING

House Bill No. 53, Printer's No. 1192;  
House Bill No. 173, Printer's No. 1247;  
Senate Bill No. 317, Printer's No. 394;  
Senate Bill No. 318, Printer's No. 388;  
Senate Bill No. 382, Printer's No. 457;  
Senate Bill No. 420, Printer's No. 451;  
House Bill No. 655, Printer's No. 258;  
House Bill No. 730, Printer's No. 1270;

House Bill No. 756, Printer's No. 1269;  
Senate Bill No. 854, Printer's No. 415;  
Senate Bill No. 855, Printer's No. 416;  
Senate Bill No. 856, Printer's No. 417;  
Senate Bill No. 857, Printer's No. 383;  
House Bill No. 857, Printer's No. 455;  
Senate Bill No. 866, Printer's No. 453;  
House Bill No. 874, Printer's No. 1218;  
Senate Bill No. 911, Printer's No. 454;  
Senate Bill No. 912, Printer's No. 455;  
Senate Bill No. 918, Printer's No. 456;  
House Bill No. 970, Printer's No. 275;  
House Bill No. 1294, Printer's No. 1210;  
House Bill No. 1330, Printer's No. 800;  
House Bill No. 1733, Printer's No. 1079; and  
House Bill No. 1795, Printer's No. 1086.

#### PERMISSION TO ADDRESS SENATE

Mr. LANE asked and obtained unanimous consent to address the Senate.

Mr. LANE. Mr. President, I wish to advise the Members of the Senate that tonight at 7:30, in the Democratic Caucus Room, we are going to have a specialist there on the social security legislation. All persons who have any interest are cordially invited to attend.

We are going to have to resolve this social security problem today. We are either going to pass this legislation or let it drop. The expert will be there tonight and I would invite all interested parties, including those from the P.S.E.A., the American Federation of Labor and Members of the Republican Caucus, too, to attend in order that we may have this legislation clarified. The meeting will be at 7:30 o'clock tonight, in the Democratic Caucus Room.

#### BILLS ON FIRST READING

Mr. MAHANY. Mr. President, I move that the Senate do now proceed to the first reading of all bills reported from committees for the first time at today's session.

Mr. MCGINNIS. Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 231, entitled:

An Act amending the act of May 11, 1921 (P. L. 552) entitled as amended "Dog Law of 1921," regulating and in certain cases prohibiting the impounding and killing of unclaimed dogs and providing that in the cities of Philadelphia and Pittsburgh they shall first be offered for sale to medical schools hospitals laboratories or other scientific or educational institutions.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 1907, entitled:

An Act making an appropriation to the Senate and House of Representatives of the General Assembly for the salaries of officers and employes and mileage of members and incidental expenses for the balance of the Legislative Session of 1955.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.



## ADJOURNMENT

Mr. MAHANY. Mr. President, I move that the Senate do now adjourn until Tuesday, January 17, 1956, at 1:00 o'clock, p.m., Eastern Standard Time.

Mr. DONOLOW. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 7:18 o'clock, p.m., Eastern Standard Time, until Tuesday, January 17, 1956, at 1:00 o'clock, p.m., Eastern Standard Time.

## HOUSE OF REPRESENTATIVES

MONDAY, January 16, 1956.

The House met at 3:00 p.m.

The SECRETARY. The Speaker has requested the Secretary to request the gentleman from Cambria, Mr. Lopresti to preside during today's session.

Mr. LOPRESTI IN THE CHAIR

## PRAYER

The Chaplain, Reverend Harold J. Crouse, Pastor of Trinity Lutheran Church, York, offered the following prayer:

O God, Who art the same yesterday, today and forever, it is by Thy mercy and long suffering that we are permitted to enter this New Year. Thou hast given to us another year of grace. Thou hast set before each of us an untraveled way, full of mystery, pathos and beauty. Grant us Thy kindly light to lead us on. O Lord, let not the beauty of Thy radiance fade, nor the light to become darkness lest we lose our way. May Thy light and beauty shine down the untrodden days of this New Year. Show us that our little life is great because it has been given by Thee, and because at the end of an unknown way it is to be received by Thee.

O God, lift us out of any dull, cold, peevish temper of mind. Open for us a fountain of joy and praise that is eager, tender and responsive. Hear us, O Lord, and grant us Thy peace of righteousness. In Jesus Name. Amen.

## JOURNALS APPROVED

The SPEAKER. Are there any corrections to the Journals of Wednesday, December 14, Monday, December 19, Tuesday, December 20, Wednesday, December 28, 1955, Wednesday, January 4 and Thursday, January 5, 1956? If not, and without objection, the Journals are approved.

## COMMUNICATION FROM GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

## MESSAGE

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, January 16, 1956.

To the Honorable, the Members of the General Assembly of the Commonwealth of Pennsylvania:

For many years our Commonwealth has enjoyed the benefits of a vigorous and progressive farm community which has contributed to our prosperity and has won for us National acclaim.

Today our Pennsylvania farmers, along with the farmers of the Nation are caught in a vise of rising costs for the things they buy and declining prices for their crops. As a result, the cash income of Pennsylvania farmers has fallen off more than ten per cent in the past three years.

Although the agricultural economy is basically a National problem, there are areas in which you, as legislators, and I, as Governor, can act to assist this vital segment of our population.

I ask that both Houses review the status of legislation affecting agriculture and that such legislation be given prompt attention.

A number of bills have been introduced in the Legislature to make certain that the farmer gets what he pays for when he purchases feeds, fertilizers or seeds. House Bill 1560 which is now in the Senate is a new commercial feed bill codifying and modernizing our basic law dealing with the manufacture and sale of livestock and poultry feeds. It requires a disclosure of basic elements which make up the feed itself and provides for a fee not exceeding five cents a ton to establish a fund which will make its enforcement self-supporting.

Similarly, a bill protecting the farmer from misrepresentation with regard to the chemical content of fertilizers and codifying our law pertaining to fertilizers has been introduced into the House. It provides for new products such as liquid fertilizer, requiring a full disclosure of its contents be made to the purchaser. The bill also makes provision for licensing fees which will make its enforcement financially self-supporting.

Two minor but important bills protect the farmer against misrepresentation when purchasing seeds or plants. These bills, House Bill 1048 and House Bill 1277, are now pending in the Senate.

Research which will help the farmer eradicate disease, improve production and help develop new markets is the purpose of House Bill 1584 now in the Senate. It appropriates \$500,000 for research at Pennsylvania State University. Its basic purpose is to promote research in animal husbandry, dairy sciences and poultry husbandry from which Pennsylvania farmers derive 78 per cent of their cash income.

Recent financial failure of certain dealers has again high-lighted the necessity for an adequate licensing and bonding law in our Commonwealth. I urge that bonding legislation which will protect our Pennsylvania farmers against losses arising out of financial failure of those to whom they have sold their crops be enacted at this session. Many of our farmers cannot survive the impact of such losses of their limited cash income.

Of course, the prompt enactment of an appropriation bill to finance the Department of Agriculture itself is vital. Included in the Department's budget is an item which contemplates a more aggressive program to promote Pennsylvania farm products. Unfortunately, agricultural products have not had the benefit of an intensive publicity campaign which will allow them to compete successfully with many competitive products. To name just one, I would suggest that the use of milk as a beverage distributed through vending machines has scarcely been explored. It is my hope that the Department would be furnished an adequate budget which would permit the establishment of an intensive promotion program to encourage the use of such farm products.

It is my hope that the Senate will give serious consideration to House Bill 730 now pending on its calendar which allows technicians to draw blood under pullorum disease testing programs. As the law now stands, only licensed veterinarians are authorized to take such blood samples and in many areas veterinarians are carrying work loads that make it difficult for them to perform this important service for our farmers.

For a number of years our livestock farmers have urged our Commonwealth to establish an open livestock show. Such a show can be operated economically by the modest addition of 50 thousand dollars to the budget of the Department. Senate Bill 791, which has bipartisan sponsorship, contemplates such a program and I would ask that this legislation be given favorable consideration by both Houses.

Favorable consideration should be given to House Bill



861 now in the Senate which removes the \$12,000 per year limit which counties may allocate for agricultural and home economics extension work. The vital importance of this work to our farm community is familiar to you and need not be detailed here. Similarly, House Bill 1295 which appropriates \$30,000 for the holding of six regional and one State-wide Junior Dairy Shows should be acted upon favorably. It is on these members of the 4-H and Future Farmers of America Clubs that the future of Pennsylvania agriculture depends.

There is another area of legislation administered by our Department of Agriculture which is important to our consumers as well as to our farm community. I refer to legislation guaranteeing the purity of foods and beverages and the accuracy of representation regarding such products. An entirely new General Food Bill is being introduced in the House which will safeguard the health and the pocketbook of our consumers and at the same time protect food processors and farmers against competition from sub-standard food products.

The Bill represents the cooperative effort of the Public Health Law Research Project of the University of Pittsburgh; Dr. Joseph W. E. Harrison and Dr. R. Adams Dutcher, of Pennsylvania State University; Dr. William J. Schiller of Pittsburgh, the Pennsylvania Department of Agriculture; and other authorities on the subject. It has been drafted by the Department of Justice at my request.

The new General Food Bill now being introduced substantially follows the provisions of the Uniform State Food, Drug and Cosmetics Act which was drafted by the Association of Food and Drug Officials of the United States, but is limited to those provisions dealing with food. (It does not incorporate provisions dealing with drugs and cosmetics).

You may be surprised to know that the new Bill represents the first revision of our General Food Law since 1909.

This modern version has been strengthened and made more specific where necessary to bring it into conformity with present-day food standards.

It provides broader definitions of adulteration and misbranding and the additional feature of making it unlawful to advertise falsely.

Recognizing that certain food items require the addition of substances which are deleterious to health, the Bill provides for reestablishment of tolerances for such substances. It also provides for the dissemination of information regarding food by the Secretary of Agriculture when such information will protect public health and safeguard the consumer against fraud.

The proposed Act authorizes the Department of Agriculture to consult with food processor and farmer to establish standards and to draft necessary regulations.

Twenty-nine other states have enacted legislation patterned after the Uniform Food Law.

Two bills have been introduced dealing with our beverage laws. The one, House Bill 1527 revises our carbonated beverage law in accordance with recent decisions of our Supreme Court. It protects the public against unproved artificial sweeteners which might endanger the public health and provides regulations for the use of automatic or manual dispensing equipment. A second bill requires that all chocolate milk should contain a butter fat content of not less than 3.25 per cent by weight. This bill would protect the public against the use of inferior grades of milk for the preparation of chocolate milk and assure the farmer that such milk products use a minimum quantity of butter fat.

Finally, our farm people are human beings who turn to recreation to rekindle their minds and their spirits. I would urge that legislation be enacted which will allow our farm families to fish in farm ponds and which will at the same time not jeopardize the effective enforcement of our Fish Laws. I would urge the Fish Commission to cooperate with the Legislature in drafting such legislation.

If Pennsylvania is to remain in the forefront as a progressive agricultural State, it is essential that we join together in creating the best possible climate for farming in our Commonwealth. All of the bills which I have discussed have an immediate and helpful impact upon

our farm economy. Only by attacking on every front the problems which confront our farmers can we assure a thriving farm community in Pennsylvania in the years ahead.

GEORGE M. LEADER,  
Governor.

## RESIGNATION

The SPEAKER pro tempore laid before the House a communication which was read by the Clerk as follows:

Honorable Hiram G. Andrews  
Speaker of the House of Representatives  
Capitol  
Harrisburg, Pennsylvania

Gentlemen:

I submit my resignation as a member of the House of Representatives of the General Assembly of the Commonwealth of Pennsylvania, for your action at the next session of the House.

Very truly yours,

John C. Kubacki  
Member of the House of Representatives  
First Legislative District of  
Reading, Berks County

January 11, 1956

Honorable John C. Kubacki  
1558 Mineral Spring Road  
Reading, Pennsylvania

Dear Mr. Kubacki:

Your resignation as a member of the House of Representatives of the General Assembly of the Commonwealth of Pennsylvania has been received.

Were your resignation not mandatory under the Statutes, it would be my suggestion that the House suggest that you reconsider your resignation.

However, under the circumstances, there is no course open other than for the House to accept your resignation.

Your letter resigning will be spread in full upon the Journal of the House when it reconvenes Monday, January 16, 1956.

Sincerely,

H. G. ANDREWS,  
Speaker

## COMMUNICATIONS

The SPEAKER laid before the House communications addressed to him by citizens of the Fifth District of the County of Lackawanna protesting the passage of House Bills Nos. 1080 and 1236. House Bill No. 1080 being presently on the calendar, and House Bill No. 1236 not having been reported from Committee the communications are referred to the Committee on Labor Relations.

## COMMUNICATIONS

### PROTESTING PASSAGE OF LIQUOR BILLS

The SPEAKER laid before the House communications protesting the passage of Senate Bill No. 572 and House Bills Nos. 257, 319 and 1562.

Referred to the Committee on Liquor Control.

### REPORT OF SAVING FUND SOCIETY OF GERMANTOWN



The SPEAKER laid before the House the 101st Annual Statement dated January 1, 1956.

### LEAVE OF ABSENCE

By unanimous consent leave of absence was granted as follows:

Mr. OGILVIE for himself for tomorrow's session.

### REPORTS FROM COMMITTEE

Mr. KOLANKIEWICZ from the Committee on Rules, reported as committed, House Bill No. 1953, entitled:

An Act to further amend section four hundred fifteen of "The Vehicle Code," approved the first day of May, one thousand nine hundred twenty-nine (Pamphlet Laws 905) entitled "An act for the protection of the public safety; \* \* \*" by permitting the Secretary of Revenue to provide for the sale by subscription or otherwise of lists of learner's permits as issued.

Mr. SARRAF from the Committee on Rules, reported as committed, House Bill No. 1957, entitled:

An Act to further amend subsection (a) of section twelve hundred one of "The Vehicle Code," approved the first day of May, one thousand nine hundred twenty-nine (Pamphlet Laws 905), entitled "An act for the protection of the public safety; \* \* \*" by providing for a one year statute of limitations for violation of section six hundred twenty (j).

Mr. STANK from the Committee on Rules, reported as committed, House Bill No. 1958, entitled:

An Act amending the "State Workmen's Insurance Fund Law," approved June 2, 1915 (P. L. 762), extending insurance coverage provisions for policemen and firemen, authorizing the board to fix premiums and to contract for supplying additional hospital and other services.

Mr. SARRAF from the Committee on Rules, reported as committed, House Resolution (not printed) re Robert Edwin Peary.

### BILL RE-REFERRED

Mr. STANK from the Committee on Rules, returned with the recommendation that it be re-referred to the Committee on Judiciary, House Bill No. 1938, entitled:

An Act amending "The Fiscal Code" approved April 9, 1929 (P. L. 343), authorizing payment by the Commonwealth of compensation to informers who give or in certain cases have heretofore given notice that the Commonwealth is the owner and entitled to possession of certain real property.

The SPEAKER pro-tempore. The bill is re-referred to the Committee on Judiciary.

### BILLS ON SECOND READING

•Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1960, entitled:

An Act to provide revenue for Commonwealth purposes by imposing an excise tax on net income as defined of individual residents and nonresidents of the Commonwealth and of estates and trusts fixing the rate of tax thereon providing for the reporting of income payment of tax interest and penalties and installments of estimated tax collection of tax at the source assessments collections liens reviews appeals refunds and penalties and conferring powers and imposing duties upon the Department of Revenue public officers fiduciaries employers corporations partnerships associations and individuals.

Article I was read.

On the question,

Will the House agree to the article?

Mr. Readinger offered the following amendments:

Amend Section 2, page 3, by striking out "and further provided" in line 4, all of lines 5 and 6, and "assets shall be included in full in computing net income" in line 7.

Amend Section 2, page 4, line 1, by striking out "association" and inserting "partnership."

Amend Section 2, page 4, line 4, by striking out "an association" and inserting "a partnership."

Amend Section 2, page 4, line 12, by striking out "(a)" and inserting "(i)."

Amend Section 2, page 4, line 13, by striking out "(b)" and inserting "(ii)."

They were agreed to.

The article was agreed to as amended.

Article II was read and agreed to.

Article III was read.

On the question,

Will the House agree to the article?

Mr. READINGER offered the following amendments:

Amend Section 301, page 8, line 13, by striking out "(a)" and inserting "(i)."

Amend Section 301, page 8, line 15, by striking out "(b)" and inserting "(ii)."

Amend Section 301, page 8, line 16, by striking out "(c)" and inserting "(iii)."

Amend Section 301, page 8, line 18, by striking out "(d)" and inserting "(iv)."

Amend Section 303, page 9, line 18, by striking out "Receipts" and inserting "Statements."

Amend Section 303, page 9, line 18, by striking out "person" and inserting "employer."

Amend Section 303, page 10, line 1, by striking out "person" and inserting "employer."

Amend Section 303, page 10, line 6, by striking out "person" and inserting "employer."

Amend Section 303, page 10, line 9, by inserting after "(1)" and the total amount of any other remuneration.

Amend Section 303, page 10, line 13, by inserting after "shall" for the purpose of carrying out the provisions of this act.

Amend Section 303, page 10, line 14, by striking out "shall" where it appears in both places.

Amend Section 304, page 10, line 20, by striking out "employ" and inserting "employee."

Amend Section 305, page 11, line 10, by inserting after "305" Duty of employee where deductions not made.

Amend Section 305, page 11, line 14, by inserting after "is" from wages and is.

They were agreed to.

The article was agreed to as amended.

Article IV was read.

On the question,

Will the House agree to the article?

Mr. READINGER offered the following amendments:

Amend Section 402, page 12, line 11, by inserting after "individual" and by fiduciaries of every.

Amend Section 402, page 12, line 11, by striking out "and."

Amend Section 402, page 12, line 15, by inserting after "(a)" of this section.

Amend Section 402, page 12, line 19, by inserting after "(a)" of this section.

Amend Section 402, page 13, line 2, by striking out "his committee guardian."

Amend Section 402, page 13, line 6, by striking out "Returns" where it appears the second time and inserting "A return."

Amend Section 404, page 14, by striking out "resi-" in line 3 and "dent and nonresident" line 4.

Amend Section 404, page 14, line 4, by inserting after "partnership" one or more of whose partners is subject



to the tax imposed by this act with respect to the income of the partnership.

Amend Section 405, page 16, by striking out "to be filed on or before January" in line 3 and all of line 4, and inserting "of this section."

Amend Section 421, page 18, line 19, by inserting after "(a)" of this section.

Amend Section 431, page 21, line 2, by striking out "installments" and inserting "installments."

Amend Section 431, page 23, line 3, by striking out "as the case may be."

Amend Section 431, page 23, by striking out "as the" in line 3 and "case may be" in line 4.

Amend Section 432, page 23, by striking out "at the place and" in line 19 and "time stated in such notice" in line 20.

Amend Section 432, page 23, line 20, by inserting after "tax" due under the provisions of this act.

Amend Section 441, page 25, line 1, by inserting after "and" that.

Amend Section 442, page 25, line 11, by striking out "such" and inserting "the."

Amend Section 446, page 27, line 6, by striking out "If an assessment of additional tax is not paid within" and inserting "within."

Amend Section 446, page 27, line 7, by striking out "the date thereof" and inserting "an assessment of additional tax is made."

Amend Section 446, page 27, line 15, by striking out "in" and inserting "Immediately in."

Amend Section 446, page 27, line 17, by striking out "case in a."

Amend Section 446, page 27, line 17, by striking out "collections" and inserting "collection."

Amend Section 446, page 27, line 17, by striking out "such taxes" and inserting "the tax imposed by this act."

Amend Section 446, page 27, line 18, by striking out "they were" and inserting "it was."

Amend Section 446, page 28, by striking out "as" in line 1 and all of line 2.

Amend Section 447, page 28, line 8, by striking out "any" and inserting "such"

Amend Section 447, page 29, line 8, by striking out "written."

Amend Section 470, page 33, line 11, by striking out "payment" and inserting "filing the return."

Amend Section 471, page 34, line 3, by striking out "(\$5.00)" and inserting "(\$5)."

Amend Section 472, page 36, line 1, by inserting after "a" civil.

Amend Section 473, page 38, line 8, by striking out "counsel" and inserting "counsels."

Amend Section 473, page 40, line 3, by striking out "the above."

Amend Section 473, page 40, line 3, by inserting after "paragraph" (1) of this subsection.

They were agreed to.

The article was agreed to as amended.

Article V was read.

On the question,

Will the House agree to the article

Mr. READINGER offered the following amendments:

Amend Section 502, page 43, lines 16 to 19, and page 44, lines 1 and 2, by striking out all of said lines and inserting:

"Section 502 Constitutional construction (a) If any word, phrase, clause, sentence or provision of section two (e) or sections two hundred one, two hundred two and two hundred three is held generally inoperative or unconstitutional by reason of any provision of the Constitution of this Commonwealth this entire act shall be void and of no effect. It is hereby declared as the legislative intent that this act would not have been adopted had such word, phrase, clause, sentence or provision thereof not been included herein.

"(b) If any other word, phrase, clause, sentence, section or provision of this act is for any reason held to be unconstitutional, the decision of the court shall not affect or impair any of the remaining provisions of this act.

It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional word, phrase, clause, sentence, section or provision thereof not been included herein."

Amend Section 503, page 44, line 7, by striking out "second day of January" and inserting: "thirty-first day of December".

Amend Section 503, page 44, line 7, by striking out "fifty-six" and inserting: "fifty-five".

Amend Section 503, page 44, by striking out "first day" in line 13 and "of January" in line 14 and inserting: "thirty-first day of December".

Amend Section 503, page 44, line 14, by striking out "fifty-six" and inserting "fifty-five".

They were agreed to.

The article was agreed to as amended.

The title was read and agreed to.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate Bill No. 284, entitled:

An Act amending the act of April 9, 1929 (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers and of all deputies and other assistants and employees in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employees of certain departments, boards and commissions shall be determined," creating the State Board of Chiropractic Examiners as a departmental administrative board in the Department of Public Instruction.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate Bill No. 285, entitled:

An Act relating to the practice of chiropractic conferring powers and imposing duties on the State Board of Chiropractic Examiners and the Department of Public Instruction and providing penalties.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate Bill No. 442, entitled:

An Act amending the act of April 9, 1929 (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and



the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" abolishing the State Osteopathic Surgeons' Examining Board.

The first section was read and agreed to.

The second section was read.

On the question,

Will the House agree to the section?

Mr. BOIES offered the following amendment:

Amend Sec. 2, page 5, line 8, by inserting after "2":

"Section 416, of the act amended May 2, 1949 (P. L. 781), is amended to read:

"Section 416. State Board of Osteopathic Examiners.—The State Board of Osteopathic Examiners shall consist of the Superintendent of Public Instruction and [five] seven members, [each] five of whom shall be [a graduate] graduates of a legally incorporated and reputable college of osteopathy, and shall have been licensed to practice osteopathy under the laws of this Commonwealth, and shall not be in any manner financially interested in or connected with the faculty or management of any osteopathic school or college, and shall have been engaged in the practice of osteopathy in this Commonwealth for a period of at least [three] five years. The remaining two members shall be doctors of medicine licensed to practice medicine and surgery in this Commonwealth for a period of not less than five years immediately prior to their appointment.

"The osteopathic members of the board, qualified as aforesaid, shall be appointed from a full list of the members in good standing of the Pennsylvania Osteopathic Association, which list shall be furnished to the Governor by the president and secretary of such association annually. In the case of the failure of the Pennsylvania Osteopathic Association to submit such a list to the Governor, the Governor shall appoint members in good standing of such association without restriction.

"The medical members of the board, qualified as aforesaid, shall be appointed from a full list of the members in good standing of the Medical Society of the State of Pennsylvania, which list shall be furnished to the Governor, by the president and secretary of such society annually. In the case of the failure of the Medical Society of the State of Pennsylvania to submit such a list to the Governor, the Governor shall appoint members in good standing of such society without restriction.

The terms of the members of the board shall be four years from the respective dates of their appointment.

[Three] Five members of the board shall constitute a quorum, and the board shall annually select, from among its number, a chairman, and shall elect a secretary who need not be a member of the board.

The members of the board, other than the Superintendent of Public Instruction, shall receive fifteen dollars per diem, when actually engaged in the performance of their official duties, and the secretary shall receive such reasonable compensation as the board shall determine, with the approval of the Superintendent of Public Instruction.

It was agreed to.

The section was agreed to as amended.

The third section was read.

On the question,

Will the House agree to the section?

Mr. BOIES offered the following amendment:

Amend Sec. 3, page 5, line 9, by striking out "3" and inserting "4".

It was agreed to.

The section was agreed to as amended.

The fourth section was read.

On the question,

Will the House agree to the section?

Mr. BOIES offered the following amendment:

Amend Sec. 4, page 8, line 8, by striking out "4" and inserting "5".

It was agreed to.

The section was agreed to as amended.

The fifth section was read.

On the question,

Will the House agree to the section?

Mr. BOIES offered the following amendment:

Amend Sec. 5, page 8, line 11, by striking out all of said line.

It was agreed to.

The section was agreed to as amended.

The title was read.

On the question,

Will the House agree to the title?

Mr. BOIES offered the following amendment:

Amend Title, page 2, last line of title, by inserting after "Board" "and changing the character of the membership of the State Board of Osteopathic Examiners".

It was agreed to.

The title was agreed to as amended.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate Bill No. 443, entitled:

An Act amending the act of March 19, 1909 (P. L. 46), entitled "An act to regulate the practice of osteopathy in the State of Pennsylvania to provide for the establishment of a State Board of Osteopathic Examiners to define the powers and duties of said Board of Osteopathic Examiners to provide for the examining and licensing of osteopaths in this State and to provide penalties for the violation of this act" redefining osteopathy changing the provisions relating to qualifications and licensing of osteopathic physicians and surgeons and abolishing the State Osteopathic Surgeons' Examining Board.

And said bill having been read at length the second time and agreed.

Ordered, To be transcribed for third reading.

#### BILL PASSED OVER

There being no objection

Senate Bill No. 696, Printer's No. 448

was passed over at the request of Mr. READINGER.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate Bill No. 899, entitled:

An Act authorizing temporary loans for the immediate payment of overdue reimbursements to school districts,



The first section was read.

On the question,

Will the House agree to the section?

#### BILL RECOMMITTED

Mr. POLEN. Mr. Speaker, I move that this bill be re-committed to the Committee on Appropriations.

On the question,

Will the House agree to the motion?

Mr. JOHNSON. Mr. Speaker, I would like to interrogate the gentleman from Washington, Mr. Polen, in regard to this recommittal motion and I also would like the indulgence of the House to permit me to ask questions involving the school appropriation in general because this is tied in with the passage of Senate Bill 785.

The SPEAKER pro tempore. Will the gentleman from Washington, Mr. Polen, permit himself to be interrogated?

Mr. POLEN. I shall, Mr. Speaker.

The SPEAKER pro tempore. Without objection the gentleman is privileged to interrogate.

Mr. JOHNSON. Thank you very much, Mr. Speaker.

On December 20th we passed Senate Bill 785 which provides some \$550 million of appropriations to schools, and at that time this bill was amended, Senate Bill 899, which would permit the Commonwealth to borrow on tax anticipation notes approximately \$132 million to reimburse school districts in the event there was not money in the State Treasury. Is that not correct?

Mr. POLEN. That is correct, Mr. Speaker.

Mr. JOHNSON. On December 20th did not the gentleman say at his microphone that if we would pass Senate Bill 785 the Department of Public Instruction had machinery in operation so that the checks could go out to the school districts in five or six days? Didn't the gentleman say that?

Mr. POLEN. That is correct, Mr. Speaker.

Mr. JOHNSON. Now, Mr. Speaker, in connection with recommitting this bill which would make possible borrowing money to pay the schools, may I ask whether in line with the gentleman's statement that the checks would go out in five or six days, which would be around December 26th or 27th, have the school districts received, that is the fourth class districts, the \$43 million which the gentleman said they would receive in five or six days?

Mr. POLEN. Mr. Speaker, I understand they have not.

Mr. JOHNSON. Mr. Speaker, could the gentleman state why the money wasn't paid out in five or six days according to the information that he had at that time?

Mr. POLEN. Mr. Speaker, the information that I gave this House, was the information that was given to me by the Superintendent of Public Instruction, and that was that they had the warrants ready for the fourth class districts and they could be sent to the Auditor General and the State Treasurer and it would be possible that the money was available for the payments to start rolling within five or six days.

Mr. JOHNSON. Mr. Speaker, did not the gentleman also on December 20th say in substance that he had a plan whereby the money was available to pay the schools forthwith and the gentleman mentioned three ways of raising the money, one was to convert the temporary investments of the state which they now have in United States Government bonds and securities, totalling \$44,749,000. Didn't the gentleman say that in his opinion and on the advice he had they could have been converted into cash?

Mr. POLEN. That is correct, Mr. Speaker.

Mr. JOHNSON. And did not the gentleman also say that inasmuch as there was a \$30 million leeway as far as tax anticipation notes were concerned, the state could immediately put into operation machinery to borrow \$30 million for that purpose?

Mr. POLEN. That is the statement I made, Mr. Speaker, but I later found that the amount that was to be borrowed was approximately \$28 million. That is substantially correct though.

Mr. JOHNSON. Then the gentleman amends his statement to \$28 million.

Mr. POLEN. I have since been informed, Mr. Speaker, that is the correct amount, though it was roughly given as \$30 million.

Mr. JOHNSON. And, Mr. Speaker, did not the gentleman further say that borrowing could be made from the Motor License Fund as one of the ways that he hoped to solve this financial situation?

Mr. POLEN. That is correct, Mr. Speaker.

Mr. JOHNSON. Now, in view of these three possibilities of forthwith raising the money, why, again I ask the gentleman was not the money forthcoming in late December for the school districts?

Mr. POLEN. Mr. Speaker, in answer to the gentleman's question, I would say that the three alternatives which I advanced were the ones that I felt could be instituted in order to pay the appropriations due the fourth class school districts.

However, I now understand, that at a conference of the fiscal leaders, the Auditor General and the State Treasurer, the Governor and the Budget Secretary, it was decided that the notes should be sold before this amount was borrowed due to the fact that obligations coming due in February might make it necessary to withhold payment temporarily until a time the fiscal situation was such that it would provide the funds necessary for the February payments, in addition to the amount due the fourth class school districts.

Mr. JOHNSON. Mr. Speaker, in view of the fact that there was remaining a borrowing capacity of \$28 million on tax anticipation notes, was machinery put into operation the day after the Governor signed the bill, on or about December 21st or 22nd, so that in early January the \$28 million could be borrowed and the checks could go out?

Mr. POLEN. Mr. Speaker, in answer to the gentleman's question I would say it was my understanding that the machinery was in operation.

Mr. JOHNSON. When was that machinery put into operation?

Mr. POLEN. Mr. Speaker, I have not sat in on those conferences, so I do not know, but it is my understanding that the matter is being handled.

Mr. JOHNSON. Well, in view of the urgency of the situation, was the machinery started the very day that the Governor signed the bill?

Mr. POLEN. Would the gentleman repeat the question?

Mr. JOHNSON. I repeat, in view of the urgency of the situation, does the gentleman know whether the machinery was put into operation the very day the Governor signed the bill?

Mr. POLEN. I do not, Mr. Speaker.

Mr. JOHNSON. My next question is in regard to your



third plan of borrowing from the Motor License Fund. I believe a statement has been issued that they have \$50 or \$60 million of money coming in each month, why wasn't a loan made from the Motor License Fund to immediately pay this urgent appropriation?

Mr. POLEN. Mr. Speaker, I would say that while we talked of borrowing the money from the Motor License Fund, it is my understanding that the Attorney General has ruled that legislation is necessary in order to do this.

Mr. JOHNSON. Would the gentleman repeat his answer as briefly as possible to that question as to why the money was not borrowed from the Motor License Fund, as indicated on December 20th?

Mr. POLEN. Mr. Speaker, it is my understanding that the Attorney General has ruled that legislation is necessary in order for the funds to be borrowed from the Motor License Fund.

Mr. JOHNSON. Mr. Speaker, this is not a question, it is just a statement.

For the gentleman's information I have had a bill prepared, which I intend to introduce today, which would give statutory authority to make such borrowings, because I feel that it is so very urgent that the schools get their money that legislation should be immediately dumped into the hopper, shall I say, to make that possible.

The gist of what the gentleman has said is that despite the fact that the state has \$45 million in bonds he says they didn't want to sell them because in February, in the opinion of someone, there were more urgent obligations to be paid than the urgency to pay the school districts, is that correct?

Mr. POLEN. Mr. Speaker, I would say that that is my understanding, that that was the decision arrived at by the fiscal conference which I did not attend, and it is only hearsay as far as I am concerned, but it is nevertheless my understanding.

Mr. JOHNSON. Mr. Speaker, can the gentleman conceive of anything more important, more pressing in the Commonwealth at this time than paying our school districts the money that we owe them?

Mr. POLEN. Mr. Speaker, I think that that is one of the most important things that we are faced with. I repeatedly so stated.

Mr. JOHNSON. Well then, actually, Mr. Speaker, the three methods that the gentleman enumerated on December 20th as being available to pay the school districts, as far as he knows, two of them have been ruled as not available, and the third, that is borrowing, the gentleman thinks the machinery is in process to effect borrowing, so that the schools can be paid?

Mr. POLEN. Mr. Speaker, it is my understanding that a combination of the three methods is being explored, and while I have no official information, it is my further understanding that it will be a combination of them.

Mr. JOHNSON. Does not the gentleman think, Mr. Speaker, that there has been quite a delay from December 20th until the 16th of January before anything tangible has been done in order to solve this problem?

Mr. POLEN. Mr. Speaker, again I would say to the gentleman that I am not in possession of all of the facts so I could not very well answer that question. I would say, however, that the Legislature has been in recess, except for consent bills during that period, and so far as legislation that would permit the borrowing of money

from the Motor License Fund is concerned, it could not be handled before this present date.

Mr. JOHNSON. Well then, when will at least the fourth class districts get their subsidy?

Mr. POLEN. Mr. Speaker, I could not at this time give that exact information, but I understand that it will be very soon. I will, however, try and ascertain a date for the gentleman and give it to him tomorrow.

Mr. JOHNSON. I believe the newspapers have stated that the Governor said it would be around the 10th of February. Does that date bring anything into the gentleman's mind?

Mr. POLEN. I read the newspaper articles to that effect.

Mr. JOHNSON. In other words, from December 20th or 21st until February 10th, that is how long it has taken to sell a few bonds and raise a little money to pay the schools. Is that right?

Mr. POLEN. I think I stated that it took approximately six weeks in order to advertise and sell the bonds and have the money available, and that would tie in very closely to the date the gentleman has given.

Mr. JOHNSON. I want to thank the House for permitting this wide latitude in questioning which I realize was not really under the question of the motion to recommit, but we would have consumed the time later perhaps under another question.

But now on the motion to recommit. What is the reason for recommitting this bill in order to authorize borrowing of \$132 million, if necessary?

Mr. POLEN. Mr. Speaker, at the time the bill was amended, we included all the amounts that were due and past due, and with the machinery we are setting in motion to take care of certain of these funds we feel that the amount that is now in the bill will not be necessary, and for that reason we are recommitting it so that it can be amended when the definite amount is determined.

Mr. JOHNSON. Do I understand then that this is being sent back to committee, not for purposes of burial but to hold it pending advice as to the amount of money needed? Is that the gentleman's answer?

Mr. POLEN. Yes, Mr. Speaker, that would be correct, not only as to the amount of money that was needed, but as to whether or not the bill itself would be needed in light of the possible solution of the tax problem and the financing that will ensue.

Mr. JOHNSON. Well, doesn't the gentleman think, Mr. Speaker, that it would be a good thing for our state government to have that type of permissive legislation on the books, which will permit the Commonwealth in an orderly way to borrow money to keep our schools running on an even keel, so that say, next fall, or next year at this time when there is a lapse in periodic tax collections that it would be a fine thing for the state to have that borrowing capacity so that we would not face another crisis such as we have faced this year?

Mr. POLEN. Mr. Speaker, in answer to the gentleman's question, I would say that unofficially I have learned that a large borrowing authorization such as this is might have an effect upon the sale of tax anticipation notes that would be not beneficial, because this is in addition to the limitations imposed by existing law, and I understand that some of the bond houses feel that this additional amount, above what is authorized by law, might be detrimental to the sale of bonds at a reasonable rate of interest.



Mr. JOHNSON. Well, Mr. Speaker, would not that argument be true then of the \$28 million in tax anticipation notes they are about to market?

Mr. POLEN. No, Mr. Speaker, it would not, because that amount comes within the limitations of the existing law; 10 per cent of the estimated taxes that are now on the books.

Mr. JOHNSON. Well then, Mr. Speaker, the gentleman's reason for recommitting this bill is a constitutional reason rather than that it isn't needed. Is that right?

Mr. POLEN. Mr. Speaker, I would not say that it is a constitutional reason. I would say that it is a financial reason as to whether or not it is wise to have this large borrowing power in addition—which this bill is—in addition to that now existing.

Mr. JOHNSON. I thank the gentleman, Mr. Speaker.

Mr. Speaker, on the Republican side, as you know, we have been doing everything we can during the last few months to try to get a school appropriation bill passed so that the schools will get their money while a good-faith attempt is being made between both parties to pass a fair and equitable tax program.

Personally I cannot see anything wrong with passing this bill today to give the state the authority to make temporary loans in order to pay subsidies to school districts. I cannot see how this bill authorizing tax anticipation notes stands in any other category than the present authority we have given the state to borrow on tax anticipation notes.

We feel it is almost a "must" bill to have on our statute books so that machinery can be set up immediately to borrow money to pay the schools, because if we do pass a tax program we all know the money will not be forthcoming at once from a tax program. It will take time to put the new tax program into effect, to get the forms printed and, if you pass an income tax, to get the first installments paid into the treasury. The state is going to need this borrowing power because the schools must have this money.

One of the things this crisis in our schools has pointed out is the almost complete dependence of our school districts on the subsidies from the state. It is true that even in October and November, after our school districts have had their local tax money paid to them that is, real estate and per capita tax, and so forth, they come to Harrisburg and say, "We are out of money. We must have our state subsidies." If we have created a situation in this state where the schools depend on the state for their money and not on local taxation, as might be true in some other states, we must have machinery which will make it possible to pay our schools in an orderly way and on time. I say it is much better for the Commonwealth to borrow at one and two per cent interest on tax anticipation notes than for the school districts to go to local banks and borrow at six per cent.

Therefore, I think the motion to recommit is untimely, it is not sound, and I am asking the House to vote against the motion. We ask for a roll call on it.

Mr. POLEN. Mr. Speaker, one of the things the gentleman mentioned is one of the reasons for the recommitment of this bill, and that is the question of the interest rate. The gentleman mentioned one-and-a-half to two per cent. That would be possible if we had a tax program on the books and the full amount of taxes were known, but

under existing conditions the bond buyers have told the fiscal people of the Commonwealth that we are going to have to pay a much higher rate than we did on past borrowings.

I believe the other tax anticipation notes were sold at 1.55, and we know that the best we can obtain now will be considerably in excess of two per cent. If we have a solution of the tax program we will have a borrowing base which will be sound, we will be able to borrow the money at a reasonable rate of interest and save the Commonwealth several millions of dollars.

Due to the fact that we may have a solution of the tax program, we believe it wise that this bill be recommitment so it can be amended if it is necessary, and, if it is not necessary to bring the bill back out, we will have a tax program which will provide the borrowing power under the existing law at a reasonable rate of interest.

I ask the Members to support the motion to recommit.

Mr. STROUP. Mr. Speaker, I want to support the attitude taken by the gentleman from McKean on this motion to recommit. Perhaps the Members of the House are not aware of the real urgency which now faces our fourth class school districts.

I am speaking particularly for my constituency in Bedford County. I have in my hand a letter addressed to the Governor urging immediate action by reason of the fact that the schools of the Bedford Joint School District will be closed very likely after the 24th of January unless reimbursement is forthcoming.

Previous to this communication to the Governor's office, there was a communication addressed by the Hyndman Borough School District calling attention to the same situation, and that is occurring in a great number of the school districts in my county.

I have as the solicitor for a number of school districts been called upon to certify as to the legality of loans placed by the school districts in anticipation of current revenues, or rather in anticipation of appropriations from the state on school subsidies.

Having made such certifications, I am now faced, and was faced today, with making additional certifications for additional loans to keep our schools open and to pay our teachers. We have reached the place now where we can no longer certify with any guarantee to the banks that such loans will be legal. Consequently, the matter is extremely urgent.

I do not believe the assurance we have been given, and the assurance I have given to these school districts and to our public in Bedford County relative to the action of the administration in providing these funds has been followed out. I have heard nothing insofar as the motion to recommit is concerned from the gentleman from Washington, Mr. Polen, which would lead me to believe the motion to recommit has any real, valid, substantial basis when one considers the urgency of the situation which exists.

I ask the Members of the House on both sides to consider very seriously whether or not this bill should be recommitment. Indeed, I believe the time has come for this House to take dynamic action to come to the rescue of our imperiled school districts. I believe if we do not you will find within the next several weeks a number of our schools closed and our children not able to go to school.

Mr. POLEN, I would say, Mr. Speaker, to the gentleman from Bedford that the passage of Senate Bill 785, which



put the appropriation on the books, gave the school districts the borrowing power against the appropriation, which would make the loans that he has referred to legal.

Mr. STROUP. I am constrained, Mr. Speaker, to just answer that statement.

It is not only a question of the legality of the loan, it is a question as to whether your local banking institutions have authority to loan to the extent that is now necessary to keep our schools open. That is the issue we are facing.

On the question recurring,

Will the House agree to the motion?

The yeas and nays were required by Messrs. JOHNSON, HELM and HOCKER and were as follows:

## YEAS—98

Adam,	Frank,	McWherter,	Rudisill,
Amarando,	Gaffney,	Meholchick,	Sarra,
Anderson, M. S.,	Garlock,	Mihm,	Scarcelli,
Barnatovich,	Gelfand,	Mills,	Schuster,
Bazin,	Guss,	Monroe,	Sherman,
Boles,	Hamilton, R. K.,	Moran,	Smith, Wm. B.,
Bonner,	Heavey,	Muldowney,	Snider,
Boory,	Jenkins,	Mullen,	Stank,
Branca,	Jones, G. E.,	Munley,	Stebbins,
Brennan, A. P.,	Kamyk,	Murray, J. J.,	Stephens,
Brennan, J. J.,	Kolankiewicz,	Musto,	Stone,
Breth,	Kornick,	Needham,	Swartz,
Bucchin,	Leiby,	Olson,	Taylor,
Capano,	Leonard,	Pacchioli,	Thomas,
Cianfrani,	Leven,	Pashley,	Toll,
Cioffi,	Limper,	Paulhamus,	Varallo,
Cochran,	Lopresti,	Petrosky,	Verona,
Curwood,	Lovett,	Polaski,	Wallace,
Dougherty,	Luttv,	Polen,	Wargo,
Ellberg,	Maxwell,	Readinger,	Welsh,
Farabaugh,	McCann,	Reidenbach,	Wheeler,
Filo,	McGee,	Renwick,	Whitenight,
Flint,	McKeever,	Rosen,	Williams,
Floyd,	McLaughlin,	Rovansek,	Yetter,
Flynn,			Yetzer,

## NAYS—85

Agnew,	Goldstein,	Lafore,	Sigman,
Ashton,	Gramlich,	Lelsey,	Smith, C. C.,
Auker,	Greenwood,	Light,	Stevenson,
Banker,	Guthrie,	Lippincott,	Stoner,
Bell,	Haudenschild,	Magee,	Strausser,
Brenninger,	Helm,	Mahan,	Stroup,
Brown,	Henzel,	Markley,	Thompson,
Bullen,	Hewitt,	McInroy,	Tompkins,
Connelly,	Hocker,	Mikula,	Toomey,
Davis,	Horst,	Miller,	Varner,
Donahue,	Isaacs,	Moody,	Vaughan,
Donaldson,	Johnson,	Moscrip,	Wall,
Down,	Jones, T. H. W.,	Murphy,	Waterhouse,
Ehrgood,	Jump,	Murray, H. P.,	Weldner,
Erb,	Kehler,	Naugle,	Wescott,
Eshleman,	Keller,	Ogilvie,	Willaredt,
Ewing,	Kline,	Parry,	Wilt,
Foster,	Knecht,	Pomeroy,	Wood,
Frost,	Kooker,	Pursley,	Worley,
George,	Kratz,	Rigby,	Young,
Gibb,	Kromer,	Royer,	Ziegler,
Gibson,			

## NOT VOTING—24

Anderson, S. A.,	Fineman,	Lawyer,	Price,
Blair,	Frascella,	McCormack,	Reibman,
Bower,	Hass,	Metz,	Rubin,
Brelscho,	Holt,	Murray, P. G.,	Steckel,
Comer,	Houk,	O'Neill,	Walsh,
Cooper,	Kent,	Pettigrew,	Andrews,
			Speaker

So the question was determined in the affirmative and the motion was agreed to.

## BILLS ON FINAL PASSAGE RECALLED FROM GOVERNOR

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 445, as follows:

An Act amending the act of May 1, 1929 (P. L. 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees proscribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" further regulating passing school buses and loading zones and eliminating school bus stop signs

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Clause (10) of subsection (b) of section 828 Act of May 1, 1929 (P. L. 905) know as "The Vehicle Code" added May 26, 1949 (P. L. 1884) is amended to read

Section 828 School buses safety requirements

\* \* \*

(b) No person shall own or operate a school bus carrying school children on the highways of this Commonwealth in a school bus that in addition to the other requirements of this act does not conform with the following

\* \* \*

(10) Every school district transporting pupils by school bus shall establish and maintain loading zones at or near all schools to or from which pupils are transported [off the highway loading zones and shall establish and designate school bus loading zones along the highways traversed by school buses by erecting thereat official "School Bus Stop" signs such signs as may be required by this section shall be furnished and maintained by the school districts and shall be erected by the authorities responsible for the maintenance of the highway]

Such loading zones shall be located off the travelable portion of the highway wherever practicable the secretary of highways with respect to state highways and local authorities with respect to highways under their jurisdiction shall have the authority to determine if any school bus loading zone established as herein provided is hazardous to any other users of the highway and if he so finds he may discontinue the same or cause it to be relocated to a point where such hazard will be eliminated

\* \* \*

Section 2. Section 1017.1 of the act added May 26, 1949 (P. L. 1884) is repealed

Section 3 The act is amended by adding after section 1017 thereof a new section 1017.1 to read

Section 1017.1 Passing School Buses

(a) On highways having roadways not divided by safety islands or physical traffic separation installation the driver of any vehicle approaching or overtaking a school bus conforming to the requirements of this act which is being used solely for the transportation of children to or from school and which has stopped for the purpose of receiving or discharging any school child shall stop his vehicle not less than ten feet from the school bus and keep his vehicle stationary until any child has entered the bus or has alighted and reached the side of the highway

(b) On highways having dual or multiple roadways separated by safety islands or physical traffic separation installations the driver of any vehicle overtaking a school bus which has stopped for the purpose of receiving or



discharging any school child shall stop his vehicle not less than ten feet from the school bus and keep his vehicle stationary until any child has entered the bus or has alighted and reached the side of the highway

(c) On highways having dual or multiple roadways separated by safety islands or physical traffic separation installations the driver of a vehicle on another roadway approaching a school bus which has stopped for the purpose of receiving or discharging any school child shall reduce the speed of his vehicle to not more than fifteen miles per hour and shall not resume normal speed until his vehicle has passed the school bus and any child who may have alighted therefrom or is about to enter the school bus

(d) Whenever a school bus is parked at the curb for the purpose of receiving children directly from a school or discharging children to enter a school which is located on the same side of the street as that on which the school bus is parked drivers of vehicles shall be permitted to pass the school bus without stopping but at a speed not in excess of fifteen miles per hour

(e) The driver of any school bus being used solely for the transportation of children to or from school shall not start his bus until every child who may have alighted therefrom shall have reached a place of safety

Penalty Any person violating any of the provisions of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of not less than twenty-five dollars (\$25) nor more than fifty dollars (\$50) and costs of prosecution for the first offense and not less than fifty dollars (\$50) nor more than one hundred dollars (\$100) and costs of prosecution for each subsequent offense

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

#### YEAS—207

Adam,	Frost,	Magee,	Royer,
Agnew,	Gaffney,	Mahan,	Rubin,
Amarando,	Garlock,	Markley,	Rudisill,
Anderson, M. S.,	Gelfand,	Maxwell,	Sarra,
Anderson, S. A.,	George,	McCann,	Scarcell,
Ashton,	Gibb,	McCormack,	Schuster,
Auker,	Gibson,	McGee,	Sherman,
Banker,	Goldstein,	McInroy,	Sigman,
Barnatovich,	Gramlich,	McKeever,	Smith, C. C.,
Bazin,	Greenwood,	McLaughlin,	Smith, Wm. B.,
Bell,	Guss,	McWherter,	Snider,
Blair,	Guthrie,	Meholchick,	Stank,
Botes,	Hamilton, R. K.,	Metz,	Stebbins,
Bonner,	Hass,	Mihm,	Steckel,
Boory,	Haudenshield,	Mikula,	Stephens,
Bower,	Heavey,	Miller,	Stevenson,
Branca,	Helm,	Mills,	Stone,
Brelsach,	Henzel,	Monroe,	Stoner,
Brennan, A. P.,	Hewitt,	Moody,	Strausser,
Brennan, J. J.,	Hocker,	Moran,	Stroup,
Brenninger,	Holt,	Moscrip,	Swartz,
Breth,	Horst,	Muldorney,	Taylor,
Brown,	Houk,	Mullen,	Thomas,
Bucchia,	Isaacs,	Munley,	Thompson,
Bullen,	Jenkins,	Murphy,	Toll,
Capano,	Johnson,	Murray, H. P.,	Tompkins,
Cianfrani,	Jones, G. E.,	Murray, J. J.,	Toomey,
Cioffi,	Jones, T. H. W.,	Murray, P. G.,	Varallo,
Cochran,	Jump,	Musto,	Vanner,
Comer,	Kamyk,	Naugle,	Vaughan,
Connelly,	Kehler,	Needham,	Verona,
Cooper,	Keller,	Oglivie,	Wall,
Curwood,	Kent,	Olsen,	Wallace,
Davis,	Kline,	O'Neill,	Walsh,
Donahue,	Knecht,	Pacchioli,	Wargo,
Donaldson,	Kolankiewicz,	Parry,	Waterhouse,
Dougherty,	Kooker,	Pashley,	Weldner,
Down,	Kornick,	Paulhamus,	Welsh,
Erb,	Kratz,	Petrosky,	Wescott,
Ehrgood,	Kromer,	Pettigrew,	Wheeler,
Ellberg,	Lafore,	Polaski,	Whitenight,
Eshleman,	Lawyer,	Polen,	Willard,
Ewing,	Leiby,	Pomeroy,	Williams,
Farabaugh,	Lelsey,	Price,	Wilt,

Filo,  
Fineman,  
Flint,  
Floyd,  
Flynn,  
Foster,  
Frank,  
Frascella

Leonard,  
Leven,  
Light,  
Lampert,  
Lippincott,  
Lopresti,  
Lovett,  
Lutty,

Pursley,  
Readinger,  
Rebman,  
Reldenbach,  
Renwick,  
Rigby,  
Rosen,  
Rovasek,

Wood,  
Worley,  
Yetter,  
Yetzer,  
Young,  
Ziegler,  
Andrews,  
Speaker

NAYS—0

NOT VOTING—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 1621, as follows:

An Act amending the act of August 9, 1955 (P. L. ) (Act No. 130) entitled "An act relating to counties of the third fourth fifth sixth seventh and eighth classes amending revising consolidating and changing the laws relating thereto" authorizing collection of data concerning deceased veterans of armed conflicts authorizing the erection of monuments for veterans of armed conflicts

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Subsection (e) of section 1923 of the act of August 9, 1955 (P. L. ) (Act No. 130) is hereby amended to read

Section 1923 Compilation of War Records \* \* \*

(e) For the purpose of locating the burial places of persons who have served in the military or naval service or other branches of the combative forces of the United States during any war or armed conflict in which the United States was engaged the Grand Army of the Republic the United Spanish War Veterans the Veterans of Foreign Wars of the United States the American Legion the Disabled American Veterans the American Veterans of World War II (AMVETS) and the Marine Corps League through their local camps posts and branches in this commonwealth are authorized without expense to the county to collect the required data and prepare and file with the county commissioners certificates embodying the information provided for in this section.

\* \* \*

Section 2 Section 2355 of the act of August 9, 1955 (P. L. ) (Act No. 130) is amended to read

Section 2355 Monuments and Memorials to War Veterans The board of commissioners may appropriate money for and provide for the erection of monuments or memorials commemorating the services of any person who has served in the armed forces of the United States or in any women's organization officially connected therewith during any part of any war in which the United States has been or may hereafter be engaged The style and character of such monuments or memorials shall be approved by the State Art Commission

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

#### YEAS—207

Adam,  
Agnew,  
Amarando,  
Anderson, M. S.,  
Anderson, S. A.,  
Ashton,  
Auker,

Frost,  
Gaffney,  
Garlock,  
Gelfand,  
George,  
Gibb,  
Gibson,

Magee,  
Mahan,  
Markley,  
Maxwell,  
McCann,  
McCormack,  
McGee,

Royer,  
Rubin,  
Rudisill,  
Sarra,  
Scarcell,  
Schuster,  
Sherman,



Banker,	Goldstein,	McInroy,	Sigman,
Barnatovich,	Gramlich,	McKeever,	Smith, C. C.,
Bazin,	Greenwood,	McLaughlin,	Smith, Wm. B.,
Bell,	Guss,	McWherter,	Snider,
Blair,	Guthrie,	Meholchick,	Stank,
Boles,	Hamilton, R. K.,	Metz,	Stebbins,
Bonner,	Hass,	Mihm,	Steckel,
Boory,	Haudenschild,	Mikula,	Stephens,
Bower,	Heavey,	Miller,	Stevenson,
Branca,	Helm,	Mills,	Stone,
Breisch,	Henzel,	Monroe,	Stoner,
Brennan, A. P.,	Hewitt,	Moody,	Strausser,
Brennan, J. J.,	Hocker,	Moran,	Stroup,
Brenninger,	Holt,	Moscrip,	Swartz,
Breth,	Horst,	Muldowney,	Taylor,
Brown,	Houk,	Mullen,	Thomas,
Bucchin,	Isaacs,	Munley,	Thompson,
Bullen,	Jenkins,	Murphy,	Toll,
Capano,	Johnson,	Murray, H. P.,	Tompkins,
Cianfrani,	Jones, G. E.,	Murray, J. J.,	Toomey,
Cioffi,	Jones, T. H. W.,	Murray, P. G.,	Varallo,
Cochran,	Jump,	Musto,	Varnier,
Comer,	Kamyk,	Naugle,	Vaughan,
Connelly,	Kehler,	Needham,	Verona,
Cooper,	Keller,	Ogilvie,	Wall,
Curwood,	Kent,	Olsen,	Wallace,
Davis,	Kline,	O'Neil,	Walsh,
Donahue,	Knecht,	Pacchioli,	Wargo,
Donaldson,	Kolankiewicz,	Parry,	Waterhouse,
Dougherty,	Kooker,	Pashley,	Weidner,
Down,	Kornick,	Paulhamus,	Welsh,
Ehrgood,	Kratz,	Petrosky,	Wescott,
Ellberg,	Kromer,	Pettigrew,	Wheeler,
Erb,	Lafore,	Polaski,	Whitenight,
Eshleman,	Lawyer,	Polen,	Willaredt,
Ewing,	Leiby,	Pomeroy,	Williams,
Farabaugh,	Lelsey,	Price,	Wilt,
Filo,	Leonard,	Pursley,	Wood,
Fineman,	Leven,	Readinger,	Worley,
Flint,	Light,	Reibman,	Yetter,
Floyd,	Limper,	Reidbach,	Yetzer,
Flynn,	Lippincott,	Renwick,	Young,
Foster,	Lopresti,	Rigby,	Ziegler,
Frank,	Lovett,	Rosen,	Andrews,
Frascella,	Lutty,	Rovansek,	Speaker

## NAYS—0

## NOT VOTING—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 1622, as follows:

An Act amending the act of August 9, 1955 (P. L. ) (Act No. 130) entitled "An act relating to counties of the third fourth fifth sixth seventh and eighth classes amending revising consolidating and changing the laws relating thereto" extending the definition of "deceased service persons" to include service personnel serving in an armed conflict

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 1908 of the Act of August 9, 1955 (P. L. ) (Act No. 130) is amended to read

Section 1908 Definitions (a) the term deceased service person as used in this subsection shall mean and include

(1) Any deceased person who at the time of his or her death was serving (whether or not in a combat zone) in the Army Navy Air Force Marine Corps Coast Guard or any women's organization officially connected therewith during any war or armed conflict in which the United States has been is now or shall hereafter be engaged or who at the time of his or her death was serving in a zone where a campaign or state or condition of war or armed conflict then existed in which the United States was is or shall be a participant The existence of a campaign or state or condition of war or armed conflict and

the participation of the United States therein as well as the fact that the deceased person served in a zone where such campaign or state or condition of war or armed conflict existed shall in each case be established by the records of the Department of Defense of the Federal Government or

(2) Any deceased person who had so served at any time during his or her life and whose separation from such service was honorable whether by discharge or otherwise or who at the time of his or her death was continuing in such service after the cessation of the war armed conflict campaign or state or condition of war during or in which he or she served or

(3) Any deceased person who was in active service in the militia of the State of Pennsylvania under and in pursuance of any proclamation issued by the Governor during the Civil War who was not duly mustered into the service of the United States but was honorably discharged or relieved from such service

(b) The term "legal residence" as used in this subsection shall be construed as synonymous with "domicile" and is hereby defined as actual residence coupled with intention that it shall be permanent or a residence presently fixed with no definite intention of changing it or of returning to a former residence at some future period Legal residence is to be determined by abode of person and his or her intention to abandon his or her former domicile and establish a new one The legal residence of a deceased service person shall be prima facie in the county where he or she made his or her abode at the time of his or her death

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

## YEAS—207

Adam,	Frost,	Magee,	Royer,
Agnew,	Gaffney,	Mahan,	Rubin,
Amarando,	Garlock,	Markley,	Rudisill,
Anderson, M. S.,	Gelfand,	Maxwell,	Sarrat,
Anderson, S. A.,	George,	McCann,	Scarcelli,
Ashton,	Gibb,	McCormack,	Schuster,
Auker,	Gibson,	McGee,	Sherman,
Banker,	Goldstein,	McInroy,	Sigman,
Barnatovich,	Gramlich,	McKeever,	Smith, C. C.,
Bazin,	Greenwood,	McLaughlin,	Smith, Wm. B.,
Bell,	Guss,	McWherter,	Snider,
Blair,	Guthrie,	Meholchick,	Stank,
Boles,	Hamilton, R. K.,	Metz,	Stebbins,
Bonner,	Hass,	Mihm,	Steckel,
Boory,	Haudenschild,	Mikula,	Stephens,
Bower,	Heavey,	Miller,	Stevenson,
Branca,	Helm,	Mills,	Stone,
Breisch,	Henzel,	Monroe,	Stoner,
Brennan, A. P.,	Hewitt,	Moody,	Strausser,
Brennan, J. J.,	Hocker,	Moran,	Stroup,
Brenninger,	Holt,	Moscrip,	Swartz,
Breth,	Horst,	Mullen,	Taylor,
Brown,	Houk,	Munley,	Thomas,
Bucchin,	Isaacs,	Murphy,	Thompson,
Bullen,	Jenkins,	Murray, H. P.,	Toll,
Capano,	Johnson,	Murray, J. J.,	Tompkins,
Cianfrani,	Jones, G. E.,	Murray, P. G.,	Toomey,
Cioffi,	Jones, T. H. W.,	Musto,	Varallo,
Cochran,	Jump,	Naugle,	Varnier,
Comer,	Kamyk,	Needham,	Vaughan,
Connelly,	Kehler,	Ogilvie,	Verona,
Cooper,	Keller,	Olsen,	Wall,
Curwood,	Kent,	O'Neil,	Wallace,
Davis,	Kline,	Pacchioli,	Walsh,
Donahue,	Knecht,	Parry,	Wargo,
Donaldson,	Kolankiewicz,	Pashley,	Waterhouse,
Dougherty,	Kooker,	Paulhamus,	Weidner,
Down,	Kornick,	Petrosky,	Welsh,
Ehrgood,	Kratz,	Pettigrew,	Wescott,
Ellberg,	Kromer,	Polaski,	Wheeler,
Erb,	Lafore,	Polen,	Whitenight,
Eshleman,	Lawyer,	Pomeroy,	Willaredt,
Ewing,	Leiby,	Price,	Williams,
Farabaugh,	Lelsey,	Pursley,	Wilt,
Filo,	Leonard,	Readinger,	Wood,
Fineman,	Leven,		Worley,



Flint,	Light,	Reibman,	Yetter,
Floyd,	Lamper,	Reidenbach,	Yetzer,
Flynn,	Lippincott,	Renwick,	Ziegler,
Foster,	Lopresti,	Rigby,	Young,
Frank,	Lovett,	Rosen,	Andrews,
Frascella,	Lutty,	Rovansek,	Speaker

NAYS—0

NOT VOTING—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL PASSED OVER

There being no objection

House Bill No. 1623, Printer's No. 1277  
was passed over at the request of the SPEAKER pro tempore.

BILLS ON FINAL PASSAGE

BILLS PASSED OVER

There being no objection

House Bill No. 667, Printer's No. 1256 and  
House Bill No. 1311, Printer's No. 1102  
were passed over at the request of the SPEAKER pro tempore.

BILLS ON FINAL PASSAGE POSTPONED

TIME EXTENDED ON BILLS

Mr. LOVETT asked and obtained unanimous consent to extend the time five days on House Bill No. 257, Printer's No. 679, on page 4 of today's calendar, bills on final passage postponed.

Mr. LOVETT asked and obtained unanimous consent to extend the time five days on House Bill No. 1831, Printer's No. 1116, on page 5 of today's calendar, bills on final passage postponed.

BILLS ON THIRD READING

BILLS PASSED OVER

There being no objection

House Bill No. 118, Printer's No. 1215 and  
House Bill No. 119, Printer's No. 1216  
were passed over at the request of the SPEAKER pro tempore.

The SPEAKER pro tempore. The Chair wishes to state that there are a number of Members absent from the House at the moment in a legislative conference. We therefore will take up nothing but non-controversial bills until the Members return to their seats. The Chair hears no objection to this procedure.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 312, as follows:

An Act amending the act of June 3, 1937 (P. L. 1333) entitled "An act concerning elections including general municipal special and primary elections the nomination of candidates primary and election expenses and election contests creating and defining membership of county boards of elections imposing duties upon the Secretary

of the Commonwealth courts county boards of elections county commissioners imposing penalties for violation of the act and codifying revising and consolidating the laws relating thereto and repealing certain acts and parts of acts relating to elections" giving any candidate whose name is written stamped or affixed upon a ballot the right to petition the court for the cumulation of such votes

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The act of June 3, 1937 (P. L. 1333) known as the "Pennsylvania Election Code" is amended by adding after section 1406 thereof a new section to read

Section 1406.1 Petition to Establish Identity of Candidate Under Different Names Which Have Been Written Stamped or Affixed on the Ballot Cumulation Permitted Any candidate for public office at any primary or any general municipal or special election whose name is not printed for the same office on any ballot at any primary or general municipal or special election and whose name has been written stamped or affixed to the ballot in the proper space or spaces provided for that purpose under various spellings may at any time not later than five days after the certification by the county board of the votes cast at the primary or election present a petition to the court of common pleas of the proper county praying for an order cumulating the votes and declaring the petitioner by his true name to be the candidate nominated or elected

If the court shall determine that the various spellings of the name of the candidate so appearing on the returns of the primary or election represent one and the same person the court shall enter an order finding that fact and directing the county board to revise its returns accordingly Jurisdiction is hereby conferred upon the courts of common pleas to entertain these petitions and to make the orders provided herein No order shall be entered by any court unless notice of the filing of the petition shall first have been given to the county board and to all the other candidates who appear to have been nominated or elected to the same office in the manner as the court may by its order direct which notice shall specify the time and place of the hearing on the petition Upon the filing of any petition the court shall proceed to hear the matter without delay Immediately upon the entry of any order as aforesaid a certified copy thereof shall be served on the county board which shall correct revise and certify the returns accordingly.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—207

Adam,	Frost,	Magee,	Royer,
Amarando,	Gaffney,	Mahan,	Rubin,
Anderson, M. S.,	Garlock,	Markley,	Rudisill,
Anderson, S. A.,	Gelfand,	Maxwell,	Sarra,
Ashton,	McCann,	McCormack,	Scarcell,
Auker,	Gibb,	McGee,	Schuster,
Banker,	Gibson,	McInroy,	Sherman,
Barnatovich,	Goldstein,	McKeever,	Sigman,
Bazin,	Gramlich,	McLaughlin,	Smith, C. O.,
Bell,	Greenwood,	McWherter,	Smith, Wm. B.,
Blair,	Guss,	Meholchick,	Snider,
Boles,	Guthrie,	Metz,	Stank,
Bonner,	Hamilton, R. K.,	Mihm,	Stebbins,
Boory,	Hass,	Mikula,	Steckel,
Bower,	Haudenshield,	Miller,	Stephens,
Branca,	Heavey,	Mills,	Stevenson,
Bresch,	Helm,	Monroe,	Stone,
Brennan, A. P.,	Henzel,	Moody,	Stoner,
Brennan, J. J.,	Hewitt,	Moran,	Strausser,
Brenninger,	Hocker,	Moscrip,	Stroup,
Breth,	Holt,	Muldowney,	Swartz,
Brown,	Horst,	Mullen,	Taylor,
Bucchin,	Houk,	Munley,	Thomas,
	Isaac,		Thompson,



Bullen,	Jenkins,	Murphy,	Toll,
Capano,	Johnson,	Murray, H. P.,	Tompkins,
Cianfrani,	Jones, G. E.,	Murray, J. J.,	Toomey,
Cioffi,	Jones, T. H. W.,	Murray, P. G.,	Varallo,
Cochran,	Jump,	Musto,	Varner,
Comer,	Kamyk,	Naugle,	Vaughan,
Connelly,	Kehler,	Needham,	Verona,
Cooper,	Keller,	Ogilvie,	Wall,
Curwood,	Kent,	Olsen,	Wallace,
Davis,	Kilne,	O'Neill,	Walsh,
Donahue,	Knecht,	Pacchioli,	Wargo,
Donaldson,	Kolankiewicz,	Parry,	Waterhouse,
Dougherty,	Kooker,	Pashley,	Weidner,
Down,	Kornick,	Paulhamus,	Welsh,
Ehrgood,	Kratz,	Petrosky,	Wescott,
Ellberg,	Kromer,	Pettigrew,	Wheeler,
Erb,	Lafore,	Polaski,	Whitenight,
Eshleman,	Lawyer,	Polen,	Willardt,
Ewing,	Leib,	Pomeroy,	Williams,
Farabaugh,	Lelsey,	Price,	Wilt,
Filo,	Leonard,	Pursley,	Wood,
Fineman,	Leven,	Readinger,	Worley,
Flint,	Light,	Reibman,	Yetter,
Floyd,	Limper,	Reidenbach,	Yetzer,
Flynn,	Lippincott,	Renwick,	Young,
Poster,	Lopresti,	Rigby,	Ziegler,
Frank,	Lovett,	Rosen,	Andrews,
Frascella,	Lutty,	Rovansek,	Speaker

NAYS—0

NOT VOTING—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

## BILL PASSED OVER

There being no objection,

House Bill No. 322, Printer's No. 255, was passed over at the request of the SPEAKER pro tempore.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 796, entitled:

An Act regulating the mining of anthracite coal prescribing duties for certain officers of political subdivisions and imposing penalties.

On the question,

Will the House agree to the bill on third reading?

Messrs. WALLACE and PARRY. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

Amend Sec. 2, page 2, line 14, by inserting after "first" or second.

Amend Sec. 4, page 3, line 14, by inserting after "class" the boards of supervisors of townships of the second class.

Amend Sec. 5, page 4, line 4, by inserting after "class" and the board of supervisors of townships of the second class.

Amend Sec. 6, page 4, lines 13 and 14, by striking out: "townships of the second class nor to"

The SPEAKER. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1080, entitled:

An Act amending the act of May 1, 1929 (P. L. 1005), entitled as amended "An act relating to and regulating tractors and their operation; providing for their registration by the Department of Revenue upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of tractors; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, and townships, within the Commonwealth, liability for damages caused by the negligent operation of tractors; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees and miscellaneous receipts; making an appropriation; and providing for refunds," providing for the titling of, including liens, encumbrances and legal claims against farm tractors regulating the possession and sale of farm tractors giving the Department of Revenue additional powers to make regulations for the administration of the act and fixing penalties

On the question,

Will the House agree to the bill on third reading?

## BILL RECOMMENDED

Mr. SNIDER. Mr. Speaker, I move that this bill be recommended to the Committee on Agriculture and Dairy Industries.

On the question,

Will the House agree to the motion?

Mr. WORLEY. Mr. Speaker, I am for this motion to recommend. We do not want tractor titling in Pennsylvania. I had prepared remarks in opposition to this bill, but since the motion is to recommend instead of a general debate on the bill, I now ask consent of the House to submit these remarks to be entered into the Legislative Journal.

The SPEAKER pro tempore. Without objection, the remarks of the gentleman will be spread upon the Journal.

Mr. WORLEY. Mr. Speaker, and Members of this House, I rise to oppose House Bill 1080, Printers Number 1191. House Bill 1080 would require each purchaser of a new tractor to buy a Certificate of title for the tractor, at a cost of \$2, and would require a certificate of title for any tractor being sold for the second time after the passage of this bill. This bill would require the Pennsylvania Department of Revenue to do the filing work, the dealers to do the paper work, and the farmer to pay the bill.

I believe that before this bill is voted upon, that the members of this House should understand the background of the bill, and what it will do. A similar bill was introduced two years ago, to cover all tractors and self-propelled machines. The original bill introduced in the House this year carried the same provisions. When no support was forthcoming, the bill was amended to apply only to tractors. Still later, amendments were added to apply the title only to the purchase of new tractors, or on the second sale of any tractor from this day on.

It is important to note, also, that to the best of my



knowledge, only one other state, New Jersey, has a Tractor Titling Law, and they also require a license for all tractors moving on or across the highway, even between two farms owned by the operator. The cost of this license fee is \$1.00. It is quite possible that this may be the first step to get certificate of title on all farm machinery, in Pennsylvania, as well as a method of raising additional revenue for this Commonwealth by licensing farm tractors and self propelled machinery. In fact the way the first proposals were written would lead us to believe so.

Now, Mr. Speaker, I don't believe that you or I would want to be responsible for legislation which will eventually place another extra financial burden on our farmers.

While the costs of production on farms are continuing to rise, the farmers share of the consumer dollar continues to decline and the farm income continues to decline, and I am not going to be a party to any legislation which will place additional costs of any kind on the farmers. I am not going to be a party to such legislation especially when the legislation will not be of value to agriculture. Here are some of the major reasons why the certificate of title bill for farm tractors is of little value.

1. Ownership can now be recorded by a bill of sale and/or finance papers. Under the new financing regulations proper records are required to show legal entanglements and ownership.

2. It makes little difference to farmers how many owners had the tractor before him. What is of importance is the condition of the tractor, which in most cases is guaranteed by the dealer for a period of time. (30, 60, or 90 days or longer).

3. Why should farmers pay for a financing program for the dealers? Personal property can now be used for collateral for a loan by use of a mortgage. Under the certificate of title system, banks would not loan any more money on a given tractor than they do at percent.

4. Titling requirements will not stop theft of tractors, or price cutting. Although titles are now used for automobiles, theft is still prevalent.

There is no accurate record of the number of tractors stolen, but the Pennsylvania Farm Equipment Dealers Association report that 15 thefts in Pennsylvania in the past 10 to 12 years, and many of these are thefts of tractors from dealers lots.

5. The Census of 1950 reports 125,907 farm tractors in Pennsylvania. Thus, as these tractors are replaced or resold the second time about \$251,814 would be drained from the pockets of our farmers.

This is just one more step down the ladder toward depression, for as you have heard many, many, many times, as agriculture goes, so goes the world, so goes the nation, and so goes the national election.

Now, Mr. Speaker, in summary let me say, this bill, House Bill 1080, will only be adding more costs to the farmers of Pennsylvania with little or no benefits for the farmers. I therefore, urge all of the members of this House to vote no on this bill, and let's do something once for the farmer before this session adjourns sine die.

On the question recurring,

Will the House agree to the motion?

It was agreed to.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1128, entitled:

An Act to quiet title to real estate and to facilitate the alienation thereof; creating a conclusive presumption of payment, satisfaction or release and making unenforceable any claim for money charged against real estate under any deed, certain mortgages or any decree of any court of record of this Commonwealth and correcting defects in title arising out of unrecorded deeds and breaks in chain of title and making claims thereunder invalid by creating a conclusive presumption of release and satisfaction where the charges and mortgages mature or become due and payable, and decrees or defects of record arise, occur, exist or are dated more than fifty years prior to the time of the institution of any proceeding hereunder to enforce payment, perfect, revive or continue the aforesaid lien charge or encumbrances or to enforce any right arising out of a defect in title, unless an action is instituted to enforce charges, mortgages and decrees as aforesaid against the present owners or action is taken to enforce any right arising out of a defect in title within one year after the effective date of this act.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. LIPPINCOTT. Mr. Speaker, I desire to interrogate the sponsor of this bill.

The SPEAKER pro tempore. Will the gentleman from Potter, Mr. Flint, permit himself to be interrogated?

Mr. FLINT. I shall, Mr. Speaker.

Mr. LIPPINCOTT. Mr. Speaker, since we have not caucused on this bill, I wonder if the gentleman would explain the bill to the Members of the House?

Mr. FLINT. Mr. Speaker, the gentleman from Delaware undoubtedly is familiar with an Act of 1949 and the Supreme Court decision which declared that Act unconstitutional. The Act of 1949 is the pattern of this bill.

Without going into too much technicality and over-refined explanation, it is to be said that the chief difference between the two pieces of legislation is that the Act of 1949 would provide a kind of statute of limitations applicable even to mortgages whose maturity was based upon contingencies not certain to have happened, an uncertain maturity, whereas this bill applies only to those whose maturity is certain and which have not been enforced for a period of fifty years.

Mr. LIPPINCOTT. Mr. Speaker, as I read this bill I cannot see any provision in the bill requiring service of notice on the holder of a mortgage either by advertising or personally. Will the gentleman show me where there is anything in the bill which says how the notice should be served?

Mr. FLINT. Mr. Speaker, the device of the bill does not provide for a notice. Of course, the thirty-year statute barring rights of entry does not provide for notice either. It is that kind of a bill.

This does not do away with the remedy by petition to court and having the court determine the method of notice. It is to avoid the expense of proceedings of that kind that this legislation is sought.

The SPEAKER pro tempore. Will the gentleman from Potter, Mr. Flint, and the gentleman from Delaware, Mr. Lippincott, yield for a moment to the gentleman from Philadelphia, Mr. Charles C. Smith?

Mr. CHARLES C. SMITH. I thank you, Mr. Speaker.

If it would meet with the approval of the gentleman from Potter, Mr. Flint, in view of the fact that there are about half a dozen bills on the calendar that neither your



side nor our side has caucused on, would it be possible to put this bill on the final passage postponed calendar so that both sides can caucus on the bill?

Mr. FLINT. That will be satisfactory, Mr. Speaker.

On the question recurring,  
Shall the bill pass finally?

#### BILL POSTPONED

Mr. CHARLES C. SMITH. Mr. Speaker, I move that this bill be placed on the final passage postponed calendar.

The motion was agreed to.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1349, entitled:

An Act making it unlawful for any person to carry on any business under an assumed or fictitious name, style or designation, corporate or otherwise, unless upon advertisement and the filing of an application to that effect in the office of the Secretary of the Commonwealth and of the prothonotary; requiring nonresident applicants to have a resident agent and certain corporations organized to have a resident agent and certain corporations organized under any laws other than those of this Commonwealth to be qualified to do business in this Commonwealth; prescribing the effect of failure to file an application; providing that certificates of the Secretary of the Commonwealth shall be admitted in evidence; requiring county commissioners, at the expense of the county, to provide boods or other means of reproduction for the entry of applications; requiring the cancellation of an application on the dissolution, disqualification, or the withdrawal from the business; providing methods therefor; fixing the fees of the Secretary of the Commonwealth and prothonotary; and providing penalties.

On the question,

Will the House agree to the bill on third reading?

#### BILL RECOMMITTED

Mr. LOVETT. Mr. Speaker, I move that this bill be recommitted to the Committee on Judiciary.

The motion was agreed to.

#### BILLS PASSED OVER

There being no objection

House Bill No. 1644, Printer's No. 1198

House Bill No. 1827, Printer's No. 1201

House Bill No. 1828, Printer's No. 1202 and

House Bill No. 1829, Printer's No. 1203

were passed over at the request of the SPEAKER pro tempore.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1846 entitled:

An Act relative to Commonwealth printing establishing requirements of responsible bidders prohibiting the award of contracts for such printing to other than responsible bidders as certified by the Secretary of Labor and Industry and prescribing penalties.

On the question,

Will the House agree to the bill on third reading?

#### BILL RECOMMITTED

Mr. LOVETT. Mr. Speaker, I move that this bill be recommitted to the Committee on State Government.

The motion was agreed to.

#### BILLS PASSED OVER

There being no objection

House Bill No. 1864, Printer's No. 1125

House Bill No. 1871, Printer's No. 1265 and

House Bill No. 1894, Printer's No. 1232

were passed over at the request of the SPEAKER pro tempore.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1911 as follows:

An Act amending the act of May 2, 1945 (P. L. 382) entitled "An act providing for the incorporation as bodies corporate and politic of "Authorities" for municipalities counties and townships prescribing the rights powers and duties of such Authorities heretofore or hereafter incorporated authorizing such Authorities to acquire construct improve maintain and operate projects and to borrow money and issue bonds therefor providing for the payment of such bonds and prescribing the rights of the holders thereof conferring the right of eminent domain on such Authorities authorizing such Authorities to enter into contracts with and to accept grants from the Federal Government or any agency thereof and conferring exclusive jurisdiction on certain courts over rates further regulating the sale of Authority bonds

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Subsection A of Section 5 act of May 2, 1945 (P. L. 382) known as the "Municipality Authorities Act of 1945" is amended and the act is amended by adding after section 5 a new section to read

Section 5 Purposes and Powers Bonds A The bonds of any Authority hereinabove referred to and authorized to be issued shall be authorized by resolution of the board thereof and shall be of such series bear such date or dates mature at such time or times not exceeding forty years from their respective dates bear interest at such rate or rates not exceeding six per cent per annum payable semi-annually be in such denominations be in such form either coupon or fully registered without coupons carry such registration exchangeability and interchangeability privileges be payable in such medium of payment and at such place or places be subject to such terms of redemption not exceeding one hundred five per cent of the principal amount thereof and be entitled to such priorities in the revenues or receipts of such Authority as such resolution or resolutions may provide The bonds shall be signed by such officers as the Authority shall determine and coupon bonds shall have attached thereto interest coupons bearing the facsimile signature of the treasurer of the Authority all as may be prescribed in such resolution or resolutions Any such bonds may be issued and delivered notwithstanding that one or more of the officers signing such bonds or the treasurer whose facsimile signature shall be upon the coupon on any thereof shall have ceased to be such officer or officers at the time when such bonds shall actually be delivered

[Said bonds may be sold at public or private sale for such price or prices as the Authority shall determine provided that the interest cost to maturity of the money received for any issue of said bonds shall not exceed six per centum per annum Pending the preparation of the definitive bonds interim receipts may be issued to the purchaser or purchasers of such bonds and may contain such terms and conditions as the Authority may determine]

\* \* \*

Section 5.1 Regulations for Sale of Bonds A The Authority shall sell the bonds to the highest responsible bidder or bidders after public notice by advertisement in at least one and not more than two newspapers of general circulation published in the municipality in which the Authority has its principal office and in the legal journal if any designated by the rules of court for the publication of legal notices and advertisements When the notice



is published in a daily newspaper it shall be published three times at intervals of not less than three days and when published in weekly newspapers and legal journals it shall be published only twice once a week for two successive weeks. The first advertisement shall be published not less than fifteen days before the day fixed for the opening of bids.

B The bonds may be advertised for sale in accordance with this section and may be conditionally sold before or after the resolution authorizing the issue of the bonds has been adopted but if advertised for sale prior to the adoption of the resolution the advertisement shall first be authorized by a proper resolution of the Authority as the case may be.

C The notice shall contain (1) a general description of the bonds to be sold (2) the manner place and time of the sale or the time limit for the receipt of proposals (3) the name of the officer to whom bids or proposals shall be delivered and (4) a statement that bidders must accompany their bids or proposals with a certified check cashier's check or treasurer's check drawn to the order of the Authority or its treasurer or a sum of money equal to not less than two per cent of the face amount of the bonds offered for sale to secure the Authority against any loss resulting from the failure of the bidder to comply with the terms of his bid or proposal.

D Every bid or proposal shall be in writing and shall be placed in a sealed envelope sufficiently labelled to indicate that it is a bid or proposal for bonds by the bidder before being delivered to the officer designated to receive it.

E At the time and place fixed in the notice the bids or proposals shall be publicly opened in the presence of the officer of the Authority designated for that purpose.

F The highest responsible bidder shall be the one who having complied with the conditions of sale offers to take the whole amount of bonds offered for sale at the least interest cost to the Authority which shall be determined by deducting from the total amount of interest to be paid on account of the bonds during the life thereof the amount of the premium offered if any over and above the face amount of the bonds offered for sale. In the case of callable bonds the life of the bonds shall be figured to the respective maturity dates rather than to the call date or dates. In the event that two or more bidders offer to take an identical return the one proposing the lowest rate of interest shall be deemed the highest responsible bidder and if two or more bidders having offered to take an identical return also propose the same rate of interest the bonds may be awarded and sold to either or with the consent of the bidders to them jointly.

G The Authority shall have the right to reject all bids or proposals and advertise the sale anew by the publication of a notice in manner and form as provided in this section.

H No bids for bonds at less than par value and accrued interest shall be accepted.

I The deposit required of each bidder shall be returned to each unsuccessful bidder immediately upon the award of the bonds or the rejection of all bids. In the case of the successful bidder the deposit shall be held by the treasurer and be applied on the purchase price when the bonds are actually delivered and paid for.

J No Authority and no officer thereof shall enter into any agreement in connection with the issuance or sale of bonds purporting to bind the Authority to deposit or leave on deposit in any bank bank and trust company or trust company any sum of money and all such agreements shall be null and void and of no effect.

K Where bonds are advertised for sale and no legal bid is received it shall be lawful for the Authority to sell them or any part thereof at private sale for not less than par and accrued interest at any time within six months from the date of sale in accordance with the terms originally advertised and at a rate of interest not exceeding the maximum rate originally advertised.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—200

Adam,	Frost,	Magee,	Royer,
Agnew,	Gaffney,	Lutty,	Rubin,
Amarando,	Garlock,	Markley,	Rudisill,
Anderson, M. S.,	Geifand,	Maxwell,	Sarra,
Anderson, S. A.,	George,	McCann,	Scarcelli,
Ashton,	Gibb,	McCormack,	Schuster,
Auker,	Gibson,	McGee,	Sherman,
Banker,	Goldstein,	Mahan,	Sigman,
Barnatovich,	Gramlich,	McKeever,	Smith, C. C.,
Bazin,	Greenwood,	McLaughlin,	Smith, Wm. B.,
Blair,	Guss,	McWherter,	Stank,
Boles,	Guthrie,	Meholchick,	Snider,
Bonner,	Hamilton, R. K.,	Metz,	Stebbins,
Boory,	Hass,	Mihm,	Steckel,
Bower,	Haudenshield,	Mikula,	Stephens,
Branca,	Heavey,	Miller,	Stone,
Brelscho,	Helm,	Mills,	Stoner,
Brennan, A. P.,	Henzel,	Monroe,	Strusser,
Brennan, J. J.,	Hewitt,	Moody,	Swartz,
Brenninger,	Hocker,	Moran,	Taylor,
Breth,	Holt,	Muldowney,	Thomas,
Brown,	Horst,	Mullen,	Thompson,
Bucchin,	Houk,	Munley,	Toll,
Bullen,	Jenkins,	Murray, H. P.,	Tompkins,
Capano,	Johnson,	Murray, J. J.,	Toomey,
Cianfrani,	Jones, G. E.,	Murray, P. G.,	Varallo,
Cioffi,	Jones, T. H. W.,	Musto,	Varnier,
Cochran,	Jump,	Naugle,	Vaughan,
Comer,	Kamyk,	Needham,	Verona,
Connelly,	Kehler,	Ogilvie,	Wall,
Cooper,	Keller,	Olser,	Wallace,
Curwood,	Kent,	O'Neil,	Walsh,
Davis,	Kline,	Pacchioli,	Wargo,
Donahue,	Knecht,	Parry,	Waterhouse,
Donaldson,	Kolankiewicz,	Pashley,	Weidner,
Dougherty,	Kooker,	Paulhamus,	Welsh,
Down,	Kornick,	Petrosky,	Wescott,
Ehrgood,	Kratz,	Pettigrew,	Wheeler,
Elberg,	Kromer,	Polaski,	Whitenight,
Erb,	Lafore,	Polen,	Willaredt,
Eshleman,	Lawyer,	Pomeroy,	Williams,
Ewing,	Leiby,	Price,	Wilt,
Farabaugh,	Laisey,	Pursley,	Wood,
Filo,	Leonard,	Readinger,	Worley,
Fineman,	Leven,	Reibman,	Yetter,
Flint,	Light,	Reidenbach,	Yetzer,
Floyd,	Lamper,	Renwick,	Young,
Flynn,	Lippincott,	Rigby,	Ziegler,
Foster,	Loprestl,	Rosen,	Andrews,
Frank,	Lovett,	Rovansek,	Speaker
Frascella,			

NAYS—7

Bell,	McInroy,	Murphy,	Stroup,
Isaacs,	Moscrip,	Stevenson,	

NOT VOTING—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

#### BILLS PASSED OVER

There being no objection

House Bill No. 1939, Printer's No. 1266 and

House Bill No. 1940, Printer's No. 1267

were passed over at the request of the SPEAKER pro tempore.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1947, as follows:

An Act making an appropriation to the State Treasurer for the purpose of paying salaries and wages of State



officers and employes and other ordinary and general expenses in the interim between the thirty-first day of May one thousand nine hundred fifty-five and such time as the funds provided by the General Appropriation Act and other appropriation acts become available and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred fifty-five

Whereas Under the Constitution and the laws of this Commonwealth the State Treasurer may not pay out any moneys unless they be specifically appropriated by Act of the General Assembly therefore

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 That the sum of fifty million (\$50,000,000) or as much thereof as may be necessary is hereby specifically appropriated to the State Treasurer of the Commonwealth of Pennsylvania for the purpose of paying the salaries and wages of the officers and employes and other ordinary and general expenses of the State government in the interim between the third-first day of May one thousand nine hundred fifty-five and such time as moneys appropriated by the General Appropriation Act and other appropriation acts of one thousand nine hundred fifty-five may become available for such purposes and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred fifty-five

Section 2 Payments out of the appropriation of this act shall be made by the State Treasurer upon requisitions by the several departments boards commissions or officers in the same manner as payments are ordinarily made

Section 3 All amounts paid by the State Treasurer in accordance with this act shall be charged against the appropriations made for the salaries and wages of the officers and employes and other ordinary and general expenses of the State government in the General Appropriation Act and other appropriation acts of one thousand nine hundred fifty-five

Section 4 This act shall become effective immediately upon its final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

#### YEAS—207

Adam,	Frost,	Lutty,	Rovansek,
Agnew,	Gaffney,	Magee,	Royer,
Amarando,	Garlock,	Mahan,	Rubin,
Anderson, M. S.,	Gelfand,	Markley,	Rudisill,
Anderson, S. A.,	George,	Maxwell,	Sarra,
Ashton,	Gibb,	McCann,	Scarcell,
Auker,	Gibson,	McCormack,	Schuster,
Banker,	Goldstein,	McGee,	Sherman,
Barnatovich,	Gramlich,	McInroy,	Sigman,
Bazin,	Greenwood,	McKeever,	Smith, C. O.,
Bell,	Guss,	McLaughlin,	Smith, Wm. B.,
Blair,	Guthrie,	McWhorter,	Snider,
Boles,	Hamilton, R. K.,	Meholchick,	Stank,
Bonner,	Hass,	Metz,	Stebbins,
Boory,	Haudenschild,	Mihm,	Steckel,
Bower,	Heavey,	Mikula,	Stephens,
Branca,	Heim,	Miller,	Stevenson,
Breisch,	Henzel,	Mills,	Stone,
Brennan, A. P.,	Hewitt,	Monroe,	Stoner,
Brennan, J. J.,	Hocker,	Moody,	Strausser,
Brenninger,	Holt,	Moran,	Stroup,
Breth,	Horst,	Moscip,	Swartz,
Brown,	Houk,	Muldowney,	Taylor,
Bucchin,	Isaacs,	Mullen,	Thomas,
Bullen,	Jenkins,	Munley,	Thompson,
Capano,	Johnson,	Murphy,	Tompkins,
Cianfrani,	Jones, G. E.,	Murray, H. P.,	Toll,
Clofi,	Jones, T. H. W.,	Murray, J. J.,	Toomey,
Cochran,	Jump,	Murray, P. G.,	Varallo,
Comer,	Kamyk,	Musto,	Vanner,
Connelly,	Kehler,	Naugle,	Vaughan,
Cooper,		Needham,	Verona,

Ourwood,  
Davis,  
Donahue,  
Donaldson,  
Dougherty,  
Down,  
Ehrgood,  
Eilberg,  
Erb,  
Eshleman,  
Ewing,  
Farabaugh,  
Filo,  
Fineman,  
Flint,  
Floyd,  
Flynn,  
Foster,  
Frank,  
Frascella.

Keller,  
Kent,  
Kline,  
Knecht,  
Kolankiewicz,  
Kooker,  
Kornick,  
Kratz,  
Kromer,  
Lafore,  
Lawyer,  
Leiby,  
Leisey,  
Leonard,  
Leven,  
Light,  
Limper,  
Lippincott,  
Lopresti,  
Lovett,

Ogilvie,  
Olsen,  
O'Neil,  
Pacchioli,  
Parry,  
Pashley,  
Paulhamus,  
Petrosky,  
Pettigrew,  
Polaski,  
Polen,  
Pomeroy,  
Price,  
Pursley,  
Readinger,  
Reibman,  
Reidenbach,  
Renwick,  
Rigby,  
Rosen,  
Wall,  
Wallace,  
Walsh,  
Wargo,  
Waterhouse,  
Weidner,  
Welsh,  
Wescott,  
Wheeler,  
Whitenight,  
Willaredt,  
Williams,  
Wilt,  
Wood,  
Worley,  
Yetter,  
Yetzer,  
Young,  
Ziegler,  
Andrews,  
Speaker

NAYS—0

NOT VOTING—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL PASSED OVER

There being no objection

Senate Bill No. 274, Printer's No. 88 was passed over at the request of the SPEAKER pro tempore.

Agreeably to order,

The House proceeded to the third reading and consideration of Senate Bill No. 467, entitled:

An Act providing for the creation and incorporation as municipal corporations of joint service districts by cities of the third class boroughs towns and townships to carry out certain of their municipal functions prescribing the officers and powers and duties of such districts and the duties of participating municipalities and conferring jurisdiction on courts of quarter sessions in connection therewith

On the question,

Will the House agree to the bill on third reading?

Mr. TOLL. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

Amend Title, page 1, line 1 of Title, by striking out "municipal corporations" and inserting in lieu thereof "bodies corporate and politic."

Amend Title, page 1, line 2 of Title, by inserting after "by" "counties."

Amend Title, page 1, line 2 of Title, by striking out "of the third class."

Amend Title, page 1, line 3 of Title, by striking out "carry out certain of their municipal" and inserting in lieu thereof "perform certain."

Amend Title, page 1, line 4 of Title, by striking out "officers and."

Amend Title, page 1, line 4 of Title, by inserting after "such" "joint service."

Amend Title, page 1, line 5 of Title, by striking out "municipalities" and inserting in lieu thereof "counties, cities, boroughs, towns and townships."

Amend Sec. 1, page 2, line 3, by inserting after "any" "county."

Amend Sec. 1, page 2, line 3, by striking out "of the third class."



Amend Sec. 1, page 2, line 5, by inserting after "of" "counties."

Amend Sec. 1, page 2, line 6, by striking out "of the third class."

Amend Sec. 1, page 2, line 9, by striking out "municipal corporation" and inserting in lieu thereof "body corporate and politic."

Amend Sec. 2, page 2, line 18, by striking out "of their municipal."

Amend Sec. 5, page 5, line 8, by striking out "municipality."

Amend Sec. 15, page 12, line 15, by striking out "of direction."

The SPEAKER. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

#### BILLS PASSED OVER

There being no objection

Senate Bill No. 524, Printer's No. 339,

Senate Bill No. 543, Printer's No. 231,

Senate Bill No. 685, Printer's No. 317,

Senate Bill No. 686, Printer's No. 444,

Senate Bill No. 687, Printer's No. 460,

Senate Bill No. 689, Printer's No. 445,

Senate Bill No. 690, Printer's No. 461,

Senate Bill No. 691, Printer's No. 462,

Senate Bill No. 692, Printer's No. 346,

Senate Bill No. 694, Printer's No. 347, and

Senate Bill No. 697, Printer's No. 359,

were passed over at the request of the SPEAKER pro tempore.

Agreeably to order,

The House proceeded to the third reading and consideration of Senate Bill No. 758, as follows:

An Act amending the act of June 25, 1947 (P. L. 1145) entitled as amended "An act empowering cities of the second class cities of the second class A cities of the third class boroughs towns townships of the first class townships of the second class school districts of the second class school districts of the third class and school districts of the fourth class to levy assess and collect or to provide for the levying assessment and collection of certain additional taxes subject to maximum limitations for general revenue purposes authorizing the establishment of bureaus and the appointment and compensation of officers and employees to assess and collect such taxes and permitting penalties to be imposed and enforced providing an appeal from the ordinance or resolution levying such taxes to the court of quarter sessions and to the Supreme Court and Superior Court" authorizing taxing authorities to impose real property transfer taxes on either the transferor or on the transferee

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Subsection A of section 1 act of June 25, 1947 (P. L. 1145) entitled as amended "An act empowering cities of the second class cities of the second class A cities of the third class boroughs towns townships of the first class townships of the second class school districts of the second class school districts of the third class and school districts of the fourth class to levy assess and

collect or to provide for the levying assessment and collection of certain additional taxes subject to maximum limitations for general revenue purposes authorizing the officers and employees to assess and collect such taxes and permitting establishment of bureaus and the appointment and compensation of penalties to be imposed and enforced providing an appeal from the ordinance or resolution levying such taxes to the court of quarter sessions and to the Supreme Court and Superior Court" amended June 28, 1955 (Act No. 60) is amended to read

Section 1 A Delegation of Taxing Powers and Restrictions Thereon The duly constituted authorities of the following political subdivisions cities of the second class cities of the second class A cities of the third class boroughs towns townships of the first class school districts of the second class school districts of the third class and school districts of the fourth class may in their discretion by ordinance or resolution for general revenue purposes levy assess and collect or provide for the levying assessment and collection of such taxes as they shall determine to be paid by the transferor or transferee as determined by the taxing authority upon the transfer of real property or of any interest in real property situate within such political subdivisions regardless of where the instruments making the transfers are made executed or delivered or where the actual settlements on such transfers take place and on persons transactions occupations privileges subjects and personal property within the limits of such political subdivisions except that such local authorities shall not have authority by virtue of this act (1) to levy assess and collect or provide for the levying assessment and collection of any tax on the transfer of real property when the transfer is by will or the intestate laws of this Commonwealth or on a privilege transaction subject occupation or personal property which is now or does hereafter become subject to a State tax or license fee or (2) levy assess or collect a tax on the gross receipts from utility service of any person or company whose rates and services are fixed and regulated by the Pennsylvania Public Utility Commission or on any public utility services rendered by any such person or company or on any privilege or transaction involving the rendering of any such public utility service or (3) except on sales of admission to places of amusement or on sales or other transfers of title or possession of property to levy assess or collect a tax on the privilege of employing such tangible property as is now or does hereafter become subject to a State tax or (4) to levy assess and collect a tax on goods and articles manufactured in such political subdivision or on the by-products of manufacture or on minerals timber natural resources and farm products produced in such political subdivision or on the preparation or processing thereof for use or market or on any privilege act or transaction related to the business of manufacturing the production preparation or processing of minerals timber and natural resources or farm products by manufacturers by producers and by farmers with respect to the goods articles and products of their own manufacture production or growth or on any privilege act or transaction relating to the business of processing by-products of manufacture or on the transportation loading unloading or dumping or storage of such goods articles products or by-products (5) to levy assess or collect a tax on salaries wages commissions compensation and earned income of nonresidents of the political subdivision Provided That this limitation (5) shall apply only to school districts of the second third and fourth classes (6) to levy assess or collect a tax on personal property subject to taxation by counties or on personal property owned by persons associations and corporations specifically exempted by law from taxation under the county personal property tax law Provided That this limitation (6) shall not apply to cities of the second class

Subject to the limitations prescribed in this act the duly constituted authorities of townships of the second class may in their discretion by ordinance or resolution for general revenue purposes levy assess and collect or



provide for the levying assessment and collection of any one or more of the following taxes

(1) A per capita tax upon individuals not to exceed \$5

(2) A tax on the transfer of real property as herein provided for other political subdivisions

(3) A tax on admissions to places of amusement athletic events and the like

(4) A tax on the use or occupancy of house trailers suitable for living quarters

No township shall levy a per capita tax for the same period for which it levies an occupation tax

Every ordinance or resolution which imposes a tax under the authority of this act shall impose such tax for one year only and shall be passed or adopted if for a school district during the period other school taxes are required by law to be levied and assessed by such district. Each ordinance and resolution shall state that it is enacted under the authority of the act of June twenty-fifth one thousand nine hundred forty-seven (P. L. 1145) and its amendments Any ordinance or resolution now in effect which imposed any such tax for a period of more than one year shall remain in effect and the taxes imposed by such ordinance or resolution shall be collected for the current tax year only

\* \* \*

Section 2 All ordinances and resolutions heretofore adopted imposing taxes upon the transfer of real property or of any interest in real property and directing the tax to be paid by the transferee shall continue in full force and effect All such ordinances and resolutions and the collection of all taxes thereunder are validated

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

#### YEAS—187

Adam.	Frost,	Magee,	Rovansek,
Agnew,	Gaffney,	Mahan,	Royer,
Amarando,	Garlock,	Markley,	Rubin,
Anderson, M. S.,	Gelfand,	Maxwell,	Sarra,
Anderson, S. A.,	George,	McCann,	Scarcell,
Barnatovich,	Gibb,	McCormack,	Schuster,
Bazin,	Gibson,	McGee,	Sigman,
Bell,	Greenwood,	McInroy,	Smith, C. O.,
Blair,	Guss,	McKeever,	Smith, Wm. B.,
Boles,	Guthrie,	McLaughlin,	Snider,
Bonner,	Hamilton, R. K.,	McWherter,	Stank,
Boory,	Hass,	Meholchick,	Stebbins,
Bower,	Haudenschild,	Metz,	Steckel,
Branca,	Heavy,	Mihm,	Stephens,
Brelsich,	Helm,	Mills,	Stone,
Brennan, A. P.,	Henzel,	Monroe,	Stoner,
Brennan, J. J.,	Hewitt,	Moody,	Strausser,
Brenninger,	Hocker,	Moran,	Stroup,
Breth,	Holt,	Moscrip,	Swartz,
Bucchin,	Horst,	Muldowney,	Taylor,
Bullen,	Houk,	Mullen,	Thomas,
Capano,	Isaacs,	Munley,	Thompson,
Cianfrani,	Jenkins,	Murray, H. P.,	Toll,
Cioff,	Johnson,	Murray, J. J.,	Toomey,
Cochran,	Comer,	Murray, P. G.,	Varallo,
Comer,	Jones, G. E.,	Musto,	Varner,
Connelly,	Jones, T. H. W.,	Naugle,	Vaughan,
Cooper,	Kamyk,	Needham,	Verona,
Curwood,	Kehler,	Ogilvie,	Wall,
Donahue,	Keller,	Olsen,	Wallace,
Donaldson,	Kline,	O'Neil,	Walsh,
Dougherty,	Knecht,	Paccholi,	Wargo,
Down,	Kolaniewicz,	Parry,	Waterhouse,
Ehrgood,	Kooker,	Pashley,	Weldner,
Ellberg,	Kornick,	Paulhamus,	Welsh,
Erb,	Kratz,	Petrosky,	Wescott,
Eshleman,	Kromer,	Pettigrew,	Wheeler,
Ewing,	Lafore,	Polaski,	Whitenight,
Farabaugh,	Lawyer,	Polen,	Willaredt,
Filo,	Leiby,	Pomeroy,	Williams,
Fineman,	Leonard,	Price,	Wilt,
Flint,	Leven,	Readinger,	Wood,
Floyd,	Light,	Reibman,	Yetter,
Flynn,	Limper,	Reidenbach,	Yetzer,

Foster,  
Frank,  
Frascella,

Lippincott,  
Lopresti,  
Lutty,

Renwick,  
Rigby,  
Rosen,

Young,  
Ziegler,  
Andrews,  
Speaker

#### NAYS—20

Ashton,  
Auker,  
Banker,  
Brown,  
Davis,

Goldstein,  
Gramlich,  
Jump,  
Kent,  
Leisey,

Lovett,  
Mikula,  
Miller,  
Murphy,  
Pursley,

Rudisill,  
Sherman,  
Stevenson,  
Tompkins,  
Worley,

#### NOT VOTING—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House of Representatives has passed the same without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of Senate Bill No. 775, as follows:

An Act making an appropriation to the Joint Committee appointed by the Senate and House of Representatives to investigate the Pennsylvania Training School at Morganza

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of six thousand dollars (\$6,000) or as much thereof as may be necessary is hereby specifically appropriated to the Joint Committee appointed by the Senate and House of Representatives to investigate the Pennsylvania Training School at Morganza The money shall be used for the payment of expenses of the committee and the members thereof in the performance of the functions and duties for which the committee was created

Section 2 The sum appropriated shall be paid on warrant of the Auditor General in favor of either of the co-chairmen of the Joint Committee on the presentation of his requisition for the same the co-chairmen of the Joint Committee appointed by the Senate and House of Representatives to investigate the Pennsylvania Training School at Morganza shall not later than thirty days after the termination of their term of office or until their successors are elected and also within thirty days after the adjournment of any regular or special session file an account with the Auditor General of the committee's expenses since the filing of the prior account

Section 3 This act shall take effect immediately the appropriation made hereby shall be available only for expenditures made and obligations incurred during the continuance of the 1955 Session of the General Assembly

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

#### YEAS—207

Adam,	Gaffney,	Mahan,	Royer,
Agnew,	Garlock,	Markley,	Rubin,
Amarando,	Gelfand,	Maxwell,	Rudisill,
Anderson, M. S.,	George,	McCann,	Sarra,
Anderson, S. A.,	Gibb,	McCormack,	Scarcell,
Ashton,	Gibson,	McGee,	Schuster,
Auker,	Goldstein,	McInroy,	Sherman,
Banker,	Gramlich,	McKeever,	Sigman,
Barnatovich,	Greenwood,	McLaughlin,	Smith, C. C.,
Bazin,	Guss,	McWherter,	Smith, Wm. B.,
Bell,	Guthrie,	Meholchick,	Snider,
Blair,	Hamilton, R. K.,	Metz,	Stank,
Boles,	Hass,	Mihm,	Stebbins,
Bonner,	Haudenschild,	Mikula,	Steckel,
Boory,	Heavy,	Miller,	Stephens,
Bower,	Helm,	Mills,	Stevenson,
Branca,	Henzel,	Monroe,	Stone,



Brelsich,	Hewitt,	Moody,	Stoner,
Brennan, A. P.,	Hocker,	Moran,	Strausser,
Brennan, J. J.,	Holt,	Moscrip,	Stroup,
Brenninger,	Horst,	Muldowney,	Swartz,
Breth,	Houk,	Mullen,	Taylor,
Brown,	Isaacs,	Munley,	Thomas,
Bucchin,	Jenkins,	Murphy,	Thompson,
Bullen,	Johnson,	Murray, H. P.,	Toll,
Capano,	Jones, G. E.,	Murray, J. J.,	Tompkins,
Cianfrani,	Jones, T. H. W.,	Murray, P. G.,	Toomey,
Cloffi,	Jump,	Musto,	Varallo,
Cochran,	Kamyk,	Naugle,	Varner,
Comer,	Kehler,	Needham,	Vaughan,
Connelly,	Keller,	Ogilvie,	Verona,
Cooper,	Kent,	Olsen,	Wall,
Curwood,	Kline,	O'Neill,	Wallace,
Davis,	Knecht,	Pacchioli,	Walsh,
Donahue,	Kolankiewicz,	Parry,	Wargo,
Donaldson,	Kooker,	Pashley,	Waterhouse,
Dougherty,	Kornick,	Faulhamus,	Weidner,
Down,	Kratz,	Petrosky,	Welsh,
Ehrgood,	Kromer,	Pettigrew,	Wescott,
Eilberg,	Lafore,	Polaski,	Wheeler,
Erb,	Lawyer,	Polen,	Whitenight,
Eshleman,	Leiby,	Pomeroy,	Willaredt,
Ewing,	Lelsey,	Price,	Williams,
Farabaugh,	Leonard,	Pursley,	Wirt,
Filo,	Leven,	Readinger,	Wood,
Fineman,	Light,	Reibman,	Worley,
Flint,	Limper,	Reldenbach,	Yetter,
Floyd,	Lippincott,	Renwick,	Yetzer,
Flynn,	Lopresti,	Rigby,	Young,
Foster,	Lovett,	Rosen,	Ziegler,
Frank,	Lutty,	Rovaneck,	Andrews,
Frascella,	Magee,		Speaker
Frost,			

NAYS—0

NOT VOTING—0

The majority required by the Constution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed the same with amendments in which the concurrence of the Senate is requested

## BILL PASSED OVER

There being no objection

Senate Bill No. 871, Printer's No. 366 was passed over at the request of the SPEAKER pro tempore.

RESOLUTION  
CONDOLENCE

Mr. KRATZ, Mrs. HENZEL, Messrs. WILLAREDT, THOMAS H. W. JONES and BRENNINGER offered a resolution which was read, considered and unanimously adopted as follows:

In the House of Representatives, January 16, 1956.

At the age of seventy-five years, Mrs. John A. Lafore, of Penn Valley Farm, Penn Valley, Pennsylvania, the mother of one of our fellow members of the House of Representatives, John A. Lafore, Jr., died recently.

Mrs. Lafore the former Anne Shearer, was married to the late John A. Lafore, a paper manufacturer, and is survived by Robert W. Lefore, of Moylan, Laurence Lafore of Swarthmore, Pennsylvania, a daughter, Mrs. Edward O. Forstall, of Penn Valley and State Representative John A. Lafore, Jr.

A graduate of the Baldwin School and Swarthmore College, she was a former president of the St. Nicholas Day Nursery and the first president of the Penn Valley Garden Club. She was also active in the Children's Aid of Montgomery County, the League of Women Voters, the Emergency Aid and the Red Cross. She was also a member of the New Century Club.

It was through the inspiration and teaching of Mrs. Lafore that her sons have achieved success in business and in public life; therefore be it

Resolved, That the members of the House of Representatives extend their sympathies to the Honorable John A. Lafore, Jr., and to his brothers and his sister in their hour of loss; and be it further

Resolved, That a copy of this resolution be sent to the Honorable John A. Lafore, Jr. and to his brothers and sister.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Montgomery, Mr. Lafore.

Mr. LAFORE. Mr. Speaker, on behalf of myself and the members of my family, I deeply appreciate the resolution and the sympathy expressed in it and wish to thank my colleagues from Montgomery and all the Members of the House.

## RESOLUTION TO DISCHARGE COMMITTEE

Messrs. BAZIN, GELFAND, FRANK, BARNATOVICH, FINEMAN, EILBERG, ROSEN, McCORMACK, MEHOLCHICK, PACCHIOLI, J. J. BRENNAN, FLYNN, RENWICK, and CAPANO offered a resolution which was read as follows:

In the House of Representatives, January 16, 1956.

Resolved, That House Bill No. 784, entitled "An act providing for a referendum to determine the will of the electorate in regard to horse racing with legal wagering within the State" having been referred to the Committee on Rules on March 29, 1955, and the committee not having reported the same to the House for a period of over ten days, the committee is discharged from further consideration thereof.

On the question,

Will the House adopt the resolution?

Mr. READINGER. Mr. Speaker, I rise to oppose the adoption of this resolution. It seeks to remove from the jurisdiction the Committee on Rules, which meets frequently, House Bill 784, which is entitled:

An Act providing for a referendum to determine the will of the electorate in regard to horse racing with legal wagering within the State.

In oppose this resolution mainly on the ground that on March 22nd in the Senate of Pennsylvania an identical bill, so far as I can ascertain, which also provided for a referendum to be submitted to the public on this very question, was defeated by a vote of 26—20.

In my opinion if this bill is brought out of Committee under this resolution and voted on favorably by this House, is will meet the same doom in the Senate as Senate Bill 92 did on March 22nd.

I find myself in a most peculiar position in this respect because for many years I have been prepared not only to vote for a referendum on this question, but to vote to legalize pari-mutuel betting in this state.

Nevertheless, I see no sense in forcing this bill from our Committee for a vote on the floor of this House with almost absolute certainty that if it ever gets to the Senate it will meet the same fate as Senate Bill 92.

I therefore ask the Members to vote against this resolution, and I ask for a roll call.

Mr. BAZIN. Mr. Speaker, I wonder if I may at this time interrogate the Majority Leader?

The SPEAKER pro tempore. Will the Majority Leader permit himself to be interrogated?

Mr. READINGER. I shall, Mr. Speaker.

Mr. BAZIN. Mr. Speaker, am I to understand that in the future we will not vote on any bills here in the



House because we know the Senate is going to kill them? We voted on bills before which we knew the Senate would kill, and we are going to be voting on bills again that the Senate will kill. I do not think that is a just argument against this particular bill.

Mr. READINGER. Is the gentleman asking me a question? If he is I did not understand it.

Mr. BAZIN. Mr. Speaker, according to the gentleman's statement we do not want to release this bill because he is certain the Senate will kill it. I believe the Committee recently released bills which we were sure the Senate would kill, but they were released for a vote here. Why is this particular bill any different in standing than other bills?

Mr. READINGER. Perhaps, Mr. Speaker, I should say in answer to that this is no different from other bills which have been passed by this House with almost certain knowledge on our part that they would not meet with the approval of the Senate. I think the gentleman, if he looks over those bills, will find they do not deal with social legislation, a method of living and a method of raising money, perhaps, such as is involved in this bill.

It is my position that there is no point in bringing this bill out on the floor of the House for a vote because it can only do one of two things, it can be passed, and I say the defeat of it in the Senate is almost certain, or it can be defeated by this House.

It is my preference not to force the membership of this House to vote on this bill if it does not have to be done.

The gentleman well knows that throughout the Commonwealth there is a great controversy concerning the rightness or wrongness of pari-mutuel wagering on horse races.

I realize the gentleman has every right to introduce this resolution and try to force the membership of the House to vote on this question. I am asking the membership not to force that issue at this time in view of the situation which exists in the Senate.

Mr. BAZIN. Mr. Speaker, we are not trying to force any racing on anybody according to this bill. All this bill does is give the people of Pennsylvania the right to vote yes or no on whether they want to pay some form of tax through horse racing.

Mr. CHARLES C. SMITH. Mr. Speaker, I cannot resist starting what I am going to say, by saying that when the Majority Leader says he is in a peculiar position, I agree with him. He is in a peculiar position to resist the discharge of a committee, and after many years of his being in the minority and hearing his very strong "aye" when it came to discharge any committee, I agree that he is in a peculiar position.

We are not going to be placed in a peculiar position on this side of the House as a minority party. We have never believed in the discharge of committees. We have always said that the merits or demerits of a bill were never based on the vote for or against the discharging of committees.

I agree with the Majority Leader that if we are to have any type of organization in our state government we have to abide by the committee system.

On this side of the House I ask all of the Members

to be consistent, we have always voted against the discharge of a committee.

Let me remind the gentleman from Philadelphia that the merits do not enter into this. I ask the Members on this side of the House to again be consistent and vote "no" against any discharge resolution.

Mr. READINGER. Mr. Speaker, I may have misunderstood a few of the remarks of the gentleman from Philadelphia, Mr. Smith, but if he said anything which indicates that in the past, or now, I am opposed in principle to discharging committees from bills, I want to correct that statement. I have never been opposed in principle to discharging a committee from a bill when I thought it was proper to do so.

I am arguing in this case that it is not proper to do so for certain reasons which I have already given. I welcome the support I will probably get from their side in voting against this resolution. I welcome it very much, but I do not want the gentleman to leave me in a position, by inference, of being opposed to the discharge of any committee from a certain bill.

Mr. CHARLES C. SMITH. Mr. Speaker, I probably did not phrase my words correctly. I know the gentleman has never been opposed to discharging committees. It has been this side of the House that has been opposed.

I would like also to remind the gentleman that we intend to stay consistent throughout the session no matter how long it lasts, and I say that with dread, but we will not vote to discharge any committee on any bill.

On the question recurring,

Will the House adopt the resolution?

On a rising vote, less than one hundred and six Members having voted in the affirmative, the resolution was not agreed to.

## RESOLUTION

Miss LEIBY offered a resolution which was filed with the Clerk.

## REPORT FROM COMMITTEE

Mr. KOLANKIEWICZ from the Committee on Rules, reported as committed, Senate Resolution, Serial No. 158.

## PERMISSION TO ADDRESS HOUSE

Mr. TOMPKINS asked and obtained unanimous consent to address the House.

Mr. Speaker, I think the Members of the House will be vitally interested in what I have to say. It is going to be very brief.

I want to read a list of recent appointments which have been made in our state government which I think is very vital to all of us, as follows:

State Regional Medical Director in the Department of Health appointed on December 1, 1955 at a salary of \$11,532, from Hotel Elton, Waterbury, Connecticut.

Regional Supervisor Children's Service, Welfare Department appointed December 1, 1955 at a salary of \$6,714, from 1210 Radnor Place, Falls Church, Fairfax, Virginia.

Assistant Director, Bureau of Economic Research in the Commerce Department appointed on December 19, 1955 at a salary of \$10,260, from 6304 Lehigh Highway, Arlington 5, Virginia.

A hospital analyst in the Department of Welfare Medical Facilities Survey, appointed on September 26, 1955 at a



salary of \$6,510, from Hotel Martinque, New York, New York.

Vocational Rehabilitation Consultant in the Department of Welfare, Blind Rehabilitation, appointed October 3, 1955 at a salary of \$6,294, from 617 East Dominion Boulevard, Columbus, Ohio.

Chief Division of Statistical Methods in the Department of Health appointed October 17, 1955 at a salary \$6,294, from 402 West Edward Street, Springfield, Illinois.

Public Health Educator in the Department of Health appointed on October 3, 1955, at a salary of \$5,058, from 3535 Staunton Road S. E., Washington, District of Columbia.

Executive Director of the Pennsylvania Fish Commission at a salary of \$12,500. who gives his present address as Penn-Harris Hotel, Harrisburg, but actually is from Georgia.

Chief of Flood Control in the Department of Forests and Waters appointed on October 10, 1955 at a salary of \$8,994, from 119½ North Monroe Street, Clinton, Illinois.

Chief Accountant in the Department of Justice, appointed on October 17, 1955 at a salary of \$8,352, from York, Pennsylvania.

Mr. Speaker, there are ten appointments made in your government of the Commonwealth of Pennsylvania within the past three months, and only one of those ten comes from the Commonwealth of Pennsylvania. Have we come to a condition in the state of Pennsylvania where among ten million people we do not have enough qualified people to run our own government?

#### PERMISSION TO ADDRESS HOUSE

Mr. McINROY asked and obtained unanimous consent to address the House.

Mr. Speaker, I am going to speak on a subject right now that concerns probably more people in the state of Pennsylvania than any other thing. As you go around this state, there are two things that the people of Pennsylvania seem to be talking about more than any other. One is: Is President Eisenhower going to run for a second term, and the second is what is going to be the new tax program in the state of Pennsylvania?

I am not going to say anything on the first question, but I am going to talk about the second one because if you read tonight's paper, and I have it before me. The Evening News, and it would be the same in any other paper in the state of Pennsylvania, you will find most of the headlines are concerned with the tax problem. That is not only true tonight but it will be true tomorrow and it will be true tomorrow night and it has been true all the past year.

As I sit in my seat back here in the back part of the room, humbly listening to what our leaders and certain others were saying during the whole year, as I watched this picture in front, I was thinking to myself, what would some of those great leaders in the past do if they sat in our seats as we have sat this whole year and going into a new year with the tax problem still unsettled? So I have decided to write a few things, and with your kind permission I shall read them to you hurriedly this afternoon, not because I want to make a show of myself but because I think it is timely to call these things to your attention because we are going to decide on these things, I hope, before next election next November.

As this is the beginning of a new year, I rise today to

talk for a few minutes about this tax situation. Every where we go we are confronted with this question, what are going to be our new taxes? What about payments due the schools, the state institutions, etc?

When your humble servant was about twelve years of age he was asked to sing a song at a Christmas program and although this happened many years ago, I have never forgotten the words nor the music of that little song. Do not be alarmed, I have no intention of singing that song before this distinguished body of tired legislators. However, I hope that some of you at least might be interested in the words of that song. They went something like this:

Outside a mansion, bright and gay  
Upon a Christmas eve,  
There stood a ragged, homeless child,  
Whose heart began to grieve.  
The boy looked in with tear-dimmed eyes  
And to himself he said:  
'Why can't I have a home like this,  
Some place to lay my head?'

Chorus.

The Christmas time is over now,  
The poor child's heart is sad.  
He thinks of all he saw that night;  
It makes him feel so bad.  
He wanders on just as before,  
His heart is filled with sighs.  
He lays his weary head right down  
Upon the ground and cries.

Chorus

Now, Mr. Speaker, I would like to talk about the tax problem and use this little song as a comparison as to what has been going on in this great Commonwealth.

The little boy looking in the window is our present Governor. Back of him are standing a host of Democrats and a number of mistaken Republicans. In order to get inside this well-lighted and comfortable home, this group or perhaps more accurately, some leaders in this group, decided to do certain things. This youth, mounted on a white charger, went all over this state of Pennsylvania, promising the voters certain things, among them the greatest "pie in the sky" lie of all in the annals of politics in Pennsylvania, that he could let the sales tax, that terrible dragon of a tax die, and balance the budget by savings by him and his party and still give the people more services than ever before.

Now, you Members of the majority party have been reminded of that great and inexcusable hoax, I hope you get that last word, "inexcusable" hoax on the people until no doubt you do not want to hear it again today, but like elephants, that we are on this side of the House, some of us have long memories and these promises so glibly given will come back to haunt you again and again.

But you say, Mr. Speaker, "I never said those words." Perhaps you did not, Mr. Speaker, or the Speaker who is absent this afternoon, perhaps he did not either and perhaps some of you majority Members did not, but there is an old and true saying that "silence gives consent." All over this great Commonwealth that was the theme song of the now majority party: "Down with that terrible sales tax, and no tax is needed to take its place." You and other good Democrats knew the truth but you kept silent, and by your silence you gave consent.

Now it is hard to beat a Santa Claus. Most everyone



loves a Santa Claus, particularly if he brings us what we want and does not charge us a single cent in our own money. The people voted for a Santa Claus but it turned out that he was not a real Santa Claus.

The little song said in the second verse, "The Christmas time is over now, The poor child's heart is sad" etc. Mr. Speaker, the Christmas time is over now, and not only is our Governor sad or should be sad, but you are sad, we are sad, the people are sad, the school boards are sad and I might say angry, and thousands of the voters are sadder and wiser. You fooled a lot of the people some of the time but that time is over now. You were able to get inside that well-lighted home which we call the Capitol building, the Education building and all the rest of the state buildings, get jobs for your fellow workers for the benefit of your party or for the downfall of your party as it may turn out to be.

In your propaganda against the sales tax you tried to make, and succeeded in making a terrible monster out of a timid rabbit of a tax. This terrible monster may turn on you and destroy your dreams before we are finished. By your propaganda and resistance to an income tax in 1951, because you said it was so hard on the common people—and I heard many of you say that on that side of the House, it was so hard on the common people—by your resistance to the other broad base tax, the sales tax, which we proposed and finally passed, not with your help on the other side of the House though, you have the voters tax-conscious in the state of Pennsylvania. Do not fool yourselves. Whatever tax you force through this House and get enough Republican Senators to go along with you, you will find there will now be plenty of resistance from the people who have to pay that tax, and I do not care what kind of a tax you succeed in passing, you will have plenty of opposition from the people themselves and you have yourselves and your leaders to blame for this, to a great extent.

They just had an election over in France and I would like to call your attention to this fact, that over in France in that election they had a whole group, or party, that ran on the same program that you Democrats ran on, the theory of no taxes. The people of France will rue the day that they voted for them and you will rue the day that they voted for your no tax program, too.

You should now begin to see what our leaders tried to point out to you for so many years. It is so easy to criticize but so hard to please everybody.

Mr. Speaker, we heard you say, or rather the man who is absent this afternoon, when you were the Minority Leader in this House, "Members of the Majority party, trot out your program of taxation and if you have 106 votes for it well and good."

Then let it go over to the other House, if you can convince three or four Republican Senators to vote for it, not because they think it is the best tax, but because something has to be done to give the needed revenue to keep the necessary functions of this State going along in high gear, then well and good. We shall then taken your tax to the voters at the next general election as the Democratic tax, while we Republicans shall stand on our record of taxation, the sales tax, with the modifications we would have placed in it this session if we had been returned to this House as the majority party.

It is just as simple as that, Mr. Speaker. We are going to argue this question out, I suppose, starting with tomor-

row and I want you to understand this fact, I have read the headlines tonight, I am not speaking for them, I am speaking for myself and certain Members on this side of the House, "Something's gotta give, something's gotta give," you know that song. You trot out your tax and if you can get it through all right and if you can get it through the Senate, all right.

I know what I would do if I were over in the Senate. I know what I would have done the day the classified income tax program went over there. I am going to say this, perhaps it may be that I will be defeated at by next election but I want you to hear this, everyone of you, if I had been over in the Senate and that tax had been given to me, I am afraid I would have voted for your classified income tax, because I think it stinks from beginning to end. I think it was the most unfair tax that has ever been given to the people of Pennsylvania. I would have carried it to the voters in this manner: we had to give the people of Pennsylvania something to run the schools on, we cannot run them on hot air, and I know that we would have won and the Democratic party would have been licked for thirty years on that tax program. We saved you as some of our Senators said over there, we saved your party from destruction, and you ought to thank us. We are now coming up to a new program and I am not going to talk about that this afternoon, because we hope to get a better tax program through than you would have had with either one of those other tax programs that you rammed down our throats over here in the House.

As we look toward the future, let us stick to the truth, the hole truth and nothing but the truth. Let us tell the people honestly: "We have no pie in the sky for you today. The cost of government is high—and I accent that word 'high'—'because of the many services you expect. Taxes will have to remain high to keep the necessary functions of a great state going along as they should.'" Why not say as did that great statesman, Winston Churchill said to the people of England when only that tiny country of Great Britain remained to confront the mighty armies of Germany and Russia, for remember Russia was then allied with Germany, this is what Winston Churchill said, "I can promise you only blood, sweat and tears." This did not dismay the brave people of Great Britain, because Winston Churchill told them the truth and they faced it as brave and freedom-loving people will always face the truth. We have confidence that the voters of Pennsylvania will face it too, if given the chance.

Unfortunately, this is an election year. Let us not think only of election this year, but of getting on with the job and finishing the tasks before us, so that we can get home to our other jobs and permit the people back home to breathe more easily when they know that we have indeed finished our work here, and that the wheels of progress in this great commonwealth will be assured of turning again during the remaining months of this biennium.

I do not need to remind you of this, and I hope all the people of this state get this statement, this is the longest session in the history of the Commonwealth of Pennsylvania since our Constitution was formed. Not a record to be proud of on either side of the House. Away with all our political smoke and propaganda, let us profit by your past mistakes, I said, your past mistakes. Let us go home and lick our wounds, that this Commonwealth of the people, by the people and for the people shall not be



brought down in bankruptcy. Let us not make the state safe for the Democrats but let us make it good for all of us.

#### PERMISSION TO ADDRESS HOUSE

Mr. READINGER asked and obtained unanimous consent to address the House.

Mr. Speaker, it is not my intention now to debate the matter of taxes in full, but I do want to answer a few remarks made by the gentleman who just spoke.

He has very thoroughly unburdened himself of many, many thoughts which probably have been piling up in his mind for many months. For that I cannot blame him. However, when we argue the matter of tax philosophy and what is right and what is wrong in our own viewpoints taxwise, we can get into many, many arguments of great length.

I gather from the gentleman's remarks that he thinks the Democratic Party made a terrible mistake in promising to get rid of the sales tax which his party saw fit to enact in 1953, and I gather he is assuming now that whatever we said about the sales tax we are going to be made to swallow in the near future. If he is assuming that, he might be right.

Last week some of the Members of the State Senate and some of the Members of this House had a meeting, at which time a certain proposition was made by the Democratic Representatives as a means of solving this tax problem. I personally requested that the Republican Senators meet today and consider the proposition made and give us an answer on whether they would take it or not.

We have now received the answer, and they will not take the latest proposal which was made, not by the administration, but by some of the Democratic Representatives in this House and in the Senate. We have further been told, in effect, that the only thing the Senate will take to raise enough money to finance this Commonwealth will be a retail sales tax, plus enough business taxes to raise the amount of money which they, the Senate Republicans are going to determine this Commonwealth shall have between now and May 31, 1957.

That is the position we are in at the moment, and I do not think the gentleman who just spoke, or anyone else, is going to have to wait very long before they are given the opportunity they have been asking for ever since the problem arose, and that is the opportunity to vote on a retail sales tax.

Mr. MCINROY. Mr. Speaker, may I just speak briefly in reply to the Majority Leaders statements?

In the first place, I would like to call to the attention of everybody that the Democratic party did not get rid of the sales tax. The sales tax died a natural death. It was put in for two years as an experiment and when the time came it died a natural death in spite of what anyone would say.

Mr. Speaker, I did not say I am for a sales tax, and this side of the House does not say that. You quoted the Senate, but I am not making any statement in regard to the sales tax. It would not surprise me, Mr. Majority Leader, but what things might turn out differently than what you have said this afternoon.

Under the conditions laid down by the Senate, and they will be laid down by Members over here, that we give 100 per cent support for a sales tax and you give just enough votes to pass it, I am going to tell you right now

that I am going to take the same position as a certain gentleman did in your party in regard to our tax. I will not vote for a sales tax under those conditions and I know a lot of others over here will not. We are not going to be forced to vote on it in that manner, Mr. Speaker. That is my stand. I don't know whether I will be read out of the party as a certain man said over there, but I know I am speaking for certain Republicans.

What has been laid down in the Senate and what has been laid down here is too high a price, because I can hear you Democrats taking it right out to the people again. I can see you on television, as I saw you last year, bring out some poor lady and saying, "Here she bought a dollar's worth of goods and she had to pay one penny. Oh, what an awful thing that is; what an awful thing." I heard that over and over until I got angry, and I am still angry, because again I repeat that that was a little rabbit of a tax, so timid that it amazed me that it got out of here with the exemptions and everything else in it. It did not hurt anybody, that little one cent tax. How you scared the people and built that great dragon out of it, I don't understand, except that people will buy once or twice what you tell them.

I want to tell you that the people are tax conscious now. I have had a lot of people tell me within the last three or four months, and I presume they have told others, "Give us back that little timed one per cent, we'll be tickled to death to have it in preference to an income tax or anything else."

I want to say this in regard to your leader on the other side and I have a high regard for Mr. Readinger, if you had listened to him months ago, this compromise plan he is now bringing up is a far better tax than either one of those other two taxes that were rammed through this House. It is a far better arrangement. I do not know when it is going through, but I am going to put myself on record as an individual and say to you as I honestly see it, that that two-for-two in my opinion is a better tax program than they tried to ram down your throats over there and now are trying to ram down our throats over here.

Mr. READINGER. Mr. Speaker, I do not want to prolong this, but I believe the gentleman interprets my remarks to mean that when a sales tax is laid before this House it will be laid before the House on the basis that if all the Republicans don't vote for it with the exception of the constitutional number they need to pass it, we are going to do so and so.

That is an assumption on his part. I have merely tried to state that it looks very much at the moment as though there will be no alternative but to bring a sales tax before this House and let every Member vote the way he wants to vote. I dare say there will be a lot of Republicans who will not vote for a three per cent sales tax of the kind that will be necessary to raise nearly all the money we are going to need.

I appreciate the gentleman's remarks in indicating that he thinks the proposal about which he has been reading in the paper for a two per cent income and a two per cent sales tax, with a fair number of exemptions, would be a better way to raise the tax. I think so, and I did my level best to persuade the gentlemen in the other branch of this Legislature that it was a better way to raise the money. As I say, We got their answer, and it is "no," and it is a very firm "no." That



leaves us in the position where we will have practically no alternative to escape bankruptcy except to bring out an adequate retail sales tax, which they say they will take, and see what happens to it in the House.

If the gentleman over there decides to vote against it, he has every right to do so, as the Members on this side will have the right to do. But if that fails to pass, I do not have the slightest idea of how we are going to raise the money to finance this Commonwealth.

### PERMISSION TO ADDRESS HOUSE

Mr. DOWN asked and obtained unanimous consent to address the House.

Mr. Speaker, I rise to place on the record of this House petitions, letters, reports of violence and other matters reflecting the growing fear of people over the threat to life, property and disregard for law and order resulting from the bitter strike of the International Union of Electrical Workers against Westinghouse Electric Corporation plants in Sharon and Greenville, both located in my district.

The petitions, signed by many hundreds of Mercer County citizens from all ranks, demand a legislative investigation into the failure of the Commonwealth to provide the assistance of the State Police in enforcing an order of the Mercer County Court designed to assure peaceful picketing, when it was obvious local authorities could not do so alone.

Other petitions appeal to the Commonwealth to make use of forces at its disposal in the future to maintain law and order and to prevent any further destruction of property, invasion of the citizens' rights and violence which, in past weeks, has frequently taken the form of actual physical attacks upon the persons of individuals.

I also submit a copy of the text of the court's order, photographs of the strike scene, newspaper clippings reporting scores of incidents of violence resulting from the dispute and medical records of persons injured in such acts of violence.

This is a painful duty I perform. Yet, bound as I am by my oath to support the Constitution of this Commonwealth and the federal government, it is one I cannot, in good conscience, ignore.

It is painful because for the past three months I have been watching at close hand a breakdown of the constitutional processes of our government which can only result when the authority of our courts and laws are openly and deliberately flouted. These things are the very basis for peaceful and respectful relationships between people.

It is made even more painful by the knowledge that many of the people directly involved on both sides of this dispute not only are neighbors, but close personal friends as well.

I urge the Members of this House to give sober and earnest consideration to the full implication of these matters which I bring to their attention. May I also urge that they study these documents closely with a view to meeting the questions they raise in future remedial legislation.

Regardless of the issues involved in this dispute and the views which we as individuals may hold on them, the fact remains that if the law gives the workingman the right to strike or not to strike, and management the right

to manage, we as the makers of the law have the right and, perhaps even more important, the duty to insist that they be observed and enforced to the fullest by those who have this responsibility.

Only in this way can we be assured that our constitutional government, with its blessed concept of individual rights and individual liberties, will be maintained. Our failure or refusal to recognize the full implications of the situation at hand can only open the way to more tragic and fearful consequences in the future.

I yield to the gentleman from Mercer, Mr. Young.

### PERMISSION TO ADDRESS HOUSE

Mr. YOUNG asked and obtained unanimous consent to address the House.

Mr. Speaker, while my legislative district does not actually encompass the area of the Sharon plant of Westinghouse, many of my constituents are employed there and are affected by the situation existing.

I do not want my remarks or the remarks of Mr. Down to be construed as concerning the issues of the strike; the issues of the strike do not enter into our conversation here today. All we are asking is that the Governor reconsider his decision to withhold State Police assistance and that this Legislature investigate the situation to see why such assistance has been withheld.

I assume that my petitions and enclosures are similar or identical with those referred to by Mr. Down, and I think they are reasonably conclusive.

One of the four freedoms that President Roosevelt guaranteed the people was the freedom from fear. We do not have the privilege of freedom from fear in Mercer County today, lives are being threatened, homes are being destroyed, disfigured by paint bombs, windows are being broken, cars are being upset, windows broken on cars, people are being brutally beaten, the orders of the court are being deliberately flouted, lawlessness is rife in Mercer County and it is time that this Legislature take some action to rectify this situation.

I therefore ask that the leadership of this House in its infinite wisdom, give favorable consideration to these petitions.

The SPEAKER pro tempore. The petitions will be filed with the Chief Clerk.

### PERMISSION TO ADDRESS HOUSE

Mr. RENWICK asked and obtained unanimous consent to address the House.

Mr. Speaker, I rise to ask unanimous consent of the House to place on the records an article pertaining to J. C. week, January 14th to the 21st.

The SPEAKER pro tempore. Without objection the remarks will be spread upon the record.

Mr. RENWICK. In celebrating the 36th anniversary of the founding of the United States Junior Chamber of Commerce, the Members of this House, The Ridgway Jaycees join with other Chapters throughout the county for one week of organized activities.

The National Jaycee organization has been organized since January 21, 1920 as a result of one Henry Geissenbier who saw a need for a young men's civic group and organized the first Chapter in St. Louis, Missouri, in 1915.

Built on the solid foundation of creating opportunities



for leadership training through community betterment projects, the Jaycees today, 200,000 strong, are active in 2900 communities in the United States and are organized in 60 counties, through Junior Chamber International Jaycee week presents an opportunity for Jaycees to pause briefly in their civic efforts for an inventory of their progress and community services. This observance also provides an opportunity to more fully inform the public of the aims and ideals of the Junior Chamber of Commerce.

It is customary for the Jaycees to honor a member of their community for an outstanding deed or deeds. In Ridgway this year the honor goes to Joseph Caggese, a truck driver who works out of the Boss-Linco terminal in there. During the terrible bottling Company fire last fall Mr. Caggese showed outstanding courage when he rescued Mrs. Lloyd Thomas and her small daughter who were hopelessly trapped by the fire that later burned their house completely to the ground. For his heroism Mr. Caggese will be given an honorary membership in the Ridgway Junior Chamber of Commerce and be presented with gifts of appreciation from the club at the Jaycee week banquet to be held Thursday, January 19th, at the St. Leos Social Hall in Ridgway.

Certificates of appreciation will be presented to the Ridgway Record, Radio Station WKBI and the Ridgway Television Company for their contributions of time, effort, and facilities that made past Jaycee projects successful. The Speaker for the evening, James Birty, prominent Cleveland sportscaster will provide entertainment on the light side, with his interesting stories of sports personalities and events. This promises to be a bang up night for the people that attend.

During the Jaycee week observance in Ridgway, the U. S. Junior Chamber of Commerce will recognize the ten outstanding young men of America for 1955, at a banquet in Springfield, Illinois. A past winner of this award, Richard Nixon, Vice President of the United States, will join with Hugh F. McKenna, U. S. Jaycee President, in making the presentations.

The qualities of leadership are an important item in the minds of the Junior Chamber of Commerce. One of the basic drives of this organization is to develop the desire and initiative in its members to assume a responsible role in the community. The Ridgway Junior Chamber of Commerce hopes to do just that.

#### PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. LEONARD asked and obtained permission for the Committee on Judiciary Special to meet during the session of the House.

#### SENATE MESSAGE

##### SENATE BILLS FOR CONCURRENCE

The SPEAKER pro tempore. The Speaker has referred the following Senate bills:

The Clerk of the Senate being introduced, presented for concurrence, bills numbered and entitled as follows:

SENATE BILL No. 820.

An Act amending the act of June 14 1935 (P. L. 341)

entitled as amended "Cigarette Tax Act" declaring the taxes to be a levy on the consumers and imposing duties on dealers.

Referred to the Committee on Ways and Means.

SENATE BILL No. 830.

An Act amending the act of May 21, 1943 (P. L. 571) entitled as amended "The Fourth to Eighth Class County Assessment Law" requiring notice of certain changes in property valuation to be given to political subdivisions in which the properties are located.

Referred to the Committee on Counties.

SENATE BILL No. 831.

An Act amending the act of June 26, 1931 (P. L. 1379) entitled "An act creating in counties of the third class a board for the assessment and revision of taxes . . ." requiring notice of certain changes in property valuations be given to political subdivisions in which the properties are located.

Referred to the Committee on Counties.

SENATE BILL No. 832.

An Act amending the act of May 22 1933 (P. L. 853) entitled "The General County Assessment Law" requiring notice of certain changes in property valuations be given to political subdivisions in which the properties are located.

Referred to the Committee on Counties.

SENATE BILL No. 881.

An Act declaring the public interest in certain historic sites and buildings and providing for certificates and markers.

Referred to the Committee on Judiciary Special.

SENATE BILL No. 906.

An Act amending the act of June 20 1947 (P. L. 745) entitled "An act to provide revenue for school districts of the first class by imposing a temporary mercantile license tax on persons engaging in certain occupations and business therein; . . ." as amended, by changing the penalties on taxes not paid when due.

Referred to the Committee on Education.

#### HOUSE RESOLUTION NO. 129

Mr. AUKEK. Mr. Speaker, I call up on page 12 of today's calendar, House Resolution No. 129.

The resolution was read, considered and adopted as follows:

In the House of Representatives, November 22, 1955.

The issuing of licenses and tags for the hunting and killing of antlerless deer is a matter of great concern to all sportsmen as well as to the general public

The Pennsylvania Game Commission is given considerable power in determining the number of antlerless deer to be killed each year and regulates the number of licenses and tags to be issued

The House of Representatives requires for its use information concerning the equitableness and fairness of the method of issuing licenses and tags for the hunting and killing of antlerless deer therefore be it

Resolved That the Conservation and Wildlife Committee of the House of Representatives be directed to study and investigate

(1) The present method of issuing hunters' licenses and tags for antlerless deer

(2) Restrictions that should be imposed on Commonwealth agents with respect to the issuance of hunters' licenses and tags for antlerless deer to out-of-state resi-



dents out-of-county residents and residents of counties wherein the killing of antlerless deer is authorized

(3) The feasibility and advisability of issuing licenses and tags for periods of one two or three years and the assignability of such special licenses and tags when the holder thereof is ineligible to hunt antlerless deer because he has killed a male deer

(4) Methods of issuing hunters' licenses and tags so as to insure equitable and fair distribution thereof among the many resident and non-resident hunters and be it further

Resolved, That the committee report to the Pennsylvania Game Commission its findings and recommendations and be it further

Resolved That if the committee is of the opinion that legislation is necessary to accomplish its recommendations it report to the House of Representatives as soon as possible its findings and recommendations together with drafts of legislation necessary to carry the recommendations into effect

### HOUSE RESOLUTION NO. 139

Mr. KOLANKIEWICZ. Mr. Speaker, I call up on page 12 of today's calendar, House Resolution No. 139.

The resolution was read, considered and adopted as follows:

In the House of Representatives, December 14, 1955.

A grim Christmas and a sad New Year is in prospect for some 2,692 families in the Delaware Valley area which includes a great number of Philadelphians. The wage earners of those families are going to be fired many of them before the holidays arrive. The Federal Government is dismissing all these people US Civilian employees in the name of economy. And before it is too late before the bad effects of these needless and untimely layoffs spread it is hoped that the Federal agencies concerned will take swift steps to halt this planned layoff or unemployment.

The firing program lines up as follows 600 to be dismissed at the Naval Air Materiel Center 476 at the Naval Shipyard 1500 affected by plans to move the Army clothing manufacturing plant to the south and 116 handed dismissal notices at the Philadelphia Ordnance District.

These mass firings would come at a time when employment in this area has lagged. On the basis of latest available figures unemployment in this area is approximately 6 percent of the total available labor force as compared with the national average of about 3.5 percent. This situation is partially attributable to previous cuts in defense activity in this area which have been far out of proportion to the nation-wide reduction. Thus there can only be a harmful effect on the Delaware Valley and in turn on the Nation. Loss of income to these families loss of purchasing power to the region both will set a grave pattern and a worse precedent.

This is not real Federal economy. As the Chamber of Commerce of Greater Philadelphia points out we all support efforts at real economy halting needless expenditures wasteful practices and unnecessary jobs. But many workers affected here have been on the job for thirty years and their work has been considered of major value up to now. What's more hasty efforts to find jobs for those fired Federal employees elsewhere in the area overlook the fact that many of them may find that by sticking with the Federal Government over the years they are now too old to get the kind of jobs for which their skill and experience qualify them.

Firing or laying off of these workers who are defense workers would not only aggravate unemployment in critical areas but also would adversely affect the national defense effort. As an example the Naval Air Materiel Center is engaged in research design manufacture etc of naval aviation equipment. It has been learned that private industry has expressed no desire to perform the type of work performed because of its experimental nature and the small manufacturing quantities involved. Layoffs thus will result in the failure to meet military time

schedules delay in important projects increase costs and inefficiency therefor be it

Resolved (the Senate concurring) That the House of Representatives of the General Assembly of the Commonwealth of Pennsylvania memorialize the Congress of the United States and more specifically members of the Congress representing the Delaware Valley U S A to take such steps as are necessary to cancel these firings or layoffs and to reinstate those employees affected thereby for the better of the Delaware Valley and for the United States of America and be it further

Resolved That copies of this resolution be transmitted to the presiding officers of each House of the Congress of the United States to each Senator and Representative from Pennsylvania and New Jersey in the Congress of the United States and to Secretary of Defense Charles E Wilson

Ordered, That the Clerk present the same to the Senate for concurrence.

### BILL RE-REFERRED

Mr. ROBERT K. HAMILTON from the Committee on Judiciary Special, returned with the recommendation that it be re-referred to the Committee on Ways and Means, House Bill No. 1040, entitled:

An Act to repeal Section thirty-one of the "Electric Cooperative Corporation Act" approved the twenty-first day of June, one thousand nine hundred thirty-seven (P. L. 1969) entitled "An act relating to non-profit co-operative corporations organized to engage in rural electrification, providing for the organization, consolidation and dissolution of such corporations; \*\*\*"

The SPEAKER pro tempore. The bill is re-referred to the Committee on Ways and Means.

### REORGANIZATION PLAN NO. 7

Mr. READINGER. Mr. Speaker, I call up on page 12 of today's Calendar, Reorganization Plan Resolution No. 7B.

The resolution was read as follows:

Resolved that Reorganization Plan No. 7 of 1955 transmitted to the General Assembly under date of December 20, 1955 which is incorporated herein by reference be disapproved

On the question,

Will the House adopt the resolution?

Mr. READINGER. Mr. Speaker, this resolution with reference to Reorganization Plan 7, which was transmitted to us on December 20th and intended to transfer certain things to the Department of Forests and Waters, was improperly drawn and does not reflect the intention of those who were sponsoring this particular transfer. For this reason, since the Act seems to require it, we are asking that the Membership disapprove this plan today so that we eliminate it entirely and leave the administration in the position to have one properly drafted and placed before us at a later date.

On the question recurring,

Will the House adopt the resolution?

YEAS—207

Adam,	Frost,	Mages,	Royer,
Agnew,	Gaffney,	Mahan,	Rubin,
Amarando,	Garlock,	Markley,	Rudisill,
Anderson, M. S.,	Gelfand,	Maxwell,	Sarraf,
Anderson, S. A.,	George,	McCann,	Scarcelli,
Ashton,	Gibb,	McCormack,	Schuster,
Auker,	Gibson,	McGee,	Sherman,
Banker,	Goldstein,	McInroy,	Sigman,



Barnatovich,	Gramlich,	McKeever,	Smith, C. C.,
Bazin,	Greenwood,	McLaughlin,	Smith, Wm. B.,
Bell,	Guss,	McWherter,	Snider,
Blair,	Guthrie,	Meholchick,	Stank,
Boles,	Hamilton, R. K.,	Metz,	Stebbins,
Bonner,	Hass,	Mihm,	Steckel,
Boory,	Haudensfield,	Mikula,	Stephens,
Bower,	Heavey,	Miller,	Stevenson,
Branca,	Helm,	Mills,	Stone,
Brelschi,	Henzel,	Monroe,	Stoner,
Brennan, A. P.,	Hewitt,	Moody,	Strausser,
Brennan, J. J.,	Hocker,	Moran,	Stroup,
Brenninger,	Holt,	Moscrip,	Swartz,
Breth,	Horst,	Muldowney,	Taylor,
Brown,	Houk,	Mullen,	Thomas,
Bucchin,	Isaacs,	Munley,	Thompson,
Bullen,	Jenkins,	Murphy,	Toll,
Capano,	Johnson,	Murray, H. P.,	Tompkins,
Cianfrani,	Jones, G. E.,	Murray, J. J.,	Toomey,
Cloffi,	Jones, T. H. W.,	Murray, P. G.,	Varallo,
Cochran,	Jump,	Musto,	Varnier,
Comer,	Kamyk,	Naugle,	Vaughan,
Connelly,	Kehler,	Needham,	Verona,
Cooper,	Keller,	Ogilvie,	Wall,
Curwood,	Kent,	Olsen,	Wallace,
Davis,	Kline,	O'Neill,	Walsh,
Donahue,	Knecht,	Pacchioli,	Wargo,
Donaldson,	Kolankiewicz,	Parry,	Waterhouse,
Dougherty,	Kooker,	Pashley,	Weidner,
Down,	Kornick,	Paulhamus,	Welsh,
Ehrgood,	Kratz,	Petrosky,	Wescott,
Ellberg,	Kromer,	Pettigrew,	Wheeler,
Erb,	Lafore,	Polaski,	Whitenight,
Eshleman,	Lawyer,	Polen,	Willaredt,
Ewing,	Leiby,	Pomeroy,	Williams,
Farabaugh,	Leisey,	Price,	Wilt,
Filo,	Leonard,	Pursley,	Wood,
Fineman,	Leven,	Readinger,	Worley,
Flint,	Light,	Reibman,	Yetter,
Floyd,	Limper,	Reidenbach,	Yetzer,
Flynn,	Lippincott,	Renwick,	Young,
Foster,	Lopresti,	Rigby,	Ziegler,
Frank,	Lovett,	Rosen,	Andrews,
Fracella,	Lutty,	Rovansek,	Speaker

# NAYS—0

## NOT VOTING—0

The SPEAKER pro tempore. Two hundred and seven Members having voted in the affirmative, Reorganization Plan No. 7 is therefore disapproved.

## PERMISSION TO ADD ADDITIONAL SPONSORS

Mr. POLASKI asked and obtained unanimous consent to add additional sponsors to a bill to be introduced by him.

## COMMITTEE MEETINGS

AGRICULTURE AND DAIRY INDUSTRIES, Mr. Snider, Chairman, Room 331, Tuesday, January 17, at 12:00 Noon.

EDUCATION, Mr. McCann, Chairman, Room 324, Tuesday, January 17, at 11:00 a. m.

FISHERIES, Mr. Kornick, Chairman, Room 331, Tuesday, January 17, at 11:30 a. m.

INSURANCE, Mr. Robert K. Hamilton, Chairman, Room 330, Tuesday, January 17, at 11:15 a. m.

JUDICIARY, Mr. Lopresti, Chairman, Room 145, Tuesday, January 17, at 10:00 a. m.

LABOR RELATIONS, Mr. Moran, Chairman, Room 323, Tuesday, January 17, at 11:30 a. m.

LIQUOR CONTROL, Mr. Stank, Chairman, Room 325, Tuesday, January 17, at 11:30 a. m.

PUBLIC UTILITIES, Mr. Mills, Chairman, Room 329, Tuesday, January 17, at 10:30 a. m.

STATE GOVERNMENT, Mr. Polaski, Chairman, Room 324, Tuesday, January 17, at 12:00 Noon.

WAYS AND MEANS, Mr. Sarraf, Chairman, Room 522, Tuesday, January 17, at 10:30 a. m.

The Legislative Service Club breakfast will be held tomorrow morning, Tuesday, January 17, at 8:30 a. m. in the Private Dining Room of the Capitol Cafeteria.

## ADJOURNMENT

Mr. MILLER. Mr. Speaker, I move that this House do now adjourn until Tuesday, January 17, 1956 at 1:00 p. m.

The motion was agreed to, and (at 6.25 p. m.) the House adjourned.







# Legislative Journal.

Session 1955.

141st of the General Assembly.

Vol. 34.

HARRISBURG, PA., TUESDAY, JANUARY 17, 1956.

No. 126.

## SENATE

TUESDAY, January 17, 1956

The Senate met at 1:00 o'clock, p. m., Eastern Standard Time.

The PRESIDENT (Lieutenant-Governor Roy E. Furman) in the Chair.

## PRAYER

The Chaplain, Rev. J. PAUL KEHM, Pastor of St. Paul's Evangelical and Reformed Church, Fleetwood, offered the following prayer:

Let us pray.

Almighty God, our Heavenly Father, we invoke Thy divine blessing upon this Assembly and cause us to be seekers of the truth. May we be charitable in all our undertakings. May we always be mindful of the location wherein we are called to be faithful and loyal sons of Thy Kingdom here on earth, and that everything that we say and do here in this body may reflect to Thy glory and to Thy honor.

In Jesus' Name we pray, Amen.

## JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. MAHANY and Mr. WADE, further reading was dispensed with, and the Journal was approved.

## LEAVES OF ABSENCE

Mr. MAHANY asked and obtained leave of absence for Mr. PECHAN, due to illness.

He also asked and obtained leave of absence for Mr. WATSON, due to illness.

Mr. HALUSKA asked and obtained leave of absence for Mr. DERK, due to illness.

## COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows:

Commonwealth of Pennsylvania,

Governor's Office, Harrisburg, January 17, 1956.

To the Honorable, the Members of the General Assembly of the Commonwealth of Pennsylvania:

I urge the General Assembly to give favorable con-

sideration to several measures designed to promote the welfare of our children and youth.

Juvenile Delinquency is a problem which properly has engaged the attention and aroused the concern of thoughtful people all over the United States. Because the incidence of delinquency has increased in Pennsylvania, as in all States, the Commonwealth must take firm action and give leadership to local communities in meeting this problem which cripples children, destroys family life and represents a cradle for future inmates of our mental hospitals and adult prisons.

Each year approximately 2,500 children are committed to institutions by the Juvenile Courts of Pennsylvania. These children are not born bad. They get into trouble when family life is weak and religious training is meagre. These children can be saved for productive citizenship. We can and must help them and their families.

I was appalled, as I am sure you will be, to learn that Pennsylvania has more children in public and private institutions committed by Juvenile Courts as delinquents than any other state in the Union. We do not need to send so many of our children to institutions and separate them from their families.

Many could be rehabilitated in their home communities if enough and proper personnel facilities were available.

The advantages of keeping children in their own communities when this can safely be done are apparent. Children and the families to which they will ultimately return can be helped by local services to change the behaviour which brought the child to court. House Bill 1618 which has been passed by the House provides consultation to local communities and courts to aid these children and their families and in planning measures for the prevention of delinquency.

Some delinquents, however, require institutional care. Through House Bill 1618, the training schools to which delinquent children are committed will be assisted to improve their programs. The bill also provides for a better system of reimbursement by these counties to the institutions so that county, state—even federal funds expected to be available—may be used to develop better services for these young people. This entire program is urgently needed. Recent studies completed by the Institute of State and Local Government reveal that Pennsylvania's institutional program falls far below the minimum standards required, if we are to rehabilitate our program children for socially useful lives. Of the 48 states, Pennsylvania is the only one which does not assist its counties in helping disadvantaged children. We cannot be proud of this distinction.



I also submit for your consideration amendments to House Bill 1073, which authorizes the Department of Forests and Waters to establish forestry conservation camps for the development, maintenance and protection of the State forests and State parks, and for the rehabilitation and training for boys between the ages of 15 and 18. These boys will be engaged in developing the State forests and parks for recreation areas. The care, education and training of these boys will be under the supervision of the Departments of Public Instruction, Justice and Welfare, which may operate forestry conservation camps as annexes of existing State-owned institutions. These camps will add to our facilities for education, training and treatment of young men while serving another useful purpose. They represent another means whereby the Commonwealth will assist home communities in helping to rehabilitate otherwise unproductive young people.

Fortunately, only a very small fraction of our troubled young people commit delinquent acts. For these and for all who need help we must provide treatment. Prevention is equally important. Our concern must be for all of our youth. We must provide for recreational opportunities and facilities which will meet the needs of the rural and urban areas and which will serve people in their own home communities. We must provide physical and cultural activities for leisure time. Such programs offer our young people a positive approach to life and serve to keep them from rebellious and destructive behavior.

House Bill No. 1546 establishes a State Department of Recreation which will aid in the development of local recreational programs and facilities. This Department will provide information and technical assistance to local governments and agencies in examining needs for recreational facilities and programs and in their development. At present there is no comprehensive program for recreation in the Commonwealth. What we have is not coordinated. We are not making maximum use of our great natural resources for recreation nor of the cultural opportunities and facilities which exist in many areas of our State. I do not propose that the State Government supplant efforts of local government or private philanthropic groups. House Bill 1546 offers to them assistance, direction and a method for achieving teamwork to make full use of the Commonwealths wonderful natural and cultural resources for recreational purposes.

Only through a full partnership of local government and citizen's groups with the Commonwealth can we help to protect the future of our young, to redirect our rebellious and troubled children and provide proper facilities and services so that all of our youth may grow up to become happy and useful members of society.

GEORGE M. LEADER.  
Governor

The PRESIDENT. This communication will be spread upon the Legislative Journal.

#### COMMUNICATION FROM THE GOVERNOR

He also presented communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows:

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg.

To the General Assembly of the Commonwealth of Pennsylvania:

By authority vested in me by the Reorganization Act of 1955 (Act No. 8), I transmit herewith Reorganization Plan No. 8 of 1955. This plan transfers responsibility for handling Federal surplus property from the Department of Public Instruction to the Department of Property and Supplies. The background of this proposal is as follows:

A Federal law passed in 1944 provided that surplus property might be donated for educational and public health purposes either directly to tax supported or non-profit tax exempt institutions, or indirectly to such institutions through "state departments of education or health."

On April 12, 1945, the General Assembly of Pennsylvania passed Act No. 99 (P. L. 220) to take advantage of the Federal offer. This authorized the Commonwealth, or any administrative department, board or commission, acting through the Department of Property and Supplies, to enter into contract with the United States for the purpose of obtaining surplus products.

Because the Federal law specifically stipulated that states receiving Federal property for redistribution should do so through departments of education or health, the Governor, in December, 1945, and by authority of The Administrative Code of 1929, established in the Department of Public Instruction the Division of Surplus Property Disposal.

But Federal law has since changed. Amendments made in 1955 permit donations of surplus property either to state departments of education or health or to other state instrumentalities.

The plan is recommended for your approval for the following reasons:

1. State law (P. L. 220, 1945) first authorized the handling of Federal surplus property through the Department of Property and Supplies and this arrangement was changed only because Federal law made it necessary;

2. Now that Federal law has been changed there is no special reason why donable goods should be handled by the Department of Public Instruction;

3. The Department of Property and Supplies is the State agency which normally handles property procurement and disposal;

4. Improved administration, economy, and efficiency can be expected from grouping similar functions within the Department of Property and Supplies;

5. It is advisable to free the Department of Public Instruction from numerous miscellaneous duties that are not essential to the performance of its primary purpose.

GEORGE M. LEADER  
Governor

Dated: January 17, 1956

Transmitted to the General Assembly on  
January 17, 1956.

#### REORGANIZATION PLAN No. 8 of 1955

Section 1. The division of Surplus Property Disposal in the Department of Public Instruction where it was established by the head of the department, with the approval of the Executive Board, in the year 1945, pursuant to the provisions of section 212 of the Administrative Code of 1929, is transferred from that department to the Department of Property and Supplies.

Section 2. There are hereby transferred to the Department of Property and Supplies the files, records, property, contract obligations, personnel, supplies and equipment now being used or held by the division of Surplus Property Disposal, and the unexpended balances of appropriations, allocations and other funds available or to be made available for use by the division of Surplus Property Disposal to be used for the payment of salaries, wages, general expenses, supplies, printing and equipment necessary for the work of the department with respect to the acquisition of Federal surplus property and the distribution of such property to schools and other agencies authorized to receive it.



Section 3. The following acts and parts of acts are suspended as particularly set forth:

Section 1, act of April 12, 1945 (P. L. 220), entitled "An act authorizing the Commonwealth and any administrative department, boards, and commissions thereof acting through the Department of Property and Supplies, and political subdivisions of the Commonwealth, including municipal authorities, to enter into contracts with the United States of America, or any agency thereof, for the purchase, lease, or other acquisition of property, real or personal, offered for sale pursuant to the Surplus Property Act of one thousand nine hundred forty-four, without complying with any requirement of existing law as to specifications, advertising, award of contract, and approval of purchases by a State agency receiving competitive bids, or the delivery of property purchased before payment therefor," in so far as it confers any powers upon the Department of Public Instruction.

Section 3, act of December 22, 1955 (Act No. 29A), entitled "An act to provide for the ordinary expenses of the Department of Public Instruction for two years beginning June first, one thousand nine hundred fifty-five, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first, one thousand nine hundred fifty-five, and making appropriations to the Department of Public Instruction for reimbursements to school districts," in so far as it is in conflict with this Reorganization Plan.

#### RESOLUTION

In the Senate, January 17, 1956.

Resolved, That Reorganization Plan No. 8 of 1955, transmitted to the General Assembly under date of January 17, 1956, which is incorporated herein by reference, be approved.

#### RESOLUTION

In the Senate, January 17, 1956.

Resolved, That Reorganization Plan No. 8 of 1955, transmitted to the General Assembly under date of January 17, 1956, which is incorporated herein by reference, be disapproved.

The PRESIDENT. Reorganization Plan No. 8 will appear on tomorrow's Calendar.

### NOMINATION BY THE GOVERNOR

#### REFERRED TO COMMITTEE

He also presented communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows, and referred to the Committee on Executive Nominations:

#### MEMBER OF THE INDUSTRIAL BOARD

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, January 17, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Robert Davis, 1305 East Johnson Street, Philadelphia, Philadelphia County, for appointment as a member of the Industrial Board, until the third Tuesday of January 1959, and until his successor shall have been appointed and qualified, vice Elvin W. Overdorff, Johnstown, whose term expired.

GEORGE M. LEADER.

### HOUSE MESSAGES

#### HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives being in-

roduced, presented for concurrence bills of the House, as follows:

House Bill No. 312, entitled:

An Act amending the act of June 3, 1937 (P. L. 1333), entitled "Pennsylvania Election Code," giving any candidate whose name is written, stamped or affixed upon a ballot the right to petition the court for the cumulation of such votes.

Which was committed to the Committee on Elections.

House Bill No. 1911, entitled:

An Act amending the "Municipality Authorities Act of 1945" approved May 2, 1945 (P. L. 382) further regulating the sale of Authority bonds.

Which was committed to the Committee on Local Government.

House Bill No. 1947, entitled:

An Act making an appropriation to the State Treasurer for the purpose of paying salaries and wages of State officers and employes and other ordinary and general expenses in the interim between the thirty-first day of May, one thousand nine hundred fifty-one and such time as the funds provided by the General Appropriation Act and other appropriation acts become available and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first, one thousand nine hundred fifty-five.

Which was committed to the Committee on Appropriations.

#### AMENDMENT TO HOUSE BILL NO. 445, RECALLED FROM THE GOVERNOR

He also presented for concurrence, House Bill No. 445, entitled:

An Act amending the act of May 1, 1929 (P. L. 905), entitled "Vehicle Code," further regulating passing school buses and granting to magistrates power to recommend suspension of operating privileges for violations.

Said bill having been recalled from the Governor for amendment, the votes had on final passage and third reading were reconsidered in the House and the bill amended, in which amendments the concurrence of the Senate is requested.

The PRESIDENT. The bill, as amended, will appear on tomorrow's Calendar.

#### AMENDMENT TO HOUSE BILL NO. 1621, RECALLED FROM THE GOVERNOR

He also presented for concurrence, House Bill No. 1621, entitled:

An Act amending the act of May 2, 1929 (P. L. 1278), entitled "General County Law," authorizing collection of data concerning deceased veterans of armed conflicts; authorizing the erection of monuments for and giving retirement benefits to veterans of armed conflicts.

Said bill having been recalled from the Governor for amendment, the votes had on final passage and third reading were reconsidered in the House and the bill amended, in which amendments the concurrence of the Senate is requested.

The PRESIDENT. The bill, as amended, will appear on tomorrow's Calendar.



# AMENDMENT TO HOUSE BILL NO. 1622, RECALLED FROM THE GOVERNOR

He also presented for concurrence, House Bill No. 1622, entitled:

An Act amending the act of May 2, 1929 (P. L. 1278), entitled "General County Law," extending the definition of "deceased service persons" to include service personnel serving in an armed conflict.

Said bill having been recalled from the Governor for amendment, the votes had on final passage and third reading were reconsidered in the House and the bill amended, in which amendments the concurrence of the Senate is requested.

The PRESIDENT. The bill, as amended, will appear on tomorrow's Calendar.

## HOUSE CONCURS IN SENATE BILL No. 758

He also returned to the Senate, Senate Bill No. 758, entitled:

An Act amending the act of June 25, 1947 (P. L. 1145) entitled as amended "An act empowering cities of the second class cities of the second class A cities of the third class boroughs towns townships of the first class townships of the second class school districts of the second class school districts of the third class and school districts of the fourth class to levy assess and collect or to provide for the levying assessment and collection of certain additional taxes subject to maximum limitations for general revenue purposes authorizing the establishment of bureaus and the appointment and compensation of officers and employes to assess and collect such taxes and permitting penalties to be imposed and enforced providing an appeal from the ordinance or resolution levying such taxes to the court of quarter sessions and to the Supreme Court and Superior Court" authorizing taxing authorities to impose real property transfer taxes on either the transferor or on the transferee

with the information that the House has passed the same without amendments.

## SENATE BILL No. 775 RETURNED WITH AMENDMENTS

He also returned to the Senate, Senate Bill No. 775, entitled:

An Act making an appropriation to the Joint Committee appointed by the Senate and House of Representatives to investigate the Pennsylvania Training School at Morganza.

with the information that the House has passed the same with amendments in which the concurrence of the Senate is requested.

The PRESIDENT. The bill, as amended, will appear on tomorrow's Calendar.

## HOUSE DISAPPROVES REORGANIZATION PLAN No. 7

He also informed the Senate that the House adopted, on January 16, 1956, the following Resolution, Disapproving Reorganization Plan No. 7:

"Resolved, that Reorganization Plan No. 7 of 1955 transmitted to the General Assembly under date of December 20, 1955, which is incorporated herein by reference, be disapproved."

# HOUSE CONCURRENT RESOLUTION No. 139 REFERRED TO COMMITTEE

He also presented extract from the Journal of the House of Representatives, which was twice read as follows and referred to the Committee on Constitutional Changes and Federal Relations:

## CONGRESS MEMORIALIZED TO TAKE NECESSARY STEPS TO STOP FIRINGS IN THE DELAWARE VALLEY AREA

In the House of Representatives, December 24, 1955.

A grim Christmas and a sad New Year is in prospect for some 2,692 families in the Delaware Valley area, which includes a great number of Philadelphians. The wage earners of those families are going to be fired, many of them before the holidays arrive. The Federal Government is dismissing all these people—U. S. Civilian employes—in the name of economy. And before it is too late, before the bad effects of these needless and untimely layoffs spread, it is hoped that the Federal agencies concerned will take swift steps to halt this planned layoff or unemployment.

The firing program lines up as follows: 600 to be dismissed at the Naval Air Materiel Center, 476 at the Naval Shipyard, 1500 affected by plans to move the Army clothing manufacturing plant to the south, and 116 handed dismissal notices at the Philadelphia Ordnance District.

These mass firings would come at a time when employment in this area has lagged. On the basis of latest available figures, unemployment in this area is approximately 6 percent of the total available labor force as compared with the national average of about 3.5 percent. This situation is partially attributable to previous cuts in defense activity in this area which have been far out of proportion to the nationwide reduction. Thus, there can only be a harmful effect on the Delaware Valley, and, in turn, on the Nation. Loss of income to these families, loss of purchasing power to the region—both will set a grave pattern and a worse precedent.

This is not real Federal economy. As the Chamber of Commerce of Greater Philadelphia points out, we all support efforts at real economy, halting needless expenditures, wasteful practices and unnecessary jobs. But many workers affected here have been on the job for thirty years and their work has been considered of major value up to now. What's more, hasty efforts to find jobs for these fired Federal employes elsewhere in the area overlook the fact that many of them may find that by sticking with the Federal Government over the years they are now too old to get the kind of jobs for which their skills and experience qualify them.

Firing or laying off of these workers, who are defense workers, would not only aggravate unemployment in critical areas but also would adversely affect the national defense effort. As an example, the Naval Air Materiel Center is engaged in research, design, manufacture, etc., of naval aviation equipment. It has been learned that private industry has expressed no desire to perform the type of work performed, because of its experimental nature and the small manufacturing quantities involved. Layoffs thus will result in the failure to meet military time schedules, delay in important projects, increase costs and inefficiency; therefore be it

Resolved (the Senate concurring), That the House of Representatives of the General Assembly of the Commonwealth of Pennsylvania memorialize the Congress of the United States, and more specifically members of the Congress representing the Delaware Valley, U.S.A., to take such steps as are necessary to cancel these firings or layoffs, and to reinstate those employees affected thereby for the better of the Delaware Valley and for the United States of America, and be it further

Resolved, That copies of this resolution be transmitted to the presiding officers of each House of the Congress of the United States, to each Senator and Representative from Pennsylvania and New Jersey in the Congress of the United States and to Secretary of Defense, Charles E. Wilson.



### REPORT FROM COMMITTEE ON EXECUTIVE NOMINATIONS

Mr. WOLFE, from the Committee on Executive Nominations, reported with a favorable recommendation the following nominations, made by His Excellency, the Governor:

#### MEMBERS OF STATE TAX EQUALIZATION BOARD

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, December 19, 1955.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as members of the State Tax Equalization Board:

John Bevec, Washington, Washington County, to serve until November 14, 1959, and until his successor shall be duly appointed and shall have qualified, vice Walter J. Kress, Johnstown, whose term expired, to compute from January 3, 1956.

Herbert J. McGlinchey, 596 East Geneva Avenue, Philadelphia 20, Philadelphia County, to serve until November 14, 1959, and until his successor shall be duly appointed and shall have qualified, vice Cornelius S. Deegan, Jr., Philadelphia, whose term expired.

GEORGE M. LEADER.

#### JUSTICE OF THE PEACE

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, December 28, 1955.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Ervine N. Branch, 32 Water Street, Warren, Warren County, for appointment as Justice of the Peace in and for the Borough of Warren, Warren County, until the first Monday of January 1958, vice Tracy M. Greenlund, deceased.

GEORGE M. LEADER.

#### BILLS INTRODUCED AND REFERRED

Mr. MAHANY read in his place and presented to the Chair Senate Bill No. 934, entitled:

An Act amending the act of June 22, 1931 (P. L. 594), entitled "Rural State Highway Law," adding a new route in Crawford County.

Which was committed to the Committee on Highways.

He also read in his place and presented to the Chair Senate Bill No. 935, entitled:

An Act amending the compact contained in the act of June 5, 1937 (P. L. 1664), entitled "An act to ratify and adopt a compact or agreement negotiated by commissioners designated by the Governor of the Commonwealth of Pennsylvania, . . ." designating the lake area on which motor boats may be operated; limiting the horsepower of the motor boats operated thereon and fixing penalties.

Which was committed to the Committee on Forests and Waters, Game and Fish.

#### PERMISSION TO ADDRESS SENATE

Mr. STIEFEL asked and obtained unanimous consent to address the Senate.

Mr. STIEFEL. Mr. President and gentlemen of the Senate, in the beginning of last October, my erudite colleague from Washington County, Senator Lane, and I introduced a bill which dealt with the problem of children's camps in Pennsylvania. This bill was drafted in the light of the disaster that overwhelmed Pennsylvania in August. It brought, both to Senator Lane and myself, plaudits from the parents of the children but also brickbats and carping criticism from many groups. Some of the groups claimed that the provisions of the bill were Draconian in nature, and they would undermine the existence of many camps because the provisions were very oppressive.

We did not want, in any way, to interfere with church groups, civic groups, Boy Scout or Girl Scout Camps but, at the same time, conditions in many camps required the promulgation of a code. I spent considerable time in making research, and I find that this field has been totally neglected, except in the State of California. There is no adequate legislation to cope with the manifold problems and yet it calls for remedial and corrective action.

Mr. President, in order to avoid interference with worthy organizations, and as well as to permit private camps to continue the preparation of their voluntary code, Senator Lane and I have prepared a stopgap bill. The main purpose of this bill is to provide registration of the camps because at the time the disaster struck, the Department of Civil Defense and the Department of Military Affairs did not even know where the camps were located and could not send help to stranded and imperiled children.

The primary purpose of the bill which I am about to introduce is to provide a registration of camps so that when emergencies arise, we will know where to rush help. It is a known fact that last August but for the intervention of the United States helicopters, 595 children would have been drawn in the Delaware where they were stranded on a tiny islet and nobody knew of their whereabouts.

So, to ameliorate conditions, Mr. President, Senator Lane and I are introducing this bill.

#### BILL INTRODUCED AND REFERRED

Messrs. STIEFEL and LANE read in place and presented to the Chair Senate Bill No. 936, entitled:

An Act relating to children's camps; requiring the registration of children's day and resident camps; defining powers and duties of the Department of Health with respect thereto; prescribing penalties and imposing duties on the Joint State Government Commission.

Which was committed to the Committee on Forests and Waters, Game and Fish.

#### PERMISSION TO ADDRESS SENATE

Mr. STIEFEL asked and obtained unanimous consent to address the Senate.

Mr. STIEFEL. Mr. President and Members of the Senate, I have a notion, and a very happy notion, that our worthy colleague, Senator Rowland Mahany, intends to speak on this topic because this is a great day in America and the entire civilized world.

Today is the Sesqui-bicentennial of the birth of Benjamin Franklin. So as not to encroach upon Senator Mahany's territory, and I bow before his eminence, I now am limiting myself to the introduction of a resolution, on behalf of Senator Chapman, Senator Blass and



myself, leaving the embellishments to Senator Mahany.

## SENATE RESOLUTION

### TRIBUTE TO BENJAMIN FRANKLIN

Messrs. STIEFEL, CHAPMAN and BLASS offered the following resolution which was twice read, considered and agreed to:

In the Senate, January 17, 1956.

Today the Commonwealth of Pennsylvania celebrates the 250th birthday of Benjamin Franklin, one of its greatest citizens, whose name is famous throughout the world as symbol of enlightenment, tolerance, and wisdom.

The genius of Benjamin Franklin ranged through so many fields that it is difficult to list them all. He was statesman, scientist, philosopher, printer, writer, business man, patriot, and philanthropist. His inquiring mind ranged from the invention of an improved heating stove to experiments proving the identity of lightning and electricity, to the foundation of libraries and learned societies, and to improvements in the care and lighting of city streets.

His services to the Province and State of Pennsylvania were manifold. He was a member and clerk of the Pennsylvania Assembly, an influential leader in the political development of colonial Pennsylvania. He represented Pennsylvania and other colonies in London, and was delegate from Pennsylvania to the Second Continental Congress, where he assisted in drawing up the Declaration of Independence. As President of the State Convention of 1776, he largely directed the framing of the first State Constitution, just as in later years he played an important part in the Federal Convention which framed the Constitution of the United States. In his last years, Pennsylvania made him President of the Supreme Executive Council, equivalent to the office of Governor today. In his lifetime Benjamin Franklin enjoyed the highest honors and respect which Pennsylvania could bestow, and present-day Pennsylvania fully shares the feeling of his contemporaries; therefore be it

Resolved, That the Commonwealth of Pennsylvania pays special tribute to Benjamin Franklin on this 250th anniversary of his birth on January 17, 1706, not only for his immense contribution to human understanding and enlightenment, but especially for his great services to the Province and Commonwealth as legislator, constitution-maker, diplomat, and Chief Executive.

### BIRTHDAY FELICITATIONS EXTENDED TO GOVERNOR GEORGE M. LEADER

Mr. DENT. Mr. President, I am happy to note that we were unanimous in expressing our commendation to the memory of Benjamin Franklin. I hope that we are all just as unanimous in wishing our Chief Executive of the Commonwealth of Pennsylvania, George M. Leader, a happy birthday on his thirty-eighth anniversary, which is today.

### PERMISSION TO ADDRESS SENATE

Mr. MAHANY asked and obtained unanimous consent to address the Senate.

Mr. MAHANY. Mr. President, I am happy to join with my colleagues in wishing His Excellency, George M. Leader, a very happy birthday and many more of them.

Mr. President, I do not know where my good friend, Senator Stiefel, got the idea that I was going to talk at length on Benjamin Franklin. I have not told him that I was. However, I will say that it is very fine of Senator Stiefel to present the resolution which he did. I think we can all learn a lot from the life and teachings of Benjamin Franklin. He gave us a wealth of information as a guide in our daily lives.

Benjamin Franklin came to Philadelphia as a very poor young man. As I remember it, he only had a couple of loaves of bread under his arm and he parlayed that, as my good friend, John Cummings, has stated, into quite a sizeable fortune at a relatively early age. We all can agree that Benjamin Franklin, if he were here today, perhaps would take a different view of things than he did back in the time when he lived.

Mr. President, we had a television program in Philadelphia, sponsored by the Philadelphia Bulletin, a week ago last Sunday, in which Governor Leader participated along with others. I was privileged to be a participant on that program, and we did elaborate to some extent on what we thought Benjamin Franklin would do if he were faced with today's problems. As we all know, Benjamin Franklin was a very frugal man. He believed in thrift; he believed in a pay-as-you-go policy. We have departed somewhat from those teachings in our governmental policies of today. It certainly would be interesting to know what Benjamin Franklin would do if he were a Member of the Pennsylvania Senate today. I feel that he would depart somewhat from his teachings because we cannot evaluate today what we would do in relation to the various complexities which confront us as officers of the State because problems are changed today.

However, Mr. President, I feel that we should take into consideration those teachings and, as far as possible, try to run and manage our government in line with those teachings and try to practice thrift and economy in the operation of our State.

Mr. President, I would like to join with Senator Stiefel and the others in honoring Benjamin Franklin in this the Sesqui-bicentennial of his birth.

### PERMISSION TO ADDRESS SENATE

Mr. STIEFEL asked and obtained unanimous consent to address the Senate.

Mr. STIEFEL. Mr. President, I do not want to pre-empt the field of resolutions, but I would be remiss in my duty in not bringing to the attention of the Senate a very felicitous event that took place last night.

Mr. President, one of our colleagues, Senator Anthony J. DiSilvestro, enjoyed an egregious honor last night when he was elevated to the Presidency of the Alumni Association of Temple University. I feel it is a very fine tribute to one of our colleagues, he being a graduate of the Law School of Temple University, and the School of Pharmacy and also a man who has devoted years of his life to fruitful pursuits in all fields of communal and legislative endeavor.

Therefore, Mr. President, it behooves us to honor Senator DiSilvestro on this occasion, and, therefore, on behalf of Senator Dent and myself, I am offering this resolution.

### SENATE RESOLUTIONS

#### CONGRATULATING SENATOR ANTHONY J. DISILVESTRO UPON HIS ELEVATION TO THE PRESIDENCY OF THE ALUMNI ASSOCIATION OF TEMPLE UNIVERSITY

Messrs. STIEFEL and DENT offered the following resolution which was twice read, considered and agreed to:



In the Senate, January 17, 1956.

Senator Anthony J. DiSilvestro was honored last night in Philadelphia by his elevation to the Presidency of the Alumni Association of Temple University.

Be It Therefore Resolved, That the Senate of the General Assembly extends its congratulations to Senator DiSilvestro upon this egregious honor bestowed upon him as a graduate of both the Law School of Temple University and the School of Pharmacy of Temple University, and in recognition of his fruitful work in all field of communal and legislative endeavors.

#### CONGRATULATING RUSSELL C. APPLER ON HIS COURAGE AND VALOR

Mr. HARNEY offered the following resolution which was twice read, considered and agreed to:

In the Senate, January 17, 1956.

Valor is the word for Russell C. Appler, aged 30, of Snyder Avenue, West Goshen Township, Chester County, Pennsylvania.

On the night of August 18, 1955, during the heavy rains and floods which swept the major portion of the State of Pennsylvania, Russell C. Appler saved the life of a Conshohocken physician who was trapped in his car when it swerved off the Schuylkill Expressway at Belmont Avenue, Philadelphia and began sinking in the swollen waters of the Schuylkill River. He swam out and managed to pull Dr. Paul R. Miraglia through the window of his car. He then returned to the car and saved the doctor's bag and instruments. Appler, at the time, was driving for the Gindy Manufacturing Co., of Downingtown and his heroic act came to the attention of the Council of Safety Supervisors of the Pennsylvania Motor Truck Association. A letter from Dr. Miraglia on the file at the Pennsylvania Motor Truck Association's office testifies to the fact that had Appler not come along at the critical moment the physician probably would have drowned.

In recognition of this feat and also of Appler's courage in having caused the arrest of a hit run driver in July of 1955 on the Wilmington Pike, and for his alertness in turning in a fire alarm at Blossburg, Pennsylvania, in September of 1955 when he noticed flames leaping from the top of a coal tippie at 5:00 a.m. while driving through that community, the Pennsylvania Motor Truck Association had Governor George M. Leader present its "Award for Valor" to Appler on January 13, 1956 in the Governor's office.

Russell C. Appler and his wife Jean, who are natives of Long Island, New York, and have lived in West Goshen Township a little more than two years, are the proud parents of two darling girls, Karen, 4, and Beth, 18, months.

During Appler's four years with his former employer he had to his credit 65,000 miles of accident-free driving. He is now employed as a paymaster for Pillsbury Mills, Inc., Downingtown; therefore be it

Resolved, That the Senate of the Commonwealth of Pennsylvania congratulate Russel C. Appler on his cuorage and valor displayed on several dangerous occasions and be it further

Resolved, That a copy of this resolution be forwarded to Russell C. Appler.

#### CONSIDERATION OF EXECUTIVE NOMINATIONS

Mr. WOLFE asked and obtained unanimous consent for immediate consideration of the nominations reported at today's Session.

#### EXECUTIVE SESSION

A motion was made by Mr. WOLFE and Mr. WATKINS, That the Senate do now resolve itself into Executive Session, for the purpose of acting upon the nominations reported at today's Session.

Which was agreed to.

The nominations were read as follows:

#### MEMBERS OF STATE EQUALIZATION BOARD

Commonwealth of Pennsylvania.

Governor's Office, Harrisburg, December 19, 1955.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as members of the State Tax Equalization Board:

John Bevec, Washington, Washington County, to serve until November 14, 1959, and until his successor shall be duly appointed and shall have qualified, vice Walter J. Kress, Johnstown, whose term expired, to compute from January 3, 1956.

Herbert J. McGlinchey, 596 East Geneva Avenue, Philadelphia 20, Philadelphia County, to serve until November 14, 1959, and until his successor shall be duly appointed and shall have qualified, vice Cornelius S. Deegan, Jr., Philadelphia, whose term expired.

GEORGE M. LEADER.

#### JUSTICE OF THE PEACE

Commonwealth of Pennsylvania.

Governor's Office, Harrisburg, December 28, 1955.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Ervine N. Branch, 32 Water Street, Warren, Warren County, for appointment as Justice of the Peace in and for the Borough of Warren, Warren County, until the first Monday of January 1958, vice Tracy M. Greenlund, deceased.

GEORGE M. LEADER.

A motion was made by Mr. WOLFE and Mr. WATKINS, that the Senate do advise and consent to said nominations.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

#### YEAS—45

Barr,	Harnev	McMenamin,	Stevenson,
Berger,	Hays,	McPherson, Jr.,	Stiefel,
Blass,	Holland,	Miller,	Taylor,
Camiel,	Kessler,	Mullin,	Van Sant,
Chapman,	Koprivier, Jr.,	Peelor,	Wade,
Dent,	Lane,	Proper,	Wagner,
Diehm,	Madigan,	Ruth,	Watkins,
DiSilvestro,	Mahany,	Schmidt,	Weiner,
Donolow,	Mallery,	Scott,	Whalley,
Flack,	McCreesh,	Seyler,	Wolfe,
Fleming,	McGinnis,	Silvert,	Yosko,
Haluska,			

#### NAYS—0

Two-thirds of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

#### EXECUTIVE SESSION RISES

Mr. WOLF. Mr. President, I move that the Executive Session do now rise.

Mr. WATKINS. Mr. President, I second the motion.

The motion was agreed to.

#### RECESS

Mr. MAHANY. Mr. President, I move that the Senate do now take a recess for five minutes, for the purpose of holding a meeting of the Committee on Finance.



Mr. TAYLOR. Mr. President, I second the motion.  
The motion was agreed to.

### AFTER RECESS

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

### REPORTS FROM COMMITTEE

Mr. KESSLER. Mr. President, I ask unanimous consent to make reports from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. KESSLER. from the Committee on Finance, reported as committed, Senate Bill No. 925, entitled:

An Act amending the act of June 1, 1889 (P. L. 420) entitled "A further supplement to an act entitled 'An act to provide revenue by taxation' approved the seventh day of June Anno Domini one thousand eight hundred and seventy-nine" further providing for the computation and payment of the tax by domestic corporations joint-stock associations limited partnerships and companies.

He also, from the Committee on Finance, reported as amended, House Bill No. 941, entitled:

An Act amending the act of May sixteen one thousand nine hundred thirty-five (P. L. 208) entitled as amended "Corporate Net Income Tax Act," changing formula for determining gross receipts where entire business is not transacted in the Commonwealth, and the penalty for failure to make report or for making false report; and increasing the rate of tax for a limited period of time.

He also, from the Committee on Finance, reported as amended House Bill No. 944, entitled:

An Act amending the act of August twenty-fourth one thousand nine hundred fifty-one (P. L. 1417) entitled as amended "Corporation Income Tax Law," changing formula for determining gross receipts of corporations owning property or carrying on activities within and without the Commonwealth, and the penalty for failure to make report or for making false report; and increasing the rate of tax for a limited period of time.

He also, from the Committee on Finance, reported as committed House Bill No. 1417, entitled:

An Act amending the act of June 14, 1935 (P. L. 341) entitled as amended "Cigarette Tax Act," making the appointment of wholesale dealers in cigarettes discretionary and providing that fines and penalties shall be payable to the Commonwealth.

He also, from the Committee on Finance, re-reported as amended, House Bill No. 1879, entitled:

An Act to provide revenue for Commonwealth purposes by imposing a tax on the use storage or purchase of certain tangible personal property providing for licenses reports payments of tax interest and penalties assessments collections liens reviews and appeals conferring powers and imposing duties upon the Department of Revenue public officers manufacturers wholesalers retailers corporations partnerships associations and individuals and making an appropriation.

He also, from the Committee on Finance, reported as amended, House Bill No. 1880, entitled:

An Act to further amend sections twenty and twenty-one of the act approved the first day of June one thousand eight hundred eighty-nine (P. L. 420) entitled "A further supplement to an act entitled 'An act to provide revenue by taxation' approved the seventh day of June

Anno Domini one thousand eight hundred seventy-nine" by requiring additional reports and changing the due date of certain payments of capitol stock tax and franchise tax and changing the gross receipts fraction applicable to foreign corporations

### PERMISSION TO ADDRESS SENATE

Mr. KESSLER asked and obtained unanimous consent to address the Senate.

Mr. KESSLER. Mr. President, the Finance Committee has reported out House Bill No. 1879, as amended, to the floor of the Senate, and I desire to place on the record an outline of the major changes that have been made and the philosophy which guided us in making these changes.

By means of amendment, Mr. President, we have converted Governor Leader's three and one-half per cent manufacturers' excise tax into a three per cent use tax at the consumer level, which it is estimated will produce \$305,000,000 in revenue in the remaining fifteen months of the biennium and will start to produce this revenue immediately.

Our public hearings on House Bill No. 1879 brought to light many serious defects in the measure. The excise tax would have been exceedingly costly and difficult to administer. It would inevitably have been pyramided to the ultimate consumer to greatly increase his tax burden and it would have discouraged the expansion of industry in Pennsylvania and seriously limited employment opportunity.

Mr. President, our amendments remedy these defects and bring the tax out into the open so that the taxpayer will always be aware of the direct relationship between the schools, the hospitals and the other public services he demands and the cost in taxes of providing these services. As amended, this bill places the levy and collection of the tax at the consumer level. To be technical, the tax has been placed upon the use by the ultimate consumer of manufactured tangible personal property. This means, in essence, that the last person who buys such property pays the tax. By making the tax base uniform at the retail level, the possible unconstitutional features of House Bill No. 1879 are eliminated.

Actually, Mr. President, this bill is very close to a retail sales tax, a fact which your committee makes no effort to conceal. It is better in this form because it will be open and above board in its operation and incidents. We feel that the public wants it that way. The public does not want its tax burden to be concealed or the cost of government to be sugar-coated, especially when such deception increases both the cost of collection and the ultimate financial burden which must, in the last analysis, fall on the public at large.

Mr. President, the amendments we propose today will make the collection of the tax simple and relatively inexpensive. Even the exemptions which the Legislature deems necessary, such as food, can be handled simply without losing the economic and social objectives motivating such exemptions. By placing the tax directly on the ultimate consumer, we make the offsetting Federal tax deductions available to everyone, whether he be an individual citizen, retailer or manufacturer. This factor, alone, will reduce substantially the over-all tax burden on the individual taxpayer. The base of the tax is now the consumers' purchase price of the manufactured tangible personal property.



The machinery to collect this simple tax is already set up and ready to go into operation at a moment's notice. The businesses which will be asked to collect the tax have had two years experience collecting a comparable tax. Prompt passage of this amended bill would enable the tax to become effective on February 1, 1956.

Mr. President, a number of exemptions from the tax have been added to the bill to lessen its impact on lower income groups. Food for home consumption is exempt, but food served at a restaurant, tavern or hotel is taxable. Alcoholic beverages for home consumption are also exempt because they already bear a heavy burden and because their purchase is not peculiar to any segment of the public classified as to income. Alcoholic beverages, however, served at a restaurant, tavern or hotel are taxable. The exemption of such household necessities as water and electricity and fuels for domestic use will also reduce the tax burden of the average home owner. Clothing, medicine and artificial aids to human deficiencies, such as artificial limbs, are also exempt. An exemption is granted to items which become a part of another manufactured item. This eliminates the pyramiding of the tax to the consumer. An exemption is also given to some items used or consumed by a farmer or industrial employer. This does not mean that all such items are exempt; only those items directly used in the producing of the product or service are exempt. Thus, a lathe on an assembly line is exempt, but a typewriter in an office is not.

Mr. President, your committee feels that such exemptions are necessary in order to protect already heavily taxed industry in Pennsylvania in its competitive position with industries in other States. Among industrial employers, Pennsylvania is famous or, more properly, infamous for its high corporation tax burden. I would like to read a paragraph from an article appearing in the Cleveland Press on Friday, November 18, 1955, as follows:

"Pennsylvania was presented as a vivid example of a State which had allowed tax burdens to creep up on the vitality of manufacturing. John E. Senn, analyst of tax laws, described what he called a 'soak the corporation' policy which he blamed for Pennsylvania's slipping to third place industrially and partly for its similar loss population wise to California in 1953. Its employment in industry remains larger than Ohio's, but he mentioned a forecast that this would be lost in 1957."

Moreover, Mr. President, on page 13 of the conclusions of the Tax Study Committee on the Tax Problems of Pennsylvania, there is contained this significant statement:

"Pennsylvania is widely known as a high corporation tax State. The State Government taxes on corporations in Pennsylvania exceeded those of any other State in the group of fifteen in the fiscal year 1954, both on a per capita basis and in the ratio of corporation taxes collected to the total State tax collections. In the fiscal year 1953, the total Pennsylvania State and local taxes on corporations were also higher than those in any other leading State, as shown by various comparisons."

I feel sure that some of my colleagues on the other side of the Senate will cry that these amendments favor corporations over individuals in spite of the above quoted statements of acknowledged experts. They probably will say that this amended bill disregards the "ability to pay" philosophy, a tax theory which is always advocated by demagogues who are pretending to "soak the rich." In

actual fact, however, they are soaking the little fellow at the same time and are trying to hide it. Those who attack this amended bill on this point will be taking the political approach, the partisan approach that beclouds the fundamental issues with deceptive emotional appeals. The public does not want to be deceived about the tax burden it must bear in order to pay for the services it demands. I want no part of any attempted deception in this matter. The excise tax appeared to be a tax on manufacturers, but in the end it would have been paid by the consumer. He would have had to pay a larger amount than he will have to pay under this amended bill which applies the tax at the consumer level.

Mr. President, the amended bill, now before the Senate, represents the best thinking of this committee. We have rejected partisan politics in a genuine endeavor to make a fair and workable tax bill out of Governor Leader's manufacturers' excise tax, one that minimizes the burden on the taxpayer and one that will not drive industry out of the State and limit employment opportunities.

We, on the Republican side of the Senate, are prepared to meet tomorrow and vote on this measure. I urge both the Senate and the House of Representatives to act favorably upon this amended version of House Bill No. 1879, so that the Commonwealth's financial problem may, in a large measure, be solved.

#### PERMISSION TO ADDRESS SENATE

Mr. DENT asked and obtained unanimous consent to address the Senate.

Mr. DENT. Mr. President, although I do not usually indulge in name calling and I do not intend to now, but if the Senator from Lancaster believes that any person who believes that the basis of taxation must be based upon ability to pay is a demagogue, then I plead guilty.

Mr. President, the gentleman has presented to the Senate what he terms a three per cent sales tax. The House of Representatives as represented by the Republican Leader, Charlie Smith, has just been given a message in a very loud and insulting voice, in which in one of the passages he alluded to the present Governor of the Commonwealth of Pennsylvania as a demented person. He may be demented and mad and perhaps demagogic, according to the measurements set up by our political opponents, but I doubt if the people of this Commonwealth will accept a program presented in good faith when the Republican, who have controlled the Senate for these thirteen months, have time and time again said that all they would accept was a sales tax and have presented today, after many announcements to the newspapers, a program which they call a three per cent sales tax, while at the same time their Leader in the House says that he and his Republican colleagues will stay all year before they will give one vote for a three per cent sales tax.

Perhaps the compromise which we have been seeking has been dealing with the wrong parties. The real difference seems to be not between the Democrats in the House and the Republicans in the Senate. The real difference seems to be between the Republicans in the House and the Republicans in the Senate. I believe that the people can see beyond the chicanery and skulduggery of this ill-disguised attempt to take a Democratic sponsored bill, which started out as an excise tax on manufactured



goods, collectable at the manufacturers' sale price level, and convert it into a Republican sales tax with Democratic sponsorship. In fact, the previous speaker inquired, in one of our conferences, of the House Leader whether it would not be possible to run it through the House without a roll call in a fast fashion because you see, Mr. President, the Republican Leader in the House is a candidate and he would love to go before the people and say, "I have not voted for any taxes."

Mr. President, I do not know what the fate of this bill will be. Are the Republicans sincere when they admit they have two Members missing and say that they are going to call it up for a vote tomorrow? We have long ago told them in conferences, the same as they have told us, and we have respected what they said to us in that we did not try to give them that which they did not want. After they told us in committee that they would not go for our compromise program, we left it as it stood. We told them that we could not be asked, in good faith, to accept the excise tax converted into a sales tax and yet, contrary to all negotiations I have ever attended, in complete disregard of the decency of the findings and the wishes of the conferees, we find ourselves subjected to this barrage of misstatements and in some cases untruths.

The gentleman said that this sales tax would raise \$305,000,000 in the, as he calls it, sixteen months of collection. I have before me—if the gentleman has to have a Senatorial investigation to find out if my figures are accurate, that would just add to their plan of delay—the entire amount of money spent in this Commonwealth for any items whatsoever, any commodities whatsoever at the consumer level and that entire amount is \$16,540,000,000. However, the exemptions just advocated by the gentleman, of which I do not have the entire list but I did hear cigarettes, coarse motor fuel, farm feed and fertilizers, food for home consumption, industry machinery, items consumed in manufacturing and clothing. If you will just take that batch of amendments and exemptions, you reduce that figure down to \$6,380,000,000. On a one per cent collection base, if you had the bill with those exemptions alone, you would collect for every per cent of taxation \$63,800,000 in a one year period. However, you go a little further in this. You make sure that no businessman in Pennsylvania pays any part of a sales tax. You take the twine or the paper bags, which are used in a store for packaging, and you exempt them. You go further than the Fine sales tax, and you exempt machinery of industry.

Mr. President, at this point I would like to say to the gentleman from Lancaster that the person who was talking about Pennsylvania being such a poor State to operate in was just quoting the misstatements and the malicious propaganda of the State Chamber of Commerce. I say this is a good State to do business in and to live in and we want to keep it that way. We want to keep it so that the people can live in it, too. We are not interested in a prosperity for machinery and degradation for the people. We are interested, if we can be, in the philosophy of Andrew Carnegie, when he said that prosperity is built on a plane sustained by three pillars; these pillars being capital, tools and people and each ought to sustain, as to the best of their ability, the burden of carrying on the work of government.

Senator Kessler said that the gentleman who spoke

in Cleveland, quoting the Pennsylvania Chamber of Commerce, said that we lost our peoples and our industry to the State of California. Well, sir, did I not propose to you in the conferences that if you admired the State of California, we would eliminate all of the taxes in Pennsylvania and go along with you as a co-sponsor and put California's taxes into Pennsylvania? However, you could not do that and do you know why? Because they have a sales tax of three per cent which raises \$500,000,000 a year. Out of the \$500,000,000, sir, \$119,000,000 is for industrial machinery.

I notice, too, that you exempt in another demagogic appeal, if you want to use the word and this is demagoguery when you exempt the material to build a single house, appealing, if you can, to the so-called little man, to the G. I., to the home buyer, who buys a home once in a lifetime if he is lucky, but he buys pots and pans and dishes, rugs and carpets and things like that all of his life. You say, "We will exempt you from a purchase that you make once in a lifetime." I want to say to you, sir, that there will not be any reduction in the price of that home to the ultimate buyer.

I notice, too, as I tried to catch the amendments as they went across and I assure you that I will look them over very carefully, that you did do what you said you would do by exempting Sun Ship Building. You had to take care of old Joseph N. Pew. Of course, you took care of our friend, the Pennsylvania Railroad. I did not catch all of the things you took care of, but I think I am pretty safe in saying that you took care of all of the boys who are floating around the Senate to make sure that their people are taken care of.

You hand this to us as a representative piece of legislation, representing the Republican Party in Pennsylvania. Mr. President, I do not know whether I am in this year of our Lord, Nineteen Hundred and Fifty-Six, or whether, through some terrible dream and nightmare, I have been shifted back a few generations. Senator Kessler compared the taxes on industry and corporations in Pennsylvania and he says they are greater percentage-wise and dollar-wise than all other taxes paid in the Commonwealth. Let us see what the record says. If you do not believe this record, then you ought to do something about it because it comes from the Budget Office, and they carry the figures which were carried in your Republican Budget Director's estimates. We notice that the total taxes paid by industry in Pennsylvania, out of a return of \$790,000,000, amounted to \$332,000,000 in 1953 to 1955 and that \$332,000,000 would leave \$468,000,000 paid by others, plus, mind you, \$147,000,000 for license fees, fines, penalties, institutional reimbursements and liquor store profits. I am surprised that when the liquor tax went through, you did not exempt manufacturers who buy cases to give away for Christmas because they call it a cost-of-doing business in the State and take it off of their income tax.

Mr. President, oh, yes, I forgot; you exempted your public utilities, too. You did not forget anybody here according to what I see except the people. I am surprised that some of the cooler heads on the other side, who probably have some sentiment in their makeup of demagogic pretense, did work up enough pressure to have you take clothing out. I remember what the paper said recently. The Republican plan was for a three per cent



sales tax that would raise \$400,000,000, and it was to include clothing and many of the other items you have now taken out. We thought that somewhere along the line we had to believe some spokesman for the Republican Party and so, true to my word upon this floor, I went over to the House and gave them the message that the House was waiting for. The House Leader, Charles Smith, candidate for Auditor General on the Duff ticket, said that he was not going to commit himself on these conferences and I know that it is right for me to expose this because the people ought to know that particular phase. He said he was not going to commit himself because he would take whatever tax bill the Republican Senators said they would vote for.

Senator Kessler, as the spokesman of the Republican Party and Chairman of the Finance Committee, said that he would be for a three per cent sales tax that would raise \$400,000,000 in the length of time remaining to be collected. So, the House of Representatives met in their Committee on Ways and Means and presented to the floor this afternoon the Republican sponsored—Hewitt bill, in its original form as it was sponsored, without a Democratic amendment of any kind, and raised it to three per cent. Incidentally, that was done after I talked to the sponsor of the bill, Representative Hewitt, who agreed that it would take three per cent. They presented it to the floor and your Republican Leader immediately fell into a frenzy to think that he might have to vote before election.

Mr. President and Members of the Senate, the reason that you went into a hurried up meeting today to bring out your version of a sales tax, which exempts everybody but the people, was because you ran into trouble, as I predicted you would in your own House of Representatives. You thought that you could beat them to the punch and put the Democrats on the spot. We are so used to that, it does not even phase us anymore. We were on the spot under the classified income tax. According to you people, it was the most unpopular tax ever passed or ever attempted to be passed. We were on the spot with the manufacturers' excise tax. According to you people, again the most unpopular thing that was ever attempted. I suppose now that we are in this position, according to Senator Kessler, this is the most popular tax that was ever offered to the people. Babies are crying for it, women are howling for it, dogs are barking for it, and, all over the State there is a great clamor and a huge cry, "Give us the sales tax. We want it so badly." You better tell Charlie Smith about this because he has not heard their cries.

Mr. President, the people of Pennsylvania have been subjected to thirteen months of dillydallying on the part of the Republican Membership in the General Assembly. To say that this Governor is stubborn is to utter a falsehood. If a man were stubborn, he would not offer three separate tax proposals. If a man were stubborn, he would not say to you, "Gentlemen, we have gone beyond the day of petty politics; the State is in dire straits." Therefore, I say to you Members of the Senate on the Republican side, choose any tax that you want and provide fifty per cent for the needs of the Commonwealth and we will do the same. You rejected it, but, lo and behold, your spokesman over in the House today accepted it. He wants it. I do not know whether Senator Mahany has a direct line over to Charles Smith, but if he does not have, I would like to make a motion that they get

one so that the two of them would at least go down the same street together. It may be the two-way street that my friend, Harve, talks about all the time. However, it seems that it is a two-way street and they are traveling in opposite directions.

I do not know where Senator Kessler got his estimates, but I think he will admit that the sales tax that was placed upon the books by Governor Fine and the Republican Party raised \$5,200,000 a month. That tax bill contained within it industrial machinery, construction material, and many of the items that you have exempted. For instance, gas was in that bill. That item was good for approximately \$2,300,000. You have exempted all of these. The industry leaders tell me that a three per cent machinery tax would hit them for approximately \$35,000,000 in two years. Reducing that, you would find that it is almost \$3,000,000, or \$1,500,000 a month. You have exempted that. If you exempt features that were not exempted in a tax that pays \$5,200,000 a month, how can you get \$305,000,000 added? I do not believe that your tax bill will bring in \$12,000,000 a month with the three per cent. It certainly will not bring \$20,000,000 a month. I do not believe my grandson, Johnny, who is only in the second grade, would try to add that up and come up with your answer. Say that it averages, by giving you every break in the world, \$15,000,000. Say that we do go out and make the merchants pay it on their sales instead of the operation that they had under the late lamented Republican Administration. Suppose we collected every cent that is paid by the people. You and I know that that cannot be done. The experience in the State of California is that for every per cent of tax collected on the breakage of less than an even dollar price, the people paid two and eight-tenths per cent. In other words, for every \$1,000,000 that the State collects on the breakages of prices under a dollar, the people in California pay \$2,800,000. One million eight hundred thousand dollars goes into the pockets of the people in this State who so violently fought the one percent sales tax in Pennsylvania two years ago and, as I predicted two years ago, they have come in this time asking you to pass it.

Mr. President, if you collect \$15,000,000 a month, and I do not believe you can, in the remaining fifteen months that you will have to collect it, you will have \$225,000,000. There is a slight difference between \$225,000,000 and \$305,000,000. What happens if it does not collect \$305,000,000? Do we then go into the second phase of the diabolical scheme, worked out in the minds of the cutie pie politicians, who would like to leave this Administration with a deficit of \$150,000,000 to \$200,000,000, starting next January in order that they would then, starting next June a year from now, be able to say, "They have a deficit; they do not know how to run government; this is mismanagement"?

I am going to answer one criticism here today and I want it to be understood that we will accept Senator Mahany's usual speech about it regularly every week. However, I think we should clear it up. Senator Mahany has accused Governor Leader of going before the people and stating that no new taxes would be needed. That is not quite the truth. However, we will admit that Governor Leader did say to the people that he would not sign a sales tax and that he did not believe in taxation upon those least able to pay.

Governor Leader, you know, was in the same fix that



Governor Duff was in. When Governor Duff was a candidate, he had to rely upon the figures given him by the Budget Officer of Governor Martin. He went out into the State and he told the people that there was a \$200,000,000 surplus in the treasury of the State of Pennsylvania, and that there would be a reduction in taxes. You need not ask me how I know, because I was a candidate that year for Lieutenant-Governor and had to fight that \$200,000,000 surplus. Then, we came into office in January, a month or so after the election, and, lo and behold, Governor Duff found out that he did not have a surplus of \$200,000,000. He found out that what he needed was \$124,000,000 in new money. Governor Leader, as a candidate, had to rely upon the same Budget Director's figures.

If you will remember, during the year of the campaign, there was quite a debate along the line somewhere between Duff and Mr. Fine, one time, when Mr. Fine said that he was left a deficit by Mr. Duff and that he was leaving a surplus on the way out. Mr. Duff said that he left a surplus and that Mr. Fine was going to leave the deficit. So, when you accuse the Governor of making false statements, go back in your own history a little bit. The Governor, when he did take office, realized the position he was in and he came before this General Assembly in a forthright statement. He assumed the responsibility for the increases he was asking for for mental health, welfare, and he assumed the responsibility for an industrial expansion program. He laid before this General Assembly the costs of government that were mandated, plus the \$152,000,000 which was needed to meet the deficit and to put back into the budget the same amount in order that there would not be a deficit.

I am not going to try to discuss the merits or demerits of this particular measure until I read it. I am convinced, however, and I would like to have Senator Kessler, tomorrow, present at least to this floor some authority for his statement that this butchered excise tax will yield \$305,000,000 in a collection period. I also would like to have read onto the floor a statement from Charlie Smith that he will accept a three per cent sales tax. I believe it is only fair that that be done in order that the people of Pennsylvania will know that after thirteen months, the controversy is not between Democrats and Republicans; the controversy is between one batch of Republicans and another batch of Republicans.

#### PERMISSION TO ADDRESS SENATE

Mr. MAHANY asked and obtained unanimous consent to address the Senate.

Mr. MAHANY. Mr. President, as usual, we are getting into debating bills before they are on the Calendar. If we have as much debate when this bill reaches the Calendar and is up for a vote as we have had preliminarily, we will probably be here for a couple of days.

Senator Dent has seen fit not only to deliver himself of his own pervocation but has also tried to anticipate what I might say, I am not going to go into all the promises which the Governor made again today. I think I talked to some extent on that yesterday. I do remember, however, an editorial in the Erie Times which stated that they could not go along with Governor Leader, or rather candidate Leader, because although he stated that he would not be for a broad base sales tax or a broad base

income tax, he had as yet not come up with a type of tax which he would go along with. They realized that we would have need for more money in this biennium to finance the State's needs, and they felt that certainly if he had not told the people what type of tax he would go for up until a week before election, then they could not go along with him as a candidate. However, as we all know, there were a great majority of people who felt that he did have some kind of an answer and so they voted for him and he was successful. Now, after he was elected, we do find that, as we thought, he would need more money. He not only needs a few million dollars more; he needs upwards of \$400,000,000. We say that we think he can get along with \$400,000,000 extra, and the Democrats admit that he needs somewhat like \$465,000,000 or thereabouts.

Mr. President it would be very nice today if we were in the same position as George Leader was when he was a Senator here in this Chamber. It would be very nice if we were in the same position which Senator Dent has enjoyed over the past few years, when we could all say, "No, we are not going to be for these new taxes." As I remember Senator Dent's answer when I asked him why George Leader, when he was Senator, did not even vote for the real estate transfer tax, he told me that probably the reason he did not vote for it was because it was a new tax and it was awfully difficult for representatives to vote for something new. That was the reason he did not vote for that. Certainly, if that is an excuse, we surely, on this side, have a lot of excuses because all we have seen to date has been some new type of tax, something new to be tried on the people of Pennsylvania as guinea pigs. We are not in that position, however, Senator Dent. We are in the position where we know that we have to furnish some votes for some type of tax. The type of taxes which you have brought over to us have been obnoxious. The classified income tax was very obnoxious, not only to us but to the people generally in the State of Pennsylvania.

Then we rested awhile and you brought over another one, which was the manufacturers' excise tax. That tax, also, was undesirable and we could find no votes for it. We, therefore, felt that we did have some obligation to the people of Pennsylvania. We could not just sit here and say "no." We wanted to go on record and say, "Here is a type of tax that the majority of the Republicans in the Senate will vote for and we feel that that will bring in so much money."

We do not expect to finance all this additional need by a sales tax. I believe that would be very burdensome to the people of Pennsylvania. I do not remember that anyone has stated that that was what we should do. I certainly would not be a party to financing this entire need by a sales tax because it would have to be too great a percentage. I feel that certainly the greatest percentage that we should put on the people is three percent, and we should have the same type of exemptions as they have under the Ohio plan.

Mr. President, the people over in Ohio have been getting along very nicely with a three per cent sales tax. They also have about the same exemptions in their plan as we have under the Kessler amendments. I suppose that when the Ohio tax was originally put on, there was



a certain amount of criticism and I believe they even voted out of power the party that was in power when the sales tax was placed on the books. However, over the period of years in which they have had Democratic Governors and Democratic Legislatures, they have not seen fit to remove it from the books.

I live quite near to the border of Ohio and I get over there quite often, and I find that the people there generally are pretty satisfied with paying this rate of tax. Senator, if you are not satisfied with this tax of course, it is up to you to vote "no" on it. I will say that the same thing is true with any Republican who wants to vote against this tax. He has a perfect right to vote his convictions.

Although this starts out to be a three per cent sales tax, I understand that the amendments provide that beginning with January 1, 1957, the rate will be reduced to two per cent. How much money this tax will raise may be very much the subject of debate. I presume we would have to get together with the Budget Director and the Department of Revenue and others in order to find out about what they would estimate this tax to bring in. Certainly, it will bring in over \$100,000,000 and it might bring in over \$200,000,000. Also, maybe as Senator Dent said, it might not hit the \$305,000,000 mark but whatever it will bring in will help us finance our school needs and the various things which need to be done. If we keep arguing back and forth here day after day, pretty soon we are going to see some of the schools of Pennsylvania have to close down for want of money, and none of us want to see that happen.

Senator, I have failed to find people over here on this side of the aisle who will vote for an income tax, and I can find none who feel that they can vote for an income tax and properly represent the people who sent them down here. It is, therefore, not my fault that we are in this position. They feel that if they are going to be called upon to help raise the money for the tax program and for the budget requirements, they can go along with the sales tax.

Mr. President, perhaps there might have to be some more amendments put in here. It might be a matter of trying to work it out between Democratic and Republicans. I personally am willing to work hours to try to work some kind of a compromise with the Democratic leadership, but for them to close their eyes and turn down their thumbs and say, "Nothing doing, we are not going to vote for this because it bears a Democratic Member's name on the bill and you are up to some kind of skulduggery," I think is an indication that they are closing their eyes to the needs of the Commonwealth of Pennsylvania. We expect to bring this bill up for a vote tomorrow and if they do not want to vote for it, then the bill will fall because we do not have a sufficient number of Republican votes, due to two absentees that I know of, to pass this bill.

In addition to this, we have not placed all of the tax burden and we are not trying to raise it all through the sales tax. In addition to this tax bill, you will remember that Senator Kessler reported out an increase of one percent in the corporate net income tax, which will raise \$55,000,000. He also reported out a bill which will accelerate the payment of the capital stock tax, which will bring in another \$25,000,000. Therefore, all together,

this will amount to \$70,000,000 in additional taxes, and these are additional taxes on what you call big business. We feel that both business in Pennsylvania and the citizens of Pennsylvania must raise these funds.

I also believe in the doctrine of ability to pay. I know from my experience of being a lawyer for many years that the old saying is that you cannot get blood out of a turnip or you cannot get blood out of a stone. The only way you are going to get any money out of anybody is to try to get some out of the fellow who has money.

Mr. President, I believe that the sales tax is, more or less, based on ability to pay, Senator, when you and I go down to the store to buy suits, we usually pay a lot more for our suits than the fellow who, we will say, is in poorer circumstances than we are. The fellow who has more money than we have perhaps pays more money for his suits, and pays more money for the various things that he buys. If he buys a yacht, he will have to perhaps pay a sales tax on that yacht. He will pay the tax on whatever he buys. If he buys a Cadillac car, and we buy a Ford, he will have to pay more sales tax. In effect, therefore, as I say, the sales tax is based more or less on the doctrine of ability to pay.

This is our program. I personally can vote for this bill, as amended, as part of the package of the bills brought out to put more taxes on industry in Pennsylvania and if it does not receive enough votes to pass, then we will have to start all over again.

Perhaps, Mr. President, we could have very well also rested here under the provisions of the Constitution and said, "Send over some more taxes from the House and when you finally get one over here that we like, we will vote for it." However, had we done that, we feel that we would be here perhaps another year and in order to resolve this problem somewhat, and show to the people of Pennsylvania the type of program which a majority of the Republicans here can endorse, we have brought out this bill as amended. It was the only way that we could bring to the attention of the people our ideas on taxation.

Mr. President, as the Senator knows, we could not institute or initiate a tax bill in the Senate and the only way that we could possibly do this was to amend a tax bill which we had before us, and that is the reason we amended this particular bill.

#### PERMISSION TO ADDRESS SENATE

Mr. DENT asked and obtained unanimous consent to address the Senate.

Mr. DENT. Mr. President, I will have to read the amendments tomorrow to make sure about this yacht business because, as I understand it, if they are up to certain tons they do not have to pay the tax. Of course, most people know that yachts are bought by persons who are big corporations and are paid for by the corporations; not only the yachts but the operation of them. However, that is beside the point.

I am not going to get into another discussion, but I just want to tell a little story which probably will illustrate what I mean by the attitude of the Republican Party in the House. Senator Mahany called attention to the fact that these were business taxes, or so-called big corporation taxes; one per cent on corporate net income and



a \$25,000,000 accelerated collection of the capital stock. It is not fair to say that the \$25,000,000 is a new tax. That is just an accelerated collection of a present tax; one that is on the books and does not cost industry one more cent. It is just an acceleration so that we can meet some of the bills in this biennium which were left to us. However, we will take the \$55,000,000 figure, although the best experts say \$54,000,000 is tops, that Senator Mahany estimates they are putting on business and industry in Pennsylvania, and we will take the \$305,000,000 figure that the fair chairman of the committee intends to put on the little people of this State. Of course, that is your idea of 50-50 but it reminds me of the story of the butcher who was arrested for selling rabbit sausage, and he was arrested because he was not advertising it truly. When they had him up before the judge, they said, "What kind of sausage is this? What is your defense?" "Well," he said, "it is rabbit sausage. I mix a little horse meat with it." The judge asked, "What proportions?" The butcher replied, "It is a 50-50 basis. I use one rabbit and one horse."

#### PERMISSION TO ADDRESS SENATE

Mr. BARR asked and obtained unanimous consent to address the Senate.

Mr. BARR. Mr. President, I am going to be very brief but I just wanted to tell Senator Mahany that if he is looking for me to discuss this tax bill, he should look elsewhere. You go and find your man, Smith, and discuss it with him before you ever try and discuss any more tax bills with us. Since you have put yourself up as a Justice, which you were called when we debated the classified income tax, I would like to ask you a few questions.

#### INTERROGATION

Mr. BARR. Mr. President, I desire to interrogate the gentleman from Crawford, Senator Mahany.

The PRESIDENT. Will the gentleman from Crawford, Mr. Mahany, permit himself to be interrogated?

Mr. MAHANY. Mr. President, I will, of course, but I wish that the Senator would wait until we have the printed bill before us. There are many of these amendments which I have not yet had an opportunity to study but if there is something I can answer, I will try my best to do so.

Mr. BARR. Mr. Mahany, you are familiar, I guess, with the fact that there is a Constitution in this State?

Mr. MAHANY. I thought there was up until this Session of the Legislature.

Mr. BARR. I would suggest then that you read Section 14, which states that all bills for raising revenue shall originate in the House of Representatives. This section provides that the Senate may propose amendments as in other bills.

Would you tell me if a manufacturers' excise tax is the same type of a tax as a retail sales tax?

Mr. MAHANY. I did not understand that this is called a retail sales tax. As I understand it, it is a use tax. There is a case, which I will be happy to show the Senator tomorrow morning, in which the Supreme Court held that they will not go behind the Governor's signature to inquire into the proceedings that were had before the Legislature in the enactment of a bill.

Mr. BARR. Was that a tax bill?

Mr. MAHANY. Yes, I believe that was a tax bill.

Mr. BARR. I would like to see the case.

Mr. MAHANY. I will be happy to show it to you.

Mr. BARR. Would you answer my question? Can you see any comparison between a manufacturers' excise tax and this consumer or retail sales tax?

Mr. MAHANY. Well, I can see a great amount of comparison, Senator. Suppose we had passed your manufacturers' excise tax, as it came over to the Senate. I believe it was to become effective as of January 1st, 1956. Suppose there were a tax on all of the inventories in all of the stores in the State of Pennsylvania, on the manufactured articles therein, and the store keeper had, we will say, paid a tax on a typewriter and I had gone in on January 2nd to buy that typewriter. He would have added onto the price of the typewriter the amount of tax.

I probably would have said to him, "What is this, a sales tax?" He would have then said to me, "No, it is a manufacturers' excise tax." Under this bill, instead of saying that to the customer, he can say, "No, this is a use tax or a consumers' tax." I think this tax takes money out of the pockets of the people who are buying articles in the stores, the same as the manufacturers' excise tax would have.

If you would have been honest about it—and I think you tried but sometimes held back a little—and if you had placed this manufacturers' excise tax on the books, it would have been handed down the line and the manufacturer would have handed it down to the wholesaler, the wholesaler would have handed it down to the retailer and the retailer would have handed it down to the customer. I think that was your intent, instead of it being absorbed by the fellow who paid the tax. I, therefore, think there are a great number of similarities, Senator, between this tax, as it was brought over from the House, and the tax as it is now amended.

Mr. BARR. Thank you, Justice Mahany. I will tell you this. We are not going to ask the Lieutenant-Governor to rule on that, because this tax has as much chance as a proverbial snowball in you know where.

Mr. President, I told them in committee today and they agreed with me, your colleagues who are in the majority, that the paper which we sent to your Caucus yesterday had in it the words that when the sales tax, if it were passed in the House, came over here, Senator Dent and I would not ask you to bring your two sick Senators, Senator Pechan and Senator Watson, here to vote, as we would furnish those two votes. However, as I told the Senators today, we would not vote that way for a sales tax sponsored by a Democrat, because the thing came over a dove and has now come out a raven. We are not going to give you any votes for this monstrosity which has been placed on our desks this afternoon.

Mr. MAHANY. Senator, I did not understand that you could talk for all the individual Senators over there. I thought that you did not take Caucus action, but it looks now as though you are going to dictate how all the individual Members over there vote. If that is true, then this bill will fall tomorrow sometime.

Mr. BARR. Mr. President, I desire to further interrogate the gentleman from Crawford, Senator Mahany.

The PRESIDENT. Will the gentleman from Crawford, Mr. Mahany, permit himself to be further interrogated?

Mr. MAHANY. I will, Mr. President.

Mr. BARR. Can you produce your twenty-four votes for this bill tomorrow?



Mr. MAHANY. Senator Barr, I do not say that I can, nor do I say that I cannot. I will say that I can produce one and that is my own. If any Senator over here thinks that he should vote against this bill, that is his prerogative. I can neither spank him nor reward him for his vote.

Mr. BARR. I just want to say to you that when we told the Members on this side about the exemptions that were written in this bill, they said, "Over our dead bodies."

### CALENDAR

## BILL ON CONCURRENCE IN HOUSE AMENDMENTS

### BILL OVER IN ORDER

Mr. LANE. Mr. President, I ask unanimous consent that Senate Bill No. 729, Printer's No. 431, on concurrence in House amendments, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

## BILL ON CONCURRENCE IN HOUSE AMENDMENTS

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 767, as follows:

An Act amending the act of August 9, 1955 (Act No. 130) entitled "An act relating to counties of the third fourth fifth sixth seventh and eighth classes amending revising consolidating and changing the laws relating thereto" changing technical provisions with respect to plans required to be submitted to the county planning commission

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Subsection (a) and (b) of section 2004 of the act of August 9, 1955 (Act No 130) known as "The County Code" are amended to read

Section 2004 Plans of Subdivisions Jurisdiction Scope of Subdivisions Regulations Procedure Penalties (a) The County Planning Commission shall have jurisdiction and control of the subdivision of land located within the county limits For the purpose of this section a subdivision shall be construed to be a division of any part parcel or area of land by the owner or agent either by lots or by metes and bounds into lots or parcels three or more in number for the purpose of conveyance transfer improvement or sale with appurtenant roads streets lanes alleys and ways dedicated or intended to be dedicated to public use or the use of purchasers or owners of lots fronting thereon All plans plots and replots of land laid out in building lots and the streets highways alleys or other portions of the same intended to be dedicated to public use or the use of purchasers or owners of lots fronting thereon or adjacent thereto located within the county limits except those located within a city [borough or township having in existence a zoning or real estate development control ordinance within the said county] or borough or within a township having adopted by resolution or ordinance land subdivision regulations shall be submitted to the County Planning Commission if one has been created and approved by it before they shall be recorded.

(b) It shall not be lawful to receive or record any [such] plan required to be approved by the County Planning Commission in any public office unless the same shall bear thereon by endorsement or otherwise the approval of the County Planning Commission if one has been created The disapproval of any such plan by the County Planning Commission shall be deemed a refusal of the proposed dedication shown thereon The approval of the commission shall be deemed as acceptance of the proposed dedication but shall not impose any duty upon the county concerning maintenance or improvement of

any such dedicated streets highways alleys or other portions of the same until the proper authorities of the county shall have made actual appropriation of the same by entry use or improvement

\* \* \*

which was returned from the House of Representatives with amendments.

Said amendments having been twice read, and printed as required by the Constitution.

On the question,

Will the Senate concur in the same?

## SENATE CONCURS IN AMENDMENTS MADE BY THE HOUSE TO SENATE BILL No. 767

Mr. MAHANY. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 767.

Mr. WATKINS. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

### YEAS—45

Barr,	Harney,	McMenamin,	Stevenson,
Berger,	Hays,	McPherson, Jr.,	Stiefel,
Blass,	Holland,	Miller,	Taylor,
Camiel,	Kessler,	Mullin,	Van Sant,
Chapman,	Koprivier, Jr.,	Peelor,	Wade,
Dent,	Lane,	Proper,	Wagner,
Diehm,	Madigan,	Ruth,	Watkins,
DiSilvestro,	Mahany,	Schmidt,	Weiner,
Donolow,	Mallery,	Scott,	Whalley,
Flack,	McCreesh,	Seyler,	Wolfe,
Fleming,	McGinnis,	Silvert,	Yosko,
Haluska,			

### NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

## BILL ON CONCURRENCE IN HOUSE AMENDMENTS

### BILL OVER IN ORDER

Mr. LANE. Mr. President, I ask unanimous consent that Senate Bill No. 780, Printer's No. 427, on concurrence in House amendments, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

## BILL ON CONCURRENCE IN HOUSE AMENDMENTS

### BILL OVER IN ORDER

Mr. LANE. Mr. President, since there seems to be a difference of opinion at the present time regarding this bill, I request that Senate Bill No. 813, Printer's No. 432, on concurrence in House amendments, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

## BILL ON CONCURRENCE IN HOUSE AMENDMENTS

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 835, entitled:



An Act amending "The County Code" of August 9, 1955 (Act No. 130) entitled "An act relating to counties of the third fourth fifth sixth seventh and eighth classes amending revising consolidating and changing the laws relating thereto" authorizing the appointment of solicitors by clerks of the court of quarter sessions and oyer and terminer in third fourth and fifth class counties and prescribing their duties.

which was returned from the House of Representatives with amendments.

Said amendments having been twice read, and printed as required by the Constitution,

On the question,

Will the Senate concur in the same?

Mr. LANE. Mr. President, I wish to advise the Majority Leader that the Democrats have caucused an open vote on this bill,

And the question recurring,

Will the Senate concur in the same?

#### SENATE NON-CONCURS IN AMENDMENTS MADE BY THE HOUSE TO SENATE BILL No. 835

Mr. MAHANY. Mr. President, I move that the Senate do non-concur in the amendments made by the House to Senate Bill No. 835.

Mr. STEVENSON. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

(A voice vote having been taken, the question was determined in the affirmative.)

Ordered, That the Clerk inform the House of Representatives accordingly.

#### THIRD READING CALENDAR

#### BILL ON THIRD READING, RECALLED FROM THE GOVERNOR

Agreeably to order,

The Senate resumed the third reading and consideration of Senate Bill No. 475, entitled:

An Act amending the act of August 22, 1953 (P. L. 1344) entitled "An act relating to marriage and amending revising consolidating and changing the law relating thereto" further regulating the issuance of marriage licenses when applicants are infected with syphilis.

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill on third reading?

Mr. SILVERT. Mr. President, I ask unanimous consent to offer an amendment at this time.

The PRESIDENT. Is there objection? The Chair hears none.

The Clerk read the amendment as follows:

Amend Section 1 (Section 5), page 3, line 15, by inserting after the bracket:

"Provided, however, That if a statement of a physician duly licensed by this Commonwealth or a physician in the United States Army or Navy or any physician of the Public Health Service of the Federal government reveals that either of the applicants is infected with syphilis in a stage which is not likely to become communicable the applicants may apply to a judge of the orphans' court in the manner provided by section nine of this act for permission to marry. Upon finding that it is in the best

interests of the applicants and of the public that they should marry the judge may issue an order directing the clerk of the orphans' court to issue a license to the applicants and the said clerk shall forthwith issue to the applicants a marriage license."

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the bill on third reading, as amended?

#### BILL OVER IN ORDER

Mr. SILVERT. Mr. President, I ask unanimous consent that Senate Bill No. 475, Printer's No. 440, on third reading, recalled from the Governor, go over in its order, as amended.

The PRESIDENT. Is there objection? The Chair hears none.

#### BILL ON THIRD READING AND FINAL PASSAGE, RECALLED FROM THE GOVERNOR

Agreeably to order,

The Senate resumed the third reading and consideration of Senate Bill No. 603, as follows:

An Act amending the act of June 24, 1937 (P. L. 2017) entitled "An act creating in each county (except of the first class) as a separate corporation and in each city of the first and second class as a part of the city government an institution district for the care and maintenance of certain indigent persons and children prescribing the powers and duties of county commissioners county treasurers city departments of public welfare the State Department of Welfare and the State Department of Public Assistance in respect thereto abolishing certain poor districts and terminating the terms of directors overseers guardians and managers of the poor and poor district auditors and providing for the temporary employment of certain of them providing for the transfer vesting sale and disposition of the property of poor districts and the payment of their obligations imposing certain existing obligations on institution districts and on the Commonwealth regulating the affairs of poor districts until abolished revising amending changing and consolidating the law relating to the care of the poor and repealing existing laws" authorizing the sale of surplus farm products and other personal property

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 305 act of June 24, 1937 (P. L. 2017) known as the "County Institution District Law" amended September 29, 1951 (P. L. 1619) is amended to read

Section 305 Powers and Duties as to County Institution District Property As a function of the institution district and with its funds the commissioners of each county shall have the power and it shall be their duty

(a) With the approval of the Department of Welfare as to suitability and of the Court of Quarter Sessions of the Peace as to the amount of money to be expended and upon such notice as the court may require to acquire by purchase or the right of eminent domain lands and buildings for the care of dependents and for farms taking title in the name of the county institution district

(b) To erect equip maintain repair alter and add to institutions for the care of dependents and to equip maintain cultivate and improve farms using their produce for the support of dependents Any plan for the erection or substantial alteration of an institution must be approved as to suitability by the Department of Welfare and as to the amount of money to be expended by the Court of Quarter Sessions of the Peace

(c) With the approval of the Court of Quarter Sessions



of the Peace upon such notice as the court may require to sell or lease real [and personal] property of the institution district

(d) To pay the other necessary expenses of the institution district

(e) To sell surplus farm products and other personal property deemed to be to the best interest of the institution district Where the commissioner shall approve by resolution or ordinance a sale of such property they shall estimate the sale value of the entire lot to be disposed of If the value is estimated at two hundred dollars (\$200) or more the entire lot shall be advertised for sale once in at least two newspapers of the county not less than ten days prior to the date fixed for opening of bids and such date shall be announced in the advertisement The property advertised shall be sold to the best responsible bidder This clause shall not be mandatory where property is to be traded in or exchanged for new or other property If the value of the property to be sold is estimated at less than two hundred dollars (\$200) advertising for bids shall not be required but at least two bids in writing must be received and the property shall be sold to the best responsible bidder

Section 2 This act shall take effect immediately

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Harney,	McMenamin,	Stevenson,
Berger,	Hays,	McPherson, Jr.,	Stiefel,
Blass,	Holland,	Miller,	Taylor,
Camiel,	Kessler,	Mullin,	Van Sant,
Chapman,	Koprivier, Jr.	Peelor,	Wade,
Dent,	Lane,	Propert,	Wagner,
Diehm,	Madigan,	Ruth,	Watkins,
DiSilvestro,	Mahany,	Schmidt,	Weiner,
Donolow,	Mallery,	Scott,	Whalley,
Flack,	McCreesh,	Seyler,	Wolfe,
Fleming,	McGinnis,	Silvert,	Yosko,
Haluska,			

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL OVER IN ORDER

Mr. LANE. Mr. President, I ask unanimous consent that House Bill No. 8, Printer's No. 1252, on third reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL RE-REFERRED

Mr. MAHANY. Mr. President, I move that Senate Bill No. 188, on third reading, entitled:

An Act relating to the practice of Ophthalmic Dispensing, providing for the licensure and registration of Dispensing Opticians, authorizing the issuance of certificates to registered qualified Ophthalmic Dispensers, creating a State Board of Examiners for Dispensing Opticians to determine the respective qualifications of applicants, and defining specific powers and duties thereof, providing for penalties for violations of the provisions thereof, and providing for appeals to Court.

be re-referred to the Committee on Public Health and Welfare.

Mr. FLEMING. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. MAHANY. I ask for a roll call, Mr. President.

Mr. FLEMING. I ask for a roll call, Mr. President.

(During the calling of the roll, the following occurred):

Mr. PROPert. Mr. President, not having heard my name called, I desire to be recorded as voting "aye."

The PRESIDENT. The gentleman from Montgomery will be so recorded.

Mr. CHAPMAN. Mr. President, I desire to be recorded as voting "no."

The PRESIDENT. The gentleman from Warren will be so recorded.

The yeas and nays were required by Mr. MAHANY and Mr. FLEMING, and were as follows, viz:

YEAS—24

Berger,	Harney,	McMenamin,	Van Sant,
Blass,	Kessler,	Peelor,	Wade,
Dent,	Koprivier, Jr.,	Propert,	Wagner,
Diehm,	Madigan,	Scott,	Watkins,
Flack,	Mahany,	Stevenson,	Whalley,
Fleming,	Mallery,	Taylor,	Wolfe,

NAYS—12

Barr,	Haluska,	McGinnis,	Seyler,
Camiel,	Hays,	Mullin,	Silvert,
Chapman,	Lane,	Ruth,	Stiefel,

So the question was determined in the affirmative.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 316, as follows:

An Act amending the act of March 30, 1917 (P. L. 21) entitled "An act defining optometry and relating to the right to practice optometry in the Commonwealth of Pennsylvania and making certain exceptions and providing a Board of Optometrical Education Examination and Licensure and means and methods whereby the right to practice optometry may be obtained and providing for the means to carry out the provisions of this act and providing for revocation or suspension of licenses given by said board and providing penalties for violations thereof and repealing all acts or parts of acts inconsistent therewith" regulating the advertising of products used for ophthalmic purposes and providing penalties for violation thereof

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 2 act of March 30, 1917 (P. L. 21) entitled "An act defining optometry and relating to the right to practice optometry in the Commonwealth of Pennsylvania and making certain exceptions and providing a Board of Optometrical Education Examination and Licensure and means and methods whereby the right to practice optometry may be obtained and providing for the means to carry out the provisions of this act and providing for revocation or suspension of licenses given by said board and providing penalties for violations thereof and repealing all acts or parts of acts inconsistent therewith" amended May 19, 1923 (P. L. 260) is amended to read

Section 2 That on and after January first one thousand nine hundred and eighteen it shall not be lawful for any person in this Commonwealth to engage in the practice of optometry or to hold himself out as a practitioner of optometry or to attempt to determine by an examination of the eye the kind of glasses needed by any person or to



hold himself out as a licensed optometrist when not so licensed or to hold himself out as able to examine the eyes of any person for the purpose of fitting the same with glasses excepting those hereinafter exempted unless he has first fulfilled the requirements of this act and has received a certificate of licensure from the Board of Optometrical Education Examination and Licensure created by this act nor shall it be lawful for any person in this Commonwealth to represent that he is the lawful holder of a certificate of licensure such as is provided for in this act when in fact he is not such lawful holder or to impersonate any licensed practitioner of optometry

Any person violating the provisions of this section shall be deemed to be guilty of a misdemeanor and shall upon conviction be subject upon his first offense to a fine of not more than five hundred dollars or imprisonment for not more than six months in the county prison or both or either at the discretion of the court and upon conviction on second or later offenses shall be subject to a fine or not less than five hundred dollars nor more than one thousand dollars and imprisonment for not less than six months nor more than one year at the discretion of the court

Section 2 Section 9 of the act amended May 25, 1937 (P. L. 795) is amended to read

Section 9 The State Board of Optometrical Examiners shall refuse to grant a certificate of licensure to any applicant and may cancel revoke or suspend the operation of any certificate by it granted for any or all of the following reasons to wit the peddling from house to house or person to person or the establishment of temporary offices contrary to the provisions of this act or the use of misleading advertising or gross incompetency or the obtaining of money by fraud or misrepresentation of the optometrical profession in which untruthful statements are made or the failure to deliver the certificates provided for in section six of this act or the conviction of a crime involving moral turpitude habitual intemperance in the use of ardent spirits or stimulants narcotics or any other substance which impairs the intellect and judgment to such an extent as to incapacitate for the performance of duties of an optometrist or the advertising of prices for professional services or glasses or other appurtenances used in the practice of the profession of optometry The certificate of licensure of any person convicted of a violation of section two of this act shall be ipso facto revoked

Any person who is the holder of a certificate of licensure or who is an applicant for examination for a certificate of licensure against whom is preferred any charge shall be furnished by the board with a copy of the complaint and shall have a hearing before the board at which hearing he may be represented by counsel At such hearing witnesses may be examined for and against the accused respecting the said charges which examination shall be conducted in the manner usually followed in the taking of testimony before commissions in this Commonwealth The suspension of a certificate of licensure by reason of the use of stimulants or narcotics may be revoked when the holder thereof shall have been adjudged by the said board to be cured and capable of practicing optometry The revocation or suspension for any other cause of a certificate of licensure may be removed at such time as it shall appear to the board to be just and proper to do so

No person firm or corporation engaged in or connected with the retail sale or dispensing of frames mountings lenses spectacles or eyeglasses used for ophthalmic purposes shall include in any advertising whether by newspaper magazine radio television signs displays or by any other means the price or prices of the products used for ophthalmic purposes Any person violating the provisions of this act is guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars (\$500) or undergo imprisonment not exceeding six months or both

And said bill having been read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

#### YEAS—29

Barr,	Harney,	McMenamin,	Stiefel,
Blass,	Hays,	Mullin,	Taylor,
Chapman,	Koprivier, Jr.,	Peelor,	Wade,
Dent,	Lane,	Ruth,	Wagner,
Diehm,	Mahany,	Scott,	Watkins,
Flack,	Mallery,	Seyler,	Whalley,
Fleming,	McGinnis,	Silvert,	Wolfe,
Haluska,			

#### NAYS—6

Berger,	Kessler,	Stevenson,	Van Sant,
Camiel,	Madigan,		

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present the said bill to the House of Representatives for concurrence.

#### BILLS OVER IN ORDER

Mr. LANE. Mr. President, in view of the fact that some of our Members are not present, and this is a rather controversial bill, I ask unanimous consent that Senate Bill No. 446, Printer's No. 376, on third reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. MAHANY. Mr. President, I ask unanimous consent that House Bill No. 499, Printer's No. 165, on third reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

#### BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 641, as follows:

An Act amending the act of May 1, 1933 (P. L. 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" authorizing the appointment of sanitary boards and sanitary officers prescribing their powers and duties providing for the enforcement of the administration of health laws by such boards and officers providing for a president and secretary of such boards imposing duties on the Secretary of Health and providing for payments of expenses by townships

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The act of May 1 1933 (P. L. 103) known as "The Second Class Township Code" reenacted and amended and revised July 10 1947 (P. L. 1481) is amended by adding after Article XIX a new article to read

#### ARTICLE XIX-A

##### Sanitary Board

Section 1901-A Establishment of Board of Sanitary Officers The administration of the health laws in townships may be enforced by a sanitary board or by a sanitary officer or officers as the case may be appointed by the township supervisors

Where the township supervisors elect to appoint a sanitary officer or officers the said sanitary officer or officers shall have the same powers and duties and exercise the same authority as is prescribed for sanitary boards in townships All sanitary officers whether appointed by sanitary boards or by the township supervisor shall have



had some experience or training in public health work in accordance with rules and regulations established by the Advisory Health Board of the State Department of Health Such sanitary officers shall not enter upon the performance of their duties until they are certified so to do by the State Department of Health

**Section 1902-A Members of Sanitary Board** Where the township supervisors decide to appoint a sanitary board said board shall be composed of five members at least one of whom shall be a reputable physician of not less than two years experience in the practice of his profession The members of the board shall be appointed by the township supervisors At the first appointment one member shall be appointed to serve for one year one for two years one for three years one for four years and one for five years and thereafter one member shall in like manner be appointed each year to serve for five years The members of the sanitary board shall serve without compensation but if any member of the board shall be elected to the office of secretary he shall be entitled to receive a salary fixed by the board for that office

**Section 1903-A Oaths of Members Secretary and Sanitary Officer** The members of the board shall severally take and subscribe to the oath prescribed by section five hundred one of this act and shall annually organize by electing a president from among the members of the board a secretary who may or may not be a member of the board and a sanitary officer who shall not be a member of the board The secretary and the sanitary officer shall receive such salary as may be fixed by the board and ratified by the township supervisors and shall serve for a period of one year or until such time thereafter as their successors may be elected and qualified They shall severally give bond to the township in such sums as may be fixed by ordinance for the faithful discharge of their duties and shall also take and subscribe to the oath required by members of the board

**Section 1904-A Duties of Secretary** The secretary of the board shall keep the minutes of the proceedings of the board shall keep accurate accounts of the expenditures of the board shall draw all requisitions for the payment of moneys on account of the sanitary board from appropriations made by the supervisors to the board and shall present the same to the president of the board for his approval shall render statements of the expenditures to the board at each stated meeting or as frequently as the board may require shall prepare under the directions of the board the annual report to the township supervisors together with the estimate of appropriation needed for the ensuing year He shall report to the State Department of Health at the end of each week and for the fraction of each week occurring at the end of the month the cases of communicable disease reported to the sanitary board on the form provided for that purpose by such department and shall also make an annual report to such department and shall make such other reports and perform such other duties as the board may require

**Section 1905-A Powers and Duties of Sanitary Officer** It shall be the duty of the sanitary officer to attend all stated and special meetings of the sanitary board and at all times be ready and available for the prompt performance of his official duties He shall placard and quarantine all premises upon which cases of communicable disease exist which have been reported to the sanitary board or of which he or the board may have knowledge which are required by law or by regulation of the State Department of Health or of the local sanitary board to be placarded and quarantined and shall disinfect such premises upon the expiration of the quarantine period and the recovery of the last person therein suffering from such disease He shall serve written notice on teachers and persons in charge of public parochial Sunday and other schools requiring the exclusion from school of children who are suffering from or who reside in the same premises with other persons who are suffering from communicable diseases and shall make sanitary inspections and shall execute the orders of the sanitary board and shall in the

performance of his duties have the power and authority of a policeman

**Section 1906-A Powers of Board** The sanitary board shall have the powers and it shall be its duty to enforce the laws of the Commonwealth the regulations of the State Department of Health and to make and enforce such additional rules and regulations to prevent the introduction and spread of infectious or contagious diseases by the regulation of intercourse with infected places by the separation of infected persons and persons who shall have been exposed to any infectious or contagious disease and by abating and removing all nuisances which the board shall deem prejudicial to the public health to mark infected houses or places to prescribe rules for the construction and maintenance of house-drains wash-pipes soil-pipes and cesspools and to make all such other rules and regulations as shall be deemed necessary for the preservation of the public health The board shall also have power with the consent of the township supervisors in case of a prevalence of any contagious or infectious disease to establish one or more emergency hospitals and to make provisions and regulations for the maintenance and management of the same

The board shall also have the power to make enforce and cause to be published all necessary rules and regulations not inconsistent with law for carrying into effect the powers and functions with which they are invested by law and the power and authority relating to the public health conferred on the township Such rules and regulations when approved by the township supervisors and when advertised in the same manner as ordinances shall have the force of ordinances of the township and all penalties or punishment prescribed for the violation thereof as well as the expenses actually and necessarily incurred in carrying such rules and regulations into effect shall be recoverable for the use of the township in the same manner as penalties for violation of the ordinances of the township and subject to like limitations as to the amount thereof

**Section 1907-A Entry Upon Premises** The sanitary board shall have the power as a body or by committee as well as the sanitary officer together with their assistants subordinates and workmen under and by order of the said board to enter at any time upon any premises in the township upon which there is suspected to be any infectious or contagious disease or nuisance detrimental to the public health for the purpose of examining and abating the same

**Section 1908-A Inspections Abatement of Nuisances** The sanitary board may inspect house-drains waste and soil-pipes cesspools waterclosets slaughter-houses hog-pens stable yards and any conditions or places whatsoever in the township which may constitute a nuisance or a menace to public health and whenever any condition or place in the township is found by the board to be a nuisance or a menace to the health of the people of the township it shall issue a written order of abatement directed to the owner or agent of the owner of the premises stating that the conditions specified therein constitute a nuisance or a menace to health and ordering an abatement thereof within such time as may be specified by them in such order In case such order of abatement is not obeyed within the time specified therein the board shall thereupon issue a further written order to the sanitary officer directing him to remove or abate the same which order shall be executed by him and his subordinates and workmen and the expense thereof shall be recoverable from the owner of the premises upon or from which the nuisance or menace to health is abated or removed in the same manner as debts of like character are now collected by law or the said sanitary board may proceed to enforce such other remedy or inflict such penalty as may be provided by ordinance of the township

**Section 1909-A Estimates of Expenditures Report** It shall be the duty of the sanitary board or appointed sanitary officer or officers to submit annually to the supervisors before the commencement of the fiscal year an estimate of the probable expenditures of the board during the en-



suing year and the supervisors shall then proceed to make such appropriations as may be deemed necessary. The sanitary board sanitary officer or officers shall in the month of January of each year submit a report in writing to the supervisors of its appropriation and expenditures for the preceding year together with such other information on subjects relative to the sanitary conditions or requirements of the township as may be necessary and the supervisors shall publish the same in their official journal.

**Section 1910-A Cooperation With Other Units** Any township may cooperate with the county or with any city borough or township as well as with the State Department of Health in the administration and enforcement of health laws.

**Section 1911-A Powers of Secretary of Health** Whenever in the opinion of the Secretary of Health conditions found by him to exist in any township shall constitute a menace to the lives and health of people living outside the corporate limits of such townships or if it be known to him that any township is without an existing or efficient sanitary board or sanitary officer he or his agents may enter and take full charge of and administer the health laws regulations and ordinances in such township and may continue in charge thereof until he shall decide that a competent and efficient sanitary board or sanitary officer has been appointed and qualified for such township and is ready able and willing to assume and carry into effect the duties imposed upon it or him by law.

**Section 1912-A Expenses of Board or Secretary of Health** All expenses incurred by any local sanitary board its officers or employes in the performance of the duties imposed upon it by law and all expenses incurred by the Secretary of Health or his agents in accordance with the provisions of this article shall be paid by the township wherein such duties are performed in the same manner as other expenses of such township are paid.

**Section 1913-A Failure to Pay Expenses Incurred by State Secretary** Whenever expenses incurred by the Secretary of Health or his agents in the administration of health laws in any township in accordance with the provisions of this article shall remain unpaid by said township for a period over three months after a statement of such expense has been rendered by him to such township and demand for payment by him made he shall with the approval of the Governor institute in the name of the Commonwealth as plaintiff an action of assumpsit against such township for the collection of such expense from the township in the same manner as debts of like amount are collected by law. Upon the trial of any such action of assumpsit the reasonableness of the expenditures made by the Secretary of Health shall be submitted to the jury for its determination.

**Section 1914-A Disposition of Collected Funds** All expenses incurred by the Secretary of Health in the administration of health laws in any township when paid to him by such township or when collected by him shall be returned by him to the State Treasurer who shall credit the amount so received to the appropriation made to the Department of Health.

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

#### YEAS—45

Barr,  
Berger,  
Blass,  
Camel,  
Chapman,

Harney,  
Hays,  
Holland,  
Kessler,  
Koprivier, Jr.,

McMenamin,  
McPherson, Jr.,  
Miller,  
Mullin,  
Peelor,

Stevenson,  
Stiefel,  
Taylor,  
Van Sant,  
Wade,

Dent,  
Diehm,  
DiSilvestro,  
Donolow,  
Flack,  
Fleming,  
Haluska,

Lane,  
Madigan,  
Mahany,  
Mallery,  
McCreesh,  
McGinnis,

Probert,  
Ruth,  
Schmidt,  
Scott,  
Seyler,  
Silver,

Wagner,  
Watkins,  
Weiner,  
Whalley,  
Wolfe,  
Yosko,

#### NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

#### BILLS OVER IN ORDER

Mr. MAHANY. Mr. President, I ask unanimous consent that the following bills, on third reading, go over in their order:

Senate Bill No. 802, Printer's No. 452;  
House Bill No. 856, Printer's No. 248;  
Senate Bill No. 889, Printer's No. 404;  
Senate Bill No. 890, Printer's No. 405;  
Senate Bill No. 891, Printer's No. 406;  
Senate Bill No. 892, Printer's No. 414;  
Senate Bill No. 893, Printer's No. 407;  
Senate Bill No. 894, Printer's No. 408;  
Senate Bill No. 895, Printer's No. 409; and  
Senate Bill No. 896, Printer's No. 458.

The PRESIDENT. Is there objection? The Chair hears none.

#### BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 1129, entitled:

An Act amending the act of May 17, 1929 (P. L. 1798) entitled "An act providing a fixed charge payable by the Commonwealth on lands acquired by the State and the Federal Government for forest reserves" requiring the Commonwealth for a limited time to pay charges to counties on certain federal forest reserves.

And said bill having been read at length the third time, On the question,

Will the Senate agree to the bill on third reading?

#### REQUEST TO OFFER AMENDMENTS

Mr. LANE. Mr. President, I ask unanimous consent to offer amendments at this time.

The PRESIDENT. Is there objection?

Mr. MAHANY. Mr. President, in order that I might have an opportunity to study the amendments, I respectfully request that the Senator withhold the amendments at this time, and that the bill go over in order until tomorrow. Then we can study the amendments; otherwise, we would not have an opportunity to look into them.

I would also like to check your amendments, Senator, with some of the sponsors of the bill and give it a little study. We just do not have time to do that now.

#### REQUEST TO OFFER AMENDMENTS WITHDRAWN

Mr. LANE. Mr. President, I withdraw my request for unanimous consent to offer amendments at this time.

And the question recurring,

Will the Senate agree to the bill on third reading?



## BILL OVER IN ORDER

Mr. MAHANY. Mr. President, I ask unanimous consent that House Bill No. 1129, Printer's No. 1154, on third reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

## BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 1736, as follows:

An Act amending the act of May 5, 1933 (P. L. 457) entitled "An act relating to the business of building and loan associations providing for the organization and voluntary dissolution of such associations defining the rights powers duties liabilities and immunities of such associations and of their officers directors shareholders solicitors and other employees prohibiting the transaction of business in this Commonwealth by foreign building and loan associations conferring powers and imposing duties upon the courts recorders of deeds and certain State departments commissions and officers establishing limitations of actions imposing penalties and repealing certain acts and parts of acts" removing the right of appeal to the Governor in cases of incorporation merger consolidation and conversion of building and loan associations and Federal savings and loans associations and authorizing appeals to the court of common pleas of Dauphin County

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Subsection C of section 306 act of May 5, 1933 (P. L. 457) known as the "Building and Loan Code" is amended to read

Section 306 Approval of Articles by Department of Banking

\* \* \*  
C If the Department of Banking disapproves the articles it shall return them to the Department of State stating in detail its reasons for doing so The Department of State shall immediately give notice to the proposed incorporators of the action of the Department of Banking and of the reasons therefor as stated to it by that department [The proposed incorporators may within thirty days after the Department of State gives them notice of the disapproval of their articles appeal from such disapproval to the Governor who shall hear such appeal promptly and within thirty days thereafter decide the matter and certify his decision to the Department of Banking] The decision of the [Governor] shall be conclusive and not subject to any review [The Department of Banking shall act in accordance therewith] department of banking may be appealed to the court of common pleas of Dauphin County

Section 2 Subsection C of section 1006 of the act amended March 15, 1937 (P. L. 63) is amended to read

Section 1006 Approval of Articles of Merger Consolidation or Conversion by Department of Banking \* \* \*

C If the Department of Banking disapproves the articles of merger consolidation or conversion it shall return them to the Department of State stating in detail its reasons for doing so The Department of State shall immediately give notice to the associations or Federal savings and loan associations desiring to merge consolidate or convert or to the Federal savings and loan association desiring to convert of the action of the Department of Banking and of the reasons therefor as stated to it by that department [Such associations or Federal savings and loan association may within thirty days after the Department of State sends them notice of the disapproval of their articles of merger consolidation or conversion appeal from such disapproval to the Governor who shall hear such appeal promptly and shall within thirty days thereafter decide the matter and certify his decision to the Department of Banking] The and appeal may be

taken from the decision of the [Governor] shall be conclusive and not subject to review [The Department of Banking shall act in accordance therewith] Department of Banking to the court of common pleas of Dauphin County Section 3 This act shall take effect immediately

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

## YEAS—45

Barr,	Harney,	McMenamin,	Stevenson,
Berger,	Hays,	McPherson, Jr.	Stiefel,
Blass,	Holland,	Miller,	Taylor,
Camiel,	Kessler,	Mullin,	Van Sant,
Chapman,	Koprivier, Jr.	Peelor,	Wade,
Dent,	Lane,	Probert,	Wagner,
Diehm,	Madigan,	Ruth,	Watkins,
DISilvestro,	Mahany,	Schmidt,	Weiner,
Donolow,	McGinnis,	Scott,	Whalley,
Flack,	Mallery,	Seyler,	Wolfe,
Fleming,	McCreesh,	Silvert,	Yosko,
Haluska,			

## NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 1898, as follows:

An Act amending the act of July 28, 1953 (P. L. 723) entitled "An act relating to counties of the second class amending revising consolidating and changing the laws relating thereto" further providing for and changing the provisions of the act relating to employees' retirement system and the powers duties and liabilities of the county the county institution district and the retirement board relative thereto and the rights privileges and limitations of employees and beneficiaries under the retirement system

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Subsection (c) of section 1710 and subsections (a) and (d) of section 1712 act of July 28, 1953 (P. L. 723) known as the "Second Class County Code" amended May 31, 1955 (P. L. 111) are amended to read

Section 1710 Employees Eligible for Retirement Allowances

\* \* \*  
(c) A person who became a county employe through the consolidation of a city institution district with a county institution district may have the period of his or her city employment credited as a county employe for all purposes under this article Provided That said person between the twenty-second day of May one thousand nine hundred forty-five and the twenty-second day of May one thousand nine hundred forty-six shall have paid into the retirement fund the amount which he or she would have been required to pay into the said fund if such person had been a county employe from the date of his or her original employment with the city And further Provided That the city by which the said person was formerly employed shall have paid into the retirement fund an amount equal to that paid into the said fund by the said person in accordance with the provisions of this article Any present county institution



district employee who prior to the twenty-second day of May one thousand nine hundred forty-five was a city institution district employee and who did not make payments for previous service credit as a county employee between the aforesaid period of time as herein provided may prior to the first day of April one thousand nine hundred fifty-six make application to the board and upon approval thereof shall pay into the retirement fund a sum equal to twice the payment which such person would have been required to pay into the said fund had such person been a county employee from the date of his or her original employment with the city In addition thereto interest at the legal rate shall be paid from the date when such monthly payment would have been made Both principal and interest shall be paid into the retirement fund at one time and in one amount or upon approval of the board both principal and interest shall be consolidated into one amount and paid in twelve or less equal monthly installments plus interest payment on monthly balances Full payment thereof shall be a condition precedent to the county employee being eligible to receive the benefits of the retirement allowances

No person shall be eligible to receive the benefits for prior service under this subsection who is a member of a retirement or pension system of any city of the second class

If such county employee leaves the employ of the county institution district before he or she shall be eligible to receive the benefit of the retirement allowances a refund of his or her contributions as paid into the retirement fund shall be made in accordance with the provisions of section 1714.

#### Section 1712 Amount of Retirement Allowances

(a) The retirement allowance paid under the provisions of this article shall equal fifty per centum of the amount which would constitute the average monthly compensation as received by the county employee during the last twenty-four months in which period of time the said county employee made monthly contributions into the retirement fund prior to his or her retirement No retirement allowance shall be computed on a monthly compensation in excess of five hundred dollars (\$500) nor shall a retirement allowance be paid for a fraction of a service year

After the effective date of this amendment certain former county employees who are now receiving a retirement allowance shall receive an increase of a certain per centum of such retirement allowance which sum shall be computed on the average monthly retirement allowance as heretofore authorized by the board

The per centum of increase in said monthly retirement allowance shall be as indicated in the following schedule to-wit

	Monthly Rate of increase
Persons receiving \$20.00 but less than \$40.00	50 per centum
Persons receiving 40.00 but less than 50.00	40 per centum
Persons receiving 50.00 but less than 60.00	30 per centum
Persons receiving 60.00 but less than 70.00	20 per centum
Persons receiving 70.00 but less than 80.00	10 per centum
Persons receiving 80.00 but less than 90.00	5 per centum

No person who is reemployed as a county employee shall be eligible to receive the benefit of a retirement allowance plus a service increment if any until he or she shall have made at least twelve monthly contributions into the retirement fund subsequent to his or her reemployment

\* \* \*

(d) Retirement allowance plus a service increment if any shall be paid in monthly installments on warrants of the board No retirement allowance plus a service increment if any granted to any person who has heretofore retired or who shall hereafter retire shall be [increased] deceased or revoked during the life of any such person except as the board may decide in accordance with the provisions of subsection (b) of section 1711 as well as a suspension thereof in accordance with the provisions of subsection (c) of this section and subsection (b) of section 1716

Section 2 The provisions of this act shall take effect on

the first day of the month next following its final enactment

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

#### YEAS—45

Barr,	Harney,	McMenamin,	Stevenson,
Berger,	Hays,	McPherson, Jr.,	Stiefel,
Blass,	Holland,	Miller,	Taylor,
Camiel,	Kessler,	Mullin,	Van Sant,
Chapman,	Koprivier, Jr.,	Peelor,	Wade,
Dent,	Lane,	Propert,	Wagner,
Diehm,	Madigan,	Ruth,	Watkins,
DiSilvestro,	Mahany,	Schmidt,	Weiner,
Donolow,	Mallery,	Scott,	Whalley,
Flack,	McCreesh,	Seyler,	Wolfe,
Fleming,	McGinnis,	Silvert,	Yosko,
Haluska,			

#### NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 1915, as follows:

An Act amending the act of May 22, 1935 (P. L. 233) entitled "An act creating and establishing a fund for the care maintenance and relief of aged retired and disabled employees of the Bureau of Police in cities of the second class providing a pension fund for said employees and providing for the payment of certain dues fees assessments fines and appropriations thereto regulating membership therein creating a board for the management thereof providing the amount mode and manner of payment to beneficiaries thereof and for the care and disposition of said fund providing for the payment into this fund by cities of the second class of all monies heretofore payable into any other funds organizations corporations or associations having the same or similar purposes and of such additional monies as may be necessary to carry out the provisions of this act" changing the amount of payments to certain beneficiaries The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The act of May 22, 1935 (P. L. 233) entitled "An act creating and establishing a fund for the care maintenance and relief of aged retired and disabled employees of the Bureau of Police in cities of the second class providing a pension fund for said employees and providing for the payment of certain dues fees assessments fines and appropriations thereto regulating membership therein creating a board for the management thereof providing the amount mode and manner of payment to beneficiaries thereof and for the care and disposition of said fund providing for the payment into this fund by cities of the second class of all monies heretofore payable into any other funds organizations corporations or associations having the same or similar purposes and of such additional monies as may be necessary to carry out the provisions of this act" is amended by adding after section 13 a new section to read

Section 13.1 Beneficiaries under the fund retired prior to January 1, 1956 shall be entitled to receive from the fund per month the amounts indicated in the following table

Classification	Monthly Payments
Superintendent of Police .....	\$175.00
Assistant Superintendent of Police .....	165.00



Inspector of Police .....	155.00
Inspector of Traffic .....	155.00
Inspector of Detectives .....	155.00
Police Investigator of Child Delinquency .....	155.00
Captain of Detectives .....	150.00
Captain of Police .....	150.00
Lieutenant of Detectives .....	145.00
Lieutenant of Police .....	145.00
Lieutenant of Traffic .....	145.00
Lieutenant of Motorcycles .....	145.00
City Detective .....	145.00
Criminal Court Investigator .....	145.00
Sergeant of Police .....	140.00
Chief Identification Operator .....	145.00
Turnkey .....	135.00
Patrolman .....	135.00
Cornerman .....	135.00
Motorcycle Patrolman .....	135.00
Morals Court Officer .....	135.00
Traffic Court Officer .....	135.00
Precinct Detective .....	135.00
Bertillon Operator .....	135.00

The pensions for members retired prior to January 1, 1956 who held positions not included in the above table shall be rated classified and determined by the board of managers in amounts proportionate to the pensions listed in the above table

No pension shall be granted or paid to any member pursuant to this section based on the rank or position which he holds at the time of making application for pension unless he has held such rank or position for a period of one (1) year prior to the date of making such application

Section 2 Section 14 of the act added June 28, 1955 (P. L. 210) is amended to read

Section 14 Pensions paid under the provisions of this act to beneficiaries who retire on or after January 1, 1956 shall equal not less than fifty per centum of the amount which would constitute the average monthly salary or wages as received by the employees of the Bureau of Police during the highest paid five years in which time the employee made monthly contributions to the pension fund prior to his or her retirement No pension paid pursuant to this section shall be computed on a monthly salary or wage in excess of five hundred dollars nor shall a pension be paid for a fraction of a service year A service year shall be computed from the date of employment of the employee Pension payments shall always be payable on the third working day of each month and shall be for the preceding month

Section 3 This act shall take effect immediately

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

#### YEAS—45

Barr,	Harney,	McMenamin,	Stevenson,
Berger,	Hays,	McPherson, Jr.	Stiefel,
Blass,	Holland,	Miller,	Taylor,
Camiel,	Kessler,	Mullin,	Van Sant,
Chapman,	Koprivier, Jr.	Peelor,	Wade,
Dent,	Lane,	Propert,	Wagner,
Diehm,	Madigan,	Ruth,	Watkins,
DiSilvestro,	Mahany,	Schmidt,	Welner,
Donolow,	Mallery,	Scott,	Whalley,
Flack,	McCreech,	Seyler,	Wolfe,
Fleming,	McGinnis,	Sylvet,	Yosko,
Haluaka,			

#### NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered. That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 1916, as follows:

An Act amending the act of May 25, 1933 (P. L. 1050) entitled "An act creating and establishing a fund for the care maintenance and relief of aged retired and disabled employes of the bureau of fire in cities of the second class creating a board for the management thereof providing the mode and manner of payment to beneficiaries and for the care and disposition of its funds and providing for the transfer and payment of all moneys and securities in existing funds in similar boards superseded by the fund and board herein created" changing the amounts of payments to certain beneficiaries

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 12 act of May 25, 1933 (P. L. 1050) entitled "An act creating and establishing a fund for the care maintenance and relief of aged retired and disabled employes of the bureau of fire in cities of the second class creating a board for the management thereof providing the mode and manner of payment to beneficiaries and for the care and disposition of its funds and providing for the transfer and payment of all moneys and securities in existing funds in similar boards superseded by the fund and board herein created" amended June 28, 1955 (P. L. 206) is amended to read

Section 12 (a) Beneficiaries under [said] the fund who retire on or after January 1, 1956 shall be entitled to receive from the fund per month fifty per centum of the highest average annual salary earned by the contributor as an employe of the bureau of fire of the city during any five years of service preceding retirement but in no event shall the maximum monthly pension payment exceed two hundred and fifty dollars per month

(b) Beneficiaries under the fund retired prior to January 1, 1956 shall be entitled to receive from the fund per month the amounts indicated in the following table

Classification	Composed of	Monthly Payments
I Chief .....	Bureau of Fire ...	\$175.00
Superintendent .....	Bureau of Electricity	
II Deputy Chiefs .....	Bureau of Fire ...	\$165.00
Deputy Superintendents .....	Bureau of Electricity	
III Battalion Chiefs .....	Bureau of Fire ...	\$155.00
Chief of River Patrol.	Bureau of Fire	
Chief Inspectors ....	Division of Fire Prevention	
Chief Wiring Inspectors .....	Bureau of Electricity	
IV Training School Instructors .....	Bureau of Fire ...	\$150.00
V Captains .....	Bureau of Fire ...	\$150.00
Assistant Engineers .	Bureau of Electricity	
Supervisors of Construction .....	Bureau of Electricity	
Fire Alarm Operators	Bureau of Electricity	
VI Lieutenants .....	Bureau of Fire ...	\$145.00
Engineers .....	Bureau of Fire ...	\$135.00
Pumpmen .....	Bureau of Fire ...	\$135.00
VII Drivers .....	Bureau of Fire ...	\$135.00
Electric Wiring Inspectors .....	Bureau of Building Inspection	
VIII Hose and Laddermen.	Bureau of Fire ...	\$135.00
Aides .....	Bureau of Fire	
Assistant Engineers .	Bureau of Fire	
Assistant Engineers ..	Bureau of Electricity	
Fire Alarm Box Inspectors .....	Bureau of Electricity	
Police Box Inspectors	Bureau of Electricity	
Instrument Repairmen .....	Bureau of Electricity	
Battery Men .....	Bureau of Electricity	
Line Foreman .....	Bureau of Electricity	



Linemen .....	Bureau of Electricity
Inspector .....	Bureau of Fire
Inspector .....	Division of Fire Prevention

Section 2 This act shall take effect immediately

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

#### YEAS—45

Barr,	Harney,	McMenamin,	Stevenson,
Berger,	Hays,	McPherson, Jr.	Stiefel,
Blass,	Holland,	Miller,	Taylor,
Camel,	Kessler,	Mullin,	Van Sant,
Chapman,	Koprivier, Jr.	Peelor,	Wade,
Dent,	Lane,	Probert,	Wagner,
Diehm,	Madigan,	Ruth,	Watkins,
DiSilvestro,	Mahany,	Schmidt,	Welner,
Donolow,	Mallery,	Scott,	Whalley,
Flack,	McCreesh,	Seyler,	Wolfe,
Fleming,	McGinnis,	Silver,	Yosko,
Haluska,			

#### NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 1922, as follows:

An Act reenacting and amending section 4 of the act of May 28, 1915 (P. L. 596), entitled "An act requiring cities of the second class to establish a pension fund for employees of said cities and regulating the administration and the payment of such pensions" increasing the amount of pensions in certain cases

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 4 act of May 28, 1915 (P. L. 596) entitled "An act requiring cities of the second class to establish a pension fund for employees of said cities and regulating the administration and the payment of such pensions" amended in part January 18, 1952 (P. L. 2110) August 21, 1953 (P. L. 1255) and August 9, 1955 (P. L. 314) is reenacted and amended to read

Section 4 (a) During the lifetime of the [said] person he or she shall be entitled to receive a pension from the fund set aside for the purpose in the amount hereinafter provided [Said] The pension shall be paid in monthly payments [Provided That if] If any pension be granted to a person who has not been a contributor to the pension fund as herein provided during a period of twenty years such person shall be required to pay unto the board of pensions monthly an amount equal to such amount as he or she would have been required to contribute had he or she contributed during such period as required by this act until such time as his or her contribution shall have extended during a period of twenty years Should any person be dismissed for reasons other than misconduct after having served as an employee for fifteen years or more but less than twenty years such employee shall have the right to elect to keep in the fund all contributions heretofore made to the fund and to continue making monthly payments to such fund in an amount equal to the amount last due and paid monthly while an employee When such payments continue until the former employee has contributed to the fund for a total of at least twenty years or until reaching the age of retirement whichever is the longer such person shall be entitled to receive a

pension proportional to the pension which would have been received had the employee completed twenty years of service prior to dismissal such proportion to be computed on the ratio which the employee's actual time of service in months bears to twenty years Should any person so employed after twenty-years of service be dismissed voluntarily retire or be in any manner deprived of his or her position or employment before attaining the age fixed for retirement by this act upon continuing a monthly payment to the fund equal to the last amount due and paid monthly while in active service [said] the person shall be entitled to the pension above mentioned notwithstanding he or she has not attained the age for retirement at the time of his or her separation from the service of such city but [said] the pension shall not commence until he or she has attained such age [Provided That any] Any employee who has heretofore or shall hereafter be dismissed voluntarily retire or be in any manner deprived of his or her position or employment and who has been in the service of the city for a period of twenty-five (25) years or more and who has made payments into the pension fund for a period of twenty (20) years or more and who has reached the age of fifty (50) years shall upon application to the board of pensions receive the pension or compensation fixed by this act during the remainder of his or her life Should any employee however become totally and permanently disabled after fifteen years of service he or she shall be entitled to the [said] pension [Provided That if] If any employee who has served less than fifteen years becomes totally and permanently disabled by reason of injury sustained in the actual performance of duty such employee shall be entitled to the [said] pension Proof of total and permanent disability shall consist of the sworn statement of three practicing physicians designated by the board that the employee is in a permanent condition of health which would totally disable him or her from performing the duties of his or her position or office Once a year the board of pensions may require a disability pensioner to undergo a medical examination by three physicians appointed by the board and should such physicians thereupon report and certify to the board that such beneficiary is no longer incapacitated and should the pension board concur in such report the pension to such beneficiary shall be discontinued

(b) The pension paid to any employee pensioned prior to the first day of June one thousand nine hundred fifty-one shall not be less than one hundred dollars nor exceed one hundred and thirty-seven dollars fifty cents per month and shall not be computed on rate of pay in excess of two hundred and fifty dollars per month The pension paid to any employee pensioned after the first day of June one thousand nine hundred fifty-one and prior to the first day of July one thousand nine hundred fifty-five shall not be less than one hundred dollars nor exceed one hundred seventy-five dollars per month and shall not be computed on rate of pay in excess of three hundred fifty dollars per month The pension paid to any employee pensioned after the first day of July one thousand nine hundred fifty-five shall not be less than one hundred dollars nor exceed two hundred forty-seven dollars and fifty cents per month and shall not be computed on rate of pay in excess of four hundred fifty dollars per month

(b.1) Any employee who had been a member of the pension fund prior to the first day of June one thousand nine hundred fifty-one and who had retired or was pensioned prior thereto and whose average salary for the last five years of his or her employment by the city was two hundred dollars per month or more but less than two hundred fifty dollars per month shall have his or her pension computed on fifty-five per centum of his or her average salary during the aforesaid five year period of time Any employee who had been a member of the pension fund prior to the first day of June one thousand nine hundred fifty-one and who had retired or was pensioned prior thereto whose average salary during the last five years of his or her employment with the city was two hundred fifty dollars per month or more shall receive a



pension of not more than one hundred thirty-seven dollars fifty cents per month

(c) Any employe who is a member of the pension fund on the first day of June one thousand nine hundred fifty-one and who shall retire or be pensioned prior to the first day of July one thousand nine hundred fifty-five and whose average salary for the last five years of his or her employment by the [said] city has been two hundred dollars a month or more but less than two hundred and fifty dollars per month shall have his or her pension computed on fifty-five per centum of his or her average salary during the aforesaid five-year period of time [And provided further That any] Any employe who is a member of the pension fund on the first day of June one thousand nine hundred fifty-one and who shall retire or be pensioned prior to the first day of July one thousand nine hundred fifty-five whose average salary during the last five years of his or her employment with the said city has been two hundred and fifty dollars per month or more shall receive a pension of not less than one hundred thirty-seven dollars and fifty cents per month Any employe who is a member of the pension fund on the first day of July one thousand nine hundred fifty-five and who shall retire or be pensioned then or thereafter and whose average salary for the last five years of his or her employment by the said city has been less than two hundred and fifty dollars per month shall have his or her pension computed on sixty per centum of his or her average salary during the aforesaid five-year period of time Any employe who is a member of the pension fund on the first day of July one thousand nine hundred fifty-five and who shall retire or be pensioned then or thereafter and whose average salary for the last five years of his or her employment by the said city has been two hundred and fifty dollars or more per month shall receive a pension of not less than one hundred and fifty-one dollars and twenty-five cents per month In the event of the death of any person receiving a pension under this act there shall be paid to such person or persons as he or she shall have designated in writing and filed with the board of pensions as his or her beneficiary or to his or her estate a lump sum representing the difference if any between the total contributions paid into the pension fund by him or her as an employe and the total pension payments received by him or her during his or her lifetime but such lump sum shall be paid only when such total contributions exceed the total pension payments made

[(d) The pension board of any city of the second class is hereby authorized to establish a program whereby any beneficiary under the pension fund upon payment into the fund of the sum of two hundred dollars (\$200.00) with accrued simple interest at three per centum (3%) per annum from August 1 1953 until the date it is paid if paid after August 15 1953 but with no interest if paid on or before August 15 1953 shall be entitled to receive from the fund annually and for life in addition to his regular pension as determined as of the date of his retirement from service in the city an additional annuity pro-rated on a monthly basis as a one-twelfth addition to the monthly payments due on his regular pension sufficient in amount so that the total monthly payments received by him for regular pension and additional annuity combined shall equal the amount of the regular pension which he would have been entitled to receive if he had retired from service in the city and as of August 1 1953 and having earned for the past five (5) years the average rate of pay received during the last five (5) years of his actual employment Such additional annuity payments shall begin on the date on which the regular monthly pension pay-

ment is next due after such contribution and interest have been paid]

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

#### YEAS—45

Barr,	Harney,	McMenamin,	Stevenson,
Berger,	Hays,	McPherson, Jr.,	Stiefel,
Blass,	Holland,	Miller,	Taylor,
Camiel,	Kessler,	Mullin,	Van Sant,
Chapman,	Koprivier, Jr.,	Peelor,	Wade,
Dent,	Lane,	Propert,	Wagner,
Diehm,	Madigan,	Ruth,	Watkins,
DiSilvestro,	Mahany,	Schmidt,	Weiner,
Donolow,	Mallery,	Scott,	Whalley,
Flack,	McCreesh,	Seyler,	Wolfe,
Fleming,	McGinnis,	Silver,	Yosko,
Haluska,			

#### NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

### SECOND READING CALENDAR

#### BILL ON SECOND READING AMENDED

Agreeably to order,

The rule requiring bills to be considered in Committee on the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 53, entitled:

An Act amending the act of May one one thousand nine hundred twenty-nine (P. L. 905) entitled "The Vehicle Code" prohibiting throwing of certain material from motor vehicles.

The first section was read.

On the question,

Will the Senate agree to the section?

#### REQUEST THAT BILL GO OVER IN ORDER

Mr. LANE. Mr. President, in view of the controversial nature of this measure, I ask unanimous consent that House Bill No. 53, Printer's No. 1192, on second reading, go over in its order.

The PRESIDENT. Is there objection?

Mr. BLASS. Mr. President, I wish that the gentleman from Washington would permit me to offer amendments at this time, and if the amendments are adopted, I would request that the bill go over in its order, as amended.

#### REQUEST THAT BILL GO OVER IN ORDER WITHDRAWN

Mr. LANE. Mr. President, I withdraw my request that this bill go over in its order.

And the question recurring,

Will the Senate agree to the section?

Mr. BLASS offered the following amendments:

Amend Sec. 1 (Sec. 1023.1), page 2, lines 4 and 5, by striking out "owner or operator" and inserting: "person"; Amend Sec. 1, (Sec. 1023.1), page 3, line 1 by striking



out "missile"; Amend Sec. 1, (Sec. 1023.1), page 3, line 1, by striking out "papers" and inserting: "or"; Amend Sec. 1 (Sec. 1023.1), page 3, line 2, by striking out "or any other type of debris or trash".

They were agreed to.

The section was agreed to as amended.

The title was read and agreed to.

And said bill having been read at length the second time, as amended,

On the question,

Will the Senate agree to the bill on second reading, as amended?

#### BILL OVER IN ORDER

Mr. BLASS. Mr. President, I ask unanimous consent that House Bill No. 53, Printer's No. 1192, on second reading, go over in its order, as amended.

The PRESIDENT. Is there objection? The Chair hears none.

#### BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 173, entitled:

An Act providing for the establishment of police pension funds or pension annuities in certain boroughs towns and townships and the regulation and maintenance thereof providing for continuance of existing funds or transfer thereof to funds herein established prescribing rights of beneficiaries and repealing certain acts

The first section was read,

On the question,

Will the Senate agree to the section?

#### MOTION TO RECOMMIT BILL

Mr. HALUSKA. Mr. President, I move that House Bill No. 173, on second reading, be recommitted to the Committee on Local Government, for the purpose of further study.

Mr. LANE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. FLEMING. Mr. President, I object to the motion, and I ask my colleagues on this side of the Senate to vote "no."

And the question recurring,

Will the Senate agree to the motion?

Mr. HALUSKA. I ask for a roll call, Mr. President.

Mr. LANE. I ask for a roll call, Mr. President.

The yeas and nays were required by Mr. HALUSKA and Mr. LANE, and were as follows, viz:

#### YEAS—11

Camiel,	Harney,	McMenamin,	Seyler,
Dent,	Hays,	Mullin,	Silvert,
Haluska,	Lane,	Ruth,	

#### NAYS—23

Berger,	Kessler,	Peelor,	Wade,
Blass,	Koprivier, Jr.,	Propert,	Wagner,
Chapman,	Madigan,	Scott,	Watkins,
Diehm,	Mahany,	Stevenson,	Whalley,
Flack,	Mallery,	Taylor,	Wolfe,
Fleming,	McGinnis,	Van Sant,	

So the question was determined in the negative.

And the question recurring,

Will the Senate agree to the section?

#### BILLS OVER IN ORDER

Mr. FLEMING. Mr. President, I ask unanimous consent that House Bill No. 173, Printer's No. 1247, on second reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. FLEMING. Mr. President, I ask unanimous consent that the following bills, on second reading, go over in their order:

Senate Bill No. 231, Printer's No. 465;

Senate Bill No. 317, Printer's No. 394; and

Senate Bill No. 318, Printer's No. 388.

The PRESIDENT. Is there objection? The Chair hears none.

#### BILL ON SECOND READING AMENDED

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 382, entitled:

An Act amending the act of May 7, 1937 (P. L. 589) entitled as amended "An act providing for the taking over by the Commonwealth under certain terms conditions and limitations of certain streets in cities of the first class as State highways . . ." changing or deleting certain routes and adding certain new routes.

The first section was read.

On the question,

Will the Senate agree to the section?

Mr. WAGNER, on behalf of Messrs. WADE and WEINER, offered the following amendment:

Amend Sec. 1 (Sec. 2), page 5, line 8, by inserting a bracket before and after "4.65" and inserting immediately thereafter: "3.95."

It was agreed to.

The section was agreed to as amended.

The second section was read,

On the question,

Will the Senate agree to the section?

Mr. WAGNER, on behalf of Messrs. WADE and WEINER, offered the following amendments:

Amend Sec. 2 (Sec. 2), page 6, line 15, by striking out "second" where it appears the first time, and inserting in lieu thereof: "third"; Amend Sec. 2 (Sec. 2), page 6, line 15, by striking out "second" where it appears the second time, and inserting in lieu thereof: "third."

They were agreed to.

The section was agreed to as amended.

The third section and title were read and agreed to.

And said bill having been read at length the second time, as amended,

On the question,

Will the Senate agree to the bill on second reading, as amended?

#### BILLS OVER IN ORDER

Mr. WAGNER. Mr. President, I ask unanimous consent



that Senate Bill No. 382, Printer's No. 457, on second reading, go over in its order, as amended.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. FLEMING. Mr. President, I ask unanimous consent that the following bills, on second reading, go over in their order:

Senate Bill No. 420, Printer's No. 451; and  
House Bill No. 655, Printer's No. 258.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. LANE. Mr. President, in view of the fact that this measure is controversial and all of the Members are not in their seats, I ask unanimous consent that House Bill No. 730, Printer's No. 1270, on second reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

### BILL ON SECOND READING AMENDED

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 756, entitled:

An Act amending the act of May 1, 1929 (P. L. 905) entitled "The Vehicle Code" changing the requirements regarding use of different types of danger and caution signals and eliminating penalty provision.

The first section was read.

On the question,

Will the Senate agree to the section?

Mr. VAN SANT offered the following amendment:

Amend Sec. 1 (Sec. 824), page 4, line 13, by striking out the word "not."

It was agreed to.

The section was agreed to as amended.

The second section and title were read and agreed to.

And said bill having been read at length the second time, as amended,

On the question,

Will the Senate agree to the bill on second reading, as amended?

### BILL OVER IN ORDER

Mr. VAN SANT. Mr. President, I ask unanimous consent that House Bill No. 756, Printer's No. 1269, on second reading, go over in its order, as amended.

The PRESIDENT. Is there objection? The Chair hears none.

### BILL RECOMMITTED

Mr. FLEMING. Mr. President, I move that Senate Bill No. 854, on second reading, entitled:

An Act amending the act of June 20, 1947 (P. L. 733) entitled as amended "An act to provide revenue in school districts of the first class A by imposing a temporary tax upon certain classes of personal property . . ." by changing the date for the filing of returns of taxable property requiring the payment of the tax at the time of filing such returns and providing penalties for failure to pay such tax when due.

be recommitted to the Committee on Finance for the purpose of further study.

Mr. MAHANY. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. SILVERT. Mr. President, I object to this bill being recommitted, and I ask my colleagues to vote against the motion.

And the question recurring,

Will the Senate agree to the motion?

(A voice vote having been taken, the question was determined in the affirmative.)

### BILL RECOMMITTED

Mr. FLEMING. Mr. President, I move that Senate Bill No. 855, on second reading, entitled:

An Act amending the act of June 17, 1913 (P. L. 507) entitled "An act to provide revenue for State and county purposes and in cities coextensive with counties for city and county purposes . . ." by changing the date for filing of returns of taxable property requiring the payment of the tax at the time of filing such returns and providing penalties for failure to pay such tax when due

be recommitted to the Committee on Finance for the purpose of further study.

Mr. MAHANY. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. SILVERT. Mr. President, I rise to oppose this motion and ask my colleagues to vote against it.

And the question recurring,

Will the Senate agree to the motion?

(A voice vote having been taken, the question was determined in the affirmative.)

### BILL RECOMMITTED

Mr. FLEMING. Mr. President, I move that Senate Bill No. 856, on second reading, entitled:

An Act amending the act of May 23, 1949 (P. L. 1676) entitled as amended "An act to provide revenue in school districts of the first class by imposing a tax upon certain classes of personal property . . ." by changing the date for the filing of returns of taxable property requiring payment of the tax at the time of filing such returns and providing penalties for failure to pay such tax when due.

be recommitted to the Committee on Finance for the purpose of further study.

Mr. MAHANY. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. SILVERT. Mr. President, I rise to make the same objection. I am rather surprised that the Republican Majority has decided to recommit these three bills. All they do is postpone a date for the filing of personal property tax returns. There is not a single cent lost and the provision is that instead of filing it on February 15th, it would be filed, I believe, on June 1st and the money paid at the same time.

I, therefore, object again to the recommitment of this bill and ask my colleagues to vote against the motion.

And the question recurring,

Will the Senate agree to the motion?

(A voice vote having been taken, the question was determined in the affirmative.)

### BILL OVER IN ORDER

Mr. FLEMING. Mr. President, I ask unanimous consent



that Senate Bill No. 857, Printer's No. 383, on second reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

### BILL ON SECOND READING AMENDED

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 857, entitled:

An Act amending the act of May 1, 1929 (P. L. 905) entitled "The Vehicle Code" authorizing the establishment of speed limits in cities of the first class under certain terms and conditions and imposing penalties

The first section was read.

On the question,

Will the Senate agree to the section?

Mr. WAGNER, on behalf of Messrs. WADE and WEINER, offered the following amendment:

Amend Sec. 1 (Sec. 1002.1) page 3, line 5 by striking out "twenty-five" and inserting in lieu thereof: "thirty-five".

It was agreed to.

The section was agreed to as amended.

The title was read and agreed to.

And said bill having been read at length the second time, as amended,

On the question,

Will the Senate agree to the bill on second reading, as amended?

### BILLS OVER IN ORDER

Mr. WAGNER. Mr. President, I ask unanimous consent that House Bill No. 857, Printer's No. 455, on second reading, go over in its order as amended.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. FLEMING. Mr. President, I ask unanimous consent that Senate Bill No. 866, Printer's No. 453, on second reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

### BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 874, entitled:

An Act amending the act of June 24, 1931 (P. L. 1206) entitled "The First Class Township Code" increasing millage of annual tax for general township purposes

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 911, entitled:

An Act amending the act of June 1, 1933 (P. L. 1172) entitled "Borough Rural State Highway Law" deleting a route in Berks County

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 912, entitled:

An Act amending the act of June 22, 1931 (P. L. 594) entitled "Rural State Highway Law" deleting a route in Berks County

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 918, entitled:

An Act amending the act of June 21, 1939 (P. L. 626) entitled "Second Class County Assessment Law" requiring the board to certify the total value of real property to clerks or secretaries of political subdivisions and prescribing the time for appeal

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

### BILL OVER IN ORDER

Mr. LANE. Mr. President, I ask unanimous consent that House Bill No. 970, Printer's No. 275, on second reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

### BILL ON SECOND READING AMENDED

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 1294, entitled:

An Act amending the act of June 24, 1939 (P. L. 872) entitled "The Penal Code" regulating the advertising and offering for sale of merchandise commodities and services

The first section was read.

On the question,

Will the Senate agree to the section?

Mr. HALUSKA offered the following amendments:

Amend House Bill 1294, Printer's No. 1210, page 5, line 7, Section 857.1 by striking out: "Offers for sale"; Amend page 5, line 8 by striking out after the word advertise: "Or offers for sale"; Amend page 6, line 3 by striking out after the word be: "Prima facie evidence of".

They were agreed to.

The section was agreed to as amended.

The title was read and agreed to.



And said bill having been read at length the second timed, as amended,  
On the question,  
Will the Senate agree to the bill on second reading, as amended?

BILLS OVER IN ORDER

Mr. HALUSKA. Mr. President, I ask unanimous consent that House Bill No. 1294, Printer's No. 1210, on second reading, go over in its order, as amended.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. FLEMING. Mr. President, I ask unanimous consent that the following bills, on second reading, go over in their order:

- House Bill No. 1330, Printer's No. 800;
- House Bill No. 1773, Printer's No. 1079; and
- House Bill No. 1795, Printer's No. No. 1086.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON SECOND READING

Agreeably to order,  
The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,  
The Senate proceeded to the second reading and consideration of House Bill No. 1907, entitled:

An Act making an appropriation to the Senate and House of Representatives of the General Assembly for the salaries of officers and employes and mileage of members and incidental expenses for the balance of the Legislative Session of 1955

And said bill having been read at length the second time and agreed to,  
Ordered, To be transcribed for a third reading.

RESOLUTIONS

REORGANIZATION PLAN No. 6

Reorganization Plan No. 6 was read by the Clerk as follows:

REORGANIZATION PLAN No. 6 OF 1955

Section 1 The State Athletic Commission, together with its powers, functions and duties, is transferred from the Department of Revenue, where it has been a departmental administrative commission, to the Department of State, where it shall be a departmental administrative commission, with the same status under the Act of April 9, 1929, (P. L. 177), known as "The Administrative Code of 1929," and its amendments, as that of departmental administrative commissions.

Section 2. There are hereby transferred to the Department of State, to be used, employed and expended in connection with the functions, powers and duties transferred by section 1 of this Reorganization Plan, the files, records, property, contract obligations, personnel, and the unexpended balances of appropriations, allocations and other funds available or to be made available for use in connection with such functions, powers and duties.

Section 3. The functions, powers and duties of the Secretary of Revenue, under section 427 of The Administrative Code of 1929, and its amendments, are transferred to and shall be exercised by the Secretary of the Commonwealth.

Section 4. The functions of the Department of Revenue, under subsections (c) and (d) of section 318, act of August

31, 1955, (Act No. 131), known as the "Pennsylvania Athletic Code," are transferred to and shall be exercised by the Department of State.

Section 5. The following acts and parts of acts are suspended as particularly set forth:

Sections 202 and 2503, act of April 9, 1929, (P. L. 177), known as "The Administrative Code of 1929," and their amendments, in so far as they affect the location of the State Athletic Commission in the Department of Revenue.

Section 427, act of April 9, 1929, (P. L. 177), known as "The Administrative Code of 1929," and its amendments, in so far as it imposes functions, powers and duties on the Secretary of Revenue.

Subsections (c) and (d) of section 318, act of August 31, 1955, (Act No. 131), known as the "Pennsylvania Athletic Code," in so far as they are in conflict with this Reorganization Plan.

On the question,  
Will the Senate agree to the resolution?

REORGANIZATION PLAN No. 6 OF 1955 APPROVED

Mr. FLEMING. Mr. President, I move that Reorganization Plan No. 6 of 1955 be approved.

Mr. DENT. I second the motion, Mr. President.  
On the question,  
Will the Senate agree to the motion?  
The roll was called and was as follows:

YEAS—45

Barr,	Harney,	McMenamin,	Stevenson,
Berger,	Hays,	McPherson, Jr.,	Stiefel,
Blass,	Holland,	Miller,	Taylor,
Camiel,	Kessler,	Mullin,	Van Sant,
Chapman,	Koprivier, Jr.,	Peelor,	Wade,
Dent,	Lane,	Probert,	Wagner,
Diehm,	Madigan,	Ruth,	Watkins,
DiSilvestro,	Mahany,	Schmidt,	Weiner,
Donolow,	Mallery,	Scott,	Whalley,
Flack,	McCreesh,	Seyler,	Wolfe,
Fleming,	McGinnis,	Silver,	Yosko,
Haluska,			

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

PERMISSION TO ADDRESS SENATE

Mr. FLEMING asked and obtained unanimous consent to address the Senate.

Mr. FLEMING. Mr. President, I merely want to state, particularly for the information of the Minority Leader, that we are prepared to call up Reorganization Plan No. 7 and move for its approval. However, we understand that it was unanimously opposed in the House for some reason today. Therefore, we will not call it up.

PERMISSION TO ADDRESS HOUSE

Mr. DENT asked and obtained unanimous consent to address the Senate.

Mr. DENT. Mr. President, I appreciate the information. I was going to say that if you would, it probably would be the procedure to pass Resolution No. 7B, which is a disapproval resolution. The reason for it is that there is an error in it and they are going to re-submit it at a later date.

I think to clear the desk, as I understand the law, it would be best for us to vote on Resolution No. 7B, which



would be a disapproval and then they could enter another resolution later, if it is all right with the majority.

#### PERMISSION TO ADDRESS SENATE

Mr. FLEMING asked and obtained unanimous consent to address the Senate.

Mr. FLEMING. Mr. President, I would certainly second the motion of Senator Dent.

#### REORGANIZATION PLAN No. 7

Reorganization Plan No. 7 was read by the Clerk as follows:

#### REORGANIZATION PLAN No. 7 OF 1955

Section 1. The functions, powers and duties of the Secretary of Mines set forth in sections 11, 12, 13, 14 and 18 of the act of May 31, 1945, (P. L. 1198), known as the "Bituminous Coal Open Pit Mining Conservation Act," amended August 19, 1953, (P. L. 1115), and in sections 14, 16 and 19 of the act of June 27, 1947, (P. L. 1095), known as the "Anthracite Strip Mining Law," amended August 19, 1953, (P. L. 1112), are transferred to the Secretary of Forests and Waters.

Section 2. There are hereby transferred to the Department of Forests and Waters to be used, employed and expended in connection with the functions, powers and duties transferred by Section 1 of this Reorganization Plan, all property, supplies, equipment, records, files and contract obligations now being used or held in connection with such functions, powers and duties, and all personnel engaged solely in the performance of such functions, powers and duties, and the unexpended balances of appropriations, allocations and other funds available or to be made available for use in connection with such functions, powers and duties.

Section 3. The following acts and parts of acts are suspended in so far as they confer functions, powers and duties on the Secretary of Mines:

Sections 11, 12, 13, 14 and 18, act of May 31, 1945, (P. L. 1198), known as the "Bituminous Coal Open Pit Mining Conservation Act," and their amendments.

Sections 14, 16 and 19, act of June 27, 1947, (P. L. 1095), known as the "Anthracite Strip Mining Law," and their amendments.

On the question,

Will the Senate agree to the resolution?

#### REORGANIZATION PLAN No. 7 OF 1955 DISAPPROVED

Mr. DENT. Mr. President, if you will note, the Resolutions are A and B. If you adopt the A Resolution, it approves the Reorganization Plan. If you adopt the B Resolution, it disapproves the Reorganization Plan.

Therefore, I move the adoption of Resolution No. 7B.

Mr. FLEMING. I second the motion, Mr. President.

On the question,

Will the Senate agree to the motion?

The roll was called and was as follows:

#### YEAS—45

Barr,	Harney,	McPherson, Jr.,	Stevenson,
Berger,	Hays,	McMenamin,	Stiefel,
Blass,	Holland,	Miller,	Taylor,
Camiel,	Kessler,	Mullin,	Van Sant,
Chapman,	Koprivier, Jr.,	Peelor,	Wade,
Dent,	Lane,	Propert,	Wagner,
Diahm,	Madigan,	Ruth,	Watkins,
DiSilvestro,	Mahany,	Schmidt,	Weiner,
Donolow,	Mallery,	Scott,	Whalley,
Flack,	McCreesh,	Seyler,	Wolfe,
Fleming,	McGinnis,	Silvert,	Yosko,
Haluska,			

#### NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

#### PERMISSION TO ADDRESS SENATE

Mr. MAHANY asked and obtained unanimous consent to address the Senate.

Mr. MAHANY. Mr. President, that last motion made by Senator Dent just goes to prove that we were right when we said that you would certainly get into a lot of trouble by trying to bypass the Constitution and the regular legislative processes in enacting laws in the Commonwealth.

#### PERMISSION TO ADDRESS SENATE

Mr. DENT asked and obtained unanimous consent to address the Senate.

Mr. DENT. Mr. President, since the Republican concept of power is that might makes right, I will accede.

#### BILLS ON FIRST READING

Mr. FLEMING. Mr. President, I move that the Senate do now proceed to the first reading of all bills reported from committees for the first time at today's session.

Mr. PEELOR. Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 925, entitled:

An Act amending the act of June 1, 1889 (P. L. 420) entitled "A further supplement to an act entitled 'An act to provide revenue by taxation' approved the seventh day of June Anno Domini one thousand eight hundred and seventy-nine" further providing for the computation and payment of the tax by domestic corporations joint-stock associations limited partnerships and companies.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 941, entitled:

An Act amending the act of May sixteen one thousand nine hundred thirty-five (P. L. 208) entitled as amended "Corporate Net Income Tax Act," changing formula for determining gross receipts where entire business is not transacted in the Commonwealth, and the penalty for failure to make report or for making false report; and increasing the rate of tax for a limited period of time.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 944, entitled:

An Act amending the act of August twenty-fourth one thousand nine hundred fifty-one (P. L. 1417) entitled as amended "Corporation Income Tax Law," changing formula for determining gross receipts of corporations owning property or carrying on activities within and without the Commonwealth, and the penalty for failure to make report or for making false report; and increasing the rate of tax for a limited period of time.



And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 1417, entitled:

An Act amending the act of June 14, 1935 (P. L. 341) entitled as amended "Cigarette Tax Act," making the appointment of wholesale dealers in cigarettes discretionary and providing that fines and penalties shall be payable to the Commonwealth.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 1880, entitled:

An Act to further amend sections twenty and twenty-one of the act, approved the first day June, one thousand

eight hundred eighty-nine (P. L. 420), entitled "A further supplement to an act, entitled 'An act to provide revenue by taxation,' approved the seventh day of June, Anno Domini one thousand eight hundred seventy-nine," by requiring additional reports and changing the due date of certain payments of capital stock tax and franchise tax; and changing the gross receipts fraction applicable to foreign corporations.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

#### ADJOURNMENT

Mr. FLEMING. Mr. President, I move that the Senate do now adjourn until Wednesday, January 18, 1956, at 11:00 o'clock, a. m., Eastern Standard Time.

Mr. LANE. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 7:55 o'clock, p. m., Eastern Standard Time, until Wednesday, January 18, 1956, at 11:00 o'clock, a. m., Eastern Standard Time.



## HOUSE OF REPRESENTATIVES

TUESDAY, JANUARY 17, 1956

The House met at 1:00 p. m.

The CHIEF CLERK. The Chief Clerk has been requested by the Speaker to announce to the House that he has appointed the gentleman from Cameron, Mr. Tompkins, as Speaker pro tempore for today's session. Will the gentleman please come to the rostrum?

Mr. TOMPKINS IN THE CHAIR

## PRAYER

The Chaplain, Reverend Harold J. Crouse, Pastor of Trinity Lutheran Church, York, offered the following prayer:

Most Holy God, Eternal and merciful Father, we beseech Thee to hear us and inspire us in all our endeavours as we go about this day's business.

O Christ help us:

To relate our own personal lives and spirit we manifest to the world to Thee and Thy Gospel;

To be Christ-like in our manner of living and in our attitude to others;

To retain our self control in the face of difficult and provoking situations;

To be easy to live with because of the day by day conduct of our life in Thy Spirit;

To take criticism gracefully because we trust in God and His judgments rather than taking overmuch heed to the words of men;

To fashion our character by keeping before us Thyself, the author and finisher of our faith.

Now may the power of our Lord and Christ be strong within us and His peace invade our spirits. Amen.

## JOURNAL APPROVAL POSTPONED

The SPEAKER. If there is no objection, the approval of the Journal for Monday, January 16, 1956, will be postponed until printed. The Chair hears none.

## STUDENTS OF SELINGSGROVE HIGH SCHOOL WELCOMED

The SPEAKER pro tempore. The Chair welcomes to the Hall of the House a delegation of students from the Selingsgrove High School of Snyder County under the supervision of their teachers Mr. Wells and Mrs. Bedeaux. They are the guests of the gentlemen from Snyder, Mr. Harvey P. Murray.

## BILLS INTRODUCED AND REFERRED

The SPEAKER pro tempore. The Speaker has referred the following bills:

By Messrs. WILLIAMS and ROVANSEK.

HOUSE BILL No. 1962.

An Act amending the "Bituminous Coal Mining Law," approved June 9, 1911, P. L. 756, changing qualification requirements of candidates for the office of mine inspector and changing provisions concerning reappointment and certification of inspectors.

Referred to the Committee on Mines and Mining.

By Mr. NEEDHAM.

HOUSE BILL No. 1963.

An Act amending the "Anthracite Mine Inspectors Act," of July 1, 1937 (P. L. 2461) \* \* \* making certain mine inspectors eligible for reappointment without examination.

Referred to the Committee on Mines and Mining.

By Messrs. RIGBY, GIBB and WILT.

HOUSE BILL No. 1964.

An Act making the offices of constable and justice of the peace or alderman incompatible.

Referred to the Committee on Judiciary Special.

By Messrs. POLASKI, JOSEPH J. BRENNAN, WATERHOUSE and BLAIR.

HOUSE BILL No. 1965.

An Act authorizing the Department of Property and Supplies, with approval of the Governor, to acquire sixty-three acres, more or less, of land in Washington Township, Erie County, for use of Edinboro State Teachers' College; and making an appropriation.

Referred to the Committee on State Government.

## RESOLUTIONS INTRODUCED AND REFERRED

The SPEAKER pro tempore. The Speaker has referred the following resolutions:

By Miss LEIBY.

RESOLUTION No. 143.

In the House of Representatives, January 16, 1956.

The one great secret to the success of the American people, which has made them the envy of all peoples of the world, is their firm belief that God is the creator of all good things and that only through Him are we enabled to maintain the height of success which we now enjoy and to achieve even greater success in the future.

Realizing our continued need for inner strength and a wisdom greater than our own and for communion with the invisible and the omnipotent, a channel is needed where, in solitude and silence, we may meet with God and draw upon the never ceasing springs of strength through the medium of prayer; therefore be it

Resolved, That a centrally located room in the Capitol be set aside for the purpose of providing legislators and State employes with a place of meditation and prayer, so that they may look to God for strength and guidance to better their lives and to better conduct the affairs of our Commonwealth.

Referred to the Committee on Rules.

By Messrs. AUKER, MILLER and ERB.

RESOLUTION (Not Printed)

In the House Representatives, January 16, 1956.

In the year that James Buchanan, the only native born Pennsylvanian to attain that distinction, was elected President of the United States, there was established in the then Borough of Altoona one of the early newspapers of central Pennsylvania.

The Altoona Tribune stands out from other early news publications in that it has continued uninterrupted publication since its first issue on January 12, 1856, and is now, as the oldest daily newspaper in central Pennsylvania, observing its one-hundredth anniversary; therefore be it

Resolved, That the House of Representatives note the centennial of the Altoona Tribune and congratulate its publishers and editors on their publication's long and outstanding history; and be it further

Resolved, That it instruct its chief clerk to transmit a certified copy of these resolutions to A. B. Crane, Publisher of the Altoona Tribune, Altoona, Pennsylvania.

Referred to the Committee on Rules.



## SENATE MESSAGE

## RESOLUTIONS FOR CONCURRENCE

The Clerk of the Senate being introduced presented an extract from the Journal of the Senate, which was read as follows:

SENATE SERIAL No. 144.

In the Senate, August 31, 1955.

During recent sessions of the General Assembly there has been considerable controversy with respect to proposed taxes and their effects upon persons at different income levels; and

Much controversy has been generated by the paucity of reliable data regarding the income position and expenditure pattern of the residents of the Commonwealth; therefore be it

Resolved (the House of Representatives concurring), That the Joint State Government Commission is hereby directed to ascertain for Pennsylvania families the level and source of income, number of dependents, and major expenditures such as those for food, clothing, durable goods, and federal, state and local taxes; and be it further

Resolved, That the Joint State Government Commission report the results of its investigation, together with such other fiscal data as may be pertinent, not later than October 1, 1956.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

Referred to the Committee on Rules.

## SENATE MESSAGE

## RESOLUTION FOR CONCURRENCE

The Clerk of the Senate being introduced presented an extract from the Journal of the Senate, which was read as follows:

SENATE SERIAL No. 163.

In the Senate, January 16, 1956.

This being the historic year of the Sesqui-bicentennial Anniversary of the birth of Benjamin Franklin, one of the most distinguished of Pennsylvania's adopted citizens, the attention of the General Assembly of Pennsylvania is attracted to an institution he founded—an institution the theme-center whereof is bearing the imprint of his genius and which is still serving the People of our Commonwealth.

In 1727, when Franklin had just come of voting age, he gathered together twelve of his Philadelphia friends to form a small club where each could improve the other. They met weekly, after the long working day, to discuss the topics of the times: the politics of the Republic-to-be, the character of the men who were about to make history in the Revolution, the businesses and industries that were springing up in Philadelphia, the new discoveries of scientists and travelers, the state of the arts and culture in Colonial America.

The name that Franklin gave to his club was "The Junto," derived from the Spanish word for "group" or "get-together." Franklin's Junto lasted for 40 years, as one by one the members passed on.

However, in 1941 there swept over this country a fresh desire among our people for additional knowledge—things that they had no time to study in their public school education—or had no desire to study in these younger years. In Philadelphia a handful of civic-minded men sponsored a mass meeting in the Academy of Music where they invited the public to come and make their wishes known. On that night in 1941, the 3,000 people who jammed into the hall, were matched by another 3,000 who overflowed onto the streets outside. So great was the cry for continued education for adults! In giving

form and substance to this need, the guiding spirits of this project took Franklin's old name, "The Junto," for the school for adults which became a non-profit educational institution.

Our Commonwealth gave the new Junto a charter and good wishes—nothing more. It was up to this handful of public-spirited men to underwrite the costs of operation until the students' fees could support the movement. In the short time, The Junto proved that people who want education can support a school which gives them what they want. Moreover, in doing this, The Junto's non-profit tuition fees were lower than the national average, while its teachers' honoraria were higher than those paid in the rest of the country.

One of the answers to this minor miracle lay in the dedicated people, who gave their time and talents to guiding the destiny of this unique institution. Among these have been: Dr. Albert A. Owens, Director of Extension Education of the Board of Education of Philadelphia; Edward Shippen Morris, Esquire, prominent Philadelphia attorney; Dr. J. Frank Jones, renowned English teacher; John Frederick Lewis, public-spirited communal leader; George F. Kearney, noted publicist; Daumant Kusma, radio engineer; Dr. Benjamin Barkas, labor education expert; Donald Jenks; the late Arthur Bloch, department store magnate; and Philip Klein, President of Harcum Junior College.

As the Junto is rounding out its 15th year in 1956, it is attracting an average of 15,000 students annually to its three terms of nine weeks each. Its alumni number over 150,000. These are men and women who have discovered that learning must be life-long—that leisure hours can bring untold pleasure if spent in improving the mind and body skills—that learning can be real fun. The Junto has performed an extra-ordinary service for one of our great cities, for our Commonwealth, and for our Nation by offering to our citizens a range of over 200 subjects designed to help everyone from the new American to our senior citizen.

Moreover, The Junto has furnished leadership—in manpower and in sparkling new ideas—to many other educational institutions in our Commonwealth, setting an inspiring example for emulation by others.

Now be it resolved (the House of Representatives concurring), That the General Assembly of Pennsylvania congratulates the "Junto" upon its egregious success and commends it for the cultural values it is steadily forging in the City of Brotherly Love, thereby contributing to Philadelphia's Renaissance of the Holy Experiment as well as setting an example for emulation elsewhere in and in our Land.

And be it further resolved that upon the adoption of the instant Senate Concurrent Resolution by both the Senate and the House of Representatives of the General Assembly, the Secretary of the Senate be and he is hereby directed to forward copies of the instant Resolution to Philip Klein, President of the "Junto" at the "Junto" Building, N. E. Corner, 12th and Walnut Streets, Philadelphia, and to Edward Shippen Morris, Esquire, 1136 Fidelity Philadelphia Building, Philadelphia, Pennsylvania.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

Referred to the Committee on Rules.

## COMMUNICATION FROM GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

## JUVENILE DELINQUENCY

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, January 17, 1956.

To the Honorable, the Members of the General Assembly of the Commonwealth of Pennsylvania:



I urge the General Assembly to give favorable consideration to several measures designed to promote the welfare of our children and youth.

Juvenile Delinquency is a problem which properly has engaged the attention and aroused the concern of thoughtful people all over the United States. Because the incidence of delinquency has increased in Pennsylvania, as in all States, the Commonwealth must take firm action and give leadership to local communities in meeting this problem which cripples children, destroys family life and represents a cradle for future inmates of our mental hospitals and adult prisons.

Each year approximately 2,500 children are committed to institutions by the Juvenile Courts of Pennsylvania. These children are not born bad. They get into trouble when family life is weak and religious training is meagre. These children can be saved for productive citizenship. We can and must help them and their families.

I was appalled, as I am sure you will be, to learn that Pennsylvania has more children in public and private institutions committed by Juvenile Courts as delinquents than any other state in the Union. We do not need to send so many of our children to institutions and separate them from their families.

Many could be rehabilitated in their home communities if enough and proper personnel facilities were available.

The advantages of keeping children in their own communities when this can safely be done are apparent. Children and the families to which they will ultimately return can be helped by local services to change the behaviour which brought the child to court. House Bill 1618 which has been passed by the House provides consultation to local communities and courts to aid these children and their families and in planning measures for the prevention of delinquency.

Some delinquents, however, require institutional care. Through House Bill 1618, the training schools to which delinquent children are committed will be assisted to improve their programs. The bill also provides for a better system of reimbursement by these counties to the institutions so that county, state—even federal funds expected to be available—may be used to develop better services for these young people. This entire program is urgently needed. Recent studies completed by the Institute of State and Local Government reveal that Pennsylvania's institutional program falls far below the minimum standards required, if we are to rehabilitate our problem children for socially useful lives. Of the 48 states, Pennsylvania is the only one which does not assist its counties in helping disadvantaged children. We cannot be proud of this distinction.

I also submit for your consideration amendments to House Bill 1073, which authorizes the Department of Forests and Waters to establish forestry conservation camps for the development, maintenance and protection of the State forests and State parks, and for the rehabilitation and training of boys between the ages of 15 and 18. These boys will be engaged in developing the State forests and parks for recreation areas. The care, education and training of these boys will be under the supervision of the Departments of Public Instruction, Justice and Welfare, which may operate forestry conservation camps as annexes of existing State-owned institutions. These camps will add to our facilities for education, training and treatment of young men while serving another useful purpose. They represent another means whereby the Commonwealth will assist home communities in helping to rehabilitate otherwise unproductive young people.

Fortunately, only a very small fraction of our troubled young people commit delinquent acts. For these and for all who need help we must provide treatment. Prevention is equally important. Our concern must be for all of our youth. We must provide for recreational opportunities and facilities which will meet the needs of the rural and urban areas and which will serve people in their home communities. We must provide physical

and cultural activities for leisure time. Such programs offer our young people a positive approach to life and serve to keep them from rebellious and destructive behavior.

House Bill No. 1546 establishes a State Department of Recreation which will aid in the development of local recreational programs and facilities. This Department will provide information and technical assistance to local governments and agencies in examining needs for recreational facilities and programs and in their development. At the present there is no comprehensive program for recreation in the Commonwealth. What we have is not coordinated. We are not making maximum use of our great natural resources for recreation nor of the cultural opportunities and facilities which exist in many areas of our State. I do not propose that the State Government supplant efforts of local government or private philanthropic groups. House Bill 1546 offers to them assistance, direction and a method for achieving teamwork to make full use of the Commonwealth's wonderful natural and cultural resources for recreational purposes.

Only through a full partnership of local government and citizens' groups with the Commonwealth can we help to protect the future of our young, to redirect our rebellious and troubled children and provide proper facilities and services so that all of our youth may grow up to become happy and useful members of society.

GEORGE M. LEADER, Governor.

## SENATE MESSAGE

### SENATE INSISTS ON AMENDMENTS NON-CONCURRED IN BY HOUSE

The Clerk of the Senate being introduced, informed that the Senate has insisted upon its amendments, non-concurred in by the House of Representatives, to House Bill No. 1630, entitled:

An Act amending the act of May 1 1929 (P L 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" regulating registration of antique motor vehicles

And has appointed Messrs. WADE, DIEHM and RUTH and a committee of conference to confer with a similar committee of the House of Representatives, on the subject of the differences between the two Houses in relation to said bill.

## SENATE MESSAGE

### CONCURRENCE IN HOUSE RESOLUTION No. 73

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives as follows:



In the House of Representatives, May 9, 1955.

It is tragic that many persons traveling in Pennsylvania are unaware that near Titusville a man drilled the first oil well in the world thereby opening the door for the development of the oil industry which has played a great part in the progress of this great Commonwealth.

It is fitting and appropriate that legislative recognition be accorded Colonel Edwin L. Drake for his drilling the first oil well therefore be it

Resolved (the Senate concurring) That State Highway Route No 36 between the Borough of Pleasantville in Venango County and the City of Altoona in Blair County be dedicated as a memorial to Colonel Edwin L. Drake and that this portion of the highway be known as the "Colonel Drake Highway" and be it further

Resolved That the Department of Highways shall erect along the highway suitable tablets and markers and shall carry out suitable landscape development to perpetuate this resolution but shall not replace the officially designated route number of the highway hereby designated as the "Colonel Drake Highway"

### RECESS

The SPEAKER pro tempore. The Chair is about to declare a recess for one hour and a half for the purpose of holding Democratic and Republican caucuses. The Members are requested to repair to their respective caucus rooms immediately.

Without objection, the Chair will now declare a recess for one hour and thirty minutes. The Chair hears none, and a recess is declared.

### AFTER RECESS

The time of recess having expired, the House was called to order.

Mr. TOMPKINS IN THE CHAIR

### PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. SARRAF asked and obtained permission for the Committee on Ways and Means to meet during the session of the House.

### PERMISSION TO ADDRESS HOUSE

Mr. STRAUSSER asked and obtained unanimous consent to address the House.

Mr. Speaker, since the Democratic party has now come to the point of considering a sales tax, I feel that this bill I am now introducing and which has been in the making since last September, is a most equitable tax measure.

I feel that it is the cheapest tax to the low income group and the fairest tax to all. I, therefore, respectfully request that the Ways and Means Committee give it immediate consideration along with the other bills.

The SPEAKER pro tempore. The bill will be filed with the Clerk.

### LEAVE OF ABSENCE

By unanimous consent leave of absence was granted as follows:

Mr. Hocker for Mr. WESCOTT for the remainder of the week because of serious illness in the family.

### PERMISSION TO ADDRESS HOUSE

Mr. TOLL asked and obtained unanimous consent to address the House.

Mr. Speaker, yesterday the House listened to two state-

ments that were made by the gentlemen from Mercer concerning conditions in Mercer County which resulted in the presentation to the Speaker of two petitions with signatures and photographs involved in the conditions which exist there.

Now, the clear implication of both appeals to the House by the gentlemen is that the people of Mercer County are disturbed by incidents resulting from the strike which is now in existence for many weeks against Westinghouse by the I. U. E. AFofL-CIO.

If a court order has been violated, I wish to point out that it can be enforced by the remedies usually available to the courts, unless the courts do not consider the incidents which occurred serious enough to order such remedies. If the personal property of anyone in Mercer County has been injured, redress can also be had under our laws if the injury is serious enough and the complaint is presented to the authorities.

Why, therefore, do the petitioners apply to the Legislature? If the authorities had appealed to the Governor for help, and he ignored the request, it is obvious it was because the investigation showed that the conditions do not warrant such a request, or do not warrant any action on his part.

Do the petitioners from Mercer County feel that a strike of such long duration can continue without some incidents? Have the petitioners made any effort to get the community officials to intervene for the purpose of having the strike settled so that their neighbors can get back to work? Do the petitioners recognize the right of the neighbors who work for Westinghouse to strike in order to preserve their rights in their controversy with the management?

It seems to me that the people of Mercer County should petition the management to sit down with the representatives of the Union in order to make every effort to settle the strike. These people should commend the Governor for the effort he has made to get the parties together. Other Governors have tried the same thing but no success has been achieved as yet.

Labor disputes involve human emotions, human conflict. Patience and tolerance are expected of the other citizens of the community. When some of the citizens are on strike every effort should be made by all the citizens to get the parties to arbitrate their differences in a fair and cooperative manner.

These words I submit to you are an answer to the petitions which were offered yesterday for intervention by the Assembly.

### PERMISSION TO ADDRESS HOUSE

Mr. WELSH asked and obtained unanimous consent to address the House.

Mr. Speaker, yesterday there was inserted into the records remarks of Mr. Young and Mr. Down, both dealing with the labor dispute at the Westinghouse Corporation, and in particular with the affairs of the Sharon Plants.

It certainly seems strange that both gentlemen made pointed remarks that they were not interested in the issue, but both seemed more than willing to have the blame for any activities laid at the doorstep of the Union, the International Union Electrical Radio Machine Workers, AFofL-CIO and its membership.



It goes without saying that no action in any manner can be taken without fully realizing the issues and from the issues recommendations and actions should be taken.

I can perhaps agree that this body has overlooked the situation too long and the record should be read.

Anyone connected even remotely knows that workers do not engage in a labor dispute, certainly not one of 13 weeks duration without good cause. And the cause and blame should be laid where it really belongs—on the Westinghouse Corporation.

Prior to the beginning of this dispute, negotiations such as they were, came under the supervision of the Federal government using the U. S. Conciliation and Mediation Services. The working agreement still has until October 16, 1956, to run. The only issues open were an increase for the balance of the agreement and the method of setting values on jobs.

When no agreement was reached, the Union offered to continue work and have the issues arbitrated in a peaceful manner; this the company refused to do.

When conciliation failed, the Director of the Agency, mind you, under Republicans, recommended to both parties that a fact finding committee be called into session, the employees return to work and the parties to negotiate on the basis of the Committee's report.

The Union accepted and again the Company refused.

This was a direct slap at the United States Government.

Men of all parties holding high offices as Governors and Mayors also recommended that the parties use the fact finding machinery. Again the Company refused.

Men of the cloth of all faiths, recommended fact finding and the Company again refused.

Is this the kind of record that we can ignore when we say we should ignore the issues?

Attention of the House has been called to the so-called violence and fear. In Columbus, Ohio, the auto belonging to the President of the Union was bombed while the President was attending a meeting.

Calls have been made to workers' homes, threatening them with loss of jobs or pensions if they don't act as scabs and return to work. This campaign is under direction of foremen and supervision.

Does this not seem as though the Company is responsible for the campaign of terrorism and fear?

Certainly if the Union was responsible there would be civil and criminal arrests made, and the record does not read that way.

The records to the courts show little, if any, arrests for violation of the injunctions.

This is the record. But looking at the record and not acting is not enough. We here have responsibility. Over 25,000 workers at Westinghouse are directly involved in the labor dispute. Thousands of other Westinghouse workers in the salary department are not working because of this dispute.

Countless of thousands of others are also without work—those who depend on purchasing power to make their livelihood.

I can agree with the gentlemen that the situation is serious. I believe that this House should approach the manner in a positive manner, with the end in mind the

end of the dispute. This House should go on record asking both parties to act as follows:

1. Bargain for the remainder for this week and if no agreement is reached, call upon the Company and the Union to accept the fact finding committee as is done in all Railroad labor disputes, and
2. Have full production resume immediately while the Committee is in session with all returning to work, and
3. Call upon all parties and agencies to assist those who suffer because of this labor dispute.

Certainly we can take a positive forward looking position. Let us not be too hasty to judge without knowing all the facts. In order to know and act all information should be placed on the table.

Only through the medium of a fact finding committee can this be done. And this House, representing the Commonwealth, should call upon the parties to concur in these recommendations.

I call upon Mr. Young and Mr. Down to join with me in this constructive program that not only will end the labor dispute, but on the basis of facts, will bring justice to those involved in this dispute. Now is the time for cool heads and clear thinking to come to the forefront.

#### PERMISSION TO ADDRESS HOUSE

Mr. YOUNG asked and obtained unanimous consent to address the House.

Mr. Speaker, as I said yesterday and my colleague from Mercer, Mr. Down, stated, we presented our petitions with the specific understanding that we were not taking any part in the issues of the strike controversy. All we asked for was that law and order be preserved in Mercer County.

There is a court injunction. The President Judge of Mercer County asked the Governor for state police assistance. The former sheriff of Mercer County on two instances asked the Governor for state police assistance. Both were refused.

The present sheriff, the new sheriff, is doing a very good job of controlling the picketing at the main gates. However, once the cars of the "back-to-workers" leave the plant they are immediately followed by other cars that endeavor to drive them off the road, to wreck their cars, to stall their cars, to beat up the occupants, homes are being destroyed, disfigured by paint, windows are being broken, lives are being threatened.

All we are asking is that we have ample police protection for our citizens. There is one person who is the sheriff, and two deputies. Obviously three people cannot control 8,000 employees.

We reaffirm our statements, we would be glad to have this strike over. It is affecting the welfare, the morale, the health and the safety of our community. We are very anxious to have the strike settled, but we do not feel this is the issue. The issue before us now is law enforcement. A court injunction is being violated, lawlessness is being flaunted in the faces of these people. They are fearful for their lives, for their property and for their safety. All we are asking is that this House investigate the situation to determine whether state police assistance is required.



### PERMISSION TO ADDRESS HOUSE

Mr. TOLL asked and obtained unanimous consent to address the House.

Mr. Speaker, I just learned a few minutes ago with respect to the so-called problem in Sharon that a telegram was sent by the Mayor of Sharon to the Governor of the Commonwealth, to the effect that there is no trouble existing in the town of Sharon.

It would therefore seem that there is no warrant at all for police action, it is possible that some of the incidents which were recited are of considerable age, but as of this afternoon the Mayor of the town sent this telegram to the effect that there is nothing which would warrant state police intervention.

### PERMISSION TO ADDRESS HOUSE

Mr. RIGBY asked and obtained unanimous consent to address the House.

Mr. Speaker, I rise to ask permission to place upon the record certain articles which have appeared in one of our leading newspapers.

Last week a very interesting poll was conducted by the Pittsburgh Sun-Telegraph on the preference for a tax. The Sun Telegraph, to give the voters themselves and the Members of the Legislature a scientific sampling of the will of the voters, selected the town of Jeannette as the community to be used in a unique poll. Without any advance announcement, the official voting list of the city of Jeannette, Westmoreland county, was obtained by the Sun-Telegraph editors and each voter of both the Republican and Democratic parties was asked to vote on the basic issue of what to tax.

These articles, Mr. Speaker, will give the results. It is a very interesting poll and the results are very interesting, and with your permission I would like to have them placed upon the record.

The SPEAKER pro tempore. The newspaper articles may be noted in the record.

Following are the newspaper clippings placed in the record by Mr. RIGBY.

#### READINGER TO SUPPORT SALES TAX

By Thomas P. Snyder

Sun-Telegraph Bureau

Harrisburg, Jan. 12.—A House Democratic leader said today he was prepared to support a state sales tax if the Republican-controlled Senate refuses to accept any other revenue

Floor leader Albert S. Readinger, Reading, commented:

"In order to avoid the state's going into bankruptcy, I would go before the House Democratic caucus and urge that they supply the necessary votes.

"The situation is desperate and getting worse. A decision on taxes must be reached soon and I have urged Senate Republicans to take a stand on what program they'll accept when they caucus Monday."

The Readinger statement appeared to be the first real break in the solid anti-sales tax Democratic front.

May See Leader

It followed a three-hour conference of Dem-

ocratic and Republican legislative leaders yesterday.

Readinger said he would confer with Gov. Leader Monday if Senate Republicans take a firm stand for the sales tax and ask Leader if he would change his position promising to veto such a revenue proposal.

The Democratic floor leader commented:

"Obviously I couldn't get any Democratic votes for a sales tax in the face of a promise from the Governor that he would veto it."

#### Chilly Reception

Readinger and Senate Minority Leader John H. Dent, Jeannette, appeared depressed after the meeting and indications were that Senate Republicans had given a chilly reception to the four-point Democratic tax program.

The Democratic program consists of a two per cent flat tax on net incomes after federal deductions; a two per cent distributors excise; a one per cent corporate net income tax increase and acceleration of capital stock tax collections.

Dent has said repeatedly that if Senate Republicans were willing to sponsor a sales tax he would recommend that House Democrats supply the nine votes needed to supplement the 97 GOP House members.

#### Position Unchanged

The Jeannette senator said yesterday after the conference that his position was unchanged and that 26 Senate and 97 House Republicans would have to vote for the sales tax.

Asked whether his proposal meant supplying only the nine extra votes Readinger replied:

"No, I would recommend that we supply the necessary votes to pass the sales tax."

The conference broke up with the understanding Senate Republicans will put the four-point Democratic revenue program before their caucus Monday.

Senate President M. Harvey Taylor, long-time state Republican leader, will be urging that the front hold fast for a sales tax.

#### No Agreement

He indicated as much when he came out of the conference and said.

"No, I'm stronger now in Dauphin County than ever because I opposed the classified income tax. Do you think I'd give in on an income tax now?"

Dent said no agreement was reached when he came out of the conference room, adding:

"We are still discussing the ultimate program but haven't agreed on anything. Nor have we closed the door to any possibility."

Asked if "possibility" included a sales tax, Dent shot back:

"Isn't that a hell of a question to ask a man who is negotiating. If there is a compromise, that is one thing, but if either party gets stubborn that party will have to deliver the votes."

#### Prefer Sales Tax

Senate Majority Floor Leader Rowland B. Mahany, Titusville, said Senate Republicans pre-



fer to convert the revived manufacturers excise into a consumer use levy—another name for sales tax.

He added that House Democrats insisted that a sales tax would have to originate in the lower legislative branch.

Mahany also said his opinion hadn't changed that if Senate Republicans could not muster enough votes for their program they ought to accept the Democratic revenue measures.

He admitted that Republicans will be able to muster only 24 votes next week because Sens. Edward B. Watson, Bucks County, and Albert R. Pechan, Ford City, have been ill.

#### Not Necessary

With Democrats insisting that a sales tax would have to start in the House, it will not be necessary for Senate Republicans to muster all their votes next week.

Readeringer emphasized that there would have to be a hard and fast agreement in the Senate on acceptable revenue measures before the House will undertake to pass additional taxes.

The lower chamber already has passed the classified income and manufacturers excises which were killed in the Senate.

#### Dent, Kessler Row

Readeringer said there were two sales bills in the House which could be amended into the form Senate Republicans insist upon.

Senate Finance Committee Chairman Edward J. Kessler, Lancaster, has been pushing a three per cent tax with machinery used directly in manufacturing and take-home food exempt.

Jeannette Tally Favors Sales Levy

#### VOTERS GIVE TAX SOLUTIONS

By David T. Jones

The people of Jeannette are outspoken.

Not only are they freely expressing preference for a state sales tax in a survey being conducted by the Sun-Telegraph, but they are providing unusual expressions on the tax problem.

They are having their say on the postcard mail ballots which the Sun-Telegraph sent to each of the 7,800 registered voters of both parties in Jeannette.

An up-to-the-minute tabulation of the returns on how they are voting unofficially on the specific tax questions will be published in tomorrow's Sun-Telegraph.

In the meantime here are the comments of both Democrats and Republicans in answer to the question:

"WHAT SOLUTION TO THE TAX PROBLEM DO YOU SUGGEST TO MEMBERS OF THE LEGISLATURE?"

#### DEMOCRATS

The Democrats said:

"Economize. Don't try to spend yourself into prosperity. Schools should be built for utility not beauty. Cut out the architects' ornate dream entrances and beautiful grounds."

"Don't try to increase the budget so drastically so suddenly."

"Cut out the damn foolishness."

"I do not like taxes!"

"Get rid of Leader."

"1—Get down to Business.

"2—Use more common sense.

"3—Stop acting like spoiled children.

"4—Vote the next election and throw out nine-tenths of them."

"Proper administration was sorely lacking. Poor organization. Think of the people FIRST. Politics are secondary in this matter."

"I'd appreciate any kind of tax which would make it easier on the working man."

"Any kind of a tax that would give the working man or working woman a break. Let's make the big man pay for a change."

"Tax the rich corporations."

"Tax the rich manufacturers."

"A wage tax is the best and only way, because you get it before the wife gets it. If it is any other tax she will not support it. Many women will not try or favor a retail sales tax, like myself." (This from a housewife).

Render unto Leader that which is his. An income tax would collect according to our ability to pay. No income—no tax. Don't take from those who have nothing. Any other tax imposed eventually is paid by the buyer, which includes pensioners, cripples and those who are underpaid. The church asks for a percentage of our earnings, so does the Federal Government. That is O. K."

"In your story in the paper urge the Legislature to forget politics and get down to business, especially the Republicans."

"If the working man has to pay any more taxes, he may as well just hand his pay check over to the government and let the government keep him."

"What I want to know is how much tax the Governor thinks we can take. If this state income tax goes through I will have four income taxes to pay. Have the politicians gone tax crazy?"

"Let the people be heard by their vote."

"Let the people who make the loot pay it."

A number of voters suggested legalizing horse racing, conduct a state lottery; higher taxes on utilities; a tax on gross income of utilities; increased motor car and truck licenses and increased cost of drivers licenses.

On legalizing gambling, one wrote:

"Legalize gambling. Why let the politicians get rich?"



Those preferring a sales tax and who offered comments felt a sales tax would work if it followed the pattern of the Ohio sales tax and if stamps were issued at time the tax was paid. A number suggested a sales tax on luxuries only, even as high as five per cent.

### REPUBLICANS

The Republicans said:

"Please get down to work for the good of the people. Use the sales tax and increase if it necessary, since the machinery for collecting such tax was set up. Forget about political jobs and party."

"I am definitely against a state income tax. The working man of today already has too many fingers dipping into his pay check. Sales tax is most preferred of levies. We all pay Gov. Leader's wages. How is it he can disregard public opinion for their own pig-headed attitude. Ohio has a successful sales tax program for years, why not Pennsylvania."

"Let the legislators act like mature men in their thinking and try and forget political differences. Act in behalf of the people for the good of the state of Pennsylvania. Too much political bickering only makes it that much easier for non-Democratic groups to flourish. Think!"

"Let the Governor stick to his campaign promises. No more taxes. Be a man or a mouse."

"While it is possibly nice to be able to play, politically or otherwise, perhaps with a little more effort, other than toward a political farce, the solution would be solved to the best of all concerned."

"I suggest Gov. Leader stick to his campaign promises of economy in government and no new taxes are needed. And to think I was fool enough to believe him."

"I suggest economy of operation. Get rid of needless duplication of effort and departments that overlap or are obsolete. A graduated income tax that will be fair to all. Educate the public to the fact that no matter who 'gets socked' they pay in the end in increased costs. This would make them realize there can be no 'sock the rich' policy. Every one must bear their share if they want the benefits that taxes provide."

"Act the part of statesmen and leave petty politics at home—both parties."

"Gov. Leader should pull in his horns and stop being so stubborn. Let the Governor effect serious down to earth economies that he campaigned about and let him cooperate with House and Senate to enact a suitable tax program."

"Increase operators license to \$10. Increase all vehicle registration plates \$10. I own two cars. Also legalize horse racing."

"Reduce cost of education by amending the law to leave boys and girls out of school at the age of 15 years to go to work. This will also help solve the cause of juvenile delinquency."

"A working man should not pay tax up to \$5,000 yearly wage. This is a good way to bring on Communism in our country which I don't want a part of it. Clean up crooked politics and rackets for a better America."

"Reduce expense and keep economy instead of waste as the goal."

"Use good sense."

"There never will be a solution as long as the Democrats are in office."

"A seven per cent federal income tax."

"Let the legislature, including Gov. Leader, re-enact a retail sales tax. Not only would this solve the tax problem but it would save the taxpayers the money necessary to disband the Republican organization set up to handle the sales tax but it would save the taxpayers the money necessary to establish a Democratic organization necessary to carry out a new tax set-up. In other words the tax set-up has developed into a program to pass out political plums rather than a tax program."

"The sales tax was good in form. However, not administered properly. Forget the party line. Govern for the people."

Poll Returns Still Pour In

### VOTERS DEMAND RETAIL SALES TAX

Voters in the Sun-Telegraph test poll of the voters' choice of "What To Tax" showed a consistent demand for a retail sales tax.

Gov. Leader's proposed excise was favored by the smallest group of voters and a large majority, including many Democrats, took the opportunity to vote against it.

The poll is being taken in Jeannette, a typical industrial community. Each of the 7,800 registered voters of both major parties was provided with a mail ballot.

The returns to date, with returns still coming in total:

	Total	Dem.	Rep.
In favor of an excise	176	146	30
Opposed to an excise	724	359	365
In favor of a retail sales tax	756	409	347
Opposed to retail sales tax	268	211	57

Jeannette voters who are responding in surprisingly large numbers to the mail poll probably represent what would be a fair cross section of state-wide sentiment of both the Republican and Democratic Parties.

In a space on the mail ballot provided for comment on the tax wrangle and suggested solutions a high proportion of the voters express impatience with Legislature.

One pattern of voters express this displeasure with sharp comments. Examples of these are:

"Reduce expenditures, like any good business man does when his income is insufficient for his expenses. Live within your income."

"Let's have some of the economies that Gov.



Leader promised before election."

"Cut out a lot of foolish expense."

"Tell John Dent to be more cooperative to the voters who put him on velvet carpet." (Sen. John Dent is a resident of Jeannette).

"Tell John Dent and Gov. Leader to make up their minds what they do want."

"I suggest they send the governor back to his chicken farm!"

Sun-Telegraph Poll Shows:

#### MANY FAVOR TAX ON RACING

Many of those voting in the Sun-Telegraph's mail poll on how taxpayers would tax themselves seem to believe that a tax on horse racing would really help balance the state budget.

They indicate this reasoning by comments written on the mail ballots which have been distributed to every registered voter in Jeannette.

The vote sampling is being done in Jeannette because it was considered a typical industrial community which probably reflects the sentiment of the whole state.

The past experience of the several states which have legalized horse racing and tax it indicate that Pennsylvania could collect only a token part of its \$1,800,000,000 budget by legalizing that form of gambling.

#### Tax Take Relatively Small

The tax take in the states which have big time racing is relatively unimportant in comparison with billion dollar budgets. The yearly gambling revenue from the horse racing states follows:

New York .....	\$61,000,000
California .....	23,500,000
Florida .....	18,171,843
Maryland .....	7,319,000
Kentucky .....	1,851,000

These actual figures would indicate that the plans of some persons of financing the Commonwealth of Pennsylvania by spending happy afternoons and happy dollars at the horse tracks is as unrealistic as the "no new tax" suggestions of other voters.

Aside from the moral repugnance to legalized gambling which both voters and Legislators have often expressed, the potential take from horse racing would seemingly be unimportant in the over-all picture of state financing.

#### Other Race Bills

There are several pari mutuel and other racing bills in the legislative hopper. None seems to be getting important attention. It also is improbable that serious attention would be given to proposals to legalize and tax bingo, numbers and other forms of gambling.

The "no new tax" advocates who are expressing their sentiments in the Sun-Telegraph poll usually put no comments in the provided space on the mail ballot. As many as 18 who voted "no" on both Gov. Leader's original program and on the retail sales tax proposal appeared in a single mail delivery.

#### Want Economies

Those who commented indicated either a vote of impatience with the long dragged-out Legislative session or demanded stringent economies rather than more taxes.

Additional ballots from the Jeannette voters as yet untabulated indicate no change in trend in the last figures which stood as follows:

	Total	Dem.	Rep.
In favor of an excise	176	146	30
Opposed to an excise	724	359	365

In favor of a retail sales tax	756	409	347
Opposed to retail sales tax	268	211	57

Additional returns will be published during the coming week.

#### SEN. TAYLOR URGING 3% SALES LEVY

Also Asks Hike On Corporate Levy

By Thomas P. Snyder

Sun-Telegraph Bureau

Harrisburg, Jan. 14.—A drive to hold the line for a 3 per cent Ohio-type sales tax will be launched in the Senate Republican caucus Monday by Sen. M. Harvey Taylor.

The veteran and wily Dauphin County Republican leader also will try to persuade his followers in the upper chamber to turn down a four-point Democratic revenue program.

This collection of fund raisers hinges on a 2 per cent personal net income tax after federal deductions and a 2 per cent distributors excise levy.

#### Offers a 'Solution'

Taylor said:

"With a 3 per cent sales tax and a 1 per cent increase in the corporate net income tax, he (Gov. Leader) will have enough revenue to balance the budget."

The corporate net income 1 per cent boost would bring in \$54,000,000 in the biennium but estimates vary wildly on what a 3 per cent sales tax would yield.

Senate Democratic Floor Leader John H. Dent, Jeannette, said the sales tax being pushed by Sen. Edward J. Kessler (R) Lancaster, would yield only \$216,800,000 in the 15 months of the biennium remaining.

Kessler refused to be pinned down to an accurate revenue estimate but said he had received information from various sources that a 3 per cent sales tax would produce between \$350,000,000 and \$400,000,000.

#### Taylor Hits 2% Tax

Taylor refused to predict whether the 2 per cent income levy offered by Democrats had a chance of getting four Republican votes, which would be needed to supplement the 22 Democratic senators.

He commented:

"I won't say that it hasn't a chance and I won't say that it has a chance. I will say that I will never vote for it."

Kessler also said he would not vote for an income tax and Sen. G. Graybill Diehm, Lancaster, commented:



"One broad base tax in one session of the Legislature is enough."

#### SECRET POLL GIVES BIG VOTE FOR SALES TAX

Pennsylvania voters overwhelmingly favor a retail sales tax, a secret mail poll by the Pittsburgh Sun-Telegraph reveals.

Every registered voter in a typical industrial community of Pennsylvania was polled by mail and the returns, including volunteered comments on the tax wrangle in the Legislature, are seemingly conclusive.

To give the voters themselves and members of the Legislative a scientific sampling of the will of the voters, the Sun-Telegraph selected Jeannette as the community to use in a unique poll.

Without any advance announcement, the official voting list of the city of Jeannette, Westmoreland county, was obtained by Sun-Telegraph editors and each voter in both the Republican and Democratic parties was asked to vote on the basic issues of "What to Tax."

With more than 14 per cent of the mail ballots already returned and tabulated 667 voters of both parties preferred a retail sales tax as against 159 who voted for the Leader administration's proposed excise. In a negative vote 629 Jeannette voters against the proposed excise while only 266 from both parties voted against a sales tax.

One of the surprises of the first tabulation was that Democratic voters deserted the policy of their elected representatives to cast 365 votes in favor of a sales tax with 179 negative votes by the same group.

Republican voters polled 302 votes for the sales tax and 47 against it.

In a breakdown of the pro and con votes on the proposed Leader excise it is revealed that only 307 voted against it.

In a breakdown of the pro and con votes on the proposed Leader excise it is revealed that only 131 favorable Democratic votes were cast while 307 voted against it.

Only 28 Republican votes were cast for the excise and 322 were cast against it.

To give the voters a chance to offer some solution to the tax controversy that has kept the Legislature stalemated for more than a year the Sun-Telegraph added the following question to the mail ballot:

#### WHAT SOLUTION OF THE TAX PROBLEM DO YOU SUGGEST TO MEMBERS OF LEGIS- LATURE?

If there was any unanimity in the comments and suggested solutions it was one of impatience with the failure of legislators to reach some sort of agreement on the tax problem.

Many of those who commented pointed to Ohio's sales tax as a practical program.

#### Bet, Bingo Taxes Proposed

A few voted against any form of tax and added cryptic comments.

Several suggested heavy taxes on horse racing and bingo.

Following are some of the comments quoted directly from Democratic ballots:

"Instead of creating jobs let us economize and look for more economical operation of our government instead of searching for ways to tax people."

"We have enough taxes now."

"Legalize horse race betting and put a tax on it to support the state."

"I certainly do not favor any plan that would drive industry out of Pennsylvania. Strikes are doing enough harm."

"We feel it is now time to discontinue taxes and taxes and spend and spend. Let us assume only that which there is money to be spent for."

#### Ohio Tax Plan Favored

Many of the Republican comments were of the same general tenor. Some were a bit more caustic. The Republicans said:

"The previous sales tax should have been retained until such a time as a tax program could have been drawn up. If a sales tax works in Ohio, why not in Pennsylvania?"

"Cut out the friendship hiring of state employes and not boost the wages of employes that do nothing but collect their pay and throw big times. Use common sense and not all politics in state government."

"... get rid of those 5,000 to 10,000 extra state payrollers."

"Get a new Leader."

As the mail ballots continue to reach the Sun-Telegraph they will be carefully tabulated, analyzed and made the basis of what the voters—the real bosses in the matter—have to say about "What To Tax."

More pungent, informative and provocative quotes about what the voters have to say about the state's tax stalemate will be published in tomorrow's Sun-Telegraph.

#### DENT RAPS GOP SALES TAX MOVE

By Thomas P. Snyder

Sun-Telegraph Bureau

HARRISBURG, Jan. 11.—The Kessler sales tax proposal was rejected today by Senate Minority Floor Leader John H. Dent, who called it a "Republican plan to help party contributors in industry."

The statement by the Jeannette Democrat came as Senate Democratic and Republican floor leaders prepared to go into another conference in an effort to break the long tax deadlock.

Sen. Edward J. Kessler, Lancaster, Republican chairman of the Senate Finance Committee, has prepared amendments to convert the revived five per cent manufacturers excise into a retail sales levy.

#### CALLED GOP BILL

Over the weekend Senate Majority Leader Rowland B. Mahany, Titusville, said Republicans



would push the three per cent sales tax when the session reconvenes next week if there is no prior agreement reached between Democrats and Republicans. Dent declared:

"This is a Republican bill. Let 'em vote for it but they won't get one Democratic vote in the Senate."

Earlier House Democratic Floor Leader Albert S. Readinger, Reading, doubted that Senate Republicans could muster enough of their own votes to pass a three per cent retail sales tax.

#### COMPROMISE PROGRAM

Dent said Democrats would offer their compromise program calling for:

● A two per cent personal net income tax after allowing federal exemptions and deductions to produce \$210,000,000 up to this biennium's end, May 31, 1957.

● Converting the revived manufacturers excise into a wholesaler and retailer excise, \$165,-000,000.

● A one per cent increase in the corporate net income tax, \$50,000,000 and accelerating collection of the capital stock tax, \$25,000,000.

#### QUESTION OF PERSONAL PRIVILEGE

Mr. ISAACS. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER pro tempore. The gentleman will state it.

Mr. ISAACS. Mr. Speaker, on House Bill 1754, page 5028 of the Legislative Journal for December 12, 1955, I am recorded as not voting. I was present and voted "no" on this bill.

#### PERMISSION TO ADDRESS HOUSE

Mr. MORAN asked and obtained unanimous consent to address the House.

Mr. Speaker, I listened with a great deal of interest yesterday and today to the remarks relative to the strike situation in parts of Pennsylvania.

I just want to say that I belong to the CIO-AFL Local Union 601, which is on strike at East Pittsburgh, the largest plant in the Westinghouse group.

We have had no trouble out there whatever. In fact, there was an injunction asked for and the ruling of Judge O'Brien of Allegheny County was commented on very favorably by the union.

We have had no trouble there, and the only trouble we have heard about in connection with the strike as a whole has been newspaper talk.

I do not see why this Legislature should take any action on this matter since we have police officers, we have officials elected in the various boroughs and townships throughout the state, and they certainly ought to know when there is trouble, or when they need help, or when they need the State Police.

Since the Mayor of Sharon and the new sheriff down there say they are able to control the situation, I don't see why this Legislature should take any action. I think any talk on the floor today is probably in line with the keynote speeches for the next election.

#### PERMISSION TO ADDRESS HOUSE

Mr. BRETH asked and obtained unanimous consent to address the House.

Mr. Speaker, at this time I want to call the attention of the members of this House, and to the attention of the public in the state of Pennsylvania, that we citizens of Clearfield County are indeed proud of the fact that 305th Military Police Company of the U. S. Army Reserve at Clearfield has been singularly recognized as having the best recruitment program in the state.

Captain Richard Payton, head of the Company, certainly deserves much credit for this achievement.

With the permission of the Members of this House I would like to submit two letters of commendation to this effect which the company has received from Brigadier General A. W. Stewart and Major A. W. Smith.

I would like to have them included in the Legislative Journal.

AIDQ-AG 200.6

5 January 1956

Subject: Letter of Commendation

To: Commanding Officer

305th Military Police Company  
US Army Reserve Center  
318 Nichols Street  
Clearfield, Pennsylvania

1. It gives me great pleasure to commend you and the members of the 305th Military Police Company for your outstanding recruiting record from 1 September 1955 through 31 December 1955.

2. During this period, twenty-four soldiers were recruited into your organization under the provisions of the Reserve Forces Act of 1955. This record demonstrates not only the splendid morale and esprit de corps of your unit, but your efforts in making available to our fellow citizens, the privilege of serving with a component of the Armed Forces of our nation.

3. Your initiative, zeal and untiring efforts have contributed materially toward the successful accomplishment of the mission of this command and reflect great credit upon your organization and the military service.

A. W. STUART  
Brigadier General, U. S. Army  
Chief

1st Ind

SUBJECT: Letter of Commendation.

OFFICE OF THE SENIOR UNIT ADVISOR,  
United States Army Reserve Center, 318 Nichols  
Street, Clearfield, Pennsylvania, 10 January 1956.

TO: Commanding Officer, 305th Military Police  
Company, 318 Nichols Street, Clearfield,  
Pennsylvania.

1. I am happy to forward this letter of commendation from the Chief Pennsylvania Military District to you and your unit and to add my appreciation for the fine job you and the members of your unit are doing.

2. I am reasonably sure that no other company sized USAR unit in the Pennsylvania Military District has approached the results in recruiting that your unit has achieved and I am aware of the extra effort that has been expended to achieve such results.

3. It was mainly through the efforts of your unit that this Center was recently listed as being no lower than second in recruiting of all the Centers through out the State.

4. The results achieved by your unit indicate an



understanding of your mission and a spirit of co-operation by you, your officers and men that is a credit to your unit and the United States Army Reserve.

AUSTIN W. SMITH,  
Major, Infantry  
Sr. Unit Advisor

### COMMUNICATION FROM GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

#### REORGANIZATION PLAN No. 8

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, January 17, 1956.  
To the General Assembly of the Commonwealth of Pennsylvania:

By authority vested in me by the Reorganization Act of 1955 (Act No. 8), I transmit herewith Reorganization Plan No. 8 of 1955. This plan transfers responsibility for handling Federal surplus property from the Department of Public Instruction to the Department of Property and Supplies. The background of this proposal is as follows:

A Federal law passed in 1944 provided that surplus property might be donated for educational and public health purposes either directly to tax supported or non-profit tax exempt institutions, or indirectly to such institutions through "state departments of education or health."

On April 12, 1945, the General Assembly of Pennsylvania passed Act No. 99 (P. L. 220) to take advantage of the Federal offer. This authorized the Commonwealth, or any administrative department, board or commission, acting through the Department of Property and Supplies, to enter into contract with the United States for the purpose of obtaining surplus products.

Because the Federal law specifically stipulated that states receiving Federal property for redistribution should do so through departments of education or health, the Governor, in December, 1945, and by authority of The Administrative Code of 1929, established in the Department of Public Instruction the Division of Surplus Property Disposal.

But Federal law has since changed. Amendments made in 1955 permit donations of surplus property either to state departments of education or health or to other state instrumentalities.

The plan is recommended for your approval for the following reasons:

1. State law (P. L. 220, 1945) first authorized the handling of Federal surplus property through the Department of Property and Supplies and this arrangement was changed only because Federal law made it necessary;

2. Now that Federal law has been changed there is no special reason why donable goods should be handled by the Department of Public Instruction;

3. The Department of Property and Supplies is the State agency which normally handles property procurement and disposal;

4. Improved administration, economy, and efficiency can be expected from grouping similar functions within the Department of Property and Supplies;

5. It is advisable to free the Department of Public Instruction from numerous miscellaneous duties that are not essential to the performance of its primary purpose.

GEORGE M. LEADER,  
Governor

Dated: January 17, 1956

Transmitted to the General  
Assembly on January 17, 1956.

#### REORGANIZATION PLAN No. 8 OF 1955

Section 1. The division of Surplus Property Disposal in the Department of Public Instruction where it was estab-

lished by the head of the department, with the approval of the Executive Board in the year 1945, pursuant to the provisions of section 212 of the Administrative Code of 1929, is transferred from that department to the Department of Property and Supplies.

Section 2. There are hereby transferred to the Department of Property and Supplies the files, records, property, contract obligations, personnel, supplies and equipment now being used or held by the division of Surplus Property Disposal, and the unexpended balances of appropriations, allocations and other funds available or to be made available for use by the division of Surplus Property Disposal to be used for the payment of salaries, wages, general expenses, supplies, printing and equipment necessary for the work of the department with respect to the acquisition of Federal surplus property and the distribution of such property to schools and other agencies authorized to receive it.

Section 3. The following acts and parts of acts are suspended as particularly set forth:

Section 1, act of April 12, 1945 (P. L. 220), entitled "An act authorizing the Commonwealth and any administrative department, boards, and commissions thereof acting through the Department of Property and Supplies, and political subdivisions of the Commonwealth, including municipal authorities, to enter into contracts with the United States of America, or any agency thereof, for the purchase, lease, or other acquisition of property, real or personal, offered for sale pursuant to the Surplus Property Act of one thousand nine hundred forty-four, without complying with any requirement of existing law as to specifications, advertising, award of contract, and approval of purchases by a State agency receiving competitive bids, or the delivery of property purchased before payment therefor," in so far as it confers any powers upon the Department of Public Instruction.

Section 3, act of December 22, 1955 (Act No. 29A), entitled "An act to provide for the ordinary expenses of the Department of Public Instruction for two years beginning June first, one thousand nine hundred fifty-five, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first, one thousand nine hundred fifty-five, and making appropriations to the Department of Public Instruction for reimbursements to school districts," in so far as it is in conflict with this Reorganization Plan.

In the House of Representatives, January 17, 1956.

#### RESOLUTION

Resolved, That Reorganization Plan No. 8 of 1955, transmitted to the General Assembly under date of January 17, 1956, which is incorporated herein by reference, be approved.

In the House of Representatives, January 17, 1956.

#### RESOLUTION

Resolved, That Reorganization Plan No. 8 of 1955, transmitted to the General Assembly under date of January 17, 1956, which is incorporated herein by reference, be disapproved.

The SPEAKER pro tempore. The Reorganization Plan will be spread upon the Journal of the House, and be printed for the information of the Members. It will appear upon the calendar.

#### REPORTS FROM COMMITTEES

Mr. THOMAS from the Committee on State Government, reported as amended, House Bill No. 110, entitled:

An Act amending "The Administrative Code of 1929" approved April 9, 1929, P. L. 177, designating the days on which State employes shall be paid and repealing inconsistent legislation.



Mr. PETROSKY from the Committee on Ways and Means, reported as amended, House Bill No. 779, entitled:

An Act providing revenue by imposing a tax on retail sales of tangible personal property to consumers; requiring sellers to register and file returns; providing for the assessment, collection and lien of the tax; imposing duties on prothonotaries; prescribing penalties; and providing for the use of proceeds of the tax for public school purposes.

Mr. GRANVILLE E. JONES from the Committee on State Government, reported as amended, House Bill No. 1051, entitled:

An Act authorizing the State Employees' Retirement Board to loan money to contributors to the State Employee's Retirement Fund and prescribing retirement benefits when loans are not repaid.

Mr. PETROSKY from the Committee on Ways and Means, reported as amended, House Bill No. 780, entitled:

An Act providing revenue by imposing a tax on the use and storage of tangible personal property within the Commonwealth; providing for the assessment, collection and lien of the tax; \* \* \* and providing for the use of the proceeds of such tax for public school purposes.

Mr. POLASKI from the Committee on Fisheries, reported as committed, House Bill No. 1857, entitled:

An Act amending "The Fish Law of 1929," approved May 2, 1925 (P. L. 448) authorizing refunds of fees, fines and other moneys erroneously or unjustly collected.

Mr. HELM from the Committee on Education, reported as committed, House Bill No. 1867, entitled:

An Act amending the "Public School Code of 1949," approved March 10, 1949 (P. L. 30), further providing for Commonwealth reimbursement for certain costs incurred by school districts in connection with the education of certain handicapped children.

Mr. VAUGHAN from the Committee on Liquor Control, reported as committed, House Bill No. 1891, entitled:

An Act amending the "Liquor Code," approved April 12, 1951, P. L. 90, authorizing the board to investigate and cause the prosecution of unlicensed establishments; authorizing the confiscation of certain property with certain limitations; and changing penalties.

Mr. LEVEN from the Committee on Judiciary, reported as amended, House Bill No. 1925, entitled:

An Act amending the "1937 Magistrates' Court Act," approved June 15, 1937, P. L. 1743, establishing an Alcoholic Court of Philadelphia, and prescribing its powers and duties and jurisdiction and the magistrates assigned thereto; providing for a seal for the court and the costs taxable therein.

Mr. A. PATRICK BRENNAN from the Committee on Education, reported as committed, House Bill No. 1926, entitled:

An Act amending the "Public School Code of 1949," approved March 10, 1949 P. L. 30, authorizing the reassessment of certain property in school districts of the third and fourth class \* \* \*

Mr. WEIDNER from the Committee on Education, reported as committed, House Bill No. 1933, entitled:

An Act amending "The Administrative Code of 1929," approved April 9, 1929 (P. L. 177), clarifying institutions for the deaf subject to supervision and inspection of the State Council of Education.

Mr. SWARTZ from the Committee on Education, reported as committed, House Bill No. 1936, entitled:

An Act amending the "Public School Code of 1949," approved March 10, 1949 (P. L. 30), authorizing expanded audio-visual education programs and matching of State and district moneys for payment of costs thereof.

Mr. GARLOCK from the Committee on Agriculture and Dairy Industries, reported as committed, House Bill No. 1943, entitled:

An Act to add section six hundred thirty-five point one to the act, approved the twenty-fourth day of June, one thousand nine hundred thirty-nine (P. L. 872), entitled "An act to consolidate, amend and revise the penal laws of the Commonwealth," by regulating the serving and selling of milk in which chocolate, cocoa or cacao products are used as an ingredient, and prescribing penalties.

Mr. LUTTY from the Committee on State Government, reported as committed, House Bill No. 1944, entitled:

An Act to amend "State Council of Civil Defense Act of 1951," approved the nineteenth day of March, one thousand nine hundred fifty-one (1951-52 P. L. 28), by authorizing the State Council of Civil Defense to make rules and regulations.

Mr. ROVANSEK from the Committee on Education, reported as committed, House Bill No. 1951, entitled:

An Act amending the "Public School Code of 1949," approved March 10, 1949 (P. L. 30) requiring the board of county school directors to provide transportation for physically or mentally handicapped children in certain cases; and providing for reimbursements.

Mr. DAVIS from the Committee on Education, reported as amended, Senate Bill No. 215, entitled:

An Act amending the "Public School Code of 1949" \* \* \* changing the basis for reimbursement on account of rentals payable to the State Public School Building Authority municipality authorities and nonprofit corporations and the conditions therefor and limitations on approval of projects for reimbursement purposes and providing for reimbursement on account of sinking fund charges on indebtedness for school buildings hereafter constructed.

Mr. SWARTZ from the Committee on Education, reported as committed, Senate Bill No. 257, entitled:

An Act validating the action of any school board which has heretofore employed any teacher who was related to a member of the board without strictly complying with the law relating to such employment and relieving the members of the board from all liability.

Mr. BARNATOVICH from the Committee on Agriculture and Dairy Industries, reported as committed, Senate Bill No. 383, entitled:

An Act amending the Ice Cream Law of May 20, 1949 (P. L. 1594) \* \* \* authorizing and regulating the manufacture and sale of artificially sweetened ice cream for diabetics.

Mr. THOMAS H. W. JONES from the Committee on Judiciary, reported as committed, Senate Bill No. 693, entitled:

An Act amending the "Orphans Court Act of 1951" (P. L. 1163) \* \* \* conferring exclusive jurisdiction on orphans' courts (except the Orphans' Court of Philadelphia County) over the administration and distribution of incompetents' estates and on the orphans' court of Philadelphia County over inter vivos trusts and revising the procedure on and effect of jury trials and the availability of jurors.



Mr. ROVANSEK from the Committee on Education, reported as committed, Senate Bill No. 759, entitled:

An Act amending the "Public School Code of 1949" P. L. 30) \* \* \* limiting reimbursement for depreciation to school districts using their own vehicles in pupil transportation.

Mr. HARVEY P. MURRAY from the Committee on State Government, reported as committed, Senate Bill No. 772, entitled:

An Act to amend the act approved the third day of June, one thousand nine hundred forty-three (P. L. 818) entitled "An act for the extension of Capitol Park in the City of Harrisburg and for the acquisition of real estate in connection therewith, and for the demolition of the buildings and structures thereon; providing for and imposing powers and duties upon a Capitol Park Extension Commission; conferring powers and duties upon the Department of Property and Supplies; and making an appropriation," by empowering and directing the Department of Property and Supplies to acquire by purchase or condemnation all lands, buildings and property which will permit the construction by said Department of an extension of East Street (Commonwealth Avenue) northwardly from Forster Street to connect with Sixth Street, and making an appropriation.

Mr. A. PATRICK BRENNAN from the Committee on Education, reported as committed, Senate Bill No. 834, entitled:

An Act validating and confirming certain contracts heretofore entered into by municipality authorities for the construction of a school building project or projects and for relevant service contracts as a part of the construction when there is no evidence of fraud or conspiracy and authorizing or ratifying payments on such contracts or parts of contracts by the municipality authority upon approval thereof by the Department of Public Instruction and the Department of Justice.

Mr. ASHTON from the Committee on Agriculture and Dairy Industries, reported as committed, Senate Bill No. 842, entitled:

An Act amending the act of May 15, 1939 (P. L. 134) entitled as amended "An act relating to fireworks defining fireworks prohibiting the sale offering or exposing for sale and use of fireworks except in certain cases authorizing cities boroughs towns and townships to issue permits for fireworks displays and to regulate the same imposing duties on the Pennsylvania State Police sheriffs police officers and constables and providing penalties" authorizing the issuance of permits for and the use of fireworks in connection with raising and protecting crops.

Mr. A. PATRICK BRENNAN from the Committee on Education, reported as committed, Senate Bill No. 853, entitled:

An Act amending the act of May 23, 1949 (P. L. 1669) entitled as amended "An act to provide revenue for school districts of the first class by imposing a tax on persons engaging in certain businesses professions occupations trades vocations and commercial activities therein providing for its levy and collection conferring and imposing powers and duties on the Board of Public Education receiver of school taxes and school treasurer in such districts and prescribing penalties" excluding certain costs from the term receipts"

Mr. CAPANO from the Committee on Judiciary, reported as committed, Senate Bill No. 862, entitled:

An Act amending the "Reference and Arbitration Law" of June 16, 1836 (P. L. 715) \* \* \* providing by rule of the County Court of Allegheny County for the arbitration of certain suits at issue.

Mr. TOLL from the Committee on Judiciary, re-reported as amended, House Bill No. 776, entitled:

An Act reenacting and amending the title and "Nonprofit Medical Osteopathic and Dental Service Corporation Act" of June 27, 1939 (P. L. 1125) \* \* \* including in the plan chiroprody services and defining "chiroprody services" for the purpose of this act only.

Mr. STEBBINS from the Committee on Agriculture and Dairy Industries, re-reported as amended, House Bill No. 1527, entitled:

An Act for the protection of the public health and welfare and the prevention of fraud and deception in the manufacture preparation packaging dispensing and sale of non-alcoholic drinks and the use and operation of automatic or manual dispensing equipment relative thereto prohibiting the sale offering or exposing for sale exchange or the giving away thereof unless registered providing for licensing of places of manufacture preparation compounding and packaging and the licensing or registration of automatic or manual dispensing equipment regulating the manufacture compounding labeling selling sanitation and the ingredients of non-alcoholic drinks and the display of presses prohibiting misbranding and adulteration authorizing promulgation of rules regulations and standards providing for penalties and for injunction in certain cases and the disposition of fees and fines

Mr. MULDOWNNEY from the Committee on State Government, re-reported as committed, House Bill No. 1914, entitled:

An Act authorizing the Department of Property and Supplies with the approval of the Governor to sell and convey one acre and eighteen square perches more or less of land situate in Buckingham Township Bucks County.

### BILL RE-REFERRED

Mr. WHEELER from the Committee on Counties, returned with the recommendation that it be re-referred to the Committee on Municipal Corporations, House Bill No. 1544, entitled:

An Act providing for the incorporation as bodies corporate and politic of "Regional Service District" by adjoining counties; prescribing the rights, powers and duties of the regional service districts; \* \* \*

The SPEAKER pro tempore. The bill is re-referred to the Committee on Municipal Corporations

### PERMISSION TO ADDRESS HOUSE

Mr. CHARLES C. SMITH. asked and obtained unanimous consent to address the House.

Mr. Speaker, as most of us know, one of the reasons for the delay today was the fact that the Ways and Means Committee was going to meet and was expected to bring out a sales tax bill.

A difficult situation has been created by Governor Leader, because he won his election on promises that he would abolish a one per cent sales tax and would make up the difference with economies in state government. So far I believe, and I believe it is the opinion not only of myself but every Member in the House, and certainly the people of Pennsylvania, he has failed, and failed dismally, in view of the fact that he has made no economies to make up the necessary money because of the one per cent sales tax having expired.

When he found he was wrong and that he had been elected on promises he was not able to keep, instead of



admitting it to the general public—and I believe I stood here and said that he could have made himself a very big man by retaining a sales tax at the rate of 2 per cent—he proposed two of the most outrageous taxes that have ever been proposed in this Commonwealth.

One, and I do not need to go into detail, was the classified income tax which most everyone here and all of the people were against.

The second was what he called at the time the manufacturers excise tax. I believe that it was proven in public hearings that that tax would pyramid on most anything that the people of Pennsylvania would have bought. Some people tried to call it a sales tax.

As I said, and as I say again, this tax would have picked the pockets of everybody before they even had a chance to know what was happening. With very few exceptions, no one in Pennsylvania that I know of wanted either of the taxes that the Governor tried to put across. The people of Pennsylvania realized there was more money needed, but as far as I can see by reading the Press, as far as I can see by our mail, as far as I can hear from the people I have talked to, they want a sales tax of some sort.

Just because that the Governor has created the chaotic situation he has, and today we in Pennsylvania are in a chaotic situation, because of the fact that he talked either in ignorance or for other reasons, or worse reasons—and I do not want to infer what they were—is no reason why we should saddle our people today with a three or four per cent sales tax of the most obnoxious kind.

I have said before, I believe several months ago, that the majority of the Republicans in this House would not vote for a three per cent sales tax. We certainly cannot see any reason why we should assume the entire responsibility for the financial condition of this Commonwealth. We do not see why we should assume the responsibility for the loss of probably of \$60 million because of the Governor leaving the present tax expire.

You are still in the majority in this House, it is your Governor who is the chief executive of our state and the man with whom the responsibility rests, particularly because of the promises he made to win the election to put you people in your seats. It is your Governor who has brought the Commonwealth to the situation we now face by his blind stubbornness and his blind refusal to acknowledge that a sales tax is the most equitable and fairest of the broad base taxes.

Now that he has reached this situation what does he want you to do? He tells you to bring out the worst and the hardest sales tax bill possible and ram it down the people's throats. He tells you, and I know he met with you this morning, to bring out a bill that will put a three per cent sales tax on everything that people buy except their food. It would be a tax on food too, because this bill is unusual in that it taxes all raw materials, all feed, all fertilizer, all the insecticides that our farmers buy and all the coal and fuel that our public utilities burn to make our gas and electricity.

Let me say to you that no one can absorb any of that tax, it will be passed on to the general public. The public would not be paying a three per cent direct

sales tax, but would be paying an indirect sales tax because of the raw materials, which in some cases would be double and triple taxation.

I am going to tell you that this is not a Republican bill. The sponsor of this bill handed amendments to the Ways and Means Committee months ago, I believe your own Chairman of the Ways and Means Committee will admit to that, and you today refused to put them into the bill you brought to the floor of this House.

It was you, the Democrats, who increased the rate of the bill that was put into Committee to three per cent. That was the amendment you put in. It is you, the Democrats, who want to tax the farmers and the little people and want them to pay more money, not the Republicans. Do not try to sell it to us because we are going to refuse to buy it. We on this side of the House are not going to give you any votes for this bill.

The majority of our caucus today, the House Republican caucus, will be a fair and equitable sales tax at two percent, a similar sales tax to the Ohio plan, but never for the tax that you have brought out today after turning down our amendments.

We in this House have not suddenly gone mad because your Governor has. We still understand there is a problem that the people of Pennsylvania want solved. We are not going to try and jump off a cliff just because your Governor has lost \$60 million for this state by being stubborn in his opposition to a two per cent sales tax.

Let me say to you and tell you what this tax you brought out will do, the tax you would not allow to be amended in Committee. It taxes all purchases of public utilities, including all of the coal and fuel they use; it taxes all purchases of manufacturers, including all of the raw material that they use to go into a finished product; it taxes all purchases that the farmer makes, seeds, fertilizer, anything that he uses in his orchards, materials that he uses, all of the machinery that he uses; it taxes all types of clothing whether it be work clothing, dress clothing, shoes, stockings, neckties, or anything. It puts a tax on all of that of three per cent. It taxes all newspapers in the state; taxes all the materials used in the newspaper, the ink and the paper.

Gentleman, we had a caucus today. It never has been our policy to divulge what happens in our caucus. I asked my caucus if they would allow me the prerogative, let me put it that way, of saying to you some of the things we have thought about, some of the policy that we set.

Today in our House caucus we agreed we can give to you on the other side of the House a majority of our Republican votes for an honest equitable two per cent sales tax similar to the Ohio method of collection and with exemptions similar to those of last session.

I know someone is going to say to me immediately, "How much is that going to bring in?" I am going to be very honest with you, we did not go too deeply into the details of the amount of money that would be collected but I know one thing, it will bring in a sufficient amount of money to meet at least the Republican share of the amount that is said to be needed today.

I do not believe, and you do not believe if you are honest that we should bear the whole responsibility. I know most of you men and women on the other side



of the House are fair. You are not in our party, but very seldom have I run into people in politics on either side who have been unfair. You do not believe that we should solve your entire tax program. You know it and I know it. It would make no more sense for us to do that than it would be for you to do it.

We are willing today to accept our share of the responsibility. What you come up with on your side of the House is your business, as far as this side of the House is concerned.

If you will allow us to take either of the bills that are in Committee now, or allow us to amend those bills, or allow us to introduce a new sales tax bill, we will sponsor it. We are not bashful, we are willing to accept responsibility. We will give you a two per cent sales tax, which will meet a good portion of the responsibility and of the financial situation we have in this state to meet the requirements for teachers, for welfare and for the many other uses of this Commonwealth.

The Governor has promised economy. It is the Governor's fault that he has lost \$60 million. All of you remember that in his speech at the very beginning, his inaugural speech, he started talking about the deficit that those horrible Republicans left, he was not going to do this, and he was not going to that.

Well, the Governor has left us with a deficit in this Commonwealth. He was the fellow who left the sales tax expire, he was the man who left \$6.5 million go down the drain every month since last August. That is his responsibility, and yet we are still willing on this side of the House to meet our share of his responsibility. He has caused the chaos, and he is not going to pass it off on us by having us pull him out of the hole. We are willing to help, but we are not going "whole-hog" and be foolish and give you every vote to solve your financial situation.

That is the position we are in. We are trying to be fair, we are trying to be fair to you, we are trying to be fair to the people of Pennsylvania. We know that the people are getting disgusted not only with the Republicans but with the Democrats, too. They do not want us to stay here fighting and bickering, going for each other's throats day in and day out, and leaving this situation get worse.

It has not been the Republicans who have tried to make political hay from it, it is your own Secretary of Welfare who goes around over the state crying about what we are doing. He is a tear-jerker with the people. I know he has a nice subject, and it is a subject that we do not much like to discuss, the mentally insane. Yet I have said time and time again, of all the money he has asked for you cannot show me one cent in your budget that is going to supply an extra bed for the mentally insane. He and the Governor have made use of the worst kind of tactics to ram down the throats of Pennsylvania people taxes they do not want.

Let us be fair, as the gentleman on the other side says, let us be fair to ourselves, let us be fair to the people.

That is our declaration of policy today from the Republican House caucus. I hope it is clear to you. I hope you take it in the fair and honest attitude in which we are giving it to you. We are not wedded to anything that we say, "We won't go for this part of the sales tax," or "We won't be for this," or "We will be for this," but we

are trying to give you something by which you can solve your financial problems. We want to do it. Now you on your side of the House come up with something, it is your problem on your side.

We are going to have to ask you for some votes. I am not going to be dishonest and tell you that we are going to supply you 97 votes. I do say this, that we will supply you every vote that we humanly can get out of the Republican side of the House to pass a two percent sales tax which we are proposing to you today.

#### PERMISSION TO ADDRESS HOUSE

Mr. READINGER asked and obtained unanimous consent to address the House.

Mr. Speaker, the Auditor General designee on the Republican ticket is in fine voice today and drove home the points he wanted to make very emphatically as he usually does. I only wish sometimes as I sit here that we had some of the spirit of give and take in the other branch of this Legislature that we have over here.

I think the gentleman who just spoke and his colleagues are going to make an effort to help up solve this tax problem. This is the first time in my recollection he has very clearly come out and stated what the Republican minority in this House will vote for taxwise. But unfortunately even though we would follow his plan, we are still left with the problem of raising about \$250 million or \$200 million.

As I stated yesterday we accept our responsibilities over there, we know we are the party in power and we have got to make the move to raise the money to finance the Commonwealth. We have made that effort to do so, and very recently we proposed a four point program to be left with the Republican Senate because that is the place where it has got to get the votes to pass, and we were rejected. We were told emphatically that the only thing they would take would be a three per cent sales tax, plus enough business taxes to make up whatever amount of money they were going to let us spend.

There has been a standing dispute as to whether we need \$400 million now or whether we need 450 or 465. The amount we are going to need is certainly going to depend on how much the State Senate of Pennsylvania is going to allow us in these appropriation bills. We passed appropriation bills here in the House, and the Senate, the Republican part of the Senate, has told us they are going to cut this and cut that, but the best figure I am able to come up with today that they indicated they will allow is \$400 million.

Now, the gentleman from Philadelphia cannot give us a figure of the yield of the tax of the type he is talking about, but if I were to venture a guess I would say, not knowing, of course, what exemptions are intended to be put in, I would venture to guess we could not raise more than about \$200 million on the type of sales tax he is talking about. Then the minority says to us, "now, we are willing to propose that as our half of the program, you get the rest."

Do not forget we have been told that they were going to take this and nothing else. So where does that leave us? It leaves us in the position of proposing as we have today a sales tax bill that is adequate to raise the amount of money we need, and no amount of talk, argument or anything else will change that fact. We have no assur-



ance that the Senate will give us any other kind of a broad base tax, or any other kind of a tax to raise the rest of the money, and if the gentleman from Philadelphia is now indicating to us that he is proposing to adopt what the Governor has suggested as a 50-50 method of accepting responsibility for tax programs which will raise enough money, then let me remind him that the Governor made it quite clear the other day that if we are to pass the bills that you propose to raise half the money, then your people must give us votes to pass the ones that we would propose. That is something that the Senate has said "we will not do." So where does that leave us? Right in the same position as we were before.

We are going to bring this sales tax bill to a vote. Next week when the bill is on second reading, as the gentleman on the other side knows, you may write any philosophy you want of sales taxation by offering amendments to the bill. If you want the Ohio tax plan, which isn't in the Hewitt bill, offer an amendment. If you want clothing taken out, or want something else taken out, or want to cut the rate, offer your amendment, and you will get a vote on that amendment. How you will vote or how we will vote, I don't know. But you will at least inform the public exactly the type of sales tax bill you are willing to vote for, and so will we indicate to the public how we feel about it.

But even if such a bill should pass this House, in view of what the Senate has said to us only as late as yesterday, we still don't solve the tax problem. We are going to keep on trying and trying and trying. And the public of Pennsylvania is going to be given the most complete and full information as to exactly how the Members representing the people of this state are voting on these things. You are not going to be able to duck it, we are not going to be able to duck it, and neither is the Senate of Pennsylvania. We have to keep on moving fast because we have lost a lot of revenue in the last six or seven months.

The gentleman spoke about the horrible taxes that were proposed and passed by this House before this time. Well, that is a matter of opinion. We thought they were pretty good taxes. We still think so. You are entitled to your opinion, so are the people of Pennsylvania. Whether the classified income tax would have been popular with the people of Pennsylvania or unpopular is something we will probably never know, because it did not get on the books. Whether it would have been considered to be a fair and equitable tax by the people after it was in operation, we may never know. We thought it was fair, we proposed it and we voted for it and accept the responsibility for it. The same is true as to the manufacturers excise tax. Your saying that they are horrible bills and that the people did not want them, doesn't make it so.

I know that many newspapers used all the power they had against those bills, but that doesn't mean the public would not accept them if they were put on the books.

Many states in this Union now have two broad base taxes, both a sales and an income tax. I believe twenty-three or twenty-four of them have. The Senate of Pennsylvania says to us, "we won't take two broad base taxes." You say to us, "We will take a two per cent sales tax, which is a broad base tax. That is our responsibility, you assume the rest." Well, we want to, but we can't assume

it under those conditions. We certainly are not going to raise about \$200 million and run into a deficit for the next biennium of about \$275 million. If the gentleman thinks we intend to do that he does not know us; because we don't intend to, if we don't possibly have to. We hope we never get forced into that position.

I am glad that some of these things have been said today because they clear the air of certain things that have been talked about for months, but nobody could put his finger directly on one side or the other and say they are for this or they are for that.

It has been my hope and my ambition in the last month to get something done on this matter. The gentleman really knows what he is talking about when he says that the public is getting to a point where it blames equally both sides of this House and the Senate for bickering and wrangling and not getting this thing solved.

We are trying to and we are going to keep on trying. If we get into five day sessions in the very near future, you will know it is because we want to get this thing resolved, and we have to.

### PERMISSION TO ADDRESS HOUSE

Mr. CHARLES C. SMITH asked and obtained unanimous consent to address the House.

Mr. Speaker, I believe the gentleman probably is right in some of his statements, and I believe that he and the Members on his side of the House and the Members on this side of the House are honest and sincere in trying to settle some of these problems.

I know that on our side of the House it is the most sincere effort we have ever made since I have been in the Legislature. Certainly I do say to the people of Pennsylvania and you people that have sat in the House, I have never yet seen a minority party offer a tax program to solve the problems of the majority. Whether or not it is because of a divided House, I think is beside the point. It takes courage from the minority, even thought it is divided, to offer to vote for taxes.

I do not say this sarcastically but there was very little of that courage on the majority side in the past, because we got a continual number of "noes." I do not mean that in sarcasm, but we did get a continual number of "noes."

I would like to remind the gentleman of something that I forgot to say when I first spoke, that if he is sincere about trying to solve this program, and we are, I would like to suggest to him that if he is willing to accept amendments next week that we do it in some kind of an orderly and decent fashion and stop trying to play politics to somebody's gain.

I do not think either of us is going to gain, no matter how smart politically we are at this stage of the game. I would like to say to him that if this bill is finally amended and put in position for final passage, that the bill at least lay on the calendar for a short period of time. I don't mean a week, but at least let it lay over for a few days, so that the public of Pennsylvania will see the kind of taxes that we in this House, both Republicans and Democrats, are going to offer to them.

I say that for one other reason. I am not trying to do any fancy double-talk when I say this. But I would like the Governor of Pennsylvania to see the tax bill that we of the House are going to propose. He won't be able



to see it, nor will the people be able to see what it is until the Press has ample time to report it.

When that bill comes to final passage I would expect the Governor of this state, if he is as honest and sincere as his Majority Leader is in this House and as we are on this side of the House, will come out with no double-talk and not a ten page statement of ifs and buts, but with one little sentence, "I will veto the sales tax bill number so and so, that is in the House," or "I will sign the sales tax bill number so and so if it is placed on my desk in that form." That is all we ask on this side of the House prior to voting on the bill. I do not believe that is being unfair. But let the Governor come out and say he is for it or he is against it. If the Governor says that and it meets with approval on your side of the House and it meets with approval on our side of the House, we then can stick together and either concur or non-concur in any amendments that are put in by the Senate, either by Republicans or Democrats.

BILLS ON FIRST READING

Agreeably to order,  
The House proceeded to the first reading and consideration of House Bill No. 1953, entitled:

An Act to further amend section four hundred fifteen of "The Vehicle Code," approved the first day of May one thousand nine hundred twenty-nine (P. L. 905) entitled "An act for the protection of the public safety \* \* \*" by permitting the Secretary of Revenue to provide for the sale by subscription or otherwise of lists of learner's permits as issued.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,  
The House proceeded to the first reading and consideration of House Bill No. 1957, entitled:

An Act to further amend subsection (a) of section twelve hundred one of "The Vehicle Code" approved the first day of May one thousand nine hundred twenty-nine (P. L. 905) entitled "An act for the protection of the public safety \* \* \*" by providing for a one year statute of limitations for violation of section six hundred twenty (j).

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,  
The House proceeded to the first reading and consideration of House Bill No. 1958, entitled:

An Act amending the "State Workmen's Insurance Fund Law" approved June 2, 1915 (P. L. 762) extending insurance coverage provisions for policemen and firemen, authorizing the board to fix premiums and to contract for supplying additional hospital and other services.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

BILLS ON SECOND READING

BILL PASSED OVER

There being no objection  
Senate Bill No. 696, Printer's No. 448  
was passed over at the request of the SPEAKER pro tempore.

BILL ON FINAL PASSAGE RECALLED FROM GOVERNOR

BILL PASSED OVER

There being no objection  
House Bill No. 1623, Printer's No. 1277  
was passed over at the request of the SPEAKER pro tempore.

BILLS INTRODUCED AND REFERRED

The SPEAKER pro tempore. The Speaker has referred the following House Bills.

By Messrs. JOHNSON and CHARLES C. SMITH.  
HOUSE BILL No. 1966.

An Act amending the act of May 26, 1933, (P. L. 1088), entitled "An act authorizing the State Treasurer under certain conditions to transfer sums of money between the Motor License Fund and the General Fund; \* \* \*" providing for loans of money between the Motor License Fund and the General Fund.

Referred to the Committee on Rules.  
By Messrs. KOLANKIEWICZ, DOUGHERTY and TAYLOR.  
HOUSE BILL No. 1967.

An Act to amend section seventeen of the act, approved the twenty-ninth day of March, one thousand eight hundred three (P. L. 542), entitled "An act to establish a Board of Wardens for the port of Philadelphia, and for the regulation of pilots and pilotages and for other purposes therein mentioned, "by permitting second class pilots to pilot vessels drawing twenty-seven feet of water or under and permitting third class pilots to pilot vessels drawing twenty-three feet of water or under.

Referred to the Committee on Rules.  
By Messrs. STAURSSER, STROUP and MAGEE.  
HOUSE BILL No. 1968.

An Act levying an excise tax on the use, storage or other consumption of tangible personal property, and providing for the collection thereof, \* \* \* and providing for the use of the proceeds of the tax for purposes of education.

Referred to the Committee on Ways and Means.  
By Messrs. STRAUSSER, STROUP and MAGEE.  
HOUSE BILL No. 1969.

An Act levying an excise tax on retail sales of tangible personal property, and providing for the collection thereof; \* \* \*

Referred to the Committee on Ways and Means.

BILLS ON FINAL PASSAGE

BILLS PASSED OVER

There being no objection  
House Bill No. 667, Printer's No. 1256,  
House Bill No. 796, Printer's No. 1283,  
House Bill No. 1311, Printer's No. 1102 and  
Senate Bill No. 467, Printer's No. 464  
were passed over at the request of the SPEAKER pro tempore.

BILLS ON FINAL PASSAGE POSTPONED

Agreeably to order,



The bill having been called up from the postponed calendar by Mr. STROUP.

The House resumed the consideration on final passage of House Bill No. 68, entitled:

An Act amending the act of April twelve one thousand nine hundred fifty-one (P. L. 90) entitled "An act relating to alcoholic liquors alcohol and malt and brewed beverages amending revising consolidating and changing the laws relating thereto regulating and restricting the manufacture purchase sale possession consumption importation transportation furnishing holding in bond holding in storage traffic in and use of alcoholic liquores and malt and brewed beverages and the persons engaged or employed therein defining the powers and duties of the Pennsylvania Liquor Control Board providing for the establishment and operation of State liquor stores for the payment of certain license fees to the respective municipalities and townships for the abatement of certain nuisances and in certain cases for search and seizure without warrant prescribing penalties and forfeitures providing for local option and repealing existing laws" authorizing the transfer of certain retail licenses to clubs defining the effect of such transfers upon quota limitations.

On the question recurring,  
Shall the bill pass finally?

#### RECONSIDERATION OF VOTE

Mr. STROUP. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered.

The motion was agreed to.

On the question recurring,

Will the House agree to the bill on third reading?

Mr. STROUP. Mr. Speaker, I ask unanimous consent to offer an amendment at this time.

The SPEAKER. The amendment will be read by the Clerk for information.

Amend Sec. 1 (Sec. 461), page 3, lines 11, 12 and 13 by striking out "where such" in line 11, all of line 12 and "from a restaurant or retail dispenser" in line 13, and inserting in lieu thereof "except that club licenses transferred to a club from a restaurant or retail dispenser shall be counted in the quota."

The SPEAKER. Will the House give unanimous consent to the offering of amendment at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. READINGER.

The House resumed the consideration on final passage of House Bill No. 1785, entitled:

An Act to further amend section one of the act approved the eighth day of June one thousand nine hundred twenty-three (P. L. 685) entitled "An act prescribing the fees for the office of Secretary of the Commonwealth" by further regulating the fees to be charged and collected.

On the question recurring,  
Shall the bill pass finally?

#### RECONSIDERATION OF VOTE

Mr. READINGER. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered. The motion was agreed to.

#### BILL RECOMMITTED

Mr. READINGER. Mr. Speaker, I move that this bill be recommitted to the Committee on Ways and Means. The motion was agreed to.

#### BILLS ON THIRD READING

##### BILLS PASSED OVER

There being no objection

House Bill No. 118, Printer's No. 1215, and

House Bill No. 119, Printer's No. 1216

were passed over at the request of the SPEAKER pro tempore.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 322, entitled:

An Act amending the act of July 24, 1913 (P. L. 965) entitled "An act defining commodities regulating the sale thereof and providing penalties for violation hereof" further regulating the sale and delivery of commodities.

On the question,

Will the House agree to the bill on third reading?

Mr. THOMAS. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

Amend Sec. 1, page 1, line 1, by striking out "subsections (1) and (2)" and inserting in lieu thereof "subsection (1)."

Amend Sec. 1 (Sec. 2), page 4, lines 1 to 7, by striking out all of said lines.

Amend Sec. 3 (Sec. 2.2), page 5, line 11, by inserting brackets before "dry" and after "commodity" and inserting immediately thereafter "top soil."

Amend Sec. 3 (Sec. 2.2), page 5, line 15, by striking out "dry commodity" and inserting in lieu thereof "top soil."

Amend Sec. 3 (Sec. 2.2), page 5, lines 16 and 17, by striking out "dry commodity" and inserting in lieu thereof "top soil."

Amend Sec. 3 (Sec. 2.2), page 6, line 1, by striking out "dry commodity" and inserting in lieu thereof "top soil."

Amend Sec. 3 (Sec. 2.2), page 6, line 8, by striking out "dry commodity" and inserting in lieu thereof "top soil."

Amend Sec. 3 (Sec. 2.2), page 6, line 11, by striking out "dry commodity" and inserting in lieu thereof "top soil."

Amend Sec. 3 (Sec. 2.2), page 6, line 17, by striking out "commodity" and inserting in lieu thereof "top soil."

Amend Sec. 3 (Sec. 2.2), page 6, line 17, by striking out "the" where it appears the second time in said line, and inserting in lieu thereof "its."

Amend Sec. 3 (Sec. 2.2), page 6, lines 17 and 18, by striking out "of said commodity."

The SPEAKER. Will the House give unanimous consent to the offering of amendments at this time. Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,



Will the House agree to the bill on third reading as amended?  
It was agreed to.  
Ordered, That the bill as amended lie over for printing.

BILLS PASSED OVER

There being no objection  
House Bill No. 1644, Printer's No. 1198,  
House Bill No. 1827, Printer's No. 1201,  
House Bill No. 1828, Printer's No. 1202,  
House Bill No. 1829, Printer's No. 1203,  
House Bill No. 1864, Printer's No. 1125,  
House Bill No. 1871, Printer's No. 1265,  
House Bill No. 1894, Printer's No. 1232,  
House Bill No. 1939, Printer's No. 1266,  
House Bill No. 1940, Printer's No. 1267,  
House Bill No. 1960, Printer's No. 1279, and  
Senate Bill No. 274, Printer's No. 88  
were passed over at the request of the SPEAKER pro tempore.

Agreeably to order,  
The House proceeded to the third reading and consideration of Senate Bill No. 284, as follows:

An Act amending the act of April 9 1929 (P L 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain department boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" creating the State Board of Chiropractic Examiners as a departmental administrative board in the Department of Public Instruction

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 So much as relates to the Department of Public Instruction of section 202 act of April 9 1929 (P L 177) known as "The Administrative Code of 1929" amended May 22 1951 (P L 323) May 24 1951 (P L 353) July 19 1951 (P L 1144) and August 17 1951 (P L 1245) is amended to read

Section 202 Departmental Administrative Boards Commissions and Offices The following boards commissions and offices are hereby placed and made departmental administrative boards commissions or offices as the case may be in the respective administrative departments mentioned in the preceding section as follows

- \* \* \*
- In the Department of Public Instruction
- State Council of Education
- State Real Estate Commission
- Pennsylvania State Board of Censors
- Public School Employes' Retirement Board
- Board of Trustees of Thaddeus Stevens Trade School
- Board of Trustees of Pennsylvania State Oral School for the Deaf
- Board of Trustees of Scotland School for Veterans' Children

- Board of Trustees of West Chester State Teachers' College
- Board of Trustees of Millersville State Teachers' College
- Board of Trustees of Kutztown State Teachers' College
- Board of Trustees of East Stroudsburg State Teachers' College
- Board of Trustees of Mansfield State Teachers' College
- Board of Trustees of Bloomsburg State Teachers' College
- Board of Trustees of Shippensburg State Teachers' College
- Board of Trustees of Lock Haven State Teachers' College
- Board of Trustees of Indiana State Teachers' College
- Board of Trustees of California State Teachers' College
- Board of Trustees of Slippery Rock State Teachers' College
- Board of Trustees of Edinboro State Teachers' College
- Board of Trustees of Clarion State Teachers' College
- Board of Trustees of Cheyney State Teachers' College
- State Board of Medical Education and Licensure
- State Board of Pharmacy
- State Dental Council and Examining Board
- State Board of Optometrical Examiners
- State Board of Osteopathic Examiners
- Osteopathic Surgeon's Examining Board
- State Board of Nurse Examiners
- State Board of Barber Examiners
- State Board of Cosmetology
- State Board of Veterinary Medical Examiners
- State Board of Chiropractic Examiners
- State Board of Chiropody Examiners
- State Board for the Examination of Public Accountants
- State Board of Examiners of Architects
- State Registration Board for Professional Engineers
- Public Service Institute Board
- State Board of Private Academic Schools
- State Board of Private Business Schools
- State Board of Private Trade Schools
- State Board of Private Correspondence Schools
- \* \* \*

All of the foregoing departmental administrative boards and commissions shall be organized or reorganized as provided in this act

Section 2 Article IV of the act is amended by adding after section 461 a new section to read

Section 462 State Board of Chiropody Examiners A State Board of Chiropody Examiners is hereby created and shall consist of the Superintendent of Public Instruction and six members appointed by the Governor four of whom shall be chiroprodists who possess the requisite qualifications to practice chiropody under the laws of this Commonwealth and who have been practicing chiropody in this Commonwealth for five years immediately preceding their appointment and two of whom shall be physicians licensed to practice medicine and surgery in this Commonwealth The term of members of the board shall be four years from the respective dates of their appointment No member of the board shall be a member of the faculty of any school or college teaching chiropody Three members of the board shall constitute a quorum and the board shall select from its membership a chairman and secretary The members of the board other than the Superintendent of Public Instruction shall receive fifteen dollars (\$15) per diem for each day devoted to the work of the board

Section 3 Section 1310 of the act amended May 22 1951 (P L 323) and July 19 1951 (P L 1144) is amended to read

Section 1310 Professional Examining Boards The professional examining boards within the Department of Public Instruction shall respectively exercise the rights and powers and perform the duties by law vested in and imposed upon them Provided however That all certificates and official documents of such examining boards shall be issued by the Department of Public Instruction but may be signed by the members of the appropriate board or any of them as determined by such board

Subject to the preceding provisions of this section and



to any other inconsistent provisions in this act contained

The State Board of Medical Examination and Licensure shall continue to exercise the powers and perform the duties by law vested in and imposed upon the said board and the Bureau of Medical Examination and Licensure in the Department of Public Instruction

The State Board of Pharmacy shall continue to exercise the powers and perform the duties by law vested in and imposed upon the said board

The State Dental Council and Examining Board shall continue to exercise the powers and perform the duties by law vested in and imposed upon the said board the State Dental Council and the Board of Dental Examiners for the Commonwealth of Pennsylvania

The State Board of Optometrical Examiners shall continue to exercise the powers and perform the duties by law vested in and imposed upon the said board and the Board of Optometrical Education Examination and Licensure

The State Board of Osteopathic Examiners shall continue to exercise the powers and perform the duties by law vested in and imposed upon the said board and the State Board of Osteopathic Examiners of Pennsylvania

The Osteopathic Surgeons' Examining Board shall continue to exercise the powers and perform the duties by law vested in and imposed upon the said board

The State Board of Nurse Examiners shall continue to exercise the powers and perform the duties by law vested in and imposed upon the said board and the State Board of Examiners for Registration of Nurses

The State Board of Barber Examiners shall exercise the powers and perform the duties by law vested in and imposed upon the said board

The State Board of Cosmetology shall exercise the powers and perform the duties by law vested in and imposed upon the said board

The State Board of Veterinary Medical Examiners shall continue to exercise the powers and perform the duties by law vested in and imposed upon the said board

The State Board of Examination of Public Accountants shall continue to exercise the powers and perform the duties by law vested in and imposed upon the said board

The State Board of Examiners of Architects shall continue to exercise the powers and perform the duties by law vested in and imposed upon the said board

The State Registration Board for Professional Engineers shall continue to exercise the powers and perform the duties by law vested in and imposed upon the said board

The State Board of Chiropractic Examiners shall continue to exercise the powers and perform the duties by law vested in and imposed upon the said board

The State Board of Chiropody Examiners shall continue to exercise the powers and perform the duties by law vested in and imposed upon the said board

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

## YEAS—205

Adam,	Frost,	Magee,	Royer,
Agnew,	Gaffney,	Mahan,	Rubin,
Amarando,	Garlock,	Markley,	Rudistill,
Anderson, M. S.,	Gelfand,	Maxwell,	Sarrat,
Anderson, S. A.,	George,	McCann,	Scarcelll,
Ashton,	Gibb,	McCormack,	Schuster,
Auker,	Gibson,	McGee,	Sherman,
Banker,	Goldstein,	McInroy,	Sigman,
Barnatovich,	Gramlich,	McKeever,	Smith, C. C.,
Bazin,	Greenwood,	McLaughlin,	Smith, Wm. B.,
Bell,	Guss,	McWherter,	Snider,
Blair,	Guthrie,	Meholchick,	Stank,
Boles,	Hamilton, R. K.,	Metz,	Stebbins,
Bonner,	Hass,	Mihm,	Steckel,
Boory,	Haudensfield,	Mikula,	Stephens,
Bower,	Heavey,	Miller,	Stevens,
Branca,	Helm,	Mills,	Stone,

Brelsch,	Henzel,	Monroe,	Stoner,
Brennan, A. P.,	Hewitt,	Moody,	Strausser,
Brennan, J. J.,	Hocker,	Moran,	Stroup,
Brenninger,	Holt,	Moscrip,	Swartz,
Breth,	Horst,	Muldowney,	Taylor,
Brown,	Houk,	Mullen,	Thomas,
Buccin,	Isaacs,	Munley,	Thompson,
Bullen,	Jenkins,	Murphy,	Toll,
Capano,	Johnson,	Murray, H. P.,	Tompkins,
Clanfrani,	Jones, G. E.,	Murray, J. J.,	Toomey,
Cloffi,	Jones, T. H. W.,	Murray, P. G.,	Varallo,
Cochran,	Jump,	Musto,	Varner,
Comer,	Kamyk,	Naugle,	Verona,
Connelly,	Kehler,	Needham,	Vaughan,
Cooper,	Keller,	Olsen,	Wall,
Curwood,	Kent,	O'Neil,	Wallace,
Davis,	Kline,	Pacchioli,	Walsh,
Donahue,	Knecht,	Parry,	Wargo,
Donaldson,	Kolankiewicz,	Pashley,	Waterhouse,
Dougherty,	Kooker,	Paulhamus,	Weidner,
Down,	Kornick,	Petrosky,	Welsh,
Ehrgood,	Kratz,	Pettigrew,	Wheeler,
Ellberg,	Kromer,	Polaski,	Whitenight,
Erb,	Lafore,	Polen,	Willaredt,
Eshleman,	Lawyer,	Pomeroy,	Williams,
Ewing,	Lelby,	Price,	Wilt,
Farabaugh,	Lelsey,	Pursley,	Wood,
Filo,	Leonard,	Readinger,	Worley,
Fineman,	Leven,	Reibman,	Yetter,
Flint,	Light,	Reidenbach,	Yetzer,
Floyd,	Idmper,	Renwick,	Young,
Flynn,	Lippincott,	Rigby,	Ziegler,
Foster,	Lopresti,	Rosen,	Andrews,
Frank,	Lovett,	Rovansek,	Speaker
Frascella,	Lutty,		

NAYS—0

NOT VOTING—2

Ogilvie,

Wescott,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed the same with amendments in which the concurrence of the Senate is requested.

Agreeably to order,

The House proceeded to the third reading and consideration of Senate Bill No. 285, as follows:

An Act relating to the practice of chiropody conferring powers and imposing duties on the State Board of Chiropody Examiners and the Department of Public Instruction and providing penalties

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Chiropody or Podiatry as used in this act means the diagnosis of foot ailments and the practice of minor surgery upon the feet the padding dressing and strapping of the feet the making of models of the feet and palliative and mechanical treatment of functional disturbances of feet not including the amputation of the leg foot or toes or the treatment of systemic diseases of the bones ligaments or muscles of the feet or any part of the body

Section 2 Except as hereinafter provided any person not heretofore authorized to practice chiropody in this Commonwealth desiring to be entitled to so practice shall file with the State Board of Chiropody Examiners a written application for examination accompanied by a fee of twenty-five dollars (\$25) and two unmounted finished photographs one of which shall be verified by the dean of the School of Chiropody which he attended and by satisfactory proof that the applicant is twenty-one years of age a citizen of the United States of America of good moral character is not addicted to the intemperate use of alcohol or narcotic drugs and has obtained preliminary instruction equivalent to four years high school and pre-professional education of at least one



year in a recognized college of liberal arts or of the sciences the fact that the instruction has been received by the applicant shall be evidenced by a certificate satisfactory to the Department of Public Instruction. The applicant before presentation for examination must be a graduate of a School of Chiropody approved by the State Board of Chiropody Examiners. The State Board of Chiropody Examiners shall send to every qualified person an admission card and one of his photographs marked with an assigned number for admission to examination.

Section 3 The State Board of Chiropody Examiners shall hold annual examinations at a time and place as it shall specify. The subjects for examination shall be those taught in a recognized School of Chiropody and shall be determined by the State Board of Chiropody Examiners. The curriculum taught shall be confined to subjects covered by the definition of Chiropody as contained in this act. All examinations shall be given in the English language and shall be written in pen and ink to be supplied by the candidates. No candidate shall indicate his name or the school where he obtained his education on his examination papers but shall identify his papers by the number assigned him on his photograph. No candidate shall be admitted for examination without his marked photograph and admission card.

Section 4 Every applicant who obtains an average of not less than fifty-five per centum at any one session and a general average of seventy-five per centum or more of a maximum of one hundred in the examination shall be considered to have successfully passed the required examination. In case of failure at any examination the candidate after the expiration of six months and within two years may take a second examination without further application or the payment of an additional fee.

Section 5 The State Board of Chiropody Examiners shall issue a certificate of registration to practice chiropody to those successfully passing the required examination. All original registrations shall expire on the first day of January next succeeding the issue thereof and thereafter each person so registered shall be required to register annually before the first day of January of each succeeding year. The form and method of such registration shall be provided for by the State Board of Chiropody Examiners in a manner enabling it to carry into effect the purposes of this act. Each person who registers shall pay for each annual registration and for the certificate provided a fee of five dollars (\$5) or the amount the Department of Public Instruction may determine. The money received and the examination fees required by this act shall be paid into the State Treasury for the use of the Commonwealth.

Section 6 Upon recommendation by the State Board of Chiropody Examiners any person may be exempt from examination if he holds a license or certificate to practice chiropody issued by any other state or territory of the United States which has requirements for licensure equivalent to those of this Commonwealth and which extends similar privileges to persons licensed under the laws of this Commonwealth. Application for license in these cases shall be made on forms supplied by the State Board of Chiropody Examiners and shall be under oath. The fee therefore shall be one hundred dollars (\$100).

Section 7 No person who is not a duly licensed and registered chiropodist shall practice chiropody or by any means or in any written or printed circular or in any business card letterhead or sign or otherwise assume the title "Chiropodist," "Podiatrist," "DSC," "G. cp," "M. cp," "Ped. G," "Foot Specialist," "Foot Correctionist," "Pedopactor" nor any other title name or description implying or calculated to lead to the belief that he is qualified to practice chiropody. Any person violating any of the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not more than two hundred dollars (\$200) or undergo imprisonment for not more than six months for the first violation. On the second and each subsequent conviction he shall be sentenced to pay a fine of not more than five hundred dollars (\$500) or undergo imprisonment for not more than six months in jail or both.

Section 8 Nothing in this act contained shall be con-

strued to interfere with or affect regularly licensed physicians in the discharge of their professional duties and nothing herein contained shall be construed to prohibit or restrict the sale of fitting of shoes or commercial foot appliances. No retail merchant shall be permitted to practice chiropody as provided for in this act unless duly licensed to practice chiropody.

Section 9 The act of March 21 1945 (P. L. 51) entitled "An act defining and regulating the practice of Chiropody and providing penalties" is repealed.

Section 10 This act shall take effect immediately.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

#### YEAS—205

Adam,	Frost,	Lutty,	Rovansek,
Agnew,	Gaffney,	Magee,	Royer,
Amarando,	Garlock,	Mahan,	Rubin,
Anderson, M. S.,	Gelfand,	Markley,	Rudisill,
Anderson, S. A.,	George,	Maxwell,	Sarra,
Ashton,	Gibb,	McCann,	Scarcell,
Auker,	Gibson,	McCormack,	Schuster,
Banker,	Goldstein,	McGee,	Sherman,
Barnatovich,	Gramlich,	McInroy,	Sigman,
Bazin,	Greenwood,	McKeever,	Smith, C. C.,
Bell,	Guss,	McLaughlin,	Smith, Wm. B.,
Blair,	Guthrie,	McWherter,	Snider,
Boles,	Hamilton, R. K.,	Meholchick,	Stank,
Bonner,	Hass,	Metz,	Stebbins,
Boory,	Haudenshield,	Mihm,	Steckel,
Bower,	Heavey,	Mikula,	Stephens,
Branca,	Helm,	Miller,	Stevenson,
Brelschi,	Henzel,	Mills,	Stone,
Brennan, A. P.,	Hewitt,	Monroe,	Stoner,
Brennan, J. J.,	Hocker,	Moody,	Strusser,
Brenninger,	Holt,	Moran,	Stroup,
Breth,	Horst,	Moscrip,	Swartz,
Brown,	Houk,	Muldowney,	Taylor,
Bucchin,	Isaacs,	Mullen,	Thomas,
Bullen,	Jenkins,	Munley,	Thompson,
Capano,	Johnson,	Murphy,	Toll,
Cianfrani,	Jones, G. E.,	Murray, H. P.,	Tompkins,
Cioffi,	Jones, T. H. W.,	Murray, J. J.,	Toomey,
Cochran,	Jump,	Murray, P. G.,	Varallo,
Comer,	Kamyk,	Musto,	Varner,
Connolly,	Kehler,	Naugle,	Vaughan,
Cooper,	Keller,	Needham,	Verona,
Curwood,	Kent,	Olsen,	Wall,
Davis,	Kline,	O'Neil,	Wallace,
Donahue,	Knecht,	Pacchioli,	Walsh,
Donaldson,	Kolankiewicz,	Parry,	Wargo,
Dougherty,	Kooker,	Pashley,	Waterhouse,
Down,	Kornick,	Paulhamus,	Weidner,
Ehrgood,	Kratz,	Petrosky,	Welsh,
Ellberg,	Kromer,	Pettigrew,	Wheeler,
Erb,	Lafore,	Polaski,	Whitenight,
Eshleman,	Lawyer,	Polen,	Willaredt,
Ewing,	Leiby,	Pomeroy,	Williams,
Farabaugh,	Leisey,	Price,	Wilt,
Filo,	Leonard,	Pursley,	Wood,
Fineman,	Leven,	Readinger,	Worley,
Flint,	Light,	Reidman,	Yetter,
Floyd,	Limper,	Reidbach,	Yetzer,
Flynn,	Lippincott,	Renwick,	Young,
Foster,	Loprestil,	Rigby,	Ziegler,
Frank,	Lovett,	Rosen,	Andrews,
Frascella,			Speaker

#### NAYS—0

#### NOT VOTING—2

Ogilvie, Wescott,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed the same with



amendments in which the concurrence of the Senate is requested.

Agreeably to order,

The House proceeded to the third reading and consideration of Senate Bill No. 442, as follows:

An Act amending the act of April 9, 1929 (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employees in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employees of certain departments boards and commissions shall be determined" abolishing the State Osteopathic Surgeons' Examining Board and changing the character of the membership of the State Board of Osteopathic Examiners

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 As much as relates to the Department of Public Instruction of section 202 act of April 9, 1929 (P. L. 177) known as "The Administrative Code of 1929" amended May 22, 1951 (P. L. 323) May 24, 1951 (P. L. 353) July 19, 1951 (P. L. 1144) and August 17, 1951 (P. L. 1245) is amended to read

Section 202 Departmental Administrative Boards Commissions and Offices The following boards commissions and offices are hereby placed and made departmental administrative boards commissions or offices as the case may be in the respective administrative departments mentioned in the preceding section as follows

\* \* \*

In the Department of Public Instruction

State Council of Education

State Real Estate Commission

Pennsylvania State Board of Censors

Public School Employees' Retirement Board

Board of Trustees of Thaddeus Stevens Trade School

Board of Trustees of Pennsylvania State Oral School for the Deaf

Board of Trustees of Scotland School for Veterans' Children

Board of Trustees of West Chester State Teachers' College

Board of Trustees of Millersville State Teachers' College

Board of Trustees of Kutztown State Teachers' College

Board of Trustees of East Stroudsburg State Teachers' College

Board of Trustees of Mansfield State Teachers' College

Board of Trustees of Bloomsburg State Teachers' College

Board of Trustees of Shippensburg State Teachers' College

Board of Trustees of Lock Haven State Teachers' College

Board of Trustees of Indiana State Teachers' College

Board of Trustees of California State Teachers' College

Board of Trustees of Slippery Rock State Teachers' College

Board of Trustees of Edinboro State Teachers' College

Board of Trustees of Clarion State Teachers' College

Board of Trustees of Cheyney State Teachers' College  
State Board of Medical Education and Licensure  
State Board of Pharmacy  
State Dental Council and Examining Board  
State Board of Optometrical Examiners  
State Board of Osteopathic Examiners  
[Osteopathic Surgeons' Examining Board]  
State Board of Nurse Examiners  
State Board of Barber Examiners  
State Board of Cosmetology  
State Board of Veterinary Medical Examiners  
State Board of Chiropractic Examiners  
State Board for the Examination of Public Accountants  
State Board of Examiners of Architects  
State Registration Board for Professional Engineers  
Public Service Institute Board  
State Board of Private Academic Schools  
State Board of Private Business Schools  
State Board of Private Trade Schools  
State Board of Private Correspondence Schools

\* \* \*

Section 2 Section 416 of the act amended May 2, 1949 (P. L. 781) is amended to read

Section 416 State Board of Osteopathic Examiners the State Board of Osteopathic Examiners shall consist of the Superintendents of Public Instruction and [five] seven members [each] five of whom shall be [a graduate] graduates of a legally incorporated and reputable college of Osteopathy and shall have been licensed to practice Osteopathy under the laws of this Commonwealth and shall not be in any manner financially interested in or connected with the faculty or management of any Osteopathic school or college and shall have been engaged in the practice of Osteopathy in this Commonwealth for a period of at least [three] five years The remaining two members shall be doctors of medicine licensed to practice medicine and surgery in this Commonwealth for a period of not less than five years immediately prior to their appointment

The Osteopathic members of the Board qualified as aforesaid shall be appointed from a full list of the members in good standing of the Pennsylvania Osteopathic Association which list shall be furnished to the Governor by the president and secretary of such association annually in the case of the failure of the Pennsylvania Osteopathic Association to submit such a list to the Governor the Governor shall appoint members in good standing of such association without restriction

The medical members of the board qualified as aforesaid shall be appointed from a full list of the members in good standing of the Medical Society of the State of Pennsylvania which list shall be furnished to the Governor by the president and secretary of such society annually in the case of the failure of the Medical Society of the State of Pennsylvania to submit such a list to the Governor the Governor shall appoint members in good standing of such society without restriction

The terms of the members of the board shall be four years from the respective dates of their appointment

[Three] Five members of the board shall constitute a quorum and the board shall annually select from among its number a chairman and shall elect a secretary who need not be a member of the board

The members of the board other than the Superintendent of Public Instruction shall receive fifteen dollars per diem when actually engaged in the performance of their official duties and the secretary shall receive such reasonable compensation as the board shall determine with the approval of the Superintendent of Public Instruction

Section 3 Section 417 of the act is repealed

Section 4 Section 1310 of the act amended May 22, 1951 (P. L. 323) and July 19, 1951 (P. L. 1144) is amended to read

Section 1310 Professional Examining Boards The professional examining boards within the Department of Public Instruction shall respectively exercise the rights and powers and perform the duties by law vested in and imposed upon them Provided however That all



certificates and official documents of such examining boards shall be issued by the Department of Public Instruction but may be signed by the members of the appropriate board or any of them as determined by such board

Subject to the preceding provisions of this section and to any other inconsistent provisions in this act contained

The State Board of Medical Examination and Licensure shall continue to exercise the powers and perform the duties by law vested in and imposed upon the said board and the Bureau of Medical Examination and Licensure in the Department of Public Instruction

The State Board of Pharmacy shall continue to exercise the powers and perform the duties by law vested in and imposed upon the said board

The State Dental Council and Examining Board shall continue to exercise the powers and perform the duties by law vested in and imposed upon the said board the State Dental Council and the Board of Dental Examiners for the Commonwealth of Pennsylvania

The State Board of Optometrical Examiners shall continue to exercise the powers and perform the duties by law vested in and imposed upon the said board and the Board of Optometrical Education Examination and Licensure

The State Board of Osteopathic Examiners shall continue to exercise the powers and perform the duties by law vested in and imposed upon the said board and the State Board of Osteopathic Examiners of Pennsylvania

[The Osteopathic Surgeons' Examining Board shall continue to exercise the powers and perform the duties by law vested in and imposed upon the said board]

The State Board of Nurse Examiners shall continue to exercise the powers and perform the duties by law vested in and imposed upon the said board and the State Board of Examiners for Registration of Nurses

The State Board of Barber Examiners shall exercise the powers and perform the duties by law vested in and imposed upon the said board

The State Board of Cosmetology shall exercise the powers and perform the duties by law vested in and imposed upon the said board

The State Board of Veterinary Medical Examiners shall continue to exercise the powers and perform the duties by law vested in and imposed upon the said board

The State Board of Examination of Public Accountants shall continue to exercise the powers and perform the duties by law vested in and imposed upon the said board

The State Board of Examiners of Architects shall continue to exercise the powers and perform the duties by law vested in and imposed upon the said board

The State Registration Board for Professional Engineers shall continue to exercise the powers and perform the duties by law vested in and imposed upon the said board

The State Board of Chiropractic Examiners shall continue to exercise the powers and perform the duties by law vested in and imposed upon the said board

Section 5 All books papers and records and all equipment in possession of the State Osteopathic Surgeons' Examining Board shall be delivered and turned over to the State Board of Osteopathic Examiners

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

#### YEAS—203

Adam,	Frascella,	Lutty,	Rovansek,
Agnew,	Frost,	Magoe,	Royer,
Amarando,	Gaffney,	Mahan,	Rubin,
Anderson, M. S.,	Garlock,	Markley,	Rudisill,
Anderson, S. A.,	Gelfand,	Maxwell,	Scarcell,
Ashton,	George,	McCann,	Schuster,

Auker,	Gibb,	McCormack,	Sherman,
Banker,	Gibson,	McGee,	Sigman,
Barnatovich,	Gramlich,	McInroy,	Smith, C. C.,
Bazln,	Greenwood,	McKeever,	Smith, Wm. B.,
Bell,	Guss,	McLaughlin,	Snider,
Blair,	Guthrie,	McWherter,	Stank,
Boles,	Hamilton, R. K.,	Meholchick,	Stebbins,
Bonner,	Hass,	Metz,	Steckel,
Boory,	Haudenshield,	Mihm,	Stephens,
Bower,	Heavey,	Mikula,	Stevenson,
Branca,	Helm,	Miller,	Stone,
Brelscho,	Henzel,	Mills,	Stoner,
Brennan, A. P.,	Hewitt,	Monroe,	Strausser,
Brennan, J. J.,	Hocker,	Moody,	Stroup,
Brenninger,	Holt,	Moran,	Swartz,
Breth,	Horst,	Moscrip,	Taylor,
Brown,	Houk,	Muldowney,	Thomas,
Bucchin,	Isaacs,	Mullen,	Thompson,
Bullen,	Jenkins,	Munley,	Toll,
Capano,	Johnson,	Murphy,	Tompkins,
Cianfrani,	Jones, G. E.,	Murray, H. P.,	Toomey,
Cioffi,	Jones, T. H. W.,	Murray, J. J.,	Varallo,
Cochran,	Jump,	Murray, P. G.,	Varnier,
Comer,	Kamyk,	Musto,	Vaughan,
Connelly,	Kehler,	Naugle,	Verona,
Cooper,	Keller,	Needham,	Wall,
Curwood,	Kent,	Olsen,	Wallace,
Davis,	Kline,	O'Neill,	Walsh,
Donahue,	Knecht,	Pacchioli,	Wargo,
Donaldson,	Kolankiewicz,	Parry,	Waterhouse,
Dougherty,	Kooker,	Pashley,	Weidner,
Down,	Kornick,	Paulhamus,	Welsh,
Ehrgood,	Kratz,	Petrosky,	Wheeler,
Ellberg,	Kromer,	Pettigrew,	Whitenight,
Erb,	Lafore,	Polaski,	Willaredt,
Eshleman,	Lawyer,	Polen,	Williams,
Ewing,	Leiby,	Pomeroy,	Wilt,
Farabaugh,	Lalsey,	Price,	Wood,
Filo,	Leonard,	Pursley,	Worley,
Fineman,	Leven,	Readinger,	Yetter,
Flint,	Light,	Reibman,	Yetzer,
Floyd,	Limper,	Reidenbach,	Young,
Flynn,	Lippincott,	Renwick,	Ziegler,
Foster,	Lopresti,	Rigby,	Andrews,
Frank,	Lovett,	Rosen,	Speaker

#### NAYS—2

Goldstein,

Sarra,

#### NOT VOTING—2

Ogilvie,

Wescott,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed the same with amendments in which the concurrence of the Senate is requested.

Agreeably to order,

The House proceeded to the third reading and consideration of Senate Bill No. 443, as follows:

An Act amending the act of March 19 1909 (P. L. 46) entitled "An act to regulate the practice of osteopathy in the State of Pennsylvania to provide for the establishment of a State Board of Osteopathic Examiners to define the powers and duties of said Board of Osteopathic Examiners to provide for the examining and licensing of osteopaths in this State and to provide penalties for the violation of this act" redefining osteopathy changing the provisions relating to qualifications and licensing of osteopathic physicians and surgeons and abolishing the State Osteopathic Surgeons' Examining Board

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 10 act of March 19 1909 (P. L. 46) entitled "An act to regulate the practice of osteopathy in the State of Pennsylvania to provide for the establishment of a State Board of Osteopathic Examiners to define the powers and duties of said Board of Osteopathic



Examiners to provide for the examining and licensing of osteopaths in this State and to provide penalties for the violation of this act" amended September 29 1951 (P. L. 1648) is amended to read

Section 10 [Applicants examined and licensed by the Boards of Osteopathic Examiners of other States or provinces of the Dominion of Canada on the payment of a fee of fifty dollars to the State Board of Osteopathic Examiners and filing in the office of the State Board of Osteopathic Examiners a copy of said license certified by the affidavit of the president or secretary of such board showing also that the standard of requirements adopted by said board of examiners is substantially the same as is provided by section eight of this act shall without further examination receive a license conferring on the holder thereof all the rights and privileges provided by section eleven of this act]

(a) Doctors of osteopathy licensed by the appropriate licensing boards of other states by examination to practice osteopathy and surgery or medicine and surgery may be granted a license to practice osteopathy and surgery without examination when

(1) The State Board of Osteopathic Examiners is satisfied that the standards of the board which issued the original license are substantially the same as those of Pennsylvania

(2) The applicant has presented to it satisfactory evidence of having met all the scholastic and other requirements of this act

(3) The applicant has not previously failed an examination for licensure in this Commonwealth

(4) The applicant has applied for licensure on forms prescribed by the board and paid a fee of fifty dollars (\$50)

(b) An applicant licensed in another state to practice osteopathy including the use of drugs but excluding major surgery may be granted a license in the manner prescribed in subsection (a) of section 10 if he passes an examination in the principles and practice of surgery given by the State Board of Osteopathic Examiners

(c) An applicant licensed in another state to practice osteopathy without the use of drugs or surgery may be granted a license in the manner prescribed in subsection (a) of section 10 of this act if he completes the course of post-graduate study and passes the examination prescribed in clause (2) of subsection (c) of section 6 of this amendatory act

After the first day of July one thousand nine hundred and twenty-eight applicants for licensure under the provisions of this act shall furnish prior to any examination by the State Board of Osteopathic Examiners satisfactory proof that he or she has had a general education of not less than a standard four years' high school course or its equivalent and not less than one year of college credits in chemistry biology and physics all of which have been received before admission to osteopathic study After the first day of July one thousand nine hundred and forty-one such applicants shall have had not less than two years of college credits including one year in each of the subjects chemistry biology and physics all of which have been received before admission to osteopathic study

Section 2 Section 11 of the act amended June 5 1937 (P. L. 1649) is amended to read

Section 11 Every license to practice as an osteopathic physician issued by the State Board of Osteopathic Examiners shall authorize the holder thereof to practice osteopathy in all its branches including [minor surgery and obstetrics without restriction as the same is herein defined and taught and practiced in the legally incorporated reputable colleges of osteopathy but it shall not authorize the holder thereof to practice operative surgery without obtaining an additional license to practice such surgery as provided in section eleven (b) of this act Any use or practice by osteopathic physicians of the agencies or means hereinafter named as embraced within the fundamentals of the principles and practice of the system of osteopathy when used for the purposes in the manner and to the extent as taught and practiced in the legally incorporated reputable colleges of osteopathy shall

not be construed the practice of medicine or deemed to be in violation of or contrary to any of the laws of this Commonwealth relating to the practice of medicine or regulating the public health

The word "osteopathy" as used in this act means a complete and independent scientific system for the preservation of health and the relief and cure of bodily disorders embracing a distinct etiology prophylaxis and therapeutics applicable to all types and conditions of disease which in its practice deals with the human body as an intricate machine holding as its foremost fundamental (a) that the body when in perfect structural alignment will function correctly and health ensue (b) that disease is the effect of anatomical abnormalities producing physiological discord emphasizing malposed part or parts of the spinal column its appendages and attachments as the chief predisposing and producing cause of disease to cure which the abnormal part or parts must be adjusted to the normal that pathogenic bacteria are secondary to the predisposing anatomical cause and (c) which regards and uses nondrug adjunctive measures as palliatives (d) embraces obstetrics ophthalmology subject however to the provisions herein as to surgery subscribes to sanitation and hygiene and to surgery when indicated and practiced from an osteopathic viewpoint (e) employs antiseptics anaesthetics and germicides in case of necessity and antidotes in case of poisoning and (f) opposes the introduction of drugs into the body organism as curative agencies] operative surgery obstetrics and the use of drugs without restriction The word "osteopathy" used in this act means a complete school of the healing art applicable to all types and conditions of diseases and disorders and practiced as authorized herein by physicians and surgeons possessing the degree of doctor of osteopathy The board shall every two years publish a list of all persons licensed to practice osteopathy in the State and forward a copy of the list to every person licensed under this act and shall have copies available for public purposes

Section 3 Sections 11 (a) and 11 (b) of the act added June 14 1923 (P. L. 795) are repealed

Section 4 Section 12 of the act amended June 5 1937 (P. L. 1649) is amended to read

Section 12 Osteopathic physicians and [osteopathic] surgeons shall observe and be subject to all State and municipal regulations relating to the control of contagious diseases the reporting and certifying of births and deaths and all matters pertaining to public health the same as physicians of other schools and all such reports and certificates when made or issued by osteopathic physicians licensed under the laws of the Commonwealth shall be accepted by the persons partnerships corporations or by the officers boards bureaus or departments of the State or of any of its political subdivisions to whom the same are made with the same force and effect as reports or certificates issued by physicians of other schools and such osteopathic physicians shall be entitled to the same fees and compensations as is provided by law for physicians of any other school

Section 5 All persons licensed by the Osteopathic Surgeons' Examining Board on the effective date of this act shall be issued a license to practice osteopathy and surgery by the State Board of Osteopathic Examiners

Section 6 All persons licensed by the State Board of Osteopathic Examiners on the effective date of this act shall be licensed to practice osteopathy and surgery upon application to that board within five years of the effective date of this act payment of a fee of twenty-five dollars (\$25) and compliance with the requirements set forth in this section

(a) He shall have the following pre-professional education

(1) If licensed on or after July 1 1941 two years of college credits including one years credit in chemistry one in biology and one in physics or

(2) If licensed between August 1 1928 and June 30 1941 one year of college credit in chemistry biology and physics or ten years of practice

An applicant shall have completed a four year course



of study and training in an approved osteopathic college  
(c) An applicant shall prove that he has

(1) Completed since his graduation from an approved osteopathic college a hospital internship of one year or the minimum requirements for internship as provided in the Act of May 21, 1943 (P. L. 491 Act No. 217) entitled "An act reducing for a limited period of time the training period of internship in osteopathic hospitals in order to qualify for examination for license by the Osteopathic Surgeons' Examining Board to practice major surgery and suspending inconsistent laws" as reenacted and amended May 8, 1947 (P. L. 171) or post-graduate hospital training in surgery equal thereto by submitting evidence which meets with the approval of the State Board of Osteopathic Examiners or in lieu thereof

(2) Completed five hundred hours of postgraduate study given by or under the direction of a college university or hospital approved by the State Board of Osteopathic Examiners the post-graduate study shall include the subjects of principles and practice of surgery pathology biochemistry pharmacology materia medica and therapeutics and public health and preventive medicine the State Board of Osteopathic Examiners in its discretion and upon investigation of the credentials submitted may accept post-graduate study of the standard herein required in an approved college university or hospital completed subsequent to 1945 the applicant shall pass a written examination in the above subjects given by the State Board of Osteopathic Examiners

Section 7 This act shall not affect the right of any person to continue to practice osteopathy under a valid license issued prior to the effective date of this act Such person shall have the right to practice as authorized herein including minor surgery but not major surgery such persons except as herein provided with regard to major surgery shall have the legal status of physicians and surgeons under the statutes of the Commonwealth

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

#### YEAS—203

Adam,	Frascella,	Lutty,	Rovansek,
Agnew,	Frost,	Magee,	Royer,
Amarando,	Gaffney,	Mahan,	Rubin,
Anderson, M. S.,	Garlock,	Markley,	Rudisill,
Anderson, S. A.,	Gelfand,	Maxwell,	Scarcelll,
Ashton,	George,	McCann,	Schuster,
Auker,	Gibb,	McCormack,	Sherman,
Banker,	Gibson,	McGee,	Sigman,
Barnatovich,	Gramlich,	McInroy,	Smith, C. C.,
Bazin,	Greenwood,	McKeever,	Smith, Wm. B.,
Bell,	Guss,	McLaughlin,	Snider,
Blair,	Guthrie,	McWherter,	Stank,
Boles,	Hamilton, R. K.,	Meholchick,	Stebbins,
Bonner,	Hass,	Metz,	Steckel,
Boory,	Haudenschild,	Mihm,	Stephens,
Bower,	Heavey,	Mikula,	Stevenson,
Branca,	Helm,	Miller,	Stone,
Brelschi,	Henzel,	Mills,	Stoner,
Brennan, A. P.,	Hewitt,	Monroe,	Strausser,
Brennan, J. J.,	Hocker,	Moody,	Stroup,
Brenninger,	Holt,	Moran,	Swartz,
Breth,	Horst,	Moscrip,	Taylor,
Brown,	Houk,	Muldowney,	Thomas,
Bucchin,	Isaacs,	Mullen,	Thompson,
Bullen,	Jenkins,	Munley,	Toll,
Capano,	Johnson,	Murphy,	Tompkins,
Cianfrani,	Jones, G. E.,	Murray, H. P.,	Toomey,
Cioffi,	Jones, T. H. W.,	Murray, J. J.,	Varallo,
Cochran,	Jump,	Murray, P. G.,	Varnier,
Comer,	Kamyk,	Musto,	Vaughan,
Connelly,	Kehler,	Naugle,	Verona,
Cooper,	Keller,	Needham,	Wall,
Curwood,	Kent,	Olsen,	Wallace,
Davis,	Kline,	O'Neil,	Walsh,
Donahue,	Knecht,	Pacchioli,	Wargo,
Donaldson,	Kolankiewicz,	Parry,	Waterhouse,
Dougherty,	Kooker,	Pashley,	Weidner,

Down,  
Ehrgood.  
Ellberg,  
Erb,  
Eshleman,  
Ewing,  
Farabaugh,  
Filo,  
Fineman,  
Flint,  
Floyd,  
Flynn,  
Foster,  
Frank,

Kornick,  
Kratz,  
Kromer,  
Lafore,  
Lawyer,  
Leiby,  
Lelsey,  
Leonard,  
Leven,  
Light,  
Lamper,  
Lippincott,  
Lopresti,  
Lovett,

Paulhamus,  
Petrosky,  
Pettigrew,  
Polaski,  
Polen,  
Pomeroy,  
Price,  
Pursley,  
Readinger,  
Reibman,  
Reidenbach,  
Renwick,  
Rigby,  
Rosen,

Welsh,  
Wheeler,  
Whitenight,  
Willaredt,  
Williams,  
Wilt,  
Wood,  
Worley,  
Yetter,  
Yetzer,  
Young,  
Ziegler,  
Andrews,  
Speaker

#### NAYS—2

Goldstein,

Sarraf,

#### NOT VOTING—2

Ogilvie,

Wescott,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed the same with amendments in which the concurrence of the Senate is requested.

#### BILLS PASSED OVER

There being no objection

Senate Bill No. 524, Printer's No. 339,  
Senate Bill No. 543, Printer's No. 231,  
Senate Bill No. 685, Printer's No. 317,  
Senate Bill No. 686, Printer's No. 444,  
Senate Bill No. 687, Printer's No. 460,  
Senate Bill No. 689, Printer's No. 445,  
Senate Bill No. 690, Printer's No. 461,  
Senate Bill No. 691, Printer's No. 462,  
Senate Bill No. 692, Printer's No. 346,  
Senate Bill No. 694, Printer's No. 347,  
Senate Bill No. 697, Printer's No. 359 and  
Senate Bill No. 871, Printer's No. 366

were passed over at the request of the SPEAKER pro tempore.

#### RESOLUTION

#### CONGRATULATIONS

Messrs. STEBBINS, LAWYER, HASS and RUDISILL offered a resolution which was read, considered and unanimously adopted as follows:

In the House of Representatives, January 17, 1956.

The Honorable George M. Leader, Governor of Pennsylvania, celebrates his thirty-eighth birthday on January 17, 1956.

Mr. Leader, the second youngest man ever elected to this Commonwealth's highest office, is a native of Pennsylvania's agricultural York County. He is the descendant of early Pennsylvania Dutch settlers. Both he and his ancestry represent the highest virtues of true Americanism. The sturdy stock from which he is descended sought and found and have helped to maintain religious and political freedom in this Nation. Governor Leader's success as a farmer in private life and his keen interest and previous experience in government have done much to qualify him for his present high office.

Governor Leader's high personal qualifications for the office which he now holds, as well as his sincerity and devotion to the duties confronting him as the Governor of one of this country's greatest States, has earned the respect and admiration of all who know him and are familiar with his work; therefore, be it

Resolved, That the Members of the House of Representatives of the Commonwealth of Pennsylvania ex-



tend their individual congratulations and good wishes to the Honorable George M. Leader on his thirty-eighth birthday, and hope that he may continue to prosper and serve his State and Nation.

### RESOLUTION

#### COMMEMORATING BIRTHDAY OF BENJAMIN FRANKLIN

Messrs. READINGER and CHARLES C. SMITH offered a resolution which was read, considered and unanimously adopted as follows:

In the House of Representatives, January 16, 1956.

January 17th marks the two hundred fiftieth anniversary of the birth of Pennsylvania's most prominent example of the possible results of the American doctrine of equality of opportunity, Benjamin Franklin.

No one in the Commonwealth's history ever issued from more humble surroundings to achieve an enviable place in the annals of his country than did Benjamin Franklin.

Born in Boston on January 17, 1706, the son of a tallow chandler and soap boiler, and apprenticed at the age of thirteen years to his brother James, a printer, he ran away in 1723 and began work as a printer in Philadelphia.

Spurred on by his ambition and a burning desire to educate himself, Franklin studied the French, Spanish, Italian and Latin languages. The excellence of his work, his industry and his business shrewdness obtained for him a large share of the public printing of Pennsylvania, Delaware and New Jersey, and from that foundation his progress was rapid.

In 1728, he established the Pennsylvania Gazette which became the leading newspaper between New York and Charleston. He published Poor Richards Almanac in 1732 which achieved a circulation of ten thousand copies a year.

In 1730, he organized the first Masonic Society in Pennsylvania and was elected Grand Master in 1734. He was the Clerk of the General Assembly of the Commonwealth for fourteen years, beginning in 1736, and in 1737 he became a Member.

He was later appointed Postmaster of Philadelphia, founded the American Philosophical Society which became the University of Pennsylvania, and of which he subsequently became president.

His experiments with electricity won for him the rare honor of membership in the Royal Society. Harvard and Yale followed with degree of Master of Arts, and in 1762 he was given the degree of Doctor of Law by the Universities of St. Andrews and Oxford.

In 1775, he was a delegate to the second Continental Congress, and drew up the first Plan of Union Law before Congress.

He signed the treaty of alliance with the French King on February 6, 1778, and in 1785, together with John Jay and John Adams, he concluded the provisional treaty of peace with Great Britain.

His last public act was the signing of an anti-slavery petition in Congress as President of the Pennsylvania Society for Promoting the Abolition of Slavery.

This printer, statesman, scientist, linguist, educator and envoy died at Philadelphia on April 17, 1790, in the 84th year of his life; therefore be it

Resolved, by the House of Representatives of the Commonwealth of Pennsylvania that it presents to the youth of the Commonwealth this resume of the life of one who soared to the heights from an obscure place in life by his own efforts, as an incentive to them to make a more careful and complete study of that life in order to draw therefrom inspiration to a like endeavor, and as a clear example of what can be accomplished here in America under the American Way of Life.

### RESOLUTION

#### CONDOLENCE

Messrs. REIDENBACH, NEEDHAM, WARGO and Mrs. MUNLEY offered a resolution which was read, considered and unanimously adopted as follows:

In the House of Representatives, January 17, 1956.

After a brief illness William F. Shea of Dunmore, Pennsylvania, died in St. Mary's Hospital on Saturday, January 14.

Mr. Shea was widely known because of his many years of welfare work and from 1938 until the time of his death was supervisor of the Lackawanna County Institution District.

He will long be remembered by the many unfortunate persons he helped by his generosity and kindness as well as by the countless orphans and neglected children for whom he arranged shelter and education in various private institutions.

Born in Dunmore, he was the son of the late Patrick and Hannah Flynn Shea. He attended Dunmore schools and was graduated from Scranton Lackawanna College and the University of Pennsylvania's Wharton School of Finance and Commerce.

In addition to Mrs. Joseph A. Walsh, a sister, and Daniel J. Shea, a brother, he is also survived by another sister, Mrs. Harry P. O'Neill, the widow of the Harry P. O'Neill, former Congressman and former member of the House of Representatives; therefore be it

Resolved, That the House of Representatives extends its sincere and heartfelt sympathies to Mrs. Harry P. O'Neill, Mrs. Joseph A. Walsh and to Daniel J. Shea in their hour of loss in the passing away of the brother William F. Shea; and be it further

Resolved, That a copy of this resolution be sent to Mrs. Harry P. O'Neill, Clay Avenue, Dunmore, Pennsylvania.

### RESOLUTION

#### CONGRATULATIONS

Messrs. AMARANDO, SCARCELLI, DOUGHERTY, KOLANKIEWICZ and Mrs. VARALLO offered a resolution which was read, considered and unanimously adopted as follows:

Senator Anthony J. DiSilvestro was honored last night in Philadelphia by his elevation to the Presidency of the Alumni Association of Temple University.

Be It Therefore Resolved, That the members of the House of Representatives extend its congratulations to Senator DiSilvestro upon this egregious honor bestowed upon him as a graduate of both the Law School of Temple University and the School of Pharmacy of Temple University, and in recognition of his fruitful work in all fields of communal and legislative endeavors, and be it further

Resolved, that a copy of this resolution be forwarded to the Honorable Anthony J. DiSilvestro.

### PERMISSION TO ADDRESS HOUSE

Mr. YOUNG asked and obtained unanimous consent to address the House.

A few moments ago someone on the other side of the House read a telegram from the Mayor of Sharon stating that he had the situation under control in Sharon, and the Sheriff of Mercer County indicated likewise.

I have a telegram which I have just received which I will read:

For your information eight homes in Mercer County stoned last night. Only one of these eight was a residence of a Westinghouse employee.

Now is that law and order, Mr. Speaker?



RESOLUTION

Mr. LOPRESTI. Mr. Speaker, I call up on page 11 of today's calendar the resolution commemorating the birth-day of Robert Edwin Peary.

The resolution was read, considered and adopted as follows:

In the House of Representatives, December 20, 1955.

May 6 marks the One Hundredth Anniversary of the birth at Cresson, Pennsylvania, of the famed Arctic explorer and discoverer of the North Pole, Robert Edwin Peary.

The birthplace of this noted explorer is not only located in Cambria County, Pennsylvania, but the Commonwealth already has located and maintained an historical park and shrine dedicated to the memory of Robert Edwin Peary at Cresson.

Rear Admiral Peary was not only the discoverer of the North Pole but also a contributor to world geographical science and knowledge and a pioneer in the development of American aviation and the study of its relationship to our national welfare and defense; therefore be it

Resolved, That the House of Representatives of the Commonwealth of Pennsylvania hereby calls upon the Governor of the Commonwealth, The Honorable George M. Leader, to issue a suitable proclamation honoring the birthday of this noted Pennsylvanian and calling upon the Department of Public Instruction and the Pennsylvania Historical and Museum Commission to urge the schools and all patriotic, civic, and historical societies to undertake suitable exercises, ceremonies, and educational activities designed to recall the heroic exploits and significant services of this great explorer, geographer, and promoter of aviation.

RESOLUTION

SENATE RESOLUTION SERIAL No. 158

Mr. READINGER. Mr. Speaker, I call up on page 11 of today's calendar, Senate Resolution Serial No. 158.

The resolution was read, considered and adopted as follows:

SENATE SERIAL No. 158.

In the Senate, November 14, 1955.

Whereas, at no time in history was it more important for the people of the great Commonwealth of Pennsylvania to know and appreciate the great heritage of freedom and liberty which is ours as a bequest from our forefathers, and

Whereas, no single State has contributed more to the development of the American tradition of religious freedom, civil liberties, and representative democracy recognizing the right of all people, regardless of race, creed, or social station, to achieve the fullest possible freedom and opportunity under God, and

Whereas, the State, county, and local historical and patriotic societies and associations of the Commonwealth have a distinguished record of achievement in developing understanding and appreciation of that great heritage; therefore be it

Resolved (the House of Representatives concurring),

That the General Assembly of the Commonwealth places itself on record as commending these worthy historical and patriotic societies and associations for the great work they have accomplished; and be it further

Resolved, That the General Assembly of the Commonwealth urges these societies and associations to redouble their efforts to further develop knowledge and understanding of Pennsylvania's rich heritage by increasing their membership and continuing to broaden and expand their influence and worth through suitable publications, educational services to the schools of the Commonwealth and the general public; and be it further

Resolved, That the General Assembly hereby authorizes and requests the Pennsylvania Historical and Museum Commission to act as its agent in transmitting copies of this resolution to all such societies and associations as are a matter of record in the files of the Commission and in particular to those which are members of the Pennsylvania Federation of Historical Societies, together with suitable suggestions as to ways in which said societies and associations may further expand and develop their contributions to Pennsylvania history.

COMMENDING SPEAKER PRO TEMPORE

Mr. READINGER. Mr. Speaker, I would like to commend the Speaker of the day for the manner in which he has handled things.

The SPEAKER pro tempore. I want to say I deem it an honor to have been designated as your Speaker pro tempore for the day. I deem it a privilege to have served you, this having been my first time on the rostrum in five sessions.

SENATE MESSAGE

TIME OF NEXT MEETING

The Clerk of the Senate being introduced presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, January 16, 1956.

Resolved, (the House of Representatives concurring), That when the Senate adjourns this week, it reconvene Monday, January 23, 1956 at 3:00 o'clock p. m., E. S. T. and when the House of Representatives adjourns this week, it reconvene Monday, January 23, 1956 at a time to be fixed by the House of Representatives.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

On the question,

Will the House concur in the resolution of the Senate?

It was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

ADJOURNMENT

Mr. HELM. Mr. Speaker, I move that this House do now adjourn until Wednesday, January 18, 1956 at 11:00 a. m.

The motion was agreed to, and (at 6:16 p. m.) the House adjourned.







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Session 1955.

141st of the General Assembly.

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HARRISBURG, PA., WEDNESDAY, JANUARY 18, 1956.

No. 127.

## SENATE

WEDNESDAY, January 18, 1956.

The Senate met at 11:00 o'clock, a. m., Eastern Standard Time.

The PRESIDENT pro tempore (M. Harvey Taylor) in the Chair.

### PRAYER

In the absence of the Chaplain, the following prayer was offered by the gentleman from Berks, Mr. RUTH:

Our dear Father in Heaven, we come to Thee today and we ask that Thou wilt guide us with Thy spirit. Especially, do we think of our brothers who are indisposed. We pray that Thou, the great Physician, will lay Thy healing hand upon them and restore them again to health and to their places of usefulness here.

Guide each of us that we may remember that Thou art the Author and Giver of every good and perfect gift, and that we may show to Thee the appreciation we should for life and health and strength. Guide us so that when our work is completed and we stand before Thee, we may reasonably expect Thee to say to us, "Well done, Thou good and faithful servant." We ask it in the Master's Name, Amen.

### JOURNAL APPROVED

The PRESIDENT pro tempore. A quorum of the Senate being present, the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. MAHANY and Mr. WAGNER, further reading was dispensed with, and the Journal was approved.

### LEAVES OF ABSENCE

Mr. MAHANY asked and obtained leave of absence for Mr. WATSON, due to illness.

He also asked and obtained leave of absence for Mr. PECHAN, due to illness.

Mr. RUTH asked and obtained leave of absence for Mr. DERK, due to illness.

### HOUSE MESSAGES

HOUSE CONCURS IN SENATE CONCURRENT RESOLUTION, SERIAL No. 158

The Clerk of the House of Representatives being introduced, informed the Senate that the House has concurred in resolution from the Senate as follows:

### COMMENDING STATE, COUNTY AND LOCAL HISTORIC AND PATRIOTIC SOCIETIES AND ASSOCIATIONS OF THE COMMONWEALTH

In the Senate, November 14, 1955.

Whereas, at no time in history was it more important for the people of the great Commonwealth of Pennsylvania to know and appreciate the great heritage of freedom and liberty which is ours as a bequest from our forefathers and

Whereas, no single State has contributed more to the development of the American tradition of religious freedom, civil liberties, and representative democracy recognizing the right of all people, regardless of race, creed, or social station, to achieve the fullest possible freedom and opportunity under God, and

Whereas, the State, county, and local historical and patriotic societies and associations of the Commonwealth have a distinguished record of achievement in developing understanding and appreciation of that great heritage; therefore be it

Resolved (the House of Representatives concurring), That the General Assembly of the Commonwealth places itself on record as commending these worthy historical and patriotic societies and associations for the great work they have accomplished; and be it further

Resolved, That the General Assembly of the Commonwealth urges these societies and associations to redouble their efforts to further develop knowledge and understanding of Pennsylvania's rich heritage by increasing their membership and continuing to broaden and expand their influence and worth through suitable publications educational services to the schools of the Commonwealth and the general public; and be it further

Resolved, That the General Assembly hereby authorizes and requests the Pennsylvania Historical and Museum Commission to act as its agent in transmitting copies of this resolution to all such societies and associations as are a matter of record in the files of the Commission and in particular to those which are members of the Pennsylvania Federation of Historical Societies, together with suitable suggestions as to ways in which said societies and associations may further expand and develop their contributions to Pennsylvania history.

### SENATE BILL No. 284 RETURNED WITH AMENDMENTS

He also returned to the Senate, Senate Bill No. 284 entitled:

An Act amending "The Administrative Code of 1929" (P. L. 177) \*\*\* creating the State Board of Chiropractic Examiners as a departmental administrative board in the Department of Public Instruction

with the information that the House has passed the same with amendments in which the concurrence of the Senate is requested.

The PRESIDENT pro tempore. The bill, as amended, will appear on tomorrow's Calendar.



## SENATE BILL No 285 RETURNED WITH AMENDMENTS

He also returned to the Senate, Senate Bill No. 285, entitled:

An Act relating to the practice of chiropody conferring powers and imposing duties on the State Board of Chiropody Examiners and the Department of Public Instruction and providing penalties.

with the information that the House has passed the same with amendments in which the concurrence of the Senate is requested.

The PRESIDENT pro tempore. The bill, as amended, will appear on tomorrow's Calendar.

## SENATE BILL No. 442 RETURNED WITH AMENDMENTS

He also returned to the Senate, Senate Bill No. 442, entitled:

An Act amending "The Administrative Code of 1929" (P. L. 177) \*\*\* abolishing the State Osteopathic Surgeons' Examining Board and changing the character of the membership of the State Board of Osteopathic Examiners.

with the information that the House has passed the same with amendments in which the concurrence of the Senate is requested.

The PRESIDENT pro tempore. The bill, as amended, will appear on tomorrow's Calendar.

## SENATE BILL No. 443 RETURNED WITH AMENDMENTS

He also returned to the Senate, Senate Bill No. 443, entitled:

An Act amending the "Osteopathic Practice Law" of March 19, 1909 (P. L. 46 \*\*\*), redefining osteopathy changing the provisions relating to qualifications and licensing of osteopathic physicians and surgeons and abolishing the State Osteopathic Surgeon's Examining Board.

with the information that the House has passed the same with amendments in which the concurrence of the Senate is requested.

The PRESIDENT pro tempore. The bill, as amended, will appear on tomorrow's Calendar.

The PRESIDENT pro tempore. At this time, the Chair invites the gentleman from Allegheny, Mr. Fleming, to the rostrum to preside.

The PRESIDING OFFICER (Robert D. Fleming) in the Chair.

## BILLS INTRODUCED AND REFERRED

Mr. STIEFEL read in his place and presented to the Chair Senate Bill No. 937, entitled:

An Act amending the act of March 31, 1937 (P. L. 160) entitled "An act creating a commission to be known as the Pennsylvania Public Utility Commission; . . . ." creating within the Public Utility Commission a bureau of investigation, defining its powers and duties and requiring the commission to conduct field investigations through such bureau at the premises of public utilities in certain cases.

Which was committed to the Committee on Corporations.

He also read in his place and presented to the Chair Senate Bill No. 938, entitled:

An Act amending the act of May 22, 1945 (P. L. 849)

entitled "Vocational Rehabilitation Act of 1945," extending vocational rehabilitation to disabled persons who have sustained injuries or incurred occupational diseases in the course of their employment.

Which was committed to the Committee on Labor and Industry.

Messrs. STIEFEL and CAMIEL read in place and presented to the Chair Senate Bill No. 939, entitled:

An Act amending the act of June 24, 1939 (P. L. 872) entitled "The Penal Code," requiring milk and packaged meat sold at retail to be dated.

Which was committed to the Committee on Judiciary General.

Mr. STIEFEL read in his place and presented to the Chair Senate Bill No. 940, entitled:

An Act amending the act of March 31, 1949 (P. L. 372) entitled "The General State Authority Act of 1949," authorizing housing projects; increasing the borrowing capacity of the Authority; providing for approval of plans and specifications for housing projects by the State Planning Board; authorizing the Department of Property and Supplies to appoint housing authorities as its agent to operate and manage housing projects on certain terms and conditions; prescribing certain terms and conditions to be included in leases of housing projects; providing for leases and subleases of one family dwellings constituting housing projects containing option to purchase; prescribing terms and conditions thereof and eligibility requirements of sublessees; authorizing the Authority to appoint housing authorities as its agent, to construct, improve, equip and furnish housing projects and allocating the increased borrowing capacity.

Which was committed to the Committee on State Government.

He also read in his place and presented to the Chair Senate Bill No. 941, entitled:

An Act amending the act of April 9, 1929 (P. L. 177), entitled "The Administrative Code of 1929," Creating the Pennsylvania Consumer Commission and defining its powers and duties.

Which was committed to the Committee on State Government.

He also read in his place and presented to the Chair Senate Bill No. 942, entitled:

An Act imposing liability for interest upon insurance companies when an appeal is taken by the insurance company or its indemnitee.

Which was committed to the Committee on Insurance.

Mr. DiSILVESTRO read in his place and presented to the Chair Senate Bill No. 943, entitled:

An Act permitting the conducting, staging operating and exhibiting stage shows on Sunday during certain hours when the electors of a city of the first class or second class approve thereof; defining stage shows and providing for referendums to ascertain the will of the electors.

Which was committed to the Committee on Local Government.

## PETITIONS AND REMONSTRANCES

Mr. MAHANY. Mr. President, over the period of this long Session of the Legislature, we have had deaths in



this Body and we have had serious illnesses. Many of the Senators feel that one of the biggest reasons for these illnesses is because we go so long here after the regular luncheon and dinner periods that it becomes unhealthy to eat when the Senators are forced to eat, because of our long schedule of working hours. Due to that fact, Mr. President, I want to tell the Members of the Senate that the Republican Caucus has decided that, as a safeguard to the health of the remaining Senators here, we would like to start at 1:00 o'clock on Mondays and go until 6:00 o'clock. After that, for the balance of the week, adjourn at 6:00 o'clock in the evening, regardless of where we may be in the Order of Business of the day.

Therefore, Mr. President, I ask my Democratic colleagues to go along with that suggestion so that there will be no further impairment of our health. I think all of us feel that we should not jeopardize the health of any of the Senators here and, therefore, we would like to adopt that as a policy of the Senate; that henceforth we will stop at 6:00 o'clock in the evening, regardless of where we may be in the Order of Business.

Mr. BARR. Mr. President, I agree wholeheartedly with the gentleman's statements. However, I want him to know that, for instance, I think it was yesterday, we were to meet at 11:00 o'clock and you fellows came out of your Caucus at 4:00 o'clock. That is something which you will have to lay at your own doorstep. If you can use delaying tactics and come in here at 5:00 o'clock in the evening and think we are going to stop at 6:00 o'clock, that is not correct.

I agree with the Majority Leader that we should meet earlier in the day, but when the Session is called for 1:00 o'clock, the Session should start. If something is in your Caucus that has not been finished, at least, you should start and be gentlemen enough to let us know and then recess and caucus again, so that we will know just what we are doing instead of having us hanging around here for some four or five hours, doing nothing.

Mr. MAHANY. Mr. President, I believe Senator Barr realizes the impossibility of completing a schedule right on time. We call a Caucus for a certain hour of the day, as the Democrats do, and each of the Senators in their respective Caucuses want to be heard. For me to say that we are going to get out of the Caucus in an hour or two hours would just be impossible. We have to be lenient with each other. When the Democrats have an extended Caucus and cannot get back here on the floor right on time, we go along with them and extend the time for them.

Mr. President, yesterday's Caucus and the day before yesterday's Caucus were extremely long due to the fact that we were discussing at length the tax program. That is an unusual circumstance. I will assure Senator Barr that we will do our very best to get out here in proper time so that we may start the Sessions on time. I hope that the Democrats will do the same.

In the future, if it so happens that we do not get up here until 3:00 o'clock or 4:00 o'clock and it would look as though there was not going to be sufficient time to debate the bills at length, then we can put them over until the next day and meet earlier the next morning. However, I do feel that most of us would like to get out by 6:00 o'clock so that we might have our dinner at the proper time.

Mr. BARR. I agree with Senator Mahany wholeheartedly. However, you say that yesterday and the day before were extenuating circumstances. That has been going on for a period now of almost a year. I would suggest that if we are supposed to meet at 2:00 o'clock, then let us meet at 2:00 o'clock. If you have not finished your Caucus, then go down. As it is now, when you come up at 4:00 o'clock, people are scattered throughout this building and you have a terrific time assembling everybody who wants to be in their seats when the Senate starts.

The PRESIDING OFFICER. May the Chair suggest to both the Majority and the Minority Leaders that both parties make every effort to keep the new schedule?

Mr. STIEFEL. Mr. President, I know that we have a lot of work to do and I do not want to take the time of the Senate. However, there is one condition in Pennsylvania which calls for remedial action.

Just about a year ago, a judge was shot in Warren County, in cold blood. Another one was assaulted in Cumberland County, and yesterday you read that an eminent jurist of Philadelphia, Judge Vincent A. Carroll, was threatened.

Mr. President, I propose to introduce next week legislation to curb the situation and to throw a veil of protection around our jurists. For that reason, I will prepare appropriate legislation. However, I am not going to go into detail because I know that we are now pressed for time. I will leave it until Monday.

#### REPORT FROM COMMITTEE ON EXECUTIVE NOMINATIONS

Mr. WOLFE. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDING OFFICER. Is there objection. The Chair hears none.

#### COMMUNICATION FROM THE GOVERNOR REPORTED FROM COMMITTEE

Mr. WOLFE. Mr. President, from the Committee on Executive Nominations, I report at this time a communication from His Excellency, the Governor of the Commonwealth of Pennsylvania, recalling the nomination of Frank Babin as Justice of the Peace.

The Clerk read the communication as follows:

#### RECALLING THE NOMINATION OF FRANK BABIN AS JUSTICE OF THE PEACE

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, January 16, 1956.  
To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated December 13, 1955, for the appointment of Frank Babin, 362 Munson Avenue, McKees Rocks, Allegheny County, as Justice of the Peace in and for the Borough of McKees Rocks, Allegheny County, until the first Monday of January 1956, vice Frank Demjan, deceased.

I respectfully request the return to me of the official message of nomination in the premises.

GEORGE M. LEADER.

NOMINATION BY THE GOVERNOR REPORTED FROM COMMITTEE



Mr. WOLFE. Mr. President, I further report from the Committee on Executive Nominations the nomination of Frank Babin as Justice of the Peace, and ask that it be read by the Clerk.

The Clerk read the nomination as follows:

#### JUSTICE OF PEACE

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, December 13, 1955.  
To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Frank Babin, 362 Munson Avenue, McKees Rocks, Allegheny County, for appointment as Justice of the Peace in and for the Borough of McKees Rocks, Allegheny County, to serve until the first Monday of January 1956, vice Frank Demjan, deceased.

GEORGE M. LEADER.

#### NOMINATION RETURNED TO THE GOVERNOR

Mr. WOLFE. Mr. President, I move that the nomination just read by the Clerk be returned to His Excellency, the Governor of the Commonwealth.

Mr. BERGER. Mr. President, I second the motion.

The motion was agreed to.

The PRESIDING OFFICER. The nomination will be returned to the Governor.

#### SENATE RESOLUTION

##### LOST BILL RESOLUTION

Mr. KOPRIVER, JR. offered the following resolution which was twice read, considered and agreed to:

In the Senate, January 18, 1956.

Resolved, That House Bill No. 1406, Printer's No. 833, entitled "An Act amending the act of March 30, 1937 (P. L. 115), entitled 'The First Class City Registration Act,' increasing compensation of the chairman and other members of the registration commission" having been referred to the Committee on Elections in the Senate, August 31, 1955, and the official copies thereof cannot be found, the Secretary of the Senate is directed to request the House to furnish to the Senate Committee on Elections, certified copies thereof, which shall be substituted for the originals.

#### SENATE CONCURRENT RESOLUTION RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives being introduced, returned to the Senate, Senate Concurrent Resolution, entitled "Time of Next Meeting," with the information that the House has passed the same with amendments, in which the concurrence of the Senate is requested.

The Clerk read the resolution as follows:

#### TIME OF NEXT MEETING

In the Senate, January 16, 1956.

Resolved (the House of Representatives concurring), That when the Senate adjourns this week, it reconvene Monday, January 23, 1956, at 1:00 o'clock, p. m., E.S.T., and when the House of Representatives adjourns this week, it reconvene Monday, January 23, 1956, at a time to be fixed by the House of Representatives.

#### SENATE CONCURS IN AMENDMENTS MADE BY THE HOUSE TO SENATE CONCURRENT RESOLUTION

Mr. MAHANY. Mr. President, I move that the Senate do concur in the amendments made by the House of

Representatives to the resolution just read by the Clerk.

Mr. TAYLOR. Mr. President, I second the motion.

The motion was agreed to.

Ordered, That the Clerk inform the House of Representatives accordingly.

#### SENATE CONCURRENT RESOLUTION

RECALLING SENATE BILL No. 773, PRINTER'S No. 422,  
FROM THE GOVERNOR

Mr. RUTH. Mr. President, I ask unanimous consent to offer a resolution at this time.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

Mr. RUTH offered the following resolution which was twice read, considered and agreed to:

In the Senate, January 18, 1956.

Resolved (the House of Representatives concurring) That Senate Bill No. 773, Printer's No. 422, entitled "An act amending the act of May 1, 1929 (P. L. 905) entitled 'An Act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds' prohibiting the operation of motor vehicles with certain types of mufflers and changing penalties," be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk present the same to the House of Representatives for concurrence.

#### CALENDAR

BILLS ON CONCURRENCE IN HOUSE AMENDMENTS,  
RECALLED FROM THE GOVERNOR

#### BILLS OVER IN ORDER

Mr. MAHANY. Mr. President, I ask unanimous consent that the following bills, on concurrence in House amendments, recalled from the Governor, go over in their order:

House Bill No. 445, Printer's No. 1276;

House Bill No. 1621, Printer's No. 1275; and

House Bill No. 1622, Printer's No. 1274.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

#### BILLS ON CONCURRENCE IN HOUSE AMENDMENTS

#### BILL OVER IN ORDER

Mr. MAHANY. Mr. President, I ask unanimous consent that Senate Bill No. 729, Printer's No. 431, on concurrence in House amendments, go over in its order.



The PRESIDING OFFICER. Is there objection? The Chair hears none.

# BILL ON CONCURRENCE IN HOUSE AMENDMENTS

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 775, as follows:

An Act making an appropriation to the Joint Committee appointed by the Senate and House of Representatives to investigate the Pennsylvania Training School at Morganza

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of six thousand dollars (\$6,000) or as much thereof as may be necessary is hereby specifically appropriated to the Joint Committee appointed by the Senate and House of Representatives to investigate the Pennsylvania Training School at Morganza The money shall be used for the payment of expenses of the committee and the members thereof in the performance of the functions and duties for which the committee was created

Section 2 The sum appropriated shall be paid on warrant of the Auditor General in favor of either of the co-chairmen of the Joint Committee on the presentation of his requisition for the same the co-chairmen of the Joint Committee appointed by the Senate and House of Representatives to investigate the Pennsylvania Training School at Morganza shall not later than thirty days after the termination of their term of office or until their successors are elected and also within thirty days after the adjournment of any regular or special session file an account with the Auditor General of the committee's expenses since the filing of the prior account

Section 3 This act shall take effect immediately the appropriation made hereby shall be available only for expenditures made and obligations incurred during the continuance of the 1955 Session of the General Assembly

which was returned from the House of Representatives with amendments.

Said amendments having been twice read, and printed as required by the Constitution,

On the question,

Will the Senate concur in the same?

# SENATE CONCURS IN AMENDMENTS MADE BY THE HOUSE TO SENATE BILL No. 775

Mr. MAHANY. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 775.

Mr. BERGER. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

## YEAS—45

Barr,	Hays,	McPherson, Jr.,	Stiefel,
Berger,	Holland,	Miller,	Taylor,
Blass,	Kessler,	Mullin,	Van Sant,
Camel,	Koprivier, Jr.,	Peeler,	Wade,
Chapman,	Lane,	Probert,	Wagner,
Dent,	Madigan,	Ruth,	Watkins,
Diehm,	Mahany,	Schmidt,	Weiner,
DiSilvestro,	Mallery,	Scott,	Whalley,
Donolow,	McCreesh,	Seyler,	Wolfe,
Flack,	McGinnis,	Silvert,	Yosko,
Haluska,	McMenamin,	Stevenson,	Fleming,
Harney,			Presiding Officer

## NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

# BILLS ON CONCURRENCE IN HOUSE AMENDMENTS

## BILLS OVER IN ORDER

Mr. MAHANY. Mr. President, I ask unanimous consent that the following bills, on concurrence in House amendments, go over in their order:

Senate Bill No. 780, Printer's No. 427; and

Senate Bill No. 813, Printer's No. 432.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

## THIRD READING CALENDAR

# BILL ON THIRD READING, RECALLED FROM THE GOVERNOR

## BILL OVER IN ORDER

Mr. MAHANY. Mr. President, I ask unanimous consent that Senate Bill No. 475, Printer's No. 468, on third reading, recalled from the Governor, go over in its order.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

## BILLS OVER IN ORDER

Mr. MAHANY. Mr. President, I ask unanimous consent that the following bills, on third reading, go over in their order:

House Bill No. 8, Printer's No. 1252;

Senate Bill No. 446, Printer's No. 376;

House Bill No. 499, Printer's No. 165;

Senate Bill No. 802, Printer's No. 452;

House Bill No. 856, Printer's No. 248;

House Bill No. 874, Printer's No. 1218;

Senate Bill No. 889, Printer's No. 404;

Senate Bill No. 890, Printer's No. 405;

Senate Bill No. 891, Printer's No. 406;

Senate Bill No. 892, Printer's No. 414;

Senate Bill No. 893, Printer's No. 407;

Senate Bill No. 894, Printer's No. 408;

Senate Bill No. 895, Printer's No. 409;

Senate Bill No. 896, Printer's No. 458;

Senate Bill No. 911, Printer's No. 454;

Senate Bill No. 912, Printer's No. 455;

Senate Bill No. 918, Printer's No. 456; and

House Bill No. 1129, Printer's No. 1154.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

# HOUSE BILL No. 1907 CALLED UP OUT OF ORDER

Mr. MAHANY. Mr. President, I request that we take up, out of order, House Bill No. 1907, Printer's No. 1284. I ask that the bill be called up and acted upon at this time.

## BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 1907, as follows:

An Act making an appropriation to the Senate and House of Representatives of the General Assembly for the salaries of officers and employees and mileage of mem-



bers and incidental expenses for the balance of the Legislative Session of 1955.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. The following sums or as much thereof as is necessary are appropriated to the Senate and House of Representatives of the General Assembly for the purposes hereinafter set forth. The sums hereby appropriated shall be in addition to any sums heretofore appropriated for the purposes.

To the Senate

For the payment of the salaries of the officers and employes of the Senate session of one thousand nine hundred fifty-five also for the payment of the session and recess salaries of all officers and employes whose positions are now or may hereafter be created and for the payment of which provision is not otherwise made also for the payment of any increases which may now or hereafter be authorized in the recess and session salaries of the officers and employes of the Senate whose present salaries are provided for in this section the sum of one hundred thousand dollars (\$100,000).

For the payment of mileage of fifty Senators the sum of sixteen thousand dollars (\$16,000).

For the payment of incidental expenses of the Senate to be expended by the Chief Clerk the sum of ten thousand dollars (\$10,000).

To the House of Representatives

For the payment of the salaries of the officers and employes of the House of Representatives session of 1955 also for the payment of the session and recess salaries of all officers and employes whose positions are now or may hereafter be created and for the payment of which provision is not otherwise made also for the payment of any increases which may now or hereafter be authorized in the recess and session salaries of the officers and employes of the House of Representatives whose present salaries are provided for in this section the sum of ninety thousand dollars (\$90,000).

For the payment of the mileage of two hundred ten members of the House of Representatives session of 1955 the sum of thirty-six thousand dollars (\$36,000).

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Hays,	McPherson, Jr.	Stiefel,
Berger,	Holland,	Miller,	Taylor,
Blass,	Kessler,	Mullin,	Van Sant,
Camiel,	Koprivier, Jr.	Peelor,	Wade,
Chapman,	Lane,	Propert,	Wagner,
Dent,	Madigan,	Ruth,	Watkins,
Diehm,	Mahany,	Schmidt,	Welner,
DiSilvestro,	Mallery,	Scott,	Whalley,
Donolow,	McCreesh,	Seyler,	Wolfe,
Flack,	McGinnis,	Silvert,	Yosko,
Haluska,	McMenamin,	Stevenson,	Fleming,
Harney,			Presiding Officer

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

## BILL ON THIRD READING DEFEATED ON FINAL PASSAGE

### AMENDMENTS OFFERED

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 1879, entitled:

An Act to provide revenue for Commonwealth purposes by imposing a tax on the manufacture use storage or purchase of certain manufactured tangible personal property providing for licenses reports payment of tax interest and penalties assessments collections liens reviews and appeals conferring powers and imposing duties upon the Department of Revenue public officers manufacturers wholesalers retailers corporations partnerships associations and individuals and making an appropriation

And said bill having been read at length the third time, On the question,

Will the Senate agree to the bill on third reading?

Mr. DENT. Mr. President, I ask unanimous consent to offer an amendment at this time.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

The Clerk read the amendment as follows:

Amend Section 1, page 2, line 4, by striking out "education and welfare" and inserting: "Use."

On the question,

Will the Senate agree to the amendment?

Mr. MAHANY. Mr. President, the short title of this act has been changed on numerous occasions, previously. I feel that there is no further reason to now change it again.

I think that when the people pay this tax, if this bill is adopted and made into law, it would help some for them to understand that the money which they will pay will go to the education and welfare fund. I think the desire of the Democrats, when they originally introduced this bill, was to take a little of the stigma away from the bill by removing the words "sales tax" from it. Originally, they had in the title of the bill "an imposition of tax on sales." It was then changed to make it a manufacturers' tax. I do believe that the people will be a little bit happier, let us say, to pay the tax levied under this bill if they know it to be an education and welfare tax rather than to put some other name on it.

Therefore, Mr. President, I oppose this amendment.

Mr. DENT. Mr. President, I have been reading the newspapers and I do not usually read them. However, since I have to compete with the newspapers on the other side, I thought perhaps I had better start learning to read them.

I note that every place I read, I find that the emphasis is on the fact that this is a use tax. All I am doing is amending it to be a use tax. Is that not what we were told on the floor yesterday afternoon? If you say that it is a use tax, why do you object to it being called a use tax?

Mr. SEYLER. Mr. President, I desire to interrogate the gentleman from Crawford, Senator Mahany.

The PRESIDING OFFICER. Will the gentleman from Crawford, Mr. Mahany, permit himself to be interrogated?

Mr. MAHANY. I will, Mr. President.

Mr. SEYLER. Mr. President, I would like to ask the gentleman whether there is any provision in this bill



which will set up a separate fund into which all these moneys will be paid, and that fund specifically earmarked for education and welfare, or is it true that these moneys will be paid into the General Fund to be used for general appropriations?

Mr. MAHANY. Mr. President, I do not understand that any separate fund will be set up. However, it would be earmarked for this purpose, as I understand it.

Mr. SEYLER. Mr. President, I thank the gentleman.

If there is no special fund being set up and these funds specifically earmarked for this use, if they will then be paid into the General Fund, of course, they may be used for any purposes under the general appropriation bills that are passed. To pass such a bill with this title will certainly be misleading. In my opinion, it will give to the people of the Commonwealth a false impression. I would certainly object to labeling a tax for a specific purpose when we all sit here and know that once it gets into the General Fund, it is like a bucket of water poured into a well. You will not be able to tell this money from any other.

For that reason, Mr. President, I would strenuously object to this title and would support the amendment.

And the question recurring,

Will the Senate agree to the amendment?

Mr. DENT. I ask for a roll call, Mr. President.

Mr. BARR. I ask for a roll call, Mr. President.

(During the calling of the roll, the following occurred:)

Mr. CAMIEL. Mr. President, I desire to be recorded as voting "aye."

The PRESIDING OFFICER. The gentleman from Philadelphia will be so recorded.

The yeas and nays were required by Mr. DENT and Mr. BARR and were as follows, viz:

YEAS—17

Barr,	Hays,	McMenamin,	Seyler,
Camiel,	Holland,	Mullin,	Silvert,
Dent,	Lane,	Ruth,	Stiefel,
DiSilvestro,	McGinnis,	Schmidt,	Weiner,
			Yosko,

NAYS—23

Berger,	Kessler,	Peelor,	Wagner,
Blass,	Koprivier, Jr.	Propert,	Watkins,
Chapman,	Madigan,	Scott,	Whalley,
Diehm,	Mahany,	Taylor,	Wolfe,
Flack,	Mallery,	Van Sant,	Fleming,
Harney,	McPherson, Jr.	Wade,	Presiding Officer

So the question was determined in the negative.

And the question recurring,

Will the Senate agree to the bill on third reading?

Mr. DENT. Mr. President, I ask unanimous consent to offer an amendment at this time.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

The Clerk read the amendment as follows:

Amend Section 2, page 2, by striking out "soft drinks."

On the question,

Will the Senate agree to the amendment?

MOTION THAT AMENDMENT BE ADOPTED

Mr. DENT. Mr. President, I move that the amendment be adopted.

Mr. LANE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. KESSLER. Mr. President, may I ask the Clerk to read the amendment again?

The PRESIDING OFFICER. Will the Clerk please read the amendment again?

The Clerk again read the amendment as follows:

Amend Section 2, page 2, by striking out "soft drinks."

And the question recurring,

Will the Senate agree to the motion?

Mr. MAHANY. Mr. President, I desire to interrogate the gentleman from Westmoreland, Senator Dent.

The PRESIDING OFFICER. Will the gentleman from Westmoreland, Mr. Dent, permit himself to the interrogated?

Mr. DENT. I will, Mr. President.

Mr. MAHANY. Senator Dent, what is the intent of this amendment, as to what it would do the bill?

Mr. DENT. It would add a little more money because you will be taxing soft drinks. You fellows have exempted them.

Mr. MAHANY. Mr. President, I understand that soft drinks will be taxed if they are bought in a hotel or restaurant. The only exemption is on the soft drinks which are purchased for off the premise consumption. If someone were to buy a case of soft drinks or even a bottle of soft drink to take home, then that would not be taxed.

I cannot quite understand Senator Dent's logic in trying to tax soft drinks because for so long a period he has been extremely opposed to taxing what he calls the little kids' drinks. We felt, in this instance, that soft drinks should be exempt. If they want to put a separate tax on soft drinks, that can be done in a separate bill. However, in this bill, it would be better to exempt them from this tax.

Mr. DENT. Mr. President, whatever we intend to do, we will do. I wish Senator Mahany would not go completely overboard in trying to confuse the people. We have not said a word about putting the soft drinks tax on separately. If he is interested in that, then let him use his own language and speak for himself, Sir John.

Mr. President, if you are going to have a sales tax or an abuse tax—I have discovered that this is no longer a use tax, it is on abuse tax—I have discovered that this is no longer a use tax, it is an abuse tax—and since you are going to pass it, we just think that it should at least do what you have said you want to do, and that is put a broad base tax that covers everything. Quit fooling the people. Children go into restaurants, too. Maybe you do not know it, but you are going to tax soft drinks, you say, when they are served in a restaurant. If you buy them at a stand out along the road, however, or at a gasoline station, then they are not taxed. I can imagine how much money you will raise from that particular little item.

Of course, you will vote "no" because that is your Caucus order. However, I want a roll call, Mr. President.

And the question recurring,

Will the Senate agree to the motion?

Mr. DENT. I ask for a roll call. Mr. President.

Mr. LANE. I ask for a roll call, Mr. President.

The yeas and nays were required by Mr. DENT and Mr. LANE, and were as follows, viz:



## YEAS—18

Barr,  
Camel,  
Dent,  
DiSilvestro,  
Hays,

Holland,  
Lane,  
McGinnis,  
McMenamin,

Miller,  
Mullin,  
Ruth,  
Schmidt,

Seyler,  
Silvert,  
Stiefel,  
Weiner,  
Yosko,

## NAYS—23

Berger,  
Blass,  
Chapman,  
Diehm,  
Flack,  
Harney,

Kessler,  
Koprivier, Jr.,  
Madigan,  
Mahany,  
Mallery,  
McPherson, Jr.

Peelor,  
Probert,  
Scott,  
Taylor,  
Van Sant,  
Wade,

Wagner,  
Watkins,  
Whalley,  
Wolfe,  
Fleming,  
Presiding Officer

So the question was determined in the negative.

And the question recurring,

Will the Senate agree to the bill on third reading?

Mr. DENT. Mr. President, I ask unanimous consent to offer an amendment at this time.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

The Clerk read the amendment as follows:

Amend Section 2, page 3, lines 7 to 19, and page 4, lines 1 to 6, by striking out all of said lines.

On the question,

Will the Senate agree to the amendment?

Mr. MAHANY. Mr. President, I rise to oppose this amendment. There has been much work done in connection with the drafting of this bill, although perhaps it may be amended if we can better it in any form. I do not think, however, that this amendment would better it. This amendment would seek to tax newspapers, magazines and periodicals. We feel that they are manufactured products which should not be subject to tax. I think you could go on here for an hour or so in order to show why the press should not be taxed. It is a media of information to the public. It is something which the people depend upon to find out what is being done in the halls of the Legislature, in the halls of Congress and in various places throughout the world. We feel that we should not tax that particular media of information.

Also, Mr. President, there would be no way of taxing television and radio, which is a competitive industry to the newspapers. Therefore, it certainly would be an unfair tax if we just put it on the press.

The other items in here—I think the tax elimination on vessels designed for commercial use, with a registered tonnage of fifty tons or more, was put into to help out one of the industries, I think, down in Senator Barr's county of Allegheny. There is a shipyard there and, also, there is a shipyard in Delaware County, along the Delaware River. These shipyards do not necessarily have to be in Pennsylvania. They could very well move across the river; from Delaware County, for instance, over to New Jersey. We are trying to keep industry here as much as possible.

For that reason, Mr. President, we feel that this exemption should be in the bill and I oppose the amendment.

Mr. DENT. Mr. President, I desire to interrogate the gentleman from Crawford, Senator Mahany.

The PRESIDING OFFICER. Will the gentleman from Crawford, Mr. Mahany, permit himself to be interrogated?

Mr. MAHANY. I will, Mr. President. However, I thought we would be further ahead if I just got up and said that I oppose the amendments instead of going into detail about why I am doing it. I am trying to be fair.

Mr. DENT. If you are trying to be fair, you stated here that there is no tax on the television industry or the radio industry and that they are competitors of the newspapers. Is it not true that when you start this tax at ten cents, you do not tax the daily newspaper which is probably the greatest medium of news dissemination that there is in the Country? If that is the case, then why do you have to protect, as you call it, the so-called freedom of the press? This would tax, perhaps, the dollar magazine like Esquire, Fortune and some of the fancier magazines that not too many of the laboring people buy.

However, this is my question. Do you have an amendment somewhere in the bill—I could not find it—where you exempted television and radio sets?

Mr. MAHANY. We do not exempt the television and radio sets. However, we do exempt the stations. There would be no way of taxing them. We feel that if we are going to put them on an equal basis, then both the dissemination by way of radio and television should be equal to the press.

You say that you would not pay a tax on a five-cent newspaper. That is true if you just bought one newspaper. If you happen to buy, like you and I do, perhaps two or three at a time and it got beyond the ten cent limit, then you would have to pay a tax. Although perhaps the workingman does not buy Esquire Magazine, he probably buys Colliers and the Saturday Evening Post and a lot of those. They are beyond the ten cent limit, and we feel that such items should not be subject to tax.

Mr. DENT. Would you say then that radio and television stations can buy what they need to build their stations, to repair any parts that may break or wear out without paying a tax?

Mr. MAHANY. I would say that if they are manufacturing concerns, such as the newspapers are, then they would not have to pay a tax. However, I have not gone into that detail to that extent. There is no way you can tax what they put out; that is, the news dissemination which the television station produces or the radio station produces. There is no way of taxing that product as you would a newspaper, if you put the tab on the newspaper.

I do want to call your attention to the fact that Sunday newspapers are anywhere from fifteen cents to twenty cents. The laboring man reads a lot of those types of newspapers.

Mr. DENT. If you will read the amendment carefully and if you will read the section being amended, I just wonder how much you really understand the bill. If you do not understand it any better than you explain it, Senator Mahany—this is without reflection on your intentions—I believe that you should take the week end to study it.

What this amendment does is put back into the tax the materials that are used, the component parts, to make or put out a newspaper. You see, the newspaper people, themselves, came in here and asked for an exemption to the excise tax. They wanted, themselves, to be excluded from the terminology of manufacturer. We acceded to their demands and we took them out of the bill as manufacturers because they claimed—and I have it in writing for your benefit—that they are not manufacturers.

If they are not manufacturers and they ask us to so designate in the excise tax bill, why do you now want



to make them manufacturers so that you can then exempt them from the payment of taxes upon inks, papers and component parts, as we would call them, that go into a newspaper? However, you say that you want to be fair on one hand and yet you are going to tax all of the ingredients and component parts that go into making up both a television show and a television plant or a radio plant. If you go into a television studio and they put on a production, they spend many, many thousands of dollars toward getting their scenery together, buying cameras, light bulbs and all kinds of equipment that is necessary. If you say that you do not want to tax freedom of news dissemination and information to the public, then either you take them all on the same basis or you exempt them all.

Mr. MAHANY. Mr. President, the amount of money that a television station has to spend in order to produce a program would be a very small amount compared with what a newspaper has to spend to produce their paper. Newsprint has gone up terrifically, and as the newsprint goes up the price of the paper has to go up. I know that in my little town of Titusville, for years we were able to buy the Titusville Herald for five cents a copy, but due to the fact that the newsprint went skyrocketing over the past two years, the editor of the paper stated to his readers that it was necessary to raise the price to seven cents. The Pittsburgh Post-Gazette has been raised to seven cents. To put more tax on the newspapers would just mean that they would have to increase their price. The newspapers cannot very well absorb all these things, and they will have to increase the price which will go to the consumer. To place them under this tax would just be another reason why newspapers would have to increase their price again. We feel that it is not right to put this tax on those particular items for that reason.

Mr. President, we feel that these are items which can very well be excluded from the tax. It seems to be particularly hard to give money to the Democrats by our tax program. The Democrats seem to be raising hob with it. Only yesterday they said they were not going to vote for it at all, and now they are trying to put all kinds of amendments into it. I take it from that that, perhaps, they are now changing their minds and might give a few votes to it.

I will say this to the Senator, that when we get through here if this bill is passed by the Senate, no doubt it will have to go into some type of conference committee and many of these things which he is objecting to may be ironed out. However, if we are going to collect this tax, we will have to get this bill on the books pretty soon so that we may start to collect the tax by February 1st, anyway, and in order to do that it is necessary for this Senate to pass this bill, get it over to the House and put it into a conference committee and try to get that committee to come out with a report which we can adopt and then put the bill on the Governor's desk so that if we are going to enact this tax, we can get it started by February 1st.

Mr. BARR. Mr. President, I think the gentleman is doing a pretty good job of missing the main purport of the amendment.

The amendment simply proposes to take out the fat cat of the Republican Party, Mr. Joe Pew. I, for one,

do not want to be one of those who pay Joe Pew's way to San Francisco to attend the Republican Convention.

Mr. President, Sun Ship is the only one who has come and asked for this amendment to be put in. With regard to Mr. Mahany's story about the DeVoe Shipyards, I would like to say that they compete with shipyards in Ohio and they are not exempt from the tax.

This provision in the bill, as presented by the Senate Finance Committee which is Republican dominated, is simply to take care of the Sun Ship Building Company and Joe Pew, the biggest fat cat the Republican Party has.

Mr. DENT. Mr. President, I think that the gentleman has raised a very important point when he says that newsprint has gone up and, therefore, they had to raise the paper's price up in Titusville. I understand that most other papers just raised their advertising rates instead of the price of the paper to get their money. They sell the Philadelphia Bulletin, for instance, which I think is a little bigger and sometimes even a better paper than the Titusville Bugle Call, and it still costs a nickle and they use about twenty times as much newsprint as what your little paper does. I just do not understand the relationship between these things.

Mr. President, I am just asking a question now. I wonder if the price of a stove has gone up to the little fellow at home, the same as the newsprint has gone up to the newspaper people? I am wondering if you are exempting stoves in this bill Mr. Mahany. Are stoves and refrigerators exempted?

Mr. President, I desire to interrogate the gentleman from Crawford, Senator Mahany.

The PRESIDING OFFICER. Will the gentleman from Crawford, Mr. Mahany, permit himself to be interrogated?

Mr. MAHANY. I will, Mr. President.

Mr. DENT. I would like to ask you, Senator Mahany, if stoves and refrigerators are exempted, because you are speaking for the little man and I know that most of them try to buy a stove and a refrigerator?

Mr. MAHANY. Mr. President, there is no question about the fact that the little man, and that includes Senator Dent and I, will have to pay some tax under this bill if it is enacted into law. When he or I buy a stove or a refrigerator, we will have to pay a tax on those items if this bill is enacted. You cannot very well put a tax bill on the books that is going to raise the amount of money this tax is going to raise without having somebody pay some taxes.

Mr. DENT. Mr. President, I appreciate that very much. That is exactly what we are talking about. We think that if you are going to have a tax, as you say, somebody ought to pay it, but why pick always on the little people?

This amendment particularly exempts the large boat manufacturer. For instance, here is one of your fifty ton so-called commercial boats. It is a beautiful seagoing yacht, called the "Arvida Bay." It is part of a fleet maintained by Alcoa. It is nothing but a seagoing yacht and that is all it is, because it is used by Mr. Davis, the president of that company. I am not the authority for this statement. Your newspapers, which you talk about and which you are protecting so much against any kind of taxation, printed that story in a Sunday Supplement.

Mr. President, now, do you know what this amendment does? This amendment puts the yachts in the same class



as the outboard motor boat. The man who owns a little outboard motor boat has to pay your tax, but the man who buys a yacht and calls it commercial, because he does not even pay for it as it goes through his company, gets deduction on taxation and everything else but that is exempt from taxes. There is no place in this bill, Mr. Mahany, where you allow one cent of this tax to be paid by any person, corporation, unincorporated business in any way, shape or form. The entire burden of this tax is squarely upon the shoulders of the people of this Commonwealth and eighty-two per cent of the tax will be paid by persons earning less than \$5,000 a year. I defy anybody to question those figures.

You say that you are talking about a broad base tax. Mr. President, I would like to tell Mr. Mahany in private what I think of the broadside of it. I, therefore, ask for a roll call on the Pew amendment.

Mr. MAHANY. Mr. President, I do believe the yacht which Senator Dent described would be subject to the tax. The amendment exempts vessels designed for commercial use. I do not believe that that yacht, although I have never been privileged to be on it, Senator, would be exempt under the provisions of this bill.

Mr. DENT. Mr. President, when we were on this subject and the excise tax was before us, the spokesman, one noted Phil Sterling, spoke for the Sun Ship Building Company and he asked that the excise tax be not passed. When we questioned him as to what kind of a tax he would favor for his clients, he said a sales tax. Now, you are giving him the sales tax and you are asking us to give it to him, but you are exempting him from the tax.

If he wants the sales tax, why does he not pay it, or does he only want it for the little people? That is the only question I ask.

And the question recurring,

Will the Senate agree to the amendment?

Mr. DENT. I ask for a roll call, Mr. President.

Mr. BARR. I ask for a roll call, Mr. President.

The yeas and nays were required by Mr. DENT and Mr. BARR, and were as follows, viz:

#### YEAS—17

Barr,	Holland,	Miller,	Seyler,
Camel,	Lane,	Mullin,	Silvert,
Dent,	McGinnis,	Ruth,	Weiner,
DiSilvestro,	McMenamin,	Schmidt,	Yosko,
Hays,			

#### NAYS—22

Berger,	Koprivier, Jr.	Propert,	Wagner,
Blass,	Madigan,	Scott,	Watkins,
Chapman,	Mahany,	Taylor,	Whalley,
Diehm,	Mallery,	Van Sant,	Wolfe,
Harney,	McPherson, Jr.	Wade,	Fleming,
Kessler,	Peelor,		Presiding Officer

So the question was determined in the negative.

And the question recurring,

Will the Senate agree to the bill on third reading?

Mr. McMENAMIN. Mr. President, we Democrats do not know much about this yacht business, but it seems to us that some of the yacht owners ought to pay a tax and for that purpose I have an amendment here which would reduce the tonnage under the tax to ten tons. In other words, a ten ton yacht and up would have to pay the tax and the little fellows, with the little yachts, would not have to pay the tax. Someone has just suggested that

we make it "sixteen tons," but I will offer this amendment as it is.

Mr. President, I now ask unanimous consent to offer an amendment at this time.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

The Clerk read the amendment as follows:

Amend House Bill Number 1879, Printer's Number 1299, on Page 3, Line 11, by striking out the word: "fifty" and inserting the word in lieu thereof "ten."

On the question,

Will the Senate agree to the amendment?

Mr. MAHANY. Mr. President, I am pleased to see that Senator McMEnamin is considering the welfare of the yacht owners who own yachts weighing between ten and fifty tons, but I am still opposed to this amendment, too.

Mr. DENT. Mr. President, I might suggest to the gentleman that the Sun Ship Building Company, Joe Pew's company, only builds yachts and commercial ships of over fifty tons and make no smaller ones. They want to make sure that no one gets an exemption except those who paid for them.

Mr. MAHANY. Mr. President, I am not quite sure of this, but I understand the Sun Ship Building Company does not build any ships down there of under 100 tons. The only reason the tonnage was brought down to fifty, Senator, was to take care of Senator Barr's little ship building place over there. If you want to bring it from fifty tons back up to 100 tons, we might go for that, but I do not know.

Mr. DENT. Mr. President, I am given permission by Senator Barr to say to you that he is not asking any exemptions and has voted to the contrary of the statement just made by the gentleman from Titusville.

Mr. WATKINS. Mr. President, I desire to interrogate the gentleman from Westmoreland, Senator Dent.

The PRESIDING OFFICER. Will the gentleman from Westmoreland, Mr. Dent, permit himself to be interrogated?

Mr. DENT. Yes, Mr. President.

Mr. WATKINS. Do you realize, Senator Dent, that as of October the 31st, 1955, there were only 1389 ocean going vessels being built in the whole world? Do you realize, Senator Dent, that in the United States there are only twelve of those ocean going vessels being built?

Mr. DENT. What is the point of the question? I do not realize it, if that is your question.

Mr. WATKINS. In other words, your whole argument and fight seems to be prejudice against one of our leading citizens of the State of Pennsylvania, instead of being really interested in the revenue, Senator, that would come in from the shipbuilding industry. I am trying to tell you that we are building no ships in this Country.

Mr. DENT. If we are building no ships, then what do you need the amendment for?

Mr. WATKINS. We are trying, Senator, to protect what little shipbuilding industry we do have.

I would also like to call to your attention the fact that the little repair work which we have in the State of Pennsylvania is in Delaware County, Chester, Pennsylvania.

I wonder, Mr. President, if the Senator ever heard of the Camden Ship Building and Dry Dock Company over in Camden, New Jersey.



Mr. DENT. Yes, I have.

Mr. WATKINS. Do they have a tax on anything that they build? Do they have a tax on what they put into their ships, Senator.

Mr. DENT. I do not know whether they have the tax. I am a citizen of Pennsylvania. I do know this; that the owners of that company pay an income tax in the State of New York.

Mr. WATKINS. Well, the owners of the Sun Ship Building and Dry Dock Company also pay an income tax to the State of Pennsylvania, I think, too. It happens to be a corporation and they pay a tax to the State.

Mr. DENT. I am sorry, but we have tried to get the bill which would tax Mr. Pew but you will not let us pass that tax.

Mr. WATKINS. Mr. President, I think this battle over the Sun Ship Building and Dry Dock Company, and Mr. Pew, has become entirely out of order. I think it is a personal attack against a great American and a great Pennsylvanian. What they have been saying here has no relation to this bill at all.

As far as the revenue involved is concerned, it is picayune and amounts to nothing. I think the attacks upon this great man should be stopped as of now. There is no reason for any person to be insulted over something about which he has no control. It is my doing and my act that this amendment is in here, and I shall stand on it and ask every Republican on this side to vote "no" on the proposed changes to this amendment.

Mr. DENT. Mr. President, I am sure that his impassioned plea will get him votes on the other side. I am positive of that.

And the question recurring,

Will the Senate agree to the amendment?

Mr. DENT. I ask for a roll call, Mr. President.

Mr. BARR. I ask for a roll call, Mr. President.

The yeas and nays were required by Mr. DENT and Mr. BARR, and were as follows, viz:

#### YEAS—18

Barr,	Holland,	Miller,	Seyler,
Camel,	Lane,	Mullin,	Silvert,
Dent,	McGinnis,	Ruth,	Stiefel,
DiSilvestro,	McMenamin,	Schmidt,	Weiner,
Hays,			Yosko,

#### NAYS—23

Berger,	Kessler,	Peelor,	Wagner,
Blass,	Koprivier, Jr.,	Probert,	Watkins,
Chapman,	Madigan,	Scott,	Whalley,
Diehm,	Mahany,	Taylor,	Wolfe,
Flack,	Mallery,	Van Sant,	Fleming,
Harney,	McPherson, Jr.,	Wade,	Presiding Officer

So the question was determined in the negative.

And the question recurring,

Will the Senate agree to the bill on third reading?

Mr. DENT. Mr. President, I ask unanimous consent to offer an amendment at this time.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

The Clerk read the amendment as follows:

Amend Section 2, page 7, lines 15 to 19, by striking out "in computing purchase" in line 15, all of lines 16 to 19 and "property" in line 1, page 8.

On the question,

Will the Senate agree to the amendment?

#### MOTION THAT AMENDMENT BE ADOPTED

Mr. DENT. Mr. President, I move that the amendment be adopted.

Mr. WEINER. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. MAHANY. Mr. President, I oppose this amendment and ask the Members to vote "no" on it.

Mr. DENT. Mr. President, I desire to interrogate the gentleman from Crawford, Senator Mahany.

The PRESIDING OFFICER. Will the gentleman from Crawford, Mr. Mahany, permit himself to be interrogated?

Mr. MAHANY. I will, Mr. President.

Mr. DENT. Will you tell the Senate why you object to this amendment?

Mr. MAHANY. Mr. President, I feel that when someone trades a car in on a new car, or when the laboring man, about whom Senator Dent is so concerned, trades in an old refrigerator for a new refrigerator, he should be asked to only pay the difference between the amount that he pays for the new refrigerator and the amount of the trade-in. This is helping the little man buy refrigerators.

Mr. DENT. Senator, will you tell the Senate how much would be added to the revenue in Pennsylvania if my amendments went into the bill?

Mr. MAHANY. Mr. President, may I confer with the Chairman of the Finance Committee?

I understand that there would be about \$5,000,000 or \$6,000,000 added to this amount of revenue if this amendment were adopted.

Mr. DENT. Mr. President, in order that everybody understands it, if we were to collect the so-called three per cent sales tax, which the gentlemen are imposing here today, on automobiles, the same as they do in the State of California, about which they brag so much, and in the State of Michigan, which they brag about so much, and also in the State of Ohio, that has always been held up here as such a great State—if you were to collect that tax on the same base, you would receive a tax of \$72,000,000 a year, at three per cent. The best estimates that I can get are that you are throwing out the window, in automobiles, alone, in this tax \$33,000,000.

I am wondering, Mr. President, whether the people are not being completely hoodwinked by all of this. Someone said to me, "Why are you doing this? You know they are going to vote them down." I will tell you why, because I do not want it said afterwards to me, by any Member of the Republican Party, that I did not know I was voting for a bill that exempted this or exempted that. I want to clearly state what exactly is being exempted. I want to say to the people of Pennsylvania that every high pressured lobbyist in this State has received his piece of cheese out of this bill. They are cutting them all out except the people.

Mr. President, I ask for a roll call.

And the question recurring,

Will the Senate agree to the motion?

Mr. DENT. I ask for a roll call, Mr. President.

Mr. WEINER. I ask for a roll call, Mr. President.

The yeas and nays were required by Mr. DENT and Mr. WEINER, and were as follows, viz:



## YEAS—18

Barr,	Holland,	Miller,
Camiel,	Lane,	Mullin,
Dent,	McGinnis,	Ruth,
DiSilvestro,	McMenamin,	Schmidt,
Hays,		

Seyler,
Silvert,
Stiefel,
Weiner,
Yosko,

## NAYS—23

Berger,	Kessler,	Peelor,	Wagner,
Blass,	Koprivier, Jr.	Propert,	Watkins,
Chapman,	Madigan,	Scott,	Whalley,
Diehm,	Mahany,	Taylor,	Wolfe,
Flack,	Mallery,	Van Sant,	Fleming,
Harney,	McPherson, Jr.	Wade,	Presiding Officer

So the question was determined in the negative.

And the question recurring,

Will the Senate agree to the bill on third reading?

Mr. DENT. Mr. President, I ask unanimous consent to offer an amendment at this time.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

The Clerk read the amendment as follows:

Amend Section 2, page 9, lines 14 to 18, by striking out "except that it shall not in—" in line 14, all of lines 15 to 17, and "business" in line 18.

On the question,

Will the Senate agree to the amendment?

## MOTION THAT AMENDMENT BE ADOPTED

Mr. DENT. Mr. President, I move that the amendment be adopted.

Mr. WEINER. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. MAHANY. Mr. President, I oppose this amendment.

Mr. DENT. Mr. President, I desire to interrogate the gentleman from Crawford, Senator Mahany.

The PRESIDING OFFICER. Will the gentleman from Crawford, Mr. Mahany, permit himself to be interrogated?

Mr. MAHANY. I will, Mr. President.

Mr. DENT. Will you tell us why you oppose this amendment.

Mr. MAHANY. I just do not like it, Senator Dent.

Mr. DENT. Mr. President, that was real funny; I am sure everybody enjoyed it. It is about the only time this afternoon that Senator Mahany knew what he was talking about.

Mr. President, this amendment is a serious amendment and you cannot just say that you do not like it. This is again preferential treatment.

If a man buys an automobile and drives it back and forth to work in order to feed his family, he pays a tax on it. However, if a man uses his automobile as a demonstrator, he does not pay a tax on it. I said before, and I am saying again for the record, that there is not a place in this bill where any businessman, large or small, any corporation, large or small, any industry, large or small, pays one cent of tax. It is entirely on the shoulders of the little people and you go to the extent of exempting from taxation a demonstrator's car to make sure that you do not tax anybody who might come in here lobbying next week.

Mr. President, I ask for a roll call.

Mr. MAHANY. Mr. President, I believe that Senator Dent understands that in nine cases out of ten, perhaps ninety-nine cases out of a hundred, when an automobile

dealer uses a car for a demonstrator, he sells that car eventually and, at that time, the tax would be paid on that demonstrator car when he sells it to a consumer, as I understand it.

Mr. DENT. Mr. President, how does he treat that car in the matter of used and new cars?

The PRESIDING OFFICER. Are you interrogating the Majority Leader?

Mr. DENT. I just want to know. Anybody can answer me. I cannot get an answer out of Senator Mahany because he just does not like the amendment.

The PRESIDING OFFICER. Do you care to answer that question, Senator Mahany?

Mr. MAHANY. Mr. President, I would say that the tax would be paid upon the amount that the person pays for the demonstrator's car, less whatever trade-in he is allowed by the automobile dealer. That would include sewing machines, refrigerators or any other items which are generally sold by dealers.

Mr. DENT. Then, does that not have the effect that I said, that certain privileged parties in Pennsylvania will pay no tax whatsoever under this bill?

Mr. MAHANY. Mr. President—

Mr. DENT. Because, my dear friend, an automobile dealer never does buy a car. He uses demonstrators all the time. The other people have to buy automobiles and pay a tax on them. Show me where this automobile dealer pays any tax on an automobile under this bill.

Mr. MAHANY. Mr. President, I do not know about the dealers in Senator Dent's county, but I do have a pretty good friend, by the name of W. W. Waterhouse, who is an automobile dealer in Corry. I will not charge him anything for that plug. However, he is now buying a car, I understand, and he is going to take title to it and I understand that he would pay a tax under this bill. If he uses it as a demonstrator, then he would not pay a tax.

Certainly, when people buy cars from a dealer, which cars have been used as demonstrators, they do not expect to pay as much for the car as they would if they got it absolutely new, with no mileage on it. I do not believe it would be right to charge the sewing machine dealer, the refrigerator dealer or the automobile dealer a tax on the amount that he would lose by reason of having demonstrated the car.

Mr. DENT. Mr. President, I notice that with each one of these amendments, somehow or another, Senator Mahany puts it in the housewives' kitchens. He makes it a sewing machine or a refrigerator.

I would suggest to him that if he would really want to help these people, he would exempt those items and start taxing the other items instead. Just think how many refrigerators you could buy for a fifty ton yacht.

Mr. President, I ask for a roll call.

And the question recurring,

Will the Senate agree to the motion?

Mr. DENT. I ask for a roll call, Mr. President.

Mr. WEINER. I ask for a roll call, Mr. President.

The yeas and nays were required by Mr. DENT and Mr. WEINER, and were as follows, viz:

## YEAS—18

Barr,
Camiel,
Dent,
DiSilvestro,
Hays,

Holland,
Lane,
McGinnis,
McMenamin,

Miller,
Mullin,
Ruth,
Schmidt,

Seyler,
Silvert,
Stiefel,
Weiner,
Yosko,



## NAYS—23

Berger, Blass, Chapman, Diehm, Flack, Harney,	Kessler, Koprivier, Jr., Madigan, Mahany, Mallery, McPherson, Jr.,	Peelor, Propert, Scott, Taylor, Van Sant, Wade,	Wagner, Watkins, Whalley, Wolfe, Fleming, Presiding Officer
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So the question was determined in the negative.

And the question recurring,

Will the Senate agree to the bill on third reading?

Mr. BARR. Mr. President, I ask unanimous consent to offer an amendment at this time.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

The Clerk read the amendment as follows:

Amend House Bill No. 1879, Printer's No. 1299, page 10, line 16, by striking out the word: "floriculture."

On the question,

Will the Senate agree to the amendment?

Mr. BARR. Mr. President, I desire to interrogate the gentleman from Allegheny, Senator Koprivier.

The PRESIDING OFFICER. Will the gentleman from Allegheny, Mr. Koprivier, permit himself to be interrogated?

Mr. KOPRIVER, JR. I will, Mr. President.

Mr. BARR. Senator Koprivier, are you in the florist business?

Mr. KOPRIVER, JR. I am.

Mr. BARR. Thank you, very much.

Mr. President, we just saw an amendment offered which would take out what is a favor for another Senator on the other side. I am asking the same thing; I do not see why the florists should be exempted. I do not see why they must get their votes on the other side that way. I am in favor of taking the farmer and the agriculture out, but not the florist.

Mr. President, we were trying to make this bill into a bill which we could consider voting for, and that is the reason for all these amendments.

And the question recurring,

Will the Senate agree to the amendment?

## MOTION THAT AMENDMENT BE ADOPTED

Mr. BARR. Mr. President, I move that the amendment be adopted.

Mr. LANE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. DENT. Mr. President, I desire to interrogate the gentleman from Crawford, Senator Mahany.

The PRESIDING OFFICER. Will the gentleman from Crawford, Mr. Mahany, permit himself to be interrogated?

Mr. MAHANY. I will, Mr. President.

Mr. DENT. If you exempt flowers, bouquets and roses, would you be saving the poor people a lot of money?

Mr. MAHANY. Mr. President, in the first place, I want to say that they would not be exempt under this bill. Secondly, I wish the gentleman from Westmoreland would read it. He has accused me of not knowing what is in the bill. All that this does is exempt the supplies, the little containers, I presume, which the florists, including Senator Koprivier, would use in connection with raising roses or the various flowers which are raised in greenhouses. I understand that when you go and buy a bouquet for your

wife or a corsage—we poorer people cannot afford that, but sometime when you do it, you will have to pay a tax on it.

Mr. DENT. Mr. President, I would like to make a contract with that gentleman across there. I would like to sell myself to him for what I am worth. I would like to sell myself to him for what I know I am worth and take the difference between that and what he says I am worth.

The PRESIDING OFFICER. I would like to say to both gentlemen that they should be very cautious about exposing their true worth to the other Members.

And the question recurring,

Will the Senate agree to the motion?

Mr. DENT. Mr. President, I would like to explain that under the old tax bill, which Governor Fine passed, they did not think that they should exclude this particular feature. However, it seems that this bill is going to go much further in exclusions. Here is another unincorporated business, in most instances, and a businessman, in all instances, and again you are going to make sure that under no circumstances must he pay any taxes.

I ask for a roll call, Mr. President.

Mr. KOPRIVER, JR. Mr. President, I do not want to disappoint Senator Dent. However, I must say for what connections I have in the florist business, I would prefer not to be recorded as voting on this amendment.

The PRESIDING OFFICER. I presume you are raising a constitutional question.

Mr. DENT. No, he just does not want to vote for it. I presume he does not like it.

And the question recurring,

Will the Senate agree to the motion?

Mr. DENT. I ask for a roll call, Mr. President.

Mr. BARR. I ask for a roll call, Mr. President.

(During the calling of the roll, the following occurred:)

## VERIFICATION OF THE ROLL

Mr. DENT. Mr. President, for purposes of the record, I would like to have the roll verified.

The PRESIDING OFFICER. Request has been made to have the roll verified.

The Clerk will call the names of those recorded as having voted in the affirmative.

The Clerk read the names of those recorded as having voted in the affirmative as follows:

Barr, Camiel, Dent, DiSilvestro, Hays,	Holland, Lane, McGinnis, McMenamin,	Miller, Mullin, Ruth, Schmidt,	Seyler, Silver, Stiefel, Werner, Yosko,
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The PRESIDING OFFICER. Are there any corrections? The Chair hears none. The affirmative roll will stand as verified.

The Clerk will call the names of those recorded as having voted in the negative.

The Clerk read the names of those recorded as having voted in the negative as follows:

Berger, Blass, Chapman, Diehm, Flack, Harney,	Kessler, Madigan, Mahany, Mallery, McPherson, Jr., Peelor,	Propert, Scott, Taylor, Van Sant, Wade,	Wagner, Watkins, Whalley, Wolfe, Fleming, Presiding Officer
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The PRESIDING OFFICER. Are there any corrections.



The Chair hears none. The negative roll will stand as verified.

The yeas and nays were required by Mr. DENT and Mr. BARR, and were as follows, viz:

## YEAS—18

Barr,	Holland,	Miller,	Seyler,
Camiel,	Lane,	Mullin,	Silvert,
Dent,	McGinnis,	Ruth,	Stiefel,
DiSilvestro,	McMenamin,	Schmidt,	Weiner,
Hays,			Yosko,

## NAYS—22

Berger,	Kessler,	Peelor,	Wagner,
Blass,	Madigan,	Propert,	Watkins,
Chapman,	Mahany,	Scott,	Whalley,
Diehm,	Mallery,	Taylor,	Wolfe,
Flack,	McPherson, Jr.,	Van Sant,	Fleming,
Harney,		Wade,	Presiding Officer

So the question was determined in the negative.

And the question recurring,

Will the Senate agree to the bill on third reading?

Mr. DENT. Mr. President, I note that the gentleman was at least honest enough to disclose his personal interest in the matter and declined to vote on the amendment. I think that is very worthwhile. Of course, under the same constitutional provision, he cannot vote for the bill in its entirety.

And the question recurring,

Will the Senate agree to the bill on third reading?

Mr. DENT. Mr. President, I ask unanimous consent to offer an amendment at this time.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

The Clerk read the amendment as follows:

Amend Section 202, page 20, by striking out all of lines 6 to 13 and inserting: "(b) The use of manufactured tangible personal property limited to "(1) Water "(2) Manufactured tangible personal property purchased from any public utility subject to the tax on its gross receipts derived from the sale of such tangible personal property."

On the question,

Will the Senate agree to the amendment?

## MOTION THAT AMENDMENT BE ADOPTED

Mr. DENT. Mr. President, I move that the amendment be adopted.

Mr. BARR. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. DENT. Mr. President, I desire to interrogate any one of the Senators on the other side who can answer the question as to why they are voting against this amendment, without giving me the silly answer that he does not like it.

The PRESIDING OFFICER. Is there a volunteer on the Republican side to be interrogated?

Mr. DENT. All right, Mr. President, in order that they do not vote in ignorance, I would like to state that this amendment does exactly this. It removes from this bill any chance of taxation upon any public utility in Pennsylvania that is paying the gross receipts tax. It removes from taxation water sold in the State of Pennsylvania to any of its peoples or industries. However, it puts back into the taxable items in this bill, natural or manufactured gas. Those were items which were taxed under the

Fine one per cent sales tax. Now they are exempting gas from this tax.

I would like to ask, Mr. President, whether or not the \$3,200,000 of anticipated revenue per year from this will be made up in some other fashion somewhere along the line? Why should gas have this competitive advantage over Pennsylvania produced power and heating elements that compete with it? Why should this tax exempt gas, the great bulk of which comes from a few southwestern States when this item is taxed by those States? We are not only allowing it to be transmitted freely and stored freely in this State in the great natural storage basins which are a natural part of this great Commonwealth, but we are also exempting them from any tax that would make them somewhere near more competitive with competitive fuels in this State.

Therefore, Mr. President, if the Republicans want to do that, all right. If you want to keep doing what you are doing in your blind voting, do not expect any of us to go out and vote for any bill that is the biggest hoax ever put over on the little people of the Commonwealth of Pennsylvania.

And the question recurring,

Will the Senate agree to the motion?

Mr. DENT. I ask for a roll call, Mr. President.

Mr. BARR. I ask for a roll call, Mr. President.

The yeas and nays were required by Mr. DENT and Mr. BARR, and were as follows, viz:

## YEAS—18

Barr,	Holland,	Miller,	Seyler,
Camiel,	Lane,	Mullin,	Silvert,
Dent,	McGinnis,	Ruth,	Stiefel,
DiSilvestro,	McMenamin,	Schmidt,	Weiner,
Hays,			Yosko,

## NAYS—23

Berger,	Kessler,	Peelor,	Wagner,
Blass,	Koprivier, Jr.,	Propert,	Watkins,
Chapman,	Madigan,	Scott,	Whalley,
Diehm,	Mahany,	Taylor,	Wolfe,
Flack,	Mallery,	Van Sant,	Fleming,
Harney,	McPherson, Jr.,	Wade,	Presiding Officer

So the question was determined in the negative.

And the question recurring,

Will the Senate agree to the bill on third reading?

Mr. DENT. Mr. President, I ask unanimous consent to offer an amendment at this time.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

The Clerk read the amendment as follows:

Amend page 37, lines 10 to 19, by striking out all of said lines.

On the question,

Will the Senate agree to the amendment?

Mr. DENT. Mr. President, I desire to interrogate anybody on the other side who would volunteer to answer the question of why they are opposed to this amendment.

The PRESIDING OFFICER. Is there a volunteer for interrogation.

There appears to be none, Senator Dent.

Mr. DENT. Mr. President, in order that they all be informed, under the so-called Fine sales tax they paid the tax receiver, or the person who acted as the Commonwealth's agent, three-tenths of one per cent for the collection of the tax. That was a one per cent tax, and I assume that there will be about the same amount of



work to collect three cents as there was to collect one cent. In order that they make sure that they get the support of the Chamber of Commerce, whose main contributor is the main street merchants, they are now going to pay two per cent of the tax collected as a collection fee.

Mr. KESSLER. Mr. President, I believe the Minority Floor Leader indicated that under the former sales tax which we had in Pennsylvania, the collector of the tax, who was a retailer in most cases, was reimbursed three-tenth of one per cent for his collection of the tax. I believe that is incorrect. I think the retailer received three per cent for collecting the tax.

Mr. President, in this bill we are proposing that this commission be reduced to two per cent. Certainly, we cannot expect these men to keep records and to do the necessary bookwork and act as the agents of the Commonwealth without some reimbursement.

Mr. DENT. Mr. President, I would suggest that even if Senator Kessler's figures are correct, and I only have before me the old tax as it was originally written, I am sure that it does not cost twice as much to collect and keep twice as many books for collecting the tax at a three per cent level as at a one per cent level. I am sure, Mr. President, if you carry out the theory of taxation of the gentleman from Lancaster, and you eventually get to an eight or ten per cent sales tax in the State, in order that the big people do not pay any taxes in the State and you keep it up, who will be the greatest beneficiary of the tax?

Does anybody in this room have any idea if this tax raises, as he says, \$300,000,000, how much it is going to give to the main street merchants for acting as the collector, from the little people, of this tax? I would say that they ought to be for the tax. I imagine that next year these same merchants will come down and ask you to pass a five per cent tax to make up the deficit you will have, if you pass this tax, and to make up the mandated increases that will be necessary because of the Duff legislation which is still on the books.

And the question recurring,

Will the Senate agree to the amendment?

Mr. DENT. I ask for a roll call, Mr. President.

Mr. BARR. I ask for a roll call, Mr. President.

The yeas and nays were required by Mr. DENT and Mr. BARR, and were as follows, viz:

#### YEAS—18

Barr,  
Camiel,  
Dent,  
DiSilvestro,  
Hays.

Holland,  
Lane,  
McGinnis,  
McMenamin.

Miller,  
Mullin,  
Ruth,  
Schmidt.

Seyler,  
Slivert,  
Stiefel,  
Welner,  
Yosko.

#### NAYS—23

Berger,  
Blass,  
Chapman,  
Diehm,  
Flack,  
Harney,

Kessler,  
Koprivier, Jr.,  
Madigan,  
Mahany,  
Mallery,  
McPherson, Jr.,

Peelor,  
Probert,  
Scott,  
Taylor,  
Van Sant,  
Wade,

Wagner,  
Watkins,  
Whalley,  
Wolfe,  
Fleming,  
Presiding Officer

So the question was determined in the negative.

And the question recurring,

Will the Senate agree to the bill on third reading?

Mr. DENT. Mr. President, I ask unanimous consent to offer an amendment at this time.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

The Clerk read the amendment as follows:

Amend Section 202, page 24, by striking out all of lines 15 to 19.

On the question,

Will the Senate agree to the amendments?

Mr. DENT. Mr. President, I desire to interrogate the gentleman from Crawford, Senator Mahany.

The PRESIDING OFFICER. Will the gentleman from Crawford, Mr. Mahany, permit himself to be interrogated?

Mr. MAHANY. I will, Mr. President.

Mr. DENT. Will you tell me why you are opposed to this amendment other than that you do not like it?

Mr. MAHANY. Mr. President, I have not said that I was opposed to it.

Mr. DENT. Thank you very kindly.

Mr. President, since I know that he is going to vote for the amendment, I do not want to antagonize him but I thank him very kindly, because I think it is important that this particular amendment also be put into this bill.

For the information of those who have not read the bill, this amendment attempts to get a little bit of this cost of government out of some businessmen in the State. This amendment, as introduced by Senator Kessler and put into the bill, would exempt all the wrapping paper, wrapping twine, sales books, tape, and any other items which are used by Strawbridge and Clothier, Gimbels and all of the big stores in doing their business. Up until now, I guess it was considered a part of the cost of doing operations, but now they are going to exempt it from taxation.

Everybody in this room knows that when a little person goes in to buy any item at any of these stores, or any other place of business, he will pay the tax. When you have a retail sales tax, that tax is placed upon the sale price and included in that sale price are these items which the store had to buy, as it were, to carry on its business. Now you exempt this particular operator from the tax, so why do you not carry it on and say that he is only allowed to tax the retail value in the amount against the sale price that is reflected in that amount which was not taxed by the individual operator? That is the one reason, Mr. President, that we were for an excise sales tax at the manufacturers' cost level, because items such as this would not be charged to the little people.

Now here you are with another amendment, making sure that nobody over and above the working class of people of this State have to pay the sales tax.

Mr. MAHANY. Mr. President, if we had adopted the Democratic excise tax, it is true that items such as this would not have been taxable. We do not feel that it is fair now for items such as this to be taxable.

It is not just the little, poor people who buy things that are wrapped up. I think that the millionaires, and the people whom Senator Dent consorts with on yachts, buy things that are wrapped up in paper. If they were forced to pay this tax on their wrapping paper and their cartons and their twine, it would be true, as he states, that they would just add it onto the cost of the product and the little fellow or the rich fellow, whoever it was who bought the product in the end, would have to pay the amount of tax which the merchant had to add onto those items in which he wraps up the parcel.



sential and necessary as food, as clothing. Shelter and comforts are the aims of people who work.

I believe that when you propose a tax, if you do so with an honest intention of meeting a common burden, that you attempt to pass legislation that makes it a common burden and puts all activities of business, peoples, railroads, transportation, corporate interest and the rest into the same common pool. If you say that you want a broad base tax, why do you not place it on a broad base? There may be some reasonable and humane reason for removing from the taxable category food, as such. Food, incidentally, whether it is cooked or raw, is still essential to life, and you exempt so-called food for home consumption. I believe that all of us feel that most of the States in the Union have recognized that necessity. We find that other States have it. Michigan does not exempt it; Illinois does not exempt it. Many other sales tax States have their own peculiar laws.

When I was talking to the Members on the other side about what we might be able to do in case of sudden sickness on their side or illness or acts of God, I said that I thought that that was a proper amendment. However, I do not believe that any person over there expects any Member of the Democratic Party, who believes in the philosophy of the Democratic Party, to vote with you on legislation where you are deliberately exempting every possible agency, organization or person that might be able to pay a greater share of the tax from paying any of the tax and when you are placing all of the burden upon the little peoples.

You have asked whether or not we will support it. You are sitting over there in your domain, looking down from your ivory castle, refusing to even consider any amendments that might spread the cost of this government a little around other activities, rather than just peoples.

Mr. President, I do not believe that any of you expect us to accede to that kind of dictation. If you were anxious to really work out a solution, you would have accepted my invitation, made many times and as late as this morning, in which I said that I understand that you do not have all your Members today because three of them are sick. I said, "If we can reach some common ground, we could probably work out a situation where we could give you three votes, even if it is against our basic principles." However, you say, "No, we will not accept any amendments; we will not consider any amendments; we are going to take the bill as we want it." When I am asking the question as to why certain exemptions were made and I ask that the exemptions be disallowed, I am treated with the very hilarious answer, "I do not like it."

Mr. President and Members of this Senate, I accuse the Republican Party in the Senate this afternoon of knowing that they do not have the votes and are planning this massacre of refusing to give the Minority consideration, quite contrary, if you please, to the way we handled the situation on the legislation that our House passed over here. We stood on this floor and said that if there are features of the bill that you do not like, we will be glad to discuss the amendments with you. On the classified income tax, you refused to even read the bill. You almost fell over yourselves being recorded against it. On the excise tax, some amendments were suggested and, in fairness to the Democratic side of the Senate, every amendment that was suggested, prior to

the vote, was accepted by us. We cut the yield on that legislation down to some \$80,000,000 in an attempt to reach a reasonable compromise. This afternoon you are deliberately driving for a vote. You are doing everything in your power to make it impossible for any Democrat to vote for the bill, hoping that the newspapers, that are your political bible, any newspaper that writes you up right, will picture to the people a stubborn minority that would not give you three votes when you had three sick men.

Mr. President, I know that it would be much easier to jump into the stream and float along with the current, but I happen to believe that we do not live forever and I would be more ashamed of myself if I subjected my colleagues to that type of dictatorial attitude.

The reason that Germany was brought to its knees was because its leaders were not amenable to argument. The reason that Italy, under Mussolini, became a destroyed nation was because Italy's leaders would not listen to compromise or become amenable to argument. The reason that most of the world hates Russia is because its government does not allow for minority opinion.

Mr. President, those of us who think more of this democracy than we do of life itself realize that if we allow this kind of legislation action to become historical in Pennsylvania, there can be no future Democratic action in the halls of the Legislature under conditions similar to the ones that we find ourselves in today.

We have tried, in every possible manner, Mr. President, to work out a compromise. For twelve months the Republicans have said, "Nothing but a sales tax," and finally in complete desperation and only looking to the interest of the people of this State, you forced the Governor of this Commonwealth to say to you, "All right, you write any kind of a tax bill you want to." He did not exclude your sales tax, which exempts everybody but the people. "You write any kind of a tax bill that you want and I will accept it for half of the revenues, and then we will assume the responsibility and the sponsorship of the other half." What was your answer? The answer was, "We accept one-half of your proposition, Governor. We will write a sales tax for our half," so said Charlie Smith, "but you cannot write what you want for your half."

Mr. President, we have tried for many months, through the known stalling tactics, through the many dodges, through the many excuses, through the many meetings where we almost despaired because we could get no one to speak with authority, for hours and hours that we have spent in an effort to compromise, in an effort to reach some conclusion and so, finally, after rejection of four separate tax plans advanced by the Governor, and admittedly making no friends for a Democratic political party, we were finally given an ultimatum by the Republican Leader on Monday afternoon, in which he said that they rejected both the Governor's 50-50 plan, they rejected our proposal of compromise on a two per cent excise and a two per cent net income tax and that the only tax which could pass this Senate would be a sales tax.

Mr. President, I said at that time that I would not be so cruel or so inhuman as to request that their sick Members be brought down. However, I also notified them that if their only source of revenue was going to be a sales tax, then that tax bill ought to come over from the



## YEAS—18

Barr,  
Camel,  
Dent,  
DiSilvestro,  
Hays,

Holland,  
Lane,  
McGinnis,  
McMenamin,

Miller,  
Mullin,  
Ruth,  
Schmidt,

Seyler,  
Silvert,  
Stiefel,  
Weiner,  
Yosko,

## NAYS—23

Berger,  
Blass,  
Chapman,  
Diehm,  
Flack,  
Harney,

Kessler,  
Koprivier, Jr.,  
Madigan,  
Mahany,  
Mallery,  
McPherson, Jr.,

Peelor,  
Propert,  
Scott,  
Taylor,  
Van Sant,  
Wade,

Wagner,  
Watkins,  
Whalley,  
Wolfe,  
Fleming,  
Presiding Officer

So the question was determined in the negative.

And the question recurring,

Will the Senate agree to the bill on third reading?

Mr. DENT. Mr. President, I ask unanimous consent to offer an amendment at this time.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

The Clerk read the amendment as follows:

Amend Section 202, page 23, by inserting after line 19: "(g) The use of manufactured tangible personal property purchased or to be purchased for incorporation into or attachment to real estate in the performance of a contract for the construction of a building or improvements thereto or the sale of said real estate entered into prior to the date of approval of this act under which the purchaser of said manufactured tangible personal property is required to sell the said building make such improvements or sell such real estate at a price not subject to adjustment by reason of the tax hereby imposed Provided however That unless notice of such contract is given by the taxpayer to the department within forty-five (45) days after the effective date of this act the exclusion allowed by this subsection shall not apply."

On the question,

Will the Senate agree to the amendment?

Mr. DENT. Mr. President, in order that they do not get into a fluster, I might tell them that this is the amendment they put in to take care of the big housing development people, in order that they will not pay any tax on any materials that they buy when they build a home or a single dwelling that they sell. However, they forgot to take out any materials that an individual who happens to own an old house, like I do, and has to buy a couple pieces of wood for repair or plaster or anything. I have to pay the tax, but the builder does not have to pay it.

I understand that there is a question, too, as to where you would be able to differentiate here as to a house that is used for two families and a house that is used for one family. Supposing a man has a daughter and she gets married. He does not pay the tax and she moves in with him. Do you think he would be arrested for it?

Mr. KESSLER. Mr. President, I have not had a chance to thoroughly read this amendment that Senator Dent proposes. However, as I get the gist of it, he is endeavoring to exempt contracts negotiated prior to the effective date of this act. On page 61, of House Bill No. 1879, beginning with line 8, you will find that we do exempt contracts entered into prior to the effective date of the act.

It is true that if I am remodeling my house, not on a fixed contract, material that I would purchase after the effective date of this act for that purpose would be taxed.

Mr. DENT. Mr. President, I wish the gentleman would

read my amendment. We are not attempting to do anything other than what is in the bill on the exemption for contracts already entered into. We are just saying that you cannot differentiate between a house for a single family and a house for two families.

When I get looking over this legislation and I think of the amendments that might be more apropos, I wonder whether we should not get Tennessee Ernie in here and have him sing "Sixteen Ton" for the amendment dealing with the boats, and then come in and sing "This Old House Ain't Good No Longer" or something like that.

And the question recurring,

Will the Senate agree to the amendment?

Mr. DENT. I ask for a roll call, Mr. President.

Mr. BARR. I ask for a roll call, Mr. President.

The yeas and nays were required by Mr. DENT and Mr. BARR, and were as follows, viz:

## YEAS—18

Barr,  
Camel,  
Dent,  
DiSilvestro,  
Hays,

Holland,  
Lane,  
McGinnis,  
McMenamin,

Miller,  
Mullin,  
Ruth,  
Schmidt,

Seyler,  
Silvert,  
Stiefel,  
Weiner,  
Yosko,

## NAYS—23

Berger,  
Blass,  
Chapman,  
Diehm,  
Flack,  
Harney,

Kessler,  
Koprivier, Jr.,  
Madigan,  
Mahany,  
Mallery,  
McPherson, Jr.,

Peelor,  
Propert,  
Scott,  
Taylor,  
Van Sant,  
Wade,

Wagner,  
Watkins,  
Whalley,  
Wolfe,  
Fleming,  
Presiding Officer

So the question was determined in the negative.

And the question recurring,

Will the Senate agree to the bill on third reading?

Mr. DENT. Mr. President, in order that there be no misunderstanding on this amendment, this is the Bill Reiter of the Pennsylvania Railroad amendment. We thought they should pay a little wee bit of tax in Pennsylvania, too.

Mr. President, I ask unanimous consent to offer an amendment at this time.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

The Clerk read the amendment as follows:

Amend Section 202, page 25, by striking out all of lines 3 to 9.

On the question,

Will the Senate agree to the amendment?

Mr. DENT. Mr. President, this also gives special privileges and special exemptions to those who I believe are better able to pay taxes. They say that a three per cent tax will not hurt the little people; they will not even know they are paying it. If that is true, do you think that the railroads would know that they are paying it? Let me show you something, gentlemen, for your own education.

The Pennsylvania Railroad earned more money in the first nine months of 1955, by some thirty odd millions of dollars, than over the entire year of 1954. The small amount of tax that they would pay under this bill would certainly not hurt them as much as a young, married couple who has to go out and buy, for the first and probably the only time in many, many years of their lifetime, a houseful of furniture. I do not know how many people realize that furniture, for a family, is just as es-



Mr. President, a little while ago the Senator offered an amendment and he kind of gave us a browbeating because we said we were for the public utilities. I had not had the opportunity to read the entire amendment before we had a vote on it, but I notice that had we adopted his amendment, the fellow who went to the gas company to buy a refrigerator or a stove would not have had to pay a tax on that, but if he had gone to a store to buy a refrigerator or a stove, he would have had to pay the tax. In other words, he would have excluded purchases from any "public utility, subject to the tax on its gross receipts derived from the sale of such tangible personal property." He knows, or should know, that gas companies do sell items such as stove and refrigerators, and had we adopted his amendment those items, when sold by the public utility, would not have been subject to the tax. Therefore, he is a lot more favorable to public utilities than we are.

Mr. DENT. Mr. President, you know, my Dad told me once that they never put locks on doors to keep out thieves, but just to keep honest people from becoming thieves.

Mr. Mahaney, you have made two direct misstatements. In my younger days, when I felt much stronger, I would have probably called you a liar. Now days, I would not do that and I just say in kindness that you made two misstatements; one, of course, where you always try to put me out yachting. I might say to you that if you are going to go yachting with me, you better wear darn high hip boots because most of my yachting I do in darn shallow water.

Secondly, Mr. President, the amendment which we just offered was to put the gas companies in the tax bill, not out of the tax bill. We exempted the gross receipts paying utilities out of simple justice. If you are going to include them in the tax bill, all we would ask and the only fair thing to do, and I understand you believe they ought to be included, would be to take the gross receipts tax off and let them pay the regular sales tax like everybody else. However, we were putting the gas companies into the bill, not out of the bill. When you finally get to where you understand what we are doing, I will take you yachting with me.

Mr. MAHANY. Mr. President, the gentleman has called to my attention two misstatements which he said I made. The only thing I know about the yachting of the Senator is from the very fine Kodachrome prints, on which I saw him sunning and lolling on a yacht in the sunny waters of Miami, where I wish I were now. I complimented him on being able to be there. I think it did a great deal for his health. I will be happy to accompany the Senator, as soon as we adjourn, on another yachting party if he will just arrange an invitation.

Mr. President, as to the second misstatement, if he will just read his amendment, he will have to admit that under that amendment, if adopted, if a man bought a stove or a refrigerator from the gas company those items would be exempt from the use tax.

Mr. DENT. Mr. President, I think I will not only buy him a yacht, but a stove and a refrigerator.

Let us see what I did do in order to find out what the truth is. I would not attempt to rush it too much because this is a very important item. I am not so sure but what some of you might find a little spark of friendliness for

the little people in Pennsylvania, and maybe one of you might even vote for an amendment which will hurt somebody in business.

I say here that we exempt from the tax: "(1) The use of manufactured tangible personal property limited to water"—w-a-t-e-r. That is the stuff that yachts run on. "(2) Manufactured tangible personal property purchased from any public utility subject to the tax on its gross receipts derived from the sale of such tangible personal property."

Will you, Senator Mahany, explain to the Senate how, under that amendment, a gas company would be excluded from the tax or anybody who purchases anything from a gas company would be excluded from the tax?

Mr. MAHANY. Mr. President, I understood that these items are excluded from the tax, if this amendment were adopted. Is that correct?

Mr. DENT. The item I just read, sir—that is the amendment.

Mr. MAHANY. All right, take a stove that I would buy from a gas company back home. Is that not manufactured tangible personal property?

Mr. DENT. I will answer that by asking you a question. Do the gas companies come under the gross receipts tax of Pennsylvania?

Mr. MAHANY. Manufactured gas does. Perhaps, also, we could put it on an electric company. They also sell stoves.

Mr. DENT. Since you are such an expert on stoves, let us get down to the fundamentals. What are you talking about, gas companies or electric companies?

Mr. MAHANY. Either one; they are both utilities. If the gas companies do not pay gross receipts, and I understand that they do not, then we will take the example of a stove being bought from an electric company or a refrigerator bought from an electric company. That would be manufactured tangible personal property, and it would be exempt from the tax if this amendment were adopted. Is that not true?

Mr. DENT. Yes, Mr. President, that is true. However, the other part of Senator Mahany's statement is not true, because anybody who buys from a gas company, which is not subject to the gross receipts tax, would not have to pay the tax. In order to clear up the matter for Senator Mahany, since he is so worried about this little stove buyer and the refrigerator buyer, I did not think it was fair to put three per cent on him, plus one and four-tenths per cent, too. In other words, the way he would like to have it is that the individual who buys a stove, at an electric company, would have to pay a sales tax of four and four-tenths per cent. The yacht owner would not have to pay for any. All I am exempting, sir, is where they are subject to the gross receipts tax; when the sale of any tangible goods is part of their gross receipts, subject to the tax in Pennsylvania.

Mr. President, I am only trying to clarify it. However, if you want to tax the little stove buyer four and four-tenths per cent, it is all right.

And the question recurring,

Will the Senate agree to the amendment?

Mr. DENT. I ask for a roll call, Mr. President.

Mr. BARR. I ask for a roll call, Mr. President.

The yeas and nays were required by Mr. DENT and Mr. BARR, and were as follows, viz:



House of Representatives where taxes are constitutionally originated. However, when the House of Representatives met and decided to bring out the three per cent sales tax, which is exactly what the Senate Majority said they wanted, and to raise the money in conjunction with the one per cent corporate net income tax and the acceleration of the capital stock tax which would raise somewhere near the revenues required to meet the absolute needs of the Commonwealth, plus some \$30,000,000 in school teacher increases voted by this Legislature; some \$10,000,000 taken out of the General Fund by action of this Legislature and earmarked for specific purposes in the Department of Forests and Waters; some \$8,000,000 added to the budget for purposes of school building construction in the Commonwealth, immediately when it hit the floor the greatest demonstration of personal lost control was put on in the House of Representatives by the Leader of the opposition over there, who screamed and called the Governor some very serious names and he completely refuted the Republican position in the Senate. He announced that there would never be one tax vote in the House of Representatives for any three per cent sales tax. We, in the Senate, are told that there will never be any vote for anything else but a three per cent sales tax. They state on this floor that they are for a sales tax and then they tell their House Members, "Now do not pass one," and caught between the jaws of the nutcracker are the people of Pennsylvania.

We have asked you to accept amendments to this bill which, in conjunction with the corporate net income tax and the accelerated capital stock tax, would raise somewhere in the neighborhood of \$440,000,000. You have rejected them completely, and in order to make the record clear I am going to present to the Chair all of the amendments that we have prepared and inasmuch as the Republican side of the Senate has agreed among the Membership on that side to greet our efforts with stony silence, wisecracks and a negative vote, I am going to ask that they be voted for or against in bulk.

Mr. President, I do this because I do not feel too good at this moment. I do not know whether my depressed feeling comes from a physical strain or whether it comes from the fact that we are today witnessing in Pennsylvania the destruction of what I would call a great political party, because of its adamant position in spending twelve months up until now, since the Governor was sworn in one year ago today, and the threat of the Republican Leader of the House, Charlie Smith, that unless we take that which they want and only that which they want, he will keep us in Session the rest of this year.

Mr. MALLERY. Mr. President, I believe Senator Dent's amendments would amend section (m) on page 25 of the bill. The bill, as it is written, provides that:

The use of manufactured tangible personal property used or to be used directly in the production delivery or rendition of railroad services or which is purchased by sold by leased to or leased by any railroad for use or to be used directly in the production delivery or rendition of such services."

Mr. President, now I, like every other Member of the Legislature, am rightly concerned as to the manner in which legislation will helpfully or adversely affect my constituents. There are at present approximately 13,000

employed in the Pennsylvania Railroad shops, located in Blair County. Some of those people possibly live in Cambria County, some in Bedford County, some in Centre County and I know quite a number live in Huntingdon County. Those 13,000 men have received, during the past year, approximately \$63,000,000. There is no section of the United States that would not like to have an industry having an annual payroll, as of this time, amounting to \$63,000,000. Furthermore, the whole economy of my Senatorial District is based upon the health and prosperity of the railroad.

We all know that the business of any railroad is that of hauling freight and passengers, but very few of the railroads in the United States are not operating at a loss when they are hauling passengers. The Pennsylvania Railroad is the largest taxpayer and it pays almost as much in taxes as all other industries and people in business in Blair County. I read in the paper this past year that the Pennsylvania Railroad Company is the largest taxpayer in the city of Pittsburgh. I think Senator McGinnis read that article, and believes that to be a fact.

Mr. President, I want to also state that at no time have I been uncooperative when problems were facing other Senators involving the prosperity or depression of their Senatorial Districts. I have always been cooperative with my colleagues from the anthracite region and with those from the western part of the State where much of their prosperity depends upon the production of soft coal. This is a very serious amendment and a good amendment.

Now taxes are an important factor in the cost of doing any business. As I have said before, business is a series of acts directed toward one end, profit. There may be some new fantastic idea of business, but who in this room would invest any sizeable amount of money, which they have saved, in a business where they did not expect to receive some profit? We can do that, but how often do we lose our principal?

Mr. President, therefore, in railroading, the railroad business, like every other business, has the cost of materials, they have wages and they have research. By the way, the Pennsylvania Railroad is spending, now within Blair County and I believe in Cambria County, over \$53,000,000 in improvements. I think there is work going on in the Conemaugh Yards. I believe Senator Haluska can tell me whether or not that is in Cambria County. Therefore, taxes are an elemental part in the cost of doing any business.

I am safe in saying that ninety-nine and ninety-nine one hundredth per cent of those 13,000 people who are employed by the Pennsylvania Railroad would rather pay a sales tax than have no job, no money to support their families with and no money to pay a tax.

Mr. President, that has been my philosophy and I think it is sound. We better have everyone pay some little tax and have jobs and money to support our families rather than have no jobs, no money to support our families and, of course, then no money to pay a tax.

Mr. LANE. Mr. President, I listened to the speech of the Senator from Blair County and, of course, we on this side realize that actually his speech was not necessary because the Republican Majority is going to vote down this amendment.



We, too, realize the necessity of keeping industry alive in Pennsylvania, Mr. President, but we also feel that industry should pay its proportionate share. Mr. Mallery talked about the Pennsylvania Railroad being a large taxpayer. Sure, they are a large taxpayer in the city of Pittsburgh by virtue of special legislation which was passed a long time ago. Senator Mallery seems to forget that all these employes in Blair County are going to pay a three per cent tax, if this legislation passes, and that applies to those on the unemployed rolls also.

Mr. President, I would like to make this remark. I have observed what is going on here today. I think the Republican Majority has found themselves in a rather precarious position, because the schools are on their backs and so are the hospitals and they, therefore, sponsored a sales tax. They sponsored some legislation which is so obnoxious that we, on the Democratic side, cannot possibly vote for it. That was a well thought out plan, because ordinarily they never bring up legislation for a vote unless they have those twenty-six votes, and this has been proven by them over the years. Therefore, they do not expect this legislation to pass and they are making doubly sure it does not pass because they will not accept any amendments. All of these speeches are of no avail.

Mr. President, we realize what is going on and we know that you people are afraid to accept any amendments, because you feel there might be three or four votes over here for a tax program.

Mr. MAHANY. Mr. President, I wish with all my heart that we had twenty-six Republican Senators here today. Certainly, there is no ground for the Senator to accuse us of bringing this up when we know that we do not have the votes. I do not know when Senator Pechan or Senator Watson will return to this Chamber. Both men are in serious physical condition. If we would delay this vote until such time as Senator Pechan and Senator Watson return, it might well be the end of March or it might not be the rest of the Session. I have no way of knowing. I understand that both men are seriously ill.

If we are to get some type of tax program through so that it may be put on the books and taxes start to come into the treasury of the State of Pennsylvania, then we have to do something soon. The estimates on this tax yield are based pretty much on the fact that the tax will go on the books and the taxes will start coming in February the 1st or very soon thereafter. To make all these charges, I think is very unfair of the Democratic Senators.

Mr. President, if I had my way right now I would say, let us put the thing back into committee and forget the whole thing and let them sweat. However, I feel an obligation on my part to see that the schools are maintained and that hospitals receive their share of subsidy. I feel that we have to do something. I have told the Democrats, time and time again, that we on this side do not feel that we can go for an income tax; that there are no Senators over here who want to vote for an income tax, and, therefore, we cannot put an income tax on the books.

Senator Dent brought up the subject of what he called the 50-50 proposition, and I would like to refer to the story which he told yesterday about the 50-50 proposition of the rabbit and the horse. We were given a

proposition, that the Governor would try to work out some kind of a tax plan, but he did not tell us what it was for his half. He knew that we were going to be for a sales tax for our half, because we had said so on numerous occasions. The Governor, himself, although he intimated that an income tax might be within the thinking of their plan to raise their half, did not come right out in so many words and say so. We were asked to buy some type of a plan that was not quite definite.

Mr. President, I want to say that time and time again the Democrats have told us that if you are not satisfied with our plan, you put out your plan. If you need votes to get your plan on the books, we will give them to you.

I can see the political campaign starting now. I can see my good friend, George Pennington, over there taking all this in and I know that he has the ability to put all this terrible program, as they call it, on the poor Republicans and say that the Democrats had no choice in this matter; "We were forced, we were blocked, we were blackmailed, we were hit over the head and rather than see the schools close down and the hospitals close, we had to accept this terrible Republican plan which they forced on us."

Mr. President, I hope that sometime soon we are going to be able to vote on this bill. I, for one, am going to vote for it. I feel that this is a good plan to raise a greater part of the money necessary to make up the difference between what the yield is coming in from the taxes which are already on the books and the amount that we say, or think, will be necessary. We are ready to vote for this bill. We feel that this is a good plan. We studied it at length, and Senator Kessler spent many hours over it. We feel that it is a plan that, although it is going to penalize industry to some extent, will not penalize them to the point where they are going to be forced out of the State of Pennsylvania.

I want Senator Dent and the others to understand that this is not the entire plan. Also on the Calendar, if this plan is adopted, there is a bill which puts an additional one per cent on the corporate net income tax of corporations. With the tax laws on the books of the Commonwealth of Pennsylvania, plus these two bills, industry is going to pay at least half and perhaps more than half of the amount to be raised for taxes. Industry does not escape this tax. They are very much under the tax. Many of the things which industry has to buy will be subject to this tax. I can say that you can reasonably estimate that industry will pay at least \$30,000,000 or \$40,000,000 of this tax under this bill. In addition to that, they are going to pay another \$51,000,000 on the corporate net income tax, so how can you say that we are excusing industry and putting it all on the little fellow? I think both industry and the citizens will share pretty much equally in the tax revenue which will be derived.

Mr. President, I hope that sometime soon we are going to get to a vote on this bill. If the Senator wants to submit all those amendments in bulk, I will be happy to go over each one of them because I do not think we should vote for them sight unseen. I would like to bring out to the attention of the Senators what each of these amendments would do.

And the question recurring,

Will the Senate agree to the amendment?

Mr. LANE. Mr. President—



The PRESIDING OFFICER. Senator Lane, might the Chair suggest to you that we have one amendment before us? If you are talking on it, that is very fine, but if you are not would you let us dispose of this one amendment?

Mr. LANE. Mr. President, I will withhold my remarks until we dispose of this amendment.

And the question recurring,

Will the Senate agree to the amendment?

Mr. DENT. I ask for a roll call, Mr. President.

Mr. BARR. I ask for a roll call, Mr. President.

The yeas and nays were required by Mr. DENT and Mr. BARR, and were as follows, viz:

## YEAS—18

Barr,	Holland,	Miller,	Seyler,
Camiel,	Lane,	Mullin,	Silvert,
Dent,	McGinnis,	Ruth,	Stiefel,
DiSilvestro,	McMenamin,	Schmidt,	Weiner,
Hays,			Yosko,

## NAYS—23

Berger,	Kessler,	Peelor,	Wagner,
Blass,	Koprivier, Jr.,	Propert,	Watkins,
Chapman,	Madigan,	Scott,	Whalley,
Diehm,	Mahany,	Taylor,	Wolfe,
Flack,	Mallery,	Van Sant,	Fleming,
Harney,	McPherson, Jr.,	Wade,	Presiding Officer

So the question was determined in the negative.

And the question recurring,

Will the Senate agree to the bill on third reading?

Mr. DENT. Mr. President, I ask unanimous consent to offer amendments at this time.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

Mr. LANE. Mr. President, I also was going to ask unanimous consent to offer an amendment. If you care to, we could add it to that group and present them all. By the way, this amendment amends the act and places it at the first purchaser.

Mr. SCHMIDT. Mr. President, I also was going to ask unanimous consent to offer an amendment.

The PRESIDING OFFICER. I would suggest that the gentlemen confer with Senator Dent, whether it is acceptable to him to have these amendments included with his amendments. If not, we will certainly recognize the gentlemen in order that they may offer the amendments separately.

Mr. DENT. Mr. President, I ask that all of the amendments be voted upon at one time except that last amendment, which is the amendment to be offered by Senator Lane, on behalf of myself and the Caucus. That specific amendment deals with the changing of the collection base. If you will act upon all of the other amendments which were handed up, including the amendment by Senator Schmidt, that will be satisfactory.

The PRESIDING OFFICER. You want to hold the one presented by Senator Lane?

Mr. DENT. Yes, sir; I would like to treat it as a separate subject.

The PRESIDING OFFICER. There being no objection, the Clerk will read the amendments offered by Senator Dent.

The Clerk read the amendments as follows:

Amend Section 202, page 24, by striking out all of lines 6 to 8; Amend Section 202, page 24, line 9, by striking out "(j)" and inserting: "(i)"; Amend Section 202, page 24,

line 20, and page 25, lines 1 and 2, by striking out all of said lines; Amend Section 202, page 25, by striking out all of lines 10 and 11; Amend Section 504, page 61, lines 8 to 19, and page 62, lines 1 to 13, by striking out all of said lines.

On the question,

Will the Senate agree to the amendments?

Mr. MAHANY. Mr. President, I have been given these amendments, which consist of four separate amendments, and it is rather difficult to follow them all. I do understand that one of the amendments would knock out the exemption of clothing.

Mr. President, I desire to interrogate the gentleman from Westmoreland, Senator Dent.

The PRESIDING OFFICER. Will the gentleman from Westmoreland, Mr. Dent, permit himself to be interrogated?

Mr. DENT. I will, Mr. President.

Mr. MAHANY. If one of these amendments is adopted, would that eliminate clothing from the exemption list?

Mr. DENT. In fairness to ourselves and in fairness to the people of this Commonwealth, we are asking that the tax be a broad base tax. In asking for it to be a broad base tax, we have taken into consideration the very things that the Republicans have been saying for years and that is, that everybody ought to pay their share and pay it in order that they receive the services. Therefore, when we say that we want to place part of this burden upon tools, and part of this burden upon capital, we, as a people, are willing to accept our share of the burden. Only out of consideration of the fact that in the last analysis water and food are the two things that are the very, very essentials of life, are we asking that the bill be passed with water and food exempted, the only other exemptions being the exemptions on those particular items that are carrying their share of taxation at this moment through direct taxation in Pennsylvania.

We will accept the responsibility of placing a tax upon clothing. We will accept the same responsibility for placing it upon refrigerators and stoves, but at the same time if we are to accept that responsibility, we would like to have the same tax placed upon the business people and the manufacturing people and other organizations of taxable means in the Commonwealth. I accept the proposition, sir, that we are willing to take the tax on clothing as well as other items.

Mr. MAHANY. I certainly feel that there is one item which should not be taxed under this bill, and that item is wearing apparel. I feel that the working man, who goes to the store to buy clothes for himself and his family and little children, certainly should not be asked to pay a tax on these items. We excluded from the old sales tax, wearing apparel, except there were some exemptions. I understand that neckties and other things were taxable, but under this bill all wearing apparel would be exempted. I feel that this is the way it should be. We feel that we are placing enough burden upon the people who buy things and now for the Senator to come along and say we ought to put more on, seems to be different from what he has stated all afternoon.

Mr. President, I feel that we certainly want to exempt wearing apparel from the provisions of this bill. Also, the Senator has taken out from the exclusions the materials which would be used to erect a single family occupancy



residence. That is the type of residence which the average working man erects. He does not erect some large apartment house or duplex houses; he erects a small place for himself and his family. We have excluded from the tax the cost of building construction materials for that type of construction.

Mr. President, I think that the Republicans have tried to take care of the working man, the little fellow as Senator Dent says, to the greatest extent. Now, for the Democrats to come along and becloud the issue by putting in amendments which would take out those exclusions, I think, quite unfair. We feel that this is a fair program, and it is the one which we hope they will vote for.

Mr. DENT. Mr. President, will the gentleman explain why the single dwelling home is exempt when it is under contract construction but when a fellow builds it for himself, he has to pay the tax?

MR. MALLERY. Mr. President, the question that Senator Dent has asked is a good question. My reply would be that there should be an exemption of any materials that any man buys to construct himself a home. We are engaged in the most important thing pertaining to all of the people of Pennsylvania that we have been concerned with during this entire Session. This is no time for levity.

I think that it is a fact that around some thirty States of the United States have a sales tax. While I do not know much about Ohio, I do know that industry is spending millions and millions of dollars in Ohio. My thought would be that no one can give serious consideration—at least, I cannot. My memory is not that retentive. I cannot hear the Clerk read the amendments which are submitted by my colleagues on my left. My thought would be to have all of these amendments mimeographed so that we could give consideration to them and then a small group of not more than six from each side could seriously consider making a fair tax, the best possible tax, out of this proposed program.

I would call on my colleagues on my left, too, to consider that most everyone is paying high Federal income taxes. We will always have a Federal income tax. A great State like Pennsylvania should have a broad base tax. I think we will all agree on that. I can only think of two broad base taxes, and they are an income tax or a sales tax. We must consider that most of the people in Pennsylvania, under Act No. 481, are paying an income tax. Therefore, to have a State income tax in Pennsylvania, most people would be paying three income taxes. Also keep in mind, my friends, and you know it as well as I do, as I say, taxes are a part, just like the cost of materials, the cost of labor, the cost of research, because industry is making wonderful strides in coming up with new articles, in providing more employment. The most important thing, too, is to keep in mind that we should do everything possible to make available jobs for all people who are physically able and want to work. I think that there are very able men on both sides, excluding myself, and I think if you able men would get together, we could come up with a tax that would solve our problems, provide for the many needs of this great Commonwealth, and we could go back home and be satisfied with a job well done. However, if we are going to consider this matter from a political point of view only, by one side trying to derive an advantage over the other, we are not going to resolve it satisfactorily to the people back home.

Mr. DENT. Mr. President, by indirection, of course, the attempt is being made to picture this side as a group of men whose aim is to destroy Pennsylvania. However, I want Senator Mallery to know that I stand ready right now—I talked to your Floor Leader this morning and I stood ready then, and for the past year I have offered what services we can on this side to do exactly what you have proposed on the floor.

Senator Mallery knows that a committee meeting was called by the Finance Committee and that the amendments which were offered were offered without being read or considered or with any advance notice to the Members on this side. I doubt if the Members on the other side had too much advance notice. I happen to have watched the writing of some of the amendments and I know who wrote them. Therefore, Mr. President, I am willing at this time to say to the Republican leadership that we are willing to sit down and present to you our series of amendments. We are willing to sit down and present to you the revenue estimates that we believe can be attained by the inclusion of certain amendments. We are willing to spread the tax over as broad a base as is humanly possible to spread it. We are willing to do anything to work out a solution. We are unwilling, of course, to have it said that we must vote for one interpretation of a tax bill that we have opposed for years, when we are told from the floor that our interpretation of a tax bill is unacceptable under any conditions.

If Senator Mallery, and I have known him for a good many years, can prevail upon his colleagues to open their minds a little, to open their hearts a little and to sit down for a little while with the Members from this side and we can come out with a program that will raise the necessary funds without being too burdensome on either business, industry or the people, I am sure that we can provide the votes required, because we have never lacked courage to do those things that are right for the people. We do not say that you have to accept our amendments. We do not say that you have to accept any of them. We do say, however, that we should at least be permitted to sit down and try to work out a solution if we are expected to vote for it. We did not ask you to take our program blindly.

Senator Mahany, I know that you reach a good press and what you say will be given big play. However, I do not think it is fair for you to say that you did not know what the Governor's half of the tax program was, when you said that the reason you would not be for his half of the program was because it was an income tax. Either you knew what it was or you could not have been against it. I am sure, Senator Mahany, that if you wanted to work out a program, you would have said, "We will sit down with the Governor and see if we cannot reach some kind of a position whereupon we can both stand."

Therefore, Mr. President, on behalf of the Democratic Party, I would accept the invitation to sit down and see if we can come to a common meeting ground upon the one tax which the Republicans said they will accept. If we are to provide some votes, I am sure that we ought to be at least allowed to look at what we are voting for.

And the question recurring,

Will the Senate agree to the amendments?

(A voice vote having been taken, the question was determined in the negative.)



And the question recurring,

Will the Senate agree to the bill on third reading?

Mr. SILVERT. Mr. President, I wish to be recorded as voted "aye" on all of the amendments, except the amendment relating to clothing.

The PRESIDING OFFICER. The gentleman will be so recorded.

Mr. MAHANY. Mr. President, if the gentleman from Philadelphia, Senator Silvert, desires to be recorded, it would be necessary to have a roll call. Therefore, I ask for a roll call to permit him to be so recorded.

Mr. DENT. Mr. President, I move that all of the amendments that have been passed over to the desk at this time be returned to me in order that they can be compiled and passed on to the Republican Members for their information and to the Democratic Members who seem to be a little confused about some of them.

### PARLIAMENTARY INQUIRY

Mr. MAHANY. Mr. President, I rise to a question of parliamentary inquiry.

The PRESIDING OFFICER. The gentleman from Crawford, Mr. Mahany, will state his question of parliamentary inquiry.

Mr. MAHANY. Mr. President, is there anything before us except the calling of the roll? I understand that the amendments have been offered, they have been debated, they have been acted upon and now we are in the process of a roll call on them. Is that correct?

The PRESIDING OFFICER. It would be the opinion of the Chair that that is right, and that there is nothing before the Senate except the calling of the roll.

Mr. DENT. Mr. President, if the roll must be called, then the amendments have not been acted upon and, as a sponsor, I have a right to withdraw them. I ask for a ruling on that.

The PRESIDING OFFICER. The Chair would like to state, for the benefit of the gentleman from Westmoreland and for the Membership, that a voice vote was taken and then Senator Silvert got up and requested that he be recorded as voting "aye" on all the amendments except the one amendment pertaining to clothing. At that time, the Chair inadvertently said that he would be so recorded. I recognize that Senator Silvert cannot be recorded without the separation of that amendment from the rest.

Mr. DENT. Mr. President, if the voice vote has been taken, then is it not a closed matter? If the voice vote has been recorded, as you say, any gentleman can get up and ask to be recorded "yes" or "no" after a voice vote, if he so desires, without a roll call. We are not afraid of being recorded, Senator Mahany. I will vote now, if that will make you feel better. I will vote "aye." I do not care about that. It is just that I thought, as Senator Mallory suggested, that we try to get them in shape in order that every person would know what was in them. However, if you want to continue your tactics, just go ahead; I do not care.

Mr. MAHANY. Mr. President, if the Minority Leader does not care, I do not know why he is making such a fuss. However, I want to reassure him that I was in accord with Senator Silvert in voting against this clothing amendment. That was the only reason I wanted to have a roll call.

There are others here who would also like to go with

Senator Silvert in opposing your amendment, Senator Dent, and that is just on the wearing apparel. We will not ask for a roll call on any of the others.

Mr. DENT. Mr. President, I ask for a roll call on all of them separately, if you want.

Mr. LANE. Mr. President, all we would have to do is make note of the remarks of Senator Silvert upon the record, would we not? I think that would cover the situation.

The PRESIDING OFFICER. I think the point of order is well taken and I would suggest to Senator Silvert that his remarks will be spread upon the Journal, and trust that that will satisfy him. If there is any other Senator who feels likewise, let him ask for the same.

On the question recurring,

Will the Senate agree to the bill on third reading?

Mr. SCHMIDT. Mr. President, I ask unanimous consent to offer an amendment at this time.

The PRESIDING OFFICER. Is there objection?

Mr. SCOTT. Mr. President, before getting on to this present amendment which has been submitted, going back to the previous amendment, I would like to ask that it be spread upon the record that I voted "no" on the amendment pertaining to clothing apparel.

The PRESIDING OFFICER. The remarks of the gentleman will be spread upon the Journal.

Mr. MAHANY. Mr. President, I was busy talking here with some of my colleagues and I did not understand that I had withdrawn my request for a roll call on that one amendment relative to wearing apparel. While I was talking, you evidently bypassed me in some way I have not withdrawn my request for a roll call.

Mr. LANE. Mr. President, I believe, if I understood the Chair correctly, you said that my point of order was well taken and all that would be necessary would be that the remarks of Senator Silvert be spread upon the record.

The PRESIDING OFFICER. That is what the Chair said.

Mr. LANE. Thank you.

Mr. MAHANY. Mr. President, I will be satisfied with this. I want the record to show that if the roll had been called, all of the Republican Senators here would have voted against the amendment which would have included clothing as a taxable item.

The PRESIDING OFFICER. The remarks of the gentleman will be spread upon the Journal.

Mr. DENT. Mr. President, I want it clearly understood that the record will show that I voted to include clothing, to include the Sun Ship Building Company, to include the Pennsylvania Railroad, to include the gas companies, to include the railroads and to include all of the business people who have been exempted by the Republicans and Senator Mahany.

Mr. LANE. Mr. President, make sure that includes all the rest of the Democrats.

The PRESIDING OFFICER. There being no objection, the Clerk will read the amendment offered by Senator Schmidt.

The Clerk read the amendment as follows:

Amend Part VIII, Section 482, page 58, line 7, by striking the word "three" and inserting in its place the word "five."

On the question,

Will the Senate agree to the amendment?

Mr. KESSLER. Mr. President, I rise to object to this



amendment because it seems to me that what the amendment proposes to do is to require all licensees, or persons who are collectors of the tax, to retain records for five years instead of three as proposed in the bill. It seems to me that it becomes burdensome to retain records for an unnecessarily long period of time. At least the Department of Revenue should be able to audit and check reports within a three year period.

I would like to ask my colleagues to vote against the amendment.

Mr. SCHMIDT. Mr. President, the Federal Government has a requirement for these same people who are going to receive these taxes to keep their business records for income tax purposes for a period of five years. I do not think it is unreasonable to expect our business people to keep those records for a period of five years. In fact, I think they do keep their records for that long.

To make the statute of limitations for three years, it is possible that fraud could be committed and it would be impossible for the State to catch up with it within the three year period. I say that after five years an unreasonable time has elapsed and, therefore, this period should be extended to the five years.

Mr. DENT. Mr. President, is it not true that most of the frauds which are discovered, or uncovered, are uncovered by the Federal Government in the income tax division. Is it not also true that if the Federal Government comes in after a four year period and some person who has acted as a collector is under scrutiny and under investigation, and they make a claim of having paid to the State government so many hundreds of thousands of dollars in taxes that they collected out of their income and if that is in the fourth year or the fifth year, which might be the only chance they have of being checked in those two years, any fraud that might be discovered by the Federal Government would in no way be proveable against that particular person for any case in Pennsylvania?

Is it not also true, Mr. President and Members of this Senate, that you are paying to the merchants of Pennsylvania \$6,000,000? According to your own figures, you are paying \$6,165,000 to these people to act as collectors for the State, and it does not cost one cent more to keep a record for five years than it does for three years. Once the record is kept, it is kept. If it is in your file for three years, along with the five years that you have to keep it for the Federal Government, why are you allowing the destruction of files pertaining to Pennsylvania's collection to be destroyed in three years? Some one give me a reasonable answer and I will have the amendment withdrawn.

Mr. LANE. Mr. President, what Senator Dent and Senator Schmidt have stated is absolutely a fact. It seems to me that in a large State like Pennsylvania, if this legislation would be adopted, there might be a time when, within a three year period, investigators might not be able to complete their work.

I think it is only fair, reasonable and just that the amendment should be adopted to comply with Federal regulations. After all, the Federal Government collects a lot of taxes and they have had a lot of experience. I imagine if we would follow through with their rules and regulations, there would not be much opportunity for any fraud.

And the question recurring,  
Will the Senate agree to the amendment?

Mr. DENT. I ask for a roll call, Mr. President.

Mr. SCHMIDT. I ask for a roll call, Mr. President.

The yeas and nays were required by Mr. DENT and Mr. SCHMIDT, and were as follows, viz:

#### YEAS—18

Barr,	Holland,	Miller,	Seyler,
Camiel,	Lane,	Mullin,	Silvert,
Dent,	McGinnis,	Ruth,	Stiefel,
DiSilvestro,	McMenamin,	Schmidt,	Weiner,
Hays,			Yosko,

#### NAYS—23

Berger,	Kessler,	Peelor,	Wagner,
Blass,	Koprivier, Jr.,	Probert,	Watkins,
Chapman,	Madigan,	Scott,	Whalley,
Diehm,	Mahany,	Taylor,	Wolfe,
Flack,	Mallery,	Van Sant,	Fleming,
Harney,	McPherson, Jr.,	Wade,	Presiding Officer

So the question was determined in the negative.

And the question recurring,

Will the Senate agree to the bill on third reading?

#### PARLIAMENTARY INQUIRY

Mr. DENT. Mr. President, I rise to a question of parliamentary inquiry.

The PRESIDING OFFICER. The gentleman from Westmoreland, Mr. Dent, will state his question of parliamentary inquiry.

Mr. DENT. Mr. President, when the roll is called in such a manner and it is not just a voice vote, isn't it true that each and every one of us is recorded according to party lines?

The PRESIDING OFFICER. The Chair would say that is correct.

Mr. DENT. Mr. President, I just wanted to give that information to Senator Mahany. He seemed to be aroused about that.

Mr. MAHANY. Mr. President, the only reason that I arose in relation to this was because Senator Silvert did not evidently want to be recorded as voting according to party lines, and wanted to leave you just for a little bit and come over and join us and I was happy to have him. I wanted that to be so recorded.

Mr. DENT. You know, Mr. President—and this is without reflection on Senator Mahany but more with reflection upon myself—my father told me many, many years ago when he sent me to do something and I did not do it right, when I got back he said, "Johnny, learn this in life. Never send a jackass to do something; go yourself."

And the question recurring,

Will the Senate agree to the bill on third reading?

Mr. DENT. Mr. President, we have an amendment I believe on the table which we excluded from the whole batch.

The PRESIDING OFFICER. I checked on that, Senator Dent, and I understand from the parliamentarian that we do not have such an amendment.

Mr. BARR. Senator Lane has that amendment.

Mr. DENT. While Senator Lane is getting ready, I might say to the Senate that what this amendment does is to put the collection of the tax where it is more economical to tax and less burdensome upon the ultimate consumer. In other words, we are trying to place the collection of the tax by these amendments at the next receiver of goods.



What this amendment does, and I want it clearly understood, is keep the little fellow from paying the tax upon the markup that the merchants put on, upon the transportation costs, and is more nearly related to the actual cost after manufacturing of a product. It also, Mr. President, gives to the State of Pennsylvania a more accurate accounting of the amount of taxes paid. It will give to the State approximately one dollar out of every dollar of taxes paid by the people, whereas the tax, as it is now written, will allow those who collect it at the retail level from the consumer to profit almost as much by the tax as the State itself. Therefore, in the interest of economy of collection, in the interest of fair play to the consumer or the payer of the tax, I ask that these amendments be accepted.

The PRESIDING OFFICER. For the information of the Senate, and so that there will be no misunderstanding, the bill has not passed third reading.

Mr. LANE. Mr. President, I ask unanimous consent to offer amendments at this time.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

The Clerk read the amendments as follows:

Amend Article I, Section K, page 10, line 1, by striking out the words "wholesaler or retailer"; Amend Article II, Section (A), page 13, line 13, by inserting after the word "person," the words "other than the manufacturer"; Amend Article II, Section (A), page 13, line 13, by inserting after the word "who," the word "first"; Amend Part VII, Section 473, (b), pages 54 and 55, lines 16 on page 54 through line 14 on pages 55, by striking out the words "any person maintaining a place of business in this Commonwealth who advertises or holds out or states to the public or to any purchaser or user directly or indirectly that the tax or any part thereof imposed by this act will be absorbed by such person or that it will not be added to the selling price of the manufactured tangible personal property sold or if added that the tax or any part thereof will be refunded other than when such person refunds the selling price because of such property being returned to the seller and any person maintaining a place of business in this Commonwealth and selling or leasing manufactured tangible personal property the use of which by the purchaser is subject to tax hereunder who shall willfully fail or refuse to collect the tax from the purchaser and remit the same to the department and."

On the question,

Will the Senate agree to the amendments?

Mr. KESSLER. Mr. President, I would like to ask my colleagues to again vote against this amendment. It seems to me that when we had the public hearing on House Bill No. 1879, as it came to the Senate, we learned of all the difficulties that would be involved in collecting the tax from the manufacturer.

This proposal would place the tax on the manufacturers' price and be paid by the first purchaser, whoever purchases first from the manufacturer. As I read the amendment, if a wholesaler were to buy from the manufacturer and pay the tax, he would have to show that tax below the line when he delivers the goods to a retailer or to the ultimate consumer. The latter provision, I believe, is to avoid any markup on the tax itself. I believe that is right, Senator Lane, is it not?

There is one thing which we cannot get away from,

Mr. President, and I think we ought to have it clearly expressed, and that is if you tax a commodity which sells for \$100 at three per cent of the manufacturer's price—say the manufacturer's price is \$100—you get three dollars. If you place the tax on the consumer price level, which might be \$150, your tax is only two per cent. If you lower your tax base, you must increase the tax percentage in order to get the same amount of revenue. How much this bill would reduce the revenue, I do not know. However, while I am talking on this, I would like to correct another misimpression which I believe has been very evident during these discussions this afternoon.

Taxes of business, and I believe the Minority Floor Leader was in business at one time, become a part of the cost of doing business and appear somewhere in the cost to the consumer or the purchaser of the service. The only time that an employer or a manufacturer can absorb the tax is when his profits are so large that he can still pay that tax and not collect it and compete with other merchants or other manufacturers. The difficulty in Pennsylvania, and why so many of our manufacturers are concerned, is that they want to remain competitive with people similarly situated in adjoining States. If we tax manufacturers, as has been proposed by some of these amendments, it puts them at a competitive disadvantage to manufacturers in other areas and the natural thing is, over a period of time, that those people will move from the location where they cannot compete to the location where they will compete.

Mr. President, this amendment, as I see it, just re-establishes almost all the evils that we had in the original manufacturers' excise tax, and I urge my colleagues to vote against it.

And the question recurring,

Will the Senate agree to the amendments?

Mr. DENT. I ask for a roll call, Mr. President.

Mr. LANE. I ask for a roll call, Mr. President.

The yeas and nays were required by Mr. DENT and Mr. LANE, and were as follows, viz:

#### YEAS—18

Barr,  
Camel,  
Dent,  
DiSilvestro,  
Hays,

Holland,  
Lane,  
McGinnis,  
McMenamin,

Miller,  
Mullin,  
Ruth,  
Schmidt,

Seyler,  
Silver,  
Stiefel,  
Weiner,  
Yosko,

#### NAYS—23

Berger,  
Blass,  
Chapman,  
Diehm,  
Flack,  
Harney,

Kessler,  
Koprivier, Jr.,  
Madigan,  
Mahany,  
Mallery,  
McPherson, Jr.,

Peel,  
Propert,  
Scott,  
Taylor,  
Van Sant,  
Wade,

Wagner,  
Watkins,  
Whalley,  
Wolfe,  
Fleming,  
Presiding Officer

So the question was determined in the negative.

And the question recurring,

Will the Senate agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. DENT. Mr. President, I desire to interrogate the gentleman from Crawford, Senator Mahany.

The PRESIDING OFFICER. Will the gentleman from Crawford, Mr. Mahany, permit himself to be interrogated?

Mr. MAHANY. I will, Mr. President.



Mr. DENT. Senator Mahany, I have heard you talk about the constitutionality of a classified income tax and I have heard you talked about the constitutionality of any income tax that we have ever proposed. You have always based your argument on the ground that the uniformity clause was violated in the Constitution by a classification, although the rate was the same and the base was the same. You have argued about the manner in which the base was arrived at and allowed exemptions which you felt would make the bill unconstitutional.

Does the Constitution demand that taxation be uniform in rate, in application, only for the purpose of income tax, or does it qualify that taxation must be uniform for whatever method or source of taxation that there is, in your opinion?

Mr. MAHANY. I think that the latter is true, obviously. It would not just apply to income taxes; it is on all taxes.

Mr. DENT. Would you say that if legislation were passed in which it was said that there was a two per cent tax on all income up to \$1,000, and a three per cent tax on income from \$1,000 to \$2,000 and a four per cent tax from \$2,000 to \$3,000, would you say that that was uniformity, as you understand it, under the Constitution?

Mr. MAHANY. I would say that it was not uniform.

Mr. DENT. If I say, then, to you, sir, that if I place a one cent tax on all items up to ten cents, and a two cent tax on all items from ten to forty-one cents and all items from forty-one cents up to \$1.00, at three cents, would you say that that is uniform under the Constitution?

Mr. MAHANY. I would say that would be uniform, because it is based pretty much on a three per cent uniform tax. In other words, the three per cent is uniform. You can figure out a three per cent tax and that is about what it would yield on those brackets.

Mr. DENT. Would you say, sir, that a tax of one cent on eleven cents and a tax of one cent on forty cents is uniform in relation to your basis of discussion?

Mr. MAHANY. Yes, because if the tax is based on three per cent, then three per cent would yield one cent on that basis. You cannot split up a penny because that is the lowest denomination of coin we have. Therefore, although a cent on an eleven cent sale is more than three per cent, it is within the bracket from eleven through to forty cents that three per cent would yield that amount.

Mr. DENT. If a merchant marks his goods forty and one-half cents, would he be entitled to collect the tax?

Mr. MAHANY. I want to get to that place in the bill, Senator Dent.

Mr. DENT. Take the last page; that will give you enough. Take page 19 or the last page; either one will do.

Mr. MAHANY. All right now what was the question, Senator Dent?

Mr. DENT. I questioned you whether or not if a person charged a tax, what tax would a man charge for an item that sells for forty and one-half cents?

Mr. MAHANY. Under the provisions of this bill, he would charge one cent.

Mr. DENT. What would he get for forty-one and a half-cents.

Mr. HAMANY. He would get two cents.

Mr. DENT. Would you say that that would be a uniform tax on the purchaser who bought for forty-one

and a half cents and the purchaser who bought for forty and one-half cents, when one paid twice as much tax with less than one cent difference?

Mr. MAHANY. Yes, because of the fact that we do not have any lower denomination than one cent. Therefore, we must make the break somewhere, and I think that the courts would say that they would not be concerned with trifles and they have what they call a *De minimis* ruling or law or decision in which they say that they will not go into trifling amounts. I believe that the court would uphold it on those grounds.

Mr. DENT. Would you then say, sir, that if I had an income of ten cents and I paid a one cent tax on it, and you had an income of forty-one cents and you paid a tax of two cents upon it, and if you paid the three cents from there to a dollar tax upon that income, would the court then say that it was uniform because the earnings were somewhere commensurate to a three per cent base?

Mr. MAHANY. Senator Dent, there are no decisions on that particular point. It would just be my guess that I think they would uphold the uniformity provisions in connection with a tax such as that.

Mr. DENT. Am I to understand then, sir, that if we just take the denomination of ten cents and move it over to \$10.00, or \$100.00 and the \$41.00 denomination and move it over to \$400 or \$4,000 or \$400,000, and we just move it along the line in the same demonominations, then would we be able to place a tax upon the books of Pennsylvania that would tax on an equal base, although it would be the same as this sales tax, a tax which some people think is graduated?

Mr. MAHANY. Mr. President, I do not think that the question goes along with my answer to his previous question. The only place where you have these bracketed amounts is in the first dollar. After that, there is definitely a three per cent tax on anything over \$1.00.

Mr. DENT. Mr. President, am I to believe, then, that when you have the second dollar and an article is sold for \$1.11, that you have no stipulation how to collect the tax, or does it not follow that on every sale in this regardless; that part of the dollar is chargeable to a tax based upon your graduation in this bill?

Mr. MAHANY. There is only one dollar of the sale that would be within the graduation. All the other dollars would be taxable at the rate of three per cent. If you had a purchase of \$1.40, you would collect three cents on the first dollar, plus one cent on the second and you would have a four cent tax. This certainly will help all the clerks that the stores must bring in around Christmas time. I can well imagine how the young ladies would struggle in trying to figure out three per cent of \$1.41. They would have to carry pencils and pads around with them. However, If they knew that the tax on the first dollar was three cents and after that we had the bracket of up to forty cents, then there would be a one cent tax and then the bracket from forty cents through seventy cents would be two cents and from seventy-one cents to the next dollar would be three cents, I think it would ease their burden considerably.

Mr. DENT. Mr. President, this is not a question of easing the burden. This is a fundamental question on the basic law of this Commonwealth. I think if you will read your law and look at it, you will see that you do say that it is three per cent of each dollar of purchase



price plus "the above bracket charges upon any fractional part of a dollar in excess of even dollars shall be collected."

Let us take the thing right where I want it and where you know it should be. Supposing, sir, that you have the store merchant and the merchant had seventy one-cent sales and he collects three cents. He then had sixty nine-cent sales and he collects two cents. Who is going to determine how much money the State gets? Are you going to allow them to pay, as you have allowed under the old sales tax, one cent? Are you going to allow them to collect it as they see fit and then to pay to the State on a gross business? Who is going to go into every sale made and who is going to be the goat in the collection of this kind of a tax? There will be two losers under this proposal and you are opening it wide for a greater amount of fraudulent payment to the State.

One store has informed me, or a man connected with that store—and I want it clearly understood that I do not believe it is fair to me or to anybody else to have this happen. However, there is only one store in this particular bracket, but the others are in larger brackets and some in smaller. This particular store earned in the last year of the tax collection, because of the breakage from ten cents to a dollar on the tax, \$42,000 net on the breakage. You are now giving a three cent breakage, from seventy-one cents to a dollar. You are giving a spread that will be collected directly out of the pockets of the people to the merchants of this State, and then you are paying them \$6,000,000 to collect it on top of that. You have absolutely no method whereby you can collect all of the tax that is paid by the taxpayer. That is why we insisted, in our amendments, that the tax be placed at the manufacturers' cost price, because every invoice would show that cost price and the tax would be a unit that could be measured and could be collected. There was no skulduggery, no deep thinking, no idea of hurting anybody by the imposition of the tax at the next receiver of goods. In the first instance, we thought that collecting it right from the manufacturer would be the easiest and most accurate method of collection. Then, when they said about the psychological barrier being built up, we acceded to their demands and we removed the word "manufacturer."

Mr. President, I say to the people of Pennsylvania, if we collect \$300,000,000 by the imposition of this tax from the little taxpayers of Pennsylvania, you will be collecting a great many more millions of dollars that the State will never receive. There has not been one sales tax State in the United States that has ever been able to collect the tax honestly and accurately. The State of Ohio, which has been held up so many times to us as the great tax State—I do not want to get into that, Mr. President, but I talked to one of the big manufacturers recently and I said to him, "If you were given a choice and you were to start your business all over, fresh again, your manufacturing plant, would you go to the State of Ohio or would you settle here in Pennsylvania?" This plant is worth hundreds of millions of dollars. He said to me, "Johnny, we made investigations in Ohio, in Illinois and in New York and we chose Pennsylvania." I said to him, "If we put this sales tax on and we exempt that machinery of yours, or tools that you use which are directly associated with the manufacture and are consumed, and we

tax you upon the machinery that you can, over the years, amortize and depreciate, would you say that that is unfair and would cause you to shift from Pennsylvania to Ohio?" He said that it would not. He said that, under any conditions, it would not. He said, "We have moved some of our subsidiaries to California and we paid a sales tax on everything, including machinery, tools and all. We paid an income tax in California. That is not what we measure when we go into a State." He said, "If you ask any person to give you an honest analysis of their taxes in Pennsylvania, remember that you just cannot measure taxes by what you want to measure them by for your own purposes."

If Senator Kessler, who has used Ohio so many times as his point of argument, is willing to accept the Ohio method of taxation from top to bottom; if Senator Kessler is willing to accept the Ohio method of taxation for local, county and State purposes; if Senator Kessler is willing to pass the legislation in Pennsylvania that is on the statute books in Ohio in relationship to State-aid to schools, hospitals and universities, I will co-sponsor, with Senator Kessler, repeal legislation on every tax law in the State of Pennsylvania and will sponsor with him legislation that will give us the Ohio tax structure, if that is what he wants. If Senator Kessler believes Ohio is a better place to live, then he should accept my proposition or move to Ohio, one or the other. There is no other answer. The other day he said to me, "Here is Indiana and look what a great State that is." I said, "Well, Senator Kessler, I will take Indian's taxes and repeal all of Pennsylvania's taxes, and go along with you and put Indiana's taxes in." He said, "I cannot do that because they tax machinery in Indiana."

Mr. President and Members of this Senate, this is an unfair, an unreasonable and dishonest tax plan. I know that you have said that you want a sales tax and that is all you want. All right, Mr. President, if we find that you have three sick Members or four or five sick Members—I do not know how many more will be sick before the final vote comes before the Senate on a three per cent sales tax that has a chance to pass and I hope no more become sick, and I could be selfish and say particularly myself. However, Mr. President and Members of this Senate, if you really want a sales tax, then do not put it all upon the shoulders of the little people. Spread it out over those who can best afford to pay. Spread it out upon those who are best able to carry the burden and we, who represent the so-called little peoples of this State, as you have often said, are willing to place a share, and a just proportionate share, upon the shoulders of our people, if you will just place your share upon the shoulders of your people. If you will do that, I will gladly give you my vote for any tax plan that is at least a little more equitable in its imposition.

Mr. LANE. Mr. President and Members of the Senate, I believe if the observers here today are fair-minded, and if the newspapers are fair-minded in their approach to the tax problem, they should be convinced that we have tired to liberalize this legislation to the point whereby we, on the Democratic side, could provide the necessary votes to pass this tax program. All of our efforts have been in vain. Now we are at the time when we shall vote on this particular piece of legislation. I think that the Members on the other side realize that should this bill go down to



defeat, it is dead because it will be the second defeat for this particular piece of legislation.

We, on the Democratic side, are not fully convinced that this legislation is in the proper form that it should be in. I believe that Senator Kessler said in the Finance Committee meeting that the revenue for the next fifteen months would be approximately \$305,000,000. We have information that the best we can receive would be \$225,000,000. There is a gross inequity in the various figures, which is something that all of us should consider.

Mr. President, I want to assure the Members on the other side that all of us do not understand this legislation. We do not want to be arbitrary and we do not want to take the position of voting "no" on a tax program, but we want you to know it is not in its proper form. This tax is not in the form that we Democrats can vote for this piece of legislation.

If I recall correctly, Mr. President, in the committee meeting, Senator Kessler called it a use tax. The newspapers call it a sales tax. I believe in the bill it is called an education and welfare tax. I think it is a catch-all phrase. You are going to say that the Democrats voted against an education and welfare tax here today. We do not want to vote against it; we want it in proper form.

As Senator Dent has said, Mr. President, we tried to spell out how this tax could be collected, how it would not pyramid and how it would be economically collected. Then you could not accuse us of having an army of snoopers throughout Pennsylvania. That amendment, too, was rejected.

All I have to say is this, gentlemen. I cannot vote for this bill in its present form, and I suggest to the Chairman of the Finance Committee that if he is sincere, if those on the Republican side are sincere and want to salvage this legislation, you will agree to recommit it to the Finance Committee and let us get together and offer the proper amendments to put this bill in the proper form so that it can pass this Senate and pass the Democratic House of Representatives.

#### MOTION TO RECOMMIT BILL

Therefore, Mr. President, I move that this bill, House Bill No. 1879, Printer's No. 1299, be recommitted to the Committee on Finance for further study and proper amendment by the Democratic Minority.

Mr. BARR. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. LANE. I ask for a roll call, Mr. President.

Mr. BARR. I ask for a roll call, Mr. President.

The yeas and nays were required by Mr. LANE and Mr. BARR, and were as follows, viz:

#### YEAS—18

Barr,  
Camel,  
Dent,  
DiSilvestro,  
Hays,

Holland,  
Lane,  
McGinnis,  
McMenamin,

Miller,  
Mullin,  
Ruth,  
Schmidt,

Seyler,  
Silvert,  
Stiefel,  
Weiner,  
Yosko,

#### NAYS—23

Berger,  
Blass,  
Chapman,  
Diehm,  
Fleck,  
Harney,

Kessler,  
Koprivier, Jr.,  
Madigan,  
Mahany,  
Mallery,  
McPherson, Jr.,

Peelor,  
Propert,  
Scott,  
Taylor,  
Van Sant,  
Wade,

Wagner,  
Watkins,  
Whalley,  
Wolfe,  
Fleming,  
Presiding Officer

So the question was determined in the negative.

And the question recurring,

Shall the bill pass finally?

Mr. BARR. Mr. President, I think even that paper they talk about up in Titusville will be able to record what I am going to say, because the gentleman from Titusville got on his feet in this Senate and objected in very loud terms to the fact that, I think they said, within seventy-two hours or three days the House of Representatives passed a manufacturers' excise tax bill. Here today the Juggernaut on the other side is rolling with a bill that has been on this Calendar only—I do not think it has been six hours since we have had a copy of the bill. The bill was given to me when I came to the Hill this morning. I came rather early this morning and the bill was not available. The first time that I was able to get a copy of this bill, in my hands, was sometime a few minutes after noon.

Mr. President, I have read this bill as well as I can. There is one gentleman on the other side, by the name of Senator Watkins, who told me he could not read the original bill and with all this in it, with four sets of glasses, I do not think he could read this bill.

You are attempting to pass a bill written finally, written by all the chief lobbyists, the high paid lobbyists in this State, which has been available to the Members of this Senate for a period of five hours. If the press wants me to, I will name to them after I finish, privately, the lobbyists who sat with Senator Kessler and wrote this bill, because they were seen and the news room was so notified as to who was sitting with him when the amendments to this bill were drawn.

Mr. President, I, like Senator Dent, am one of those who will not ask Senator Watson or Senator Pechan or Senator Stevenson to return, if they are not well, to vote on a true sales tax bill. If the gentlemen on the other side were sincere, they would wait until such time as they have this bill in shape where we could pass it. It was agreed by us and it was thought, as I mentioned here yesterday in the Finance Committee, that this is not the type of bill that we agreed to vote upon. I will say that the gentleman from Lancaster, who I like to refer to as "Senator Tory" or "Senator Whig," did go along with me and agree with me on that.

Mr. President, I want to say to you that it is preposterous to assume that the action of the Republican Senate in trotting out an indigestible excise tax bill, even under another name, was motivated by a sincere desire to resolve the tax impasse. Republicans on the other side saw the handwriting on the wall in the House where their own sales tax bill is due to come up for a vote. The obvious strategy, with such a horrible moment at hand, was to push through the reconverted excise measure in a desperate effort to block a showdown on the Hewitt tax bill.

Certainly, Mr. President, no one in his right mind will regard the juggled excise bill as a bonafide sales tax, notwithstanding Republican efforts to make it appear as such. Since our Republican colleagues have been clamoring for a legitimate sales tax and they have openly assailed the idea of hiding it, I believe they should have an opportunity to show where they stand on a broad base sales tax bill, whether it be the Hewitt bill or the Waterhouse bill or the Strausser bill in the House, if it



ever reaches the Senate. I understand now that the Strausser bill is the Republican bill.

Mr. President, I place a big "if" before that prospect, for we Democrats are not so gullible that we believe the Republican Membership of the House, its eyes on this year's election—good old Charlie and good old Bob Kent—will permit itself to be led to a political guillotine by a concerted rush to back a sales tax. They may claim, speaking for the record, that it is the only tax that will save Pennsylvania from financial collapse, but we all know that that is a political window dressing that will not mean a thing when the time comes for every Republican legislator to be recorded.

Mr. President, here we have a little monstrosity, which we have had for five hours already, to raise between \$200,000,000 and \$225,000,000 to cover a \$450,000,000 debt. Their run-out on the sales tax will be the fastest footwork ever seen on Capitol Hill. It will be faster than Harvey Taylor ran when he read that speech which Bill Livengood wrote for him on last August 4th. Mr. President, it is just as well, for at long last that will strip them of the political crutch they have been using to hobble away from any serious Democratic proposal to settle the tax deadlock on a bipartisan basis.

The only clamoring we have heard for a sales tax comes not from the man in the street, whom it would hit most inequitably, but from the big business friends of the Republican leadership which is determined to snap the handcuffs of such a tax on the laboring people of this State.

I might just interpose here and say that as a Member of the Finance Committee, I sat on that rostrum and I asked as many questions as the chairman, who was running a dictatorial committee, "Senator Tory," would allow. He would not let us ask the questions as we wanted to ask them and would cut us off, but I did manage to get my question into probably eight or nine of the big manufacturers in this State as to what they would suggest. They all agreed that the State needed this money and they all suggested a sales tax. They immediately ran over to Waterhouse and Hewitt, and they in turn ran to Doc Saraff, the Chairman of the Ways and Means Committee, and gave him just a little amendment to take them out of the bill. They were rather smart; they came over to the Senate and those same fellows not only gave the same amendments to the Republicans, but helped write them into the bill down in the Republican Caucus Room with "Senator Tory," from Lancaster County.

All I can say is, Mr. President, the Republicans who have been chanting loudest for a sales tax now have a golden opportunity to throw their weight behind the Hewitt bill, the Strausser bill or the Waterhouse bill and they should not lose any time demonstrating their sincerity or fakery, as the case may be. I do not think that you fellows over there truly represent the party that elected you here. If you did, you would not lead them as you did down a dark alley last November 8th. I do not think that you have any leadership because every time I talk to a man on your side, he tells me, "I cannot speak for anyone else." That is no way to even run a football club. You must have somebody quarterbacking. I would suggest that if you do not like your quarterback in Mahany, get a new quarterback but somebody who can talk for the twenty-six of you over there.

Mr. President, if the Republicans are so convinced, notwithstanding evidence to the contrary, that a sales tax is what the people want, now is their chance to pass it and enjoy whatever political glory it might bring them. We do not want to deny them their great day of decision. I doubt very much that Republicans, anywhere along the line, either in the House or Senate, will develop sufficient courage to risk public reaction on a showdown vote for the sales tax. You say, "Where did you get that?" I got that out of the morning press. That is what Charlie Smith said: "No votes for the sales tax." Of course, he is a candidate for office. They know that and we know that.

The basic difference between our political philosophies in the tax debate has been refusal of the Democratic leadership to drug its sense of wrong or right, Mr. President. Obviously, we cannot afford the luxury of Republican indifference to the financial calamities four Republican Administrations left on the Democratic doorstep, shades of James Henderson Duff. Nor do we intend to submit to any tax by coercion without fighting for the only interests we represent, the people of Pennsylvania.

Mr. President, as Senator Dent has said, if we finally come out of this tax jungle with a sales tax, it is going to be a Republican sales tax, and if such a tax is as popular as they crack it up to be and it is just what the doctor ordered, it is their bady and, boys, you are going to be stuck with it."

Mr. SEYLER. Mr. President, I assure you that I will finish my remarks in time to meet the gentleman's agreement deadline which has been set. I just have three remarks to make and they all apply to points which have been made and I think not answered.

The first point refers to some statements made by the Majority Leader yesterday, in which he said that the excise tax, which this bill originally was before the amendments, was no different from a sales tax because it was all going to be passed onto the consumer anyway. I would like to make a point for the record, Mr. President, that when the hearings were held and manufacturers appeared from all over the Commonwealth, wholesalers and retailers, I asked them, as a member of the committee, about the question of how much of this tax would be absorbed. They were unable to give me a definite estimate but all of them agreed that there was a considerable part, a part which certainly mattered to them, which could not be passed on. I would like to have it stand, on the record, that either they were misinforming us at that time, and they should certainly know their business, or else the Majority Leader, when he spoke yesterday, was making a misstatement.

Secondly, Mr. President, when the excise tax was before us for consideration, both the representatives and also the Republican Senators, some of them, those who spoke, made a great point of the fact that if the three per cent excise tax passed, we were going to have to hire an army of enforcement officers to man our borders so that people who bought things in another State could not bring them into our State without paying the tax. As I understand it, the process will be identically the same in this case, and I certainly have heard no objection from the proponents of this particular bill, who, in the other case, were opponents of the excise tax, to the effect that they are going to have to hire an army of enforcement officers to prevent



smuggling goods across the border which were bought in another State.

On the third point, Mr. President, I am afraid Senator Kessler will probably think me just a bit demagogic, according to his definition, because he does not give me and my colleagues credit for the same interest in protecting the people whom we want to protect as he undoubtedly has in protecting the people he wishes to protect. However, the remarks made by Senator Watkins interested me today, because he spoke of Mr. Pew and he objected to the remarks that were made about him. He admitted that he was responsible for putting in the part which took care of the Sun Ship. That is a constituent of his and certainly Senator Watkins has every right to do that and I do not criticize him.

I want to say that on Sunday, Senator Watkins, I had a visitor come to my house to object strongly to a sales tax. His name was Smith and he is a worker in a laundry. You said that Mr. Pew, I believe you thought, was a great American and a great Pennsylvanian and I would agree, but I think this laundry worker, by the name of Smith who came to my house, is also a great American and a great Pennsylvanian. I want Senator Watkins, and everyone else, to know that I am just as much interested in protecting a constituent of mine, who is a laundry worker by the name of Smith, as he is in protecting his constituent by the name of Pew.

Mr. HAYS. Mr. President, obviously, this will be anti-climatic after these other speeches. I should say that the paper which this speech is prepared on is different, unless there be some misunderstanding, from the paper used by my distinguished colleague from Allegheny County.

Obviously, Mr. President, if the Majority really wished to pass this amended bill, they could await the return of their full strength. I, too, am anxious to have additional tax legislation, but adequate tax legislation. I am of the opinion that House Bill No. 1879, in its present form, as amended, is the major tax proposal to be offered by the Chairman of the Finance Committee. Since this is the major piece of tax legislation, we all have a responsibility of giving it study and consideration. As I recall the explanation given when this amended bill was reported yesterday, I believe that even the most optimistic figure estimated by the usually conservative Chairman of the Finance Committee would still show an income less than the needs, as indicated in the Governor's budget for this biennium. This, it seems to me, means that the intention is to cut that budget and, in fairness to all of us who want to vote on this question, I think that such proposed cuts should be known not only by the committee chairman, but by the entire Membership.

Mr. President, here are some questions for which we feel we should have some answers. What about the proposed increases in the allowances to the blind? What about the appropriations to the hospitals of the State? The Philipsburg Hospital, with which I have some slight familiarity, completed a substantial addition last summer and it has been idle ever since because of no funds. Is this and other facilities, for which we have paid and are ready to use, to remain idle for the entire biennium? Are they to remain idle and unused? Will this tax program provide additional moneys for the retired teachers of the State, so that their retirement allowance may keep in step with increased living costs since 1949? Will this tax

program make it possible to make the provisions of the teachers' retirement system as liberal as the provisions of the other retirement system of the State, so that in this respect school employees will not be second class employees of the Commonwealth? What does this program provide for the neglected, slow learning children in our families and the families of our neighbors? I am sure many Senators are anxious to know the provisions for the mentally ill. I think that you believe, with me, that the citizens of the Commonwealth want us to move from our 47th rank in this respect up the scale, and that right early.

What about our institutions of higher learning? Each institution, I am sure, is holding back important research and other extensions of their programs. Out in Pittsburgh, there just could be another Doctor Jonas Salk, straining at the leash to get a research project under way that might do for heart disease what Doctor Salk has done for children and parents. Up at Penn State, there are projects awaiting the green light, projects that just could double crop production, eliminate plant and animal diseases and add uncalculated wealth to our farm population and to the prosperity of the whole Commonwealth. I know too well, and you know well enough, of the tidal wave of young people now in public schools and coming out of the maternity wards of our hospitals. The diaper lines tell the solid white truth. However, too soon these young people will be passing through our ivy covered gates and hammering at the admission doors of our universities. We do need engineers, teachers, nurses, scientists, trained men and women. We are in a cold war and the relative competencies of our citizens will, in the final analysis, determine the issue. Will this tax program tie the hands by reducing the appropriations of Doctor Harnwell, President Johnson, the Chancellor at Pitt and the brother of the President of the United States, Doctor Milton Eisenhower, at Penn State?

Mr. President, the school building program is still far behind our needs. Several hundred projects in every section of the State are here in Harrisburg, gathering dust. Do we say, by this tax program, that we will or will not provide money so that these projects may really get underway and we can take thousands of children out of temporary schools and the fire halls and firetraps of the State? I have mentioned just a few phases of the budget, and I am sure that each Member has a similar list and I made no attempt to be all-inclusive.

Mr. President, some Members of the Senate, some weeks ago, complained and perhaps with some cause about being asked to vote on another tax bill hurriedly. I was greatly surprised yesterday when I learned that I might be expected to vote on a bill, inside of twenty-four hours, which I saw for the first time just five hours ago. In the previous case, the bill had been before the House for a number of days before it came to the Senate. This kind of haste, in a matter of this importance, may be intended to flatter us but as a freshman Senator, it strikes me that it is not the kind of legislative activity that I, who face high school youth weekly, will be proud to report. So, I hope that the tax program voted today may be one on which we may be informed not only as to what it takes from the people, but just as important, what services it will or will not give for the people.



May it not be true that the next General Assembly will have to start their budget building with an item of 152,000,000 to make up the deficit of this one, as was the case with the 1955-1957 budget in its relation to the last budget of the preceding Administration?

Mr. President, it seems to be the fashion in this Senate to relate the stories and the virtues of fathers. I am proud of my father and what he stood for. However, because I use my mother, instead of my father, does not mean that I am not proud of my father. My family was of the old school and I am afraid I inherited some of that point of view. My mother never ran an account at a grocery store. Each day she paid cash for the supplies, for the food and clothing that she bought. She never was in financial debt. I am old fashioned enough to think that it might be a good policy or, at least, nothing to be ashamed of if at the close of the biennium, instead of a deficit of \$76,000,000, we had a surplus of some similar figure.

Mr. DENT. Mr. President, I did not intend to make this speech but, with the permission of the Senate, I would like to have it inserted into the record. If any of you would like to have a copy, I will be glad to furnish you with one.

The PRESIDING OFFICER. The remarks will be spread upon the Legislative Journal.

(Following are the remarks requested to be spread upon the record by the gentleman from Westmoreland, Mr. DENT:)

The ruthless emasculation of the excise tax which has converted it into an unworkable legislative monstrosity, and solely for the purpose of compounding the incredible confusion over taxes, demonstrates more clearly than anything I can say the complete depravity of Republican thinking in the great financial crisis now confronting the Commonwealth.

I cannot imagine what goes on in the minds of men who imperiously blind themselves to their Senatorial responsibilities and the shocking financial plight of their state.

Who are these men who have pierced the heart of compromise and shamelessly bound up the eyes of justice?

Who are these creators of a precarious destiny for Pennsylvania?

They, and they alone, are the promulgators of the very crisis they so indifferently shun.

They are the prodigal apologists for a decadent past when the free wheeling spenders and deficit experts of four Republican Administrations set the scene for the ruinous backwash of financial calamity that has engulfed State government.

The apparent Republican strategy, to conceal the real issues, is to keep us marooned on an island of tax confusion while they push us step by step toward the crumbling brink of bankruptcy.

They believe the more they can humiliate and embarrass the Leader Administration, the more it will pay off politically in this year's election.

What they overlook, in the malevolence of their political deeds, and in their attempt to be purposely ambiguous, is that there can be no political immunity or political future for those who willfully contribute further to the financial catastrophe now impaling this Commonwealth on the tooth of time.

The profundity of Republican thought, behind the mangled excise tax bill, should escape no one since it was born of high pressure political expediency and in the heat of a tax struggle that has been skillfully fanned and inflamed by the professional obstructionists of the Republican party.

It should be made manifestly clear by the newspapers of this State that our Republican colleagues are the party of political arrogance and political stubbornness, and that it is they who privately sneer in the face of appeals to act in the public interest.

What we have seen here today is not parliamentary wisdom, keyed to the needs of the people, but an almost unbelievable desecration and prostitution of political power by audacious and unprincipled self-seekers who have abandoned all of the elemental decencies which should bind of honor together in time of crisis.

As we stand by the watchfires of our anxiety and observe the destruction they have wrought, I am appalled by the cold-blooded obstinacy of those who have tried to whitewash their own defections, and their own petulance, by the malicious legend of Governor Leader's so-called stubbornness.

The pampered political darlings of the Republican party, spurred by the abortive influence of one James Henderson Duff, have given us a revealing insight into the real meaning of stubbornness by their peevish and persistent demands for a sales tax, and only a sales tax, as a way out of the financial wilderness.

For all their caterwauling about a sales tax, I charge today that their labentably depressive insistence upon such a tax is a monumental fraud, sunningly planned to catch the headlines.

They know, and we know, that the last thing the political geniuses of the Republican party want is to be tagged by such a political disastrous tax.

They know a sales tax is political poison.

Yet they pretend to embrace it with all of the poker-faced solemnity of men who hope, by the sheer magnitism of their political guile, to lead the Democratic party into a political entrapment from which it can never escape.

That is why I unhesitatingly predict today that the Hewitt-Republican sales tax measure now before the House will fall ignominiously by the wayside if we bank on Republican votes to pass it.

When the chips are down, and notwithstanding the Pollyanna support the sales tax is receiving from enchanted Republican Senators, I do not believe Republican House Members will jump into the same political bed with a sales tax any more than they would play footsy with a copperhead snake.

If we wind up with a sales tax, through the medium of some oblique Republican maneuver, I want to assure the gentlemen of the Republican Senate that it is going to be their sales tax. The noisy proponents of that inequitable, discriminatory and villainous tax will have an opportunity, after all of the months they have callously blocked the Legislature, to vote for it.

They can put themselves on record.

But I doubt that they will do it!

They want the sales tax all right, but only if



they can slit the throat of the Democratic party by sticking it with that political Frankenstein.

Frankly, the intractable attitude of the Republican leadership has built up overpowering resistance against all logic and all compromise.

On at least six occasions, I have gone home with the firm conviction, based upon pledged Republican commitments, that the tax conflict would be solved on a nonpolitical, bipartisan basis and each time, upon my return to Harrisburg, I was dismayed to learn that someone has broken their word, thereby aggravating the tension and uncertainty.

I hate to say this, and I know it will play upon the heartstrings of our Republican colleagues, but they simply don't mean what they say. They seem to regard Pennsylvania's financial dilemma as a cosmic joke.

Already they have tennis elbows from patting themselves on the back and glorying in the wreckage they have caused by the furiousness and ghastly misdirection of their campaign to dismember and cremate the Democratic party.

Over in the House yesterday, we were treated to the wildly intemperate and injudicious rantings of a political bunco artist named Smith.

The Leader Administration was left lacerated and bleeding by the booming cannons of his displeasure when it finally dawned on him, after all these months when the Republican pitch has been for a sales tax, that he, Smith, and other exuberant apostles of that tax were going to have a chance to vote for it.

I can imagine the choking despair that must have paralyzed Charley Smith and other Republican brain trusters when they discovered they were standing in a bear trap of their own making.

The slick and uncompromising political hucksters of the Republican party who tried to unload a mangy white elephant on the doorstep of the Democratic party will have a chance to suffer publicly from the introspections of their own political follies.

They will have a chance to tell the newspapers why they are so enthusiastically for a sales tax but are reluctant dragons when the time comes to vote for it.

And the political erosions caused by their tears are not going to wash away the glaring fact that they have out-Barnumed Barnum with their phoney philosophy that a sales tax is the only passport to a financial Shangri-La.

It will be realized at long last by the public that they, and they alone, triggered the violent financial upheaval which has Pennsylvania rocking and rolling to the off-beat tunes called by the fumbling and indecisive tax wizards of the Republican party.

As an all-time example of political asininity, we heard here the other day the birth control theory of taxation expounded by Professor Kessler, the eminent tax savant, who sometimes serves as interlocutor for Harvey Taylor's minstrel men.

Senator Kessler's prodigious excursion into the realm of taxation provided the kind of logic we might expect from a cigar store Indian.

It solved nothing, except perhaps the incurable desire of Senator Kessler to expound recklessly on subjects about which he knows little or nothing.

Senator Kessler does not admit it, but under previous Republican Administrations we operated in an expansive vacuum of deficit spending, always putting off until tomorrow the repugnant realization that we had been tapped dry; that there was no more money in the till to pay the debts pyramided for us by the dissonance and incompetence and arbitrary rule of a political party which considered itself predestined to govern forever.

It should be obvious to everyone that even now, the Republican leadership regards us Democrats as crude and obnoxious interlopers, who must be endured for another three years until the might of Republican power politics can be reasserted and the crown of State leadership can be placed once again upon some fevered Republican brow. But I wonder if that's the way the cards will fall? Politics doesn't always follow a prepared script.

If the exasperating antics of our Republican colleagues are to memorialize their convulsive contributions to political and legislative progress in Pennsylvania, they are either knaves or fools to believe they can debunk and delude the people by their radical record of failure that is now clearly branded as the tragic antithesis of all that is good for Pennsylvania.

We have suffered through the illuminating agonies of their incapacity or disinclination to meet the challenge of public service.

We Democrats have worked month on end to solve the tightening tax deadlock while Senator Taylor and his faithful band of camp followers remained aloof on their Olympian hill.

It would be an epic of charity and compassion to say they are victims of political misunderstanding or misguidance but as one who has tried, time and again, to reduce their thinking to realistic terms couched in the public interest, I can only conclude—and reluctantly at that—that they recognize no greater law or obligation than their own ego-centric will and desires.

And the question recurring,

Shall the bill pass finally?

(During the calling of the roll, the following occurred:)

Mr. BERGER. Mr. President, I wish to be recorded as voting "aye."

The PRESIDING OFFICER. The gentleman from Potter will be so recorded.

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

#### YEAS—23

Berger,	Kessler,	Peelor,	Wagner,
Blass,	Koprivier, Jr.,	Probert,	Watkins,
Chapman,	Madigan,	Scott,	Whalley,
Diehlm,	Mahany,	Taylor,	Wolfe,
Flack,	Mallery,	Van Sant,	Fleming,
Holland,	McPherson, Jr.,	Wade,	Presiding Officer

#### NAYS—18

Barr,	Hays,	Miller,	Seyler,
Camiel,	Lane,	Mullin,	Silvert,
Dent,	McGinnis,	Ruth,	Stiefel,
DiSilvestro,	McMenamin,	Schmidt,	Weiner,
Harney,			Yosko,

Less than a Constitutional majority of all the Senators having voted "aye," the question was determined in the negative.



## BILLS INTRODUCED AND REFERRED

Mr. SCHMIDT. Mr. President, I ask unanimous consent to introduce bills at this time.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

Messrs. SCHMIDT and SCOTT read in place and presented to the Chair Senate Bill No. 944, entitled:

An Act amending the act of April 9, 1929 (P. L. 177), entitled "The Administrative Code of 1929," requiring cotton fabrics used in State Institutions to be flameproofed.

Which was committed to the Committee on State Government.

They also read in place and presented to the Chair Senate Bill No. 945, entitled:

An Act amending the act of April 4, 1925 (P. L. 127), entitled "Adoption Law," authorizing courts or judges to dispense with the personal appearance of certain persons.

Which was committed to the Committee on Judiciary General.

## PERMISSION TO ADD ADDITIONAL SPONSOR

Mr. STIEFEL asked and obtained unanimous consent to add the following additional sponsor to Senate Bill No. 939: Senator Peter J. Camiel.

## RECESS

The PRESIDING OFFICER. At this time, the Chair declares a five minute recess.

## AFTER RECESS

The PRESIDING OFFICER. The time of recess having elapsed, the Senate will be in order.

## HOUSE BILL No. 1104 TAKEN FROM TABLE

Mr. MAHANY. Mr. President, I call from the table House Bill No. 1104, entitled:

An Act amending the act of April 21, 1949 (P. L. 665), entitled "First Class City Home Rule Act," providing for the revision of home rule charters; providing for the establishment of a charter revision commission for the purpose of making revisions; and imposing duties upon city councils, city officers, boards of election, courts and the Secretary of the Commonwealth.

and move a committee of conference on the part of the Senate be appointed.

Mr. BERGER. Mr. President, I second the motion. The motion was agreed to.

COMMITTEE OF CONFERENCE APPOINTED ON  
HOUSE BILL No. 1104

The PRESIDING OFFICER. The Chair announces, on behalf of the President pro tempore, the appointment of Messrs. WATKINS, PROPERT and CAMIEL as a committee of conference on the part of the Senate to confer with a similar committee of the House (already appointed) to consider the difference existing between the two houses in relation to House Bill No. 1104.

Ordered, That the Clerk inform the House of Representatives accordingly.

## NOMINATIONS BY THE GOVERNOR

## REFERRED TO COMMITTEE

The Secretary to the Governor being introduced, presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Executive Nominations:

MEMBERS OF THE BLAIR COUNTY BOARD OF  
ASSISTANCE

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, January 18, 1956.  
To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate L. J. Hanelly (Dem.), 5206 Highland Park Avenue, Altoona, Blair County, for appointment as a member of the Blair County Board of Assistance, to serve until December 31, 1958, and until his successor is duly appointed and qualified, vice Ammon D. Mingle, Roaring Spring, whose term expired.

GEORGE M. LEADER

## MEMBERS OF COUNTY BOARDS OF ASSISTANCE

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, January 18, 1956.  
To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as members of County Boards of Assistance:

## ALLEGHENY COUNTY

Samuel H. Weitzner (Dem.), 1 James Street, Parkside Manor, McKeesport, to serve until December 31, 1958, and until his successor is duly appointed and qualified, vice Charles Silver, Pittsburgh, resigned.

## FOREST COUNTY

William Harvey Taylor (Dem.), Marienville, to serve until December 31, 1958, and until his successor is duly appointed and qualified, vice Ben T. Huggler, Marienville, whose term expired.

Charles R. Daubenspeck (Rep.), Tionesta, to serve until December 31, 1958, and until his successor is duly appointed and qualified, vice Mrs. Sarah Moore, East Hickory, whose term expired.

Mrs. Lura Newson (Prohibition), Tionesta, to serve until December 31, 1958, and until her successor is duly appointed and qualified. (Reappointment)

## SOMERSET COUNTY

Nicholas Bruno (Dem.), Lynn Street, Central City, to serve until December 31, 1958, and until his successor is duly appointed and qualified, vice Martin L. Markel, Somerset, whose term expired.

Robert C. Kurtz (Dem.), 812 Charles Street, Confluence, to serve until December 31, 1958, and until his successor is duly appointed and qualified, vice Nathaniel S. Friedline, Meyersdale, whose term expired.

Mrs. Allison Uhl Kelley (Dem.), Somerset, to serve until December 31, 1958, and until her successor is duly appointed and qualified. (Reappointment)

GEORGE M. LEADER

## SECOND READING CALENDAR

## BILLS OVER IN ORDER

Mr. MAHANY. Mr. President, I ask unanimous consent



that the following bills, on second reading, go over in their order:

House Bill No. 53, Printer's No. 1307;  
House Bill No. 173, Printer's No. 1247;  
Senate Bill No. 231, Printer's No. 465;  
Senate Bill No. 317, Printer's No. 394;  
Senate Bill No. 318, Printer's No. 388;  
Senate Bill No. 382, Printer's No. 469;  
Senate Bill No. 420, Printer's No. 451;  
House Bill No. 655, Printer's No. 258;  
House Bill No. 730, Printer's No. 1270;  
House Bill No. 756, Printer's No. 1308;  
Senate Bill No. 857, Printer's No. 383; and  
House Bill No. 857, Printer's No. 1309.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

#### BILL OVER IN ORDER TEMPORARILY

Mr. MAHANY. Mr. President, I ask unanimous consent that Senate Bill No. 866, Printer's No. 453, on second reading, go over in its order, temporarily.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

#### BILLS RECOMMITTED

Mr. MAHANY. Mr. President, I move that Senate Bill No. 925, on second reading, entitled:

An Act amending the act of June 1, 1889 (P. L. 420) entitled "A further supplement to an act entitled 'An act to provide revenue by taxation' approved the seventh day of June Anno Domini one thousand eight hundred and seventy-nine" further providing for the computation and payment of the tax by domestic corporations joint-stock associations limited partnerships and companies.

be recommitted to the Committee on Finance.

Mr. TAYLOR. Mr. President, I second the motion.

The motion was agreed to.

Mr. MAHANY. Mr. President, I move that House Bill No. 941, on second reading, entitled:

An Act amending the act of May sixteen one thousand nine hundred thirty-five (P. L. 208) entitled as amended "Corporate Net Income Tax Act" changing formula for determining gross receipts where entire business is not transacted in the Commonwealth and the penalty for failure to make report or for making false report and increasing the rate of tax for a limited period of time.

be recommitted to the Committee on Finance.

Mr. TAYLOR. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. DENT. Mr. President, I desire to interrogate the gentleman from Crawford, Senator Mahany.

The PRESIDING OFFICER. Will the gentleman from Crawford, Mr. Mahany, permit himself to be interrogated?

Mr. MAHANY. I will, Mr. President.

Mr. DENT. Will you explain why this bill is going back to committee?

Mr. MAHANY. For further study and possible amendment, I presume.

Mr. DENT. Mr. President, if I am not mistaken, this move is to send back to committee the increase in corporate net income. I do not want to talk too much, but

I just want to say that it is my understanding, and if I am wrong I wish to be corrected, that you are sending back to committee the corporate net income increase and the tax accelerating the capital stock payments in the Commonwealth. Is that correct, Mr. President?

Mr. MAHANY. That is right.

Mr. DENT. You say that they are going back for further study?

Mr. MAHANY. That is right.

Mr. DENT. Do you think that these bills, which have been over here for months, require further study when the bill that was just up before us had only been in the Senate five hours? Do you think that that bill did not require further study? When we asked for it to go back to committee for further study, it was unanimously rejected on the other side. This bill is simply an enactment of a present act of the Legislature and it has been in the hands of the Republican Chairman of the Committee for many months and now it requires further study. Because you have a majority vote, you prevail that it must go back. Yet, when we asked that we be allowed the opportunity to study the so-called converted abuse tax, we were not given that permission, because you said that it did not require further study. It was only five hours old, and this tax bill is almost twenty years old.

Senar Mahany I believe the real purpose for sending this bill back to committee should be divulged. Very frankly, I do not believe you when you say that it is going back for further study. I am sorry, but I just cannot be made to believe that. It cannot be going back for further study because if there is anything you want to know about it, I will be glad to tell you what it is. I am sure that you can take my word for it.

Mr. MAHANY. Mr. President, the reason, of course, that this bill should go back to committee is in order that it may fit into the pattern of any ultimate tax which we finally adopt here. Certainly, we want to put a tax on business. We want to put on some type of broad base tax. Perhaps, if a sales tax is passed in the House, then they will have to find out what percentage will be in the bill when it is finally passed, what per centage can be agreed upon here and then some differences, of course, will have to be made up by a tax on business in the State of Pennsylvania.

Because of that fact, Mr. President, I feel that this extra additional tax on corporations should be studied in line with whatever broad base tax is finally enacted by this Session of the Legislature. For that reason, I feel that these bills should go back to committee so that they may wait there until whatever broad base tax is passed by the House will catch up with them.

Mr. DENT. Mr. President, these are not business taxes, I want it clearly understood. The acceleration of the capital stock tax does not add one cent of taxation to industry. It is just an accelerated collection of a present tax form. All we are asking is that you allow us to have that money, if you are sincere in trying to keep some of the schools open, about which you are talking. If we get that revenue on the books and we have the money coming in, on the basis of immediate collections, would it not be possible for us to send that back to some of the school districts that are really in distress? If you add the one per cent C. N. I., is it not also true that you would be giving direct aid to the schools until we iron



out our difficulties on the question of a broad base tax? If any tax program does come up, we will always allow for taxes already passed. I am sure that no one wants any revenue over the amount that is required to carry on the functions of government and whatever reforms we want to go into.

Mr. President, I see absolutely no connection between the so-called defeat of the converted abuse tax and the sending back to committee of these taxes. It is not for further study, but it is in order to chastise this Administration so that it cannot have the \$80,000,000 of revenue that we could count on for immediate relief, practically, for borrowing purposes and so forth for the Commonwealth of Pennsylvania.

I assure you, Mr. President, that if you let this C.N.I. go much longer, the rollback will become burdensome to those who have to pay it. It is not a tax on business; it is a tax upon the profits of business. We are willing to accept, as little people, a tax upon our profits. We have often said that. We said that if you want to tax us upon our net income, we would be willing to pay it. This is just a tax upon the profits of business. It is not a tax upon the cost of doing business. It does not affect in any way, shape or form the ability of a corporation in this Commonwealth to compete with any other corporation, because it is only upon the final adjustment of their figures. When they have analyzed their income and their outgo, paid out their expenses, and if they have a profit they pay a small percentage to the State. I believe that if you are sincerely interested in the schools, you will advance this legislation.

Mr. MAHANEY. Mr. President, although debate on the merits of the bill is out of order on a motion to recommit, I did permit Senator Dent to debate at length the merits of the bill. All I have to say to him is that if we pass this legislation, it would not bring in any immediate money. The returns that would be required, under the provisions of this bill, would not be due until March 15th. Certainly, we are not missing any money by not passing the legislation today.

And the question recurring,  
Will the Senate agree to the motion?

Mr. DENT—Mr. President, I ask for a roll call, and I want to say to Mr. Mahany that again I have to disagree with him. This would give us added borrowing capacity to keep the schools open.

Mr. SEYLER. I ask for a roll call, Mr. President.  
The yeas and nays were required by Mr. DENT and Mr. SEYLER, and were as follows, viz:

YEAS—23			
SENATE 49			
Berger,	Kessler,	Peelor,	Wagner,
Blass,	Koprivier, Jr.	Propert,	Watkins,
Chapman,	Madigan,	Scott,	Whalley,
Diehm,	Mahany,	Taylor,	Wolfe,
Flack,	Mallery,	Van Sant,	Fleming,
Harney,	McPherson, Jr.	Wade,	Presiding Officer
NAYS—18			
Barr,	Holland,	Miller,	Seyler,
Camel,	Lane,	Mullin,	Silvert,
Dent,	McGinnis,	Ruth,	Stiefel,
DiSilvestro,	McMenamin,	Schmidt,	Weiner,
Hays,			Yosko,

So the question was determined in the affirmative.

MOTION FOR ADJOURNMENT

Mr. DENT. Mr. President, the hour of 6:00 o'clock p. m. having arrived, I move that the Senate do now adjourn until Monday, January 23, 1956, at 1:00 o'clock p. m., Eastern Standard Time, in order that we maintain our position of adjourning at 6:00 o'clock p. m.

Mr. BARR. I second the motion, Mr. President.  
On the question,  
Will the Senate agree to the motion?

(A voice having been taken, the question was determined in the negative.)

PERMISSION TO ADDRESS SENATE

Mr. MAHANY asked and obtained unanimous consent to address the senate.

Mr. MAHANY. Mr. President, before the motion was placed, I was going to state that earlier in the day I stated that beginning next Monday we would adjourn at 6:00 o'clock p. m. I think it is only going to take a few minutes to complete the rest of this Calendar and if the gentleman on the other side will bear with us, I am sure that we will be able to clean up the Calendar and be able to adjourn within the next five minutes or so.

PERMISSION TO ADDRESS SENATE

Mr. DENT asked and obtained unanimous consent to address the Senate.

Mr. DENT. Mr. President, the assumption being, of course, in order that we quit in five minutes there will not be any debate. Now that cannot always be true. Mr. Mahany, I am willing to go along with you on the proposition that maybe the health of the Senators has some important factor in our daily lives and in the positions that we occupy. If today you say we are not going to adjourn at 6:00 o'clock, and it is the very first day that you have made the rule, because of something you want done, then tomorrow, sir, it may be something that I want done.

Mr. President, if we are going to establish a 6:00 o'clock quitting time, you ought to establish it, but since you do not want to do that, then, of course, we beg to disagree with you upon any agreement of establishing a quitting rule in the Senate.

PARLIAMENTARY INQUIRY

Mr. WADE. Mr. President, I rise to a question of parliamentary inquiry.

The PRESIDING OFFICER. The gentleman from Cumberland, Mr. Wade, will state his question of parliamentary inquiry.

Mr. WADE. Mr. President, is it true that Senate Bill No. 866, on page 10 of today's Calendar, went over in order temporarily?

The PRESIDING OFFICER. That is correct.

SENATE BILL No. 866 CALLED UP

Mr. WADE. Mr. President, I now call up from page 10 of today's Calendar, Senate Bill No. 866.

BILL ON SECOND READING AMENDED

Agreeably to order,



The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 866, entitled:

An Act to further amend section nine hundred two of the act approved the first day of May one thousand nine hundred twenty-nine (P. L. 905) entitled "The Vehicle Code" by changing the total maximum length of certain vehicles

The first section was read.

On the question,

Will the Senate agree to the section?

Messrs. WADE and WATKINS offered the following amendments:

Amend Section 1 (Sec. 902), page 3, line 19, by striking out the following: "motor"; Amend Section 1 (Sec. 902), page 4, line 2, by inserting after the word "inches" the following: "excepting that a semi-trailer designed exclusively for carrying motor vehicles may exceed such total maximum length by not more than thirty (30) inches".

On the question,

Will the Senate agree to the amendments?

Mr. DENT. Mr. President, I request that the Senate be at ease for a few minutes until we look up the bill. This is a very important bill and we will be glad to vote for it if it is right.

The PRESIDING OFFICER. The Senate will be at ease.

(The Senate was at ease.)

And the question recurring,

Will the Senate agree to the amendments?

Mr. DENT. Mr. President, there was a question on this because we were both trying to change the same point. So, I move that the amendments be approved and that the bill go over in order, as amended, so that we may read the bill and determine whether the amendments are properly inserted in the bill.

And the question recurring,

Will the Senate agree to the amendments?

They were agreed to.

The section was agreed to as amended.

The second section and title were read and agreed to.

And said bill having been read at length the second time, as amended,

On the question,

Will the Senate agree to the bill on second reading, as amended?

### BILLS OVER IN ORDER

Mr. DENT. Mr. President, I ask unanimous consent that Senate Bill No. 866, Printer's No. 453, on second reading, go over in its order, as amended.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

### REMAINING BILLS ON SECOND READING CALENDAR OVER IN ORDER

Mr. MAHANY. Mr. President, I ask unanimous consent that the following remaining bills, on second reading, go over in their order:

House Bill No. 944, Printer's No. 1304;

House Bill No. 970, Printer's No. 275;

House Bill No. 1294, Printer's No. 1306;

House Bill No. 1330, Printer's No. 800;

House Bill No. 1417, Printer's No. 722;

House Bill No. 1773, Printer's No. 1079;

House Bill No. 1795, Printer's No. 1086; and

House Bill No. 1880, Printer's No. 1305.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

### ADJOURNMENT

Mr. MAHANY. Mr. President, I move that the Senate do now adjourn until Monday, January 23, 1956, at 1:00 o'clock, p. m., Eastern Standard Time.

Mr. TAYLOR. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 6:15 o'clock, p. m., Eastern Standard Time, until Monday, January 23, 1956, at 1:00 o'clock, p. m., Eastern Standard Time.



## HOUSE OF REPRESENTATIVES

WEDNESDAY, JANUARY 18, 1956

The House met at 11:00 a. m.

The CHIEF CLERK. The Speaker has requested the Chief Clerk to announce that he has appointed the gentleman from Cambria, Mr. Lopresti, to preside during today's session.

Mr. LOPRESTI IN THE CHAIR

## JOURNAL APPROVAL POSTPONED

The SPEAKER pro tempore. If there is no objection, the approval of the Journal for Tuesday, January 17, 1956, will be postponed until printed. The Chair hears none.

## BILLS INTRODUCED AND REFERRED

The SPEAKER pro tempore. The Speaker has referred the following bills:

By Messrs. TOLL and EILBERG.

HOUSE BILL No. 1970.

An Act amending the "Local Tax Enabling Law," approved June 25, 1947, P. L. 1145, authorizing the use of certified mail when tax ordinances and statements are filed.

Referred to the Committee on Judiciary.

By Messrs. YOUNG, LEONARD and LIMPER.

HOUSE BILL No. 1971.

An Act relative to Commonwealth printing establishing conditions upon which contracts will be awarded and prescribing remedies and penalties for non-compliance with such conditions.

Referred to the Committee on State Government.

By Messrs. TOLL and EILBERG.

HOUSE BILL No. 1972.

An Act amending the act of September 26, 1951 (P. L. 1505) entitled "An act to authorize the revival of judgments entering in favor of the Commonwealth of Pennsylvania by filing a suggestion of nonpayment," authorizing the giving of notice by certified mail return receipt requested.

Referred to the Committee on Judiciary.

By Messrs. TOLL and EILBERG.

HOUSE BILL No. 1973.

An Act amending the "Statutory Construction Act" approved May 28, 1937 (P. L. 1019) defining "certified mail."

Referred to the Committee on Judiciary.

By Messrs. POLEN and McCANN.

HOUSE BILL No. 1974.

An Act making an appropriation to the Department of Public Instruction for the proper conduct of the work of the Pennsylvania State Board of Censors.

Referred to the Committee on Appropriations.

By Mr. GIBSON.

HOUSE BILL No. 1975.

An Act making an appropriation to the Department of Property and Supplies to be used for rehabilitating and reinscribing Chief Cornplanter's monument.

Referred to the Committee on Appropriations.

By Messrs. FRANK and A. PATRICK BRENNAN.

HOUSE BILL No. 1976.

An Act amending "The Administrative Code of 1929," approved April 9, 1929 (P. L. 177), changing the Brandywine Battlefield Park Commission from an independent administrative commission to a departmental administrative commission in the Department of Forests and Waters.

Referred to the Committee on State Government.

By Messrs. YETTER, SNIDER, BARNOTOVICH and STEBBINS.

HOUSE BILL No. 1977.

An Act regulating the sale and distribution of mixed fertilizers and fertilizer materials; imposing powers and duties on the Secretary of Agriculture and prescribing penalties.

Referred to the Committee on Agriculture and Dairy Industries.

By Messrs. FLINT, PAULHAMUS, BARNATOVICH and WHITENIGHT.

HOUSE BILL No. 1978.

An Act relating to and defining food; providing for the protection of the public health, the prevention of fraud and deception, by prohibiting the manufacture, offering for sale, exposing for sale, or having in possession with intent to sell, adulterated, misbranded or deleterious foods, conferring powers and imposing duties upon State and county officials, and providing penalties.

Referred to the Committee on Agriculture and Dairy Industries.

By Messrs. SNIDER, FARABAUGH, GARLOCK and COCHRAN.

HOUSE BILL No. 1979.

An Act amending the act of May 27, 1937 (P. L. 901) entitled "An act for the protection of products of farm produce \* \* \*" by inserting therein a Section 6 providing for bonding of dealers in farm produce redefining dealers in farm produce and defining cash.

Referred to the Committee on Agriculture and Dairy Industries.

By Messrs. SNIDER, WHITENIGHT, GUSS and PAULHAMUS.

HOUSE BILL No. 1980.

An Act to amend section ten of the act, approved the thirtieth day of April, one thousand nine hundred twenty-nine (P. L. 885), entitled "An act to provide for the incorporation and regulation of cooperative agricultural associations having capital stock \* \* \*" by providing for bonding of such associations.

Referred to the Committee on Agriculture and Dairy Industries.

By Messrs. WHITENIGHT, GUSS and FLINT.

HOUSE BILL No. 1981.

An Act to further amend section eleven of the "Cooperative Agricultural None Stock Association Law," approved the twelfth day of June one thousand nine hundred nineteen (P. L. 466) entitled " \* \* \*" by providing for bonding of such associations.

Referred to the Committee on Agriculture and Dairy Industries.

By Messrs. GELFAND and THOMAS.

HOUSE BILL No. 1982.

An Act amending "The Administrative Code of 1929," approved April 9, 1929 (P. L. 177), making the Banking Board, the Building and Loan Board and the Consumer



Credit Board departmental administrative boards in the Department of Banking; prescribing their powers and duties; and abolishing the Board to License Private Bankers.

Referred to the Committee on Rules.

## RESOLUTIONS INTRODUCED AND REFERRED

The SPEAKER pro tempore. The Speaker has referred the following resolutions:

By Messrs. WELSH, TOLL, LEVEN and MORAN.

### RESOLUTION No. 144.

In the House of Representatives, January 17, 1956.

Over 50,000 employes of Westinghouse Electric Corporation, including over 20,000 in Pennsylvania, have been on strike for three months.

Collective bargaining has so far failed to effect a settlement of this dispute.

Governors of Pennsylvania, Maryland, and New York have appealed to both sides to submit the dispute to final and binding arbitration, and this request has been supported by a number of members of Congress from districts where striking employes live, by the Mayors of over 15 cities, and by clergy and other civic leaders.

The International Union of Electrical, Radio and Machine Workers, AFL-CIO, the union which represents these striking employes, has accepted the arbitration proposal, but Westinghouse Electric Corporation has steadfastly refused to do so.

The Director of the Federal Mediation and Conciliation Service has declared that "the economic effects of this work stoppage have had a serious adverse effect on many thousands of other workers and upon other related industries."

The Federal Mediation and Conciliation Service has declared that the conciliation efforts have not proven successful and has recommended that the Corporation and the Union submit all of the disputed issues in this strike to a fact finding board, which board shall report its findings of fact and recommendations to the parties to serve as a basis for negotiation by the parties for an honorable settlement.

The public interest demands that every reasonable means be resorted to by the parties in an attempt to resolve this dispute; therefore be it

Resolved, That the recommendation of the Director of the Federal Mediation and Conciliation Service is fair and equitable; and be it further

Resolved, That such a fact finding board should be established forthwith and that the Westinghouse Electric Corporation and the International Union of Electrical, Radio and Machine Workers, AFL-CIO should submit the issues which caused this strike to this board so that the dispute may be honorably settled as soon as possible.

Referred to the Committee on Rules.

By Messrs. MULDOWNEY and FRASCELLA.

### RESOLUTION (Not Printed).

Today the Commonwealth of Pennsylvania celebrates the 250th birthday of Benjamin Franklin, one of its greatest citizens, whose name is famous throughout the world as symbol of enlightenment, tolerance, and wisdom.

The genius of Benjamin Franklin ranged through so many fields that it is difficult to list them all. He was statesman, scientist, philosopher, printer, writer, business man, patriot, and philanthropist. His inquiring mind ranged from the invention of an improved heating stove to experiments proving the identity of lightning and electricity, to the foundation of libraries and learned societies, and to improvements in the care and lighting of city streets.

His services to the Province and State of Pennsylvania were manifold. He was a member and clerk of the Penn-

sylvania Assembly, and an influential leader in the political development of colonial Pennsylvania. He represented Pennsylvania and other colonies in London, and was delegate from Pennsylvania to the Second Continental Congress, where he assisted in drawing up the Declaration of Independence. As President of the State Convention of 1776, he largely directed the framing of the first State Constitution, just as in later years he played an important part in the Federal Convention which framed the Constitution of the United States. In his last years, Pennsylvania made him President of the Supreme Executive Council, equivalent to the office of Governor today. In his lifetime Benjamin Franklin enjoyed the highest honors and respect which Pennsylvania could bestow, and present-day Pennsylvania fully shares the feeling of his contemporaries; therefore be it

Resolved, That the Commonwealth pays special tribute to Benjamin Franklin on this 250th anniversary of his birth on January 17, 1706, not only for his immense contribution to human understanding and enlightenment, but especially for his great services to the Province and Commonwealth as legislator, constitution-maker, diplomat, and Chief Executive.

Referred to the Committee on Rules.

## REORGANIZATION PLAN NO. 7 OF 1955

Section 1. The functions, powers and duties of the Secretary of Mines set forth in sections 11, 12, 13, 14 and 18 of the act of May 31, 1945, (P. L. 1198), known as the "Bituminous Coal Open Pit Mining Conservation Act," amended August 19, 1953, (P. L. 1115), and in sections 14, 16 and 19 of the act of June 27, 1947, (P. L. 1095), known as the "Anthracite Strip Mining Law," amended August 19, 1953, (P. L. 1112), are transferred to the Secretary of Forests and Waters.

Section 2. There are hereby transferred to the Department of Forests and Waters to be used, employed and expended in connection with the functions, powers and duties transferred by Section 1 of this Reorganization Plan, all property, supplies, equipment, records, files and contract obligations now being used or held in connection with such functions, powers and duties, and all personnel engaged solely in the performance of such functions, powers and duties, and the unexpended balances of appropriations, allocations and other funds available or to be made available for use in connection with such functions, powers and duties.

Section 3. The following acts and parts of acts are suspended in so far as they confer functions, powers and duties on the Secretary of Mines:

Sections 11, 12, 13, 14 and 18, act of May 31, 1945, (P. L. 1198), known as the "Bituminous Coal Open Pit Mining Conservation Act," and their amendments.

Sections 14, 16 and 19, act of June 27, 1947, (P. L. 1095), known as the "Anthracite Strip Mining Law," and their amendments.

Resolved, that Reorganization Plan No. 7 of 1955 transmitted to the General Assembly under date of December 20, 1955, which is incorporated herein by reference, be disapproved.

I hereby that the foregoing Resolution disapproving Reorganization Plan No. 7 of 1955, was adopted by the House of Representatives on January 16, 1956.

(Signed) Benjamin L. Long  
Chief Clerk,  
House of Representatives

(signed) Hiram G. Andrews  
Speaker,  
House of Representatives

## BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 110, entitled:



An Act amending "The Administrative Code of 1929" approved April 9, 1929 (P. L. 177) designating the days on which State employes shall be paid and repealing inconsistent legislation.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 779, entitled:

An Act providing revenue by imposing a tax on retail sales of tangible personal property to consumers requiring sellers to register and file returns providing for the assessment collection and lien of the tax imposing duties on prothonotaries prescribing penalties and providing for the use of proceeds of the tax for public school purposes

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 780, entitled:

An Act providing revenue by imposing a tax on the use and storage of tangible personal property within the Commonwealth providing for the assessment collection and lien of the tax \* \* \* and providing for the use of the proceeds of such tax for public school purposes.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1051, entitled:

An Act authorizing the State Employes' Retirement Board to loan money to contributors to the State Employes' Retirement Fund and prescribing retirement benefits when loans are not repaid.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1857, entitled:

An Act amending "The Fish Law of 1929" approved May 2, 1925 (P. L. 448) authorizing refunds of fees fines and other moneys erroneously or unjustly collected.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1867, entitled:

An Act amending the "Public School Code of 1949" approved March 10, 1949 (P. L. 30) further providing for Commonwealth reimbursement for certain costs incurred by school districts in connection with the education of certain handicapped children.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1891, entitled:

An Act amending the "Liquor Code" approved April 12, 1951 (P. L. 90) authorizing the board to investigate and cause the prosecution of unlicensed establishments au-

thorizing the confiscation of certain property with certain limitations and changing penalties.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1925, entitled:

An Act amending the "1937 Magistrates' Court Act" approved June 15, 1937 (P. L. 1743) establishing an Alcoholic Court of Philadelphia and prescribing its powers and duties and jurisdiction and the magistrates assigned thereto providing for a seal for the court and the costs taxable therein.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1926, entitled:

An Act amending the "Public School Code of 1949" approved March 10, 1949 (P. L. 30) authorizing the reassessment of certain property in school districts of the third and fourth class \* \* \*

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1933, entitled:

An Act amending "The Administrative Code of 1929" approved April 9, 1929 (P. L. 177) clarifying institutions for the deaf subject to supervision and inspection of the State Council of Education.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1936, entitled:

An Act amending the "Public School Code of 1949" approved March 10, 1949 (P. L. 30) authorizing expanded audio-visual education programs and matching of State and district moneys for payment of costs thereof.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1943, entitled:

An Act to add section six hundred thirty-five point one to the act approved the twenty-fourth day of June one thousand nine hundred thirty-nine (P. L. 872) entitled "An act to consolidate amend and revise the penal laws of the Commonwealth" by regulating the serving and selling of milk in which chocolate cocoa or cacao products are used as an ingredient and prescribing penalties.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1944, entitled:

An Act to amend "State Council of Civil Defense Act of 1951" approved the nineteenth day of March one thou-



sand nine hundred fifty-one (1951-52 P. L. 28) by authorizing the State Council of Civil Defense to make rules and regulations.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1951, entitled:

An Act amending the "Public School Code of 1949" approved March 10, 1949 (P. L. 30) requiring the board of county school directors to provide transportation for physically or mentally handicapped children in certain cases and providing for reimbursements.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of Senate Bill No. 215, entitled:

An Act amending the "Public School Code of 1949" \* \* \* changing the basis for reimbursement on account of rentals payable to the State Public School Building Authority municipality authorities and nonprofit corporations and the conditions therefor and limitations on approval of projects for reimbursement purposes and providing for reimbursement on account of sinking fund charges on indebtedness for school buildings hereafter constructed.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of Senate Bill No. 257, entitled:

An Act validating the action of any school board which has heretofore employed any teacher who was related to a member of the board without strictly complying with the law relating to such employment and relieving the members of the board from all liability.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of Senate Bill No. 383, entitled:

An Act amending the Ice Cream Law of May 20, 1949 (P. L. 1594) \* \* \* authorizing and regulating the manufacture and sale of artificially sweetened ice cream for diabetics.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of Senate Bill No. 693, entitled:

An Act amending the "Orphans' Court Act of 1951" (P. L. 1163) \* \* \* conferring exclusive jurisdiction on orphans' courts (except the Orphans' Court of Philadelphia County) over the administration and distribution of incompetents' estates and on the orphans' court of Philadelphia County over inter vivos trusts and revising the procedure on and effect of jury trials and the availability of jurors.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of Senate Bill No. 759, entitled:

An Act amending the "Public School Code of 1949" (P. L. 30) \* \* \* limiting reimbursement for depreciation to school districts using their own vehicles in pupil transportation.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of Senate Bill No. 772, entitled:

An Act to amend the act approved the third day of June one thousand nine hundred forty-three (P. L. 818) entitled "An act for the extension of Capitol Park in the City of Harrisburg and for the acquisition of real estate in connection therewith and for the demolition of the buildings and structures thereon providing for and imposing powers and duties upon a Capitol Park Extension Commission conferring powers and duties upon the Department of Property and Supplies and making an appropriation" by empowering and directing the Department of Property and Supplies to acquire by purchase or condemnation all lands buildings and property which will permit the construction by said Department of an extension of East Street (Commonwealth Avenue) northwardly from Forster Street to connect with Sixth Street and making an appropriation.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of Senate Bill No. 834, entitled:

An Act validating and confirming certain contracts heretofore entered into by municipality authorities for the construction of a school building project or projects and for relevant service contracts as a part of the construction when there is no evidence of fraud or conspiracy and authorizing or ratifying payments on such contracts or parts of contracts by the municipality authority upon approval thereof by the Department of Public Instruction and the Department of Justice.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of Senate Bill No. 842, entitled:

An Act amending the act of May 15, 1939 (P. L. 134) entitled as amended "An act relating to fireworks defining fireworks prohibiting the sale offering or exposing for sale and use of fireworks except in certain cases authorizing cities boroughs towns and townships to issue permits for firework displays and to regulate the same imposing duties on the Pennsylvania State Police sheriffs police officers and constables and providing penalties" authorizing the issuance of permits for and the use of fireworks in connection with raising and protecting crops.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of Senate Bill No. 853, entitled:

An Act amending the act of May 23, 1949 (P. L. 1669) entitled as amended "An act to provide revenue for school districts of the first class by imposing a tax on persons engaging in certain businesses professions occupations trades vocations and commercial activities therein pro-



viding for its levy and collection conferring and imposing powers and duties on the Board of Public Education receiver of school taxes and school treasurer in such districts and prescribing penalties" excluding certain costs from the term receipts."

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of Senate Bill No. 862, entitled:

An Act amending the "Reference and Arbitration Law" of June 16, 1836 (P. L. 715) \* \* \* providing by rule of the County Court of Allegheny County for the arbitration of certain suits at issue.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

### BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1914, entitled:

An Act authorizing the Department of Property and Supplies with the approval of the Governor to sell and convey one acre and eighteen square perches more or less of land situate in Buckingham Township Bucks County

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1953, entitled:

An Act to further amend section four hundred fifteen of the act approved the first day of May one thousand nine hundred twenty-nine (P. L. 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" by permitting the Secretary of Revenue to provide for the sale by subscription or otherwise of lists of learner's permits as issued

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1957, entitled:

An Act to further amend subsection (a) of section

twelve hundred one of the act approved the first day of May one thousand nine hundred twenty-nine (P. L. 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" providing for a one year statute of limitations for violation of section six hundred twenty (j)

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1958, entitled:

An Act amending the act of June 2, 1915 (P. L. 762) entitled "An act providing for the creation and administration of a State Fund for the insurance of compensation for injuries to employees of subscribers thereto declaring false oaths by the subscribers to be misdemeanors and providing penalties for the violation thereof" extending insurance coverage provisions for policemen and firemen authorizing the board to fix premiums and to contract for supplying additional hospital and other services

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

### BILL PASSED OVER

There being no objection

Senate Bill No. 696, Printer's No. 448  
was passed over at the request of the SPEAKER pro tempore.

### BILL ON FINAL PASSAGE RECALLED FROM GOVERNOR

### BILL PASSED OVER

There being no objection

House Bill No. 1623, Printer's No. 1277  
was passed over at the request of the SPEAKER pro tempore.

### BILLS ON FINAL PASSAGE

### BILLS PASSED OVER

There being no objection

House Bill No. 68, Printer's No. 1302,  
House Bill No. 322, Printer's No. 1301,  
House Bill No. 667, Printer's No. 1256,  
House Bill No. 796, Printer's No. 1283,  
House Bill No. 1311, Printer's No. 1102, and  
Senate Bill No. 467, Printer's No. 464



were passed over at the request of the SPEAKER pro tempore.

## BILLS ON FINAL PASSAGE POSTPONED

### TIME EXTENDED ON BILLS

Mr. JOHNSON asked and obtained unanimous consent to extend the time five days on House Bill No. 319, Printer's No. 1137, on page 9 of today's calendar, bills on final passage postponed.

Mr. JOHNSON asked and obtained unanimous consent to extend the time five days on House Bill No. 1219, Printer's No. 383, on page 10 of today's calendar, bills on final passage postponed.

Mr. JOHNSON asked and obtained unanimous consent to extend the time five days on House Bill No. 1379, Printer's No. 1196, on page 10 of today's calendar, bills on final passage postponed.

Mr. JOHNSON asked and obtained unanimous consent to extend the time five days on House Bill No. 1517, Printer's No. 1145, on page 10 of today's calendar, bills on final passage postponed.

Mr. JOHNSON asked and obtained unanimous consent to extend the time five days on House Bill No. 1562, Printer's No. 607, on page 10 of today's calendar, bills on final passage postponed.

Mr. JOHNSON asked and obtained unanimous consent to extend the time five days on House Bill No. 1824, Printer's No. 1031, on page 10 of today's calendar, bills on final passage postponed.

Mr. JOHNSON asked and obtained unanimous consent to extend the time five days on House Bill No. 1825, Printer's No. 1104, on page 11 of today's calendar, bills on final passage postponed.

## BILLS ON THIRD READING

### BILLS PASSED OVER

The SPEAKER pro tempore. Without objection, all bills on third reading on pages 11, 12, 13, 14, 15 and 16 of today's calendar will be passed over. The Chair hears none.

## RESOLUTION

### CONDOLENCE

Mr. WORLEY offered a resolution and asked and obtained unanimous consent for its immediate consideration.

The resolution was read, considered and adopted as follows:

In the House of Representatives, January 18, 1956.

Last week Charles C. Mackley of Littlestown, R. D. 2, Mount Joy Township, Adams County, Pennsylvania, died at the age of seventy-three years.

A life-long Republican he was for many years the Republican party committeeman for his district and township auditor. Although his main occupations were farmer and carpenter, he devoted much of his time to church, civic and community affairs. He served as sexton of the Grace Lutheran Church at Two Taverns, Mount Joy Township, Adams County, Pennsylvania and caretaker of the Hoffman Orphanage in Adams County.

The community has lost a leading citizen in the passing away of Charles C. Mackley; therefore be it

Resolved, That the House of Representatives extends its deepest sympathies to the widow of Charles C. Mackley, M. Myrtle Mackley, in her bereavement in the death of her husband, Charles C. Mackley; and be it further

Resolved, That a copy of this resolution be sent to M.

Myrtle Mackley, Littlestown, R. D. 2, Mount Joy Township, Adams County, Pennsylvania.

## SENATE MESSAGE

### AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

#### HOUSE BILL No. 1222.

An Act to further amend the act approved the twenty-third day of May one thousand nine hundred forty-nine (P. L. 1669) entitled as amended "An act to provide revenue for school districts of the first class by imposing a tax on persons engaging in certain businesses professions occupations trades vocations and commercial activities therein providing for its levy and collection conferring and imposing powers and duties on the Board of Public Education receiver of school taxes and school treasurer in such districts and prescribing penalties" as amended by further defining "receipts".

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments. The Clerk read the amendments as follows:

Amend Section 2, page 5, line 13, by inserting after the word "fifty" the following: "No refunds of taxes interest or penalties paid prior to the date of the enactment of this act shall be made as a result of the amendments herein contained."

On the question,

Will the House concur in the amendments made by the Senate?

### COMMUNICATION AND BILL LAID ON TABLE

Mr. JOHNSON. Mr. Speaker, I move that the communication from the Senate together with the bill be laid on the table.

The motion was agreed to.

## SENATE MESSAGE

### AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

#### HOUSE BILL No. 1223.

An Act amending the act of May 23, 1949 (P. L. 1669) entitled as amended "An act to provide revenue for school districts of the first class by imposing a tax on persons engaging in certain businesses professions occupations trades vocations and commercial activities therein providing for its levy and collection conferring and imposing powers and duties on the Board of Public Education receiver of school taxes and school treasurer in such districts and prescribing penalties "changing the method of computing the tax of certain taxpayers changing the penalty on taxes not paid when due defining business and limiting the time within which suit may be started for collection of taxes

With the information that the Senate has passed the same with amendments, in which the concurrence of the of the House of Representatives is requested.



The SPEAKER. The Clerk will read the amendments.  
The Clerk read the amendments as follows:

Amend the Title, page 2, line 2, by striking out after the word "business" the following: "to include activities of cooperatives";

Amend Section 1, page 3, line 19, by striking out after the word "salary" the following: "Business" shall include all activities carried on by a cooperative including but not limited to the transfer of title or possession by a cooperative of goods wares or merchandise to either members or non-members";

Amend Section 3, page 10, by inserting after the word "paid" the following: "the provisions of this sub-section shall be retroactive to the tax year 1950"; Line 9, by striking out after the word "be" the word "fourteen" and inserting in lieu thereof the following: "seven"; line 10, by striking out after the word "centum" the following: "(14%)" and inserting in lieu thereof the following:

(c) All penalty in excess of seven per centum (7%) imposed on unpaid taxes levied pursuant to this act for 1955 and all previous years are hereby abated if the unpaid delinquent taxes and penalty (not to exceed seven per centum) and interest are paid on or before December 1, 1956 provided the taxpayer's 1955 and 1956 taxes levied under this act are paid

Amend Section 4, page 9, line 3, by striking out after the word "immediately" the following: "and shall apply to taxes imposed or collected in or for the year 1955 and thereafter" and inserting in lieu thereof the following: No refunds of taxes interest or penalties paid prior to the date of the enactment of this act shall be made as a result of the amendments herein contained

On the question,

Will the House concur in the amendments made by the Senate?

#### COMMUNICATION AND BILL LAID ON TABLE

Mr. JOHNSON. Mr. Speaker, I move that the communication from the Senate together with the bill be laid on the table.

The motion was agreed to.

#### SENATE MESSAGE

##### AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

##### HOUSE BILL No. 1674

An Act making an appropriation to the Department of Welfare for the two fiscal years beginning June 1, 1955 to assist in the payment of the operation and maintenance by the Trustees of Mercy-Douglass Hospital of the addition to Philadelphia State Hospital constructed by The General State Authority

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend Section 1, page 2, line 1, by striking out after the word "of" the following: "eight hundred eighty thousand dollars (\$880,000.00)" and inserting in lieu thereof the following: "six hundred fifty thousand dollars (\$650,000.00)".

On the question,

Will the House concur in the amendments made by the Senate?

#### COMMUNICATION AND BILL LAID ON TABLE

Mr. JOHNSON. Mr. Speaker, I move that the communication from the Senate together with the bill be laid on the table.

The motion was agreed to.

#### SENATE MESSAGE

##### HOUSE BILLS CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bills from the House of Representatives numbered and entitled as follows:

##### HOUSE BILL No. 1898.

An Act amending the act of July 28, 1953 (P. L. 723), entitled "An act relating to counties of the second class, amending, revising, consolidating, and changing the laws relating thereto, further providing for and changing the provisions of the act relating to employes' retirement system and the powers, duties and liabilities of the county, the county institution district, and the retirement board relative thereto and the rights, privileges, and limitations of employes and beneficiaries under the retirement system.

##### HOUSE BILL No. 1915.

An Act amending the act of May 22, 1935 (P. L. 233) entitled "An act creating and establishing a fund for the care maintenance and relief of aged retired and disabled employes of the Bureau of Police in cities of the second class providing a pension fund for said employes and providing for the payment of certain dues fees assessments fines and appropriations thereto regulating membership therein creating a board for the management thereof providing the amount made and manner of payment to beneficiaries thereof and for the care and disposition of said fund providing for the payment into the fund by cities of the second class of all monies heretofore payable into any other funds organizations corporations or associations having the same or similar purposes and of such additional monies as may be necessary to carry out the provisions of this act" changing the amount of payments to certain beneficiaries

##### HOUSE BILL No. 1916.

An Act amending the act of May 25, 1933 (P. L. 1050) entitled "An act creating and establishing a fund for the care maintenance and relief of aged retired and disabled employes of the bureaus of fire in cities of the second class creating a board for the management thereof providing the mode and manner of payment of beneficiaries and for the care and disposition of its funds and providing for the transfer and payment of all moneys and securities in existing funds in similar boards superseded by the fund and board herein created" changing the amounts of payments to certain beneficiaries

##### HOUSE BILL No. 1922.

An Act reenacting and amending section 4 of the act of May 28, 1915 (P. L. 596) entitled "An act requiring cities of the second class to establish a pension fund for employes of said cities and regulating the administration and the payment of such pensions" increasing the amount of pensions in certain cases

With the information that the Senate has passed the same without amendment.

#### SENATE MESSAGE

##### AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill



from the House of Representatives numbered and entitled as follows:

#### HOUSE BILL No. 641.

An Act amending the act of May 1, 1933 (P. L. 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" authorizing the appointment of sanitary boards and sanitary officers prescribing their powers and duties providing for the enforcement of the administration of health laws by such boards and officers providing for a president and secretary of such boards imposing duties on the Secretary of Health and providing for payments of expenses by townships.

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.  
The Clerk read the amendments as follows:

Amend Section 1, page 10, line 6, by inserting after the word "board" the following: "or sanitary officer"; line 9, by inserting after the word "board" the words "or sanitary officer"; line 12, by inserting after the word "it" the words "or him."

On the question,

Will the House concur in the amendments made by the Senate?

#### COMMUNICATION AND BILL LAID ON TABLE

Mr. JOHNSON. Mr. Speaker, I move that the communication from the Senate together with the bill be laid on the table.

The motion was agreed to.

#### SENATE MESSAGE

##### AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

#### HOUSE BILL No. 1736.

An Act amending the act of May 5, 1933 (P. L. 457) entitled "An act relating to the business of building and loan associations providing for the organization and voluntary dissolution of such associations defining the rights powers duties liabilities and immunities of such associations and of their officers directors shareholders solicitors and other employees prohibiting the transaction of business in this Commonwealth by foreign building and loan associations conferring powers and imposing duties upon the courts recorders of deeds and certain State departments commissions and officers establishing limitations of actions imposing penalties and repealing certain acts and parts of acts" removing the right of appeal to the Governor in cases of incorporation merger consolidation and conversion of building and loan associations and Federal savings and loan associations and authorizing appeals to the court of common pleas of Dauphin County.

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.  
The Clerk read the amendments as follows:

Amend Title, page 2, line 5, by striking out after the third word "and" the following: "making the decision of the Department of Banking conclusive" and inserting in

lieu thereof the following: "authorizing appeals to the court of common pleas of Dauphin County";

Amend Section 1, page 3, line 5, by striking out after the word "Governor" the following: ") Department of Banking"; line 6, by striking out the bracket before the word "The"; line 7, by inserting after the word "therewith" the following: "Department of Banking may be appealed to the court of common pleas of Dauphin County";

Amend Section 2, page 4, line 7, by striking out the bracket after the word "Banking"; line 7, by inserting after the word "The" the following: ") An appeal may be taken from the"; line 8, by striking out after the word "Governor" the following: ") Department of Banking"; line 9, by striking out the bracket before the word "The"; line 10, by inserting after the word "therewith" the following: "Department of Banking to the court of common pleas of Dauphin County."

On the question,

Will the House concur in the amendments made by the Senate?

#### COMMUNICATION AND BILL LAID ON TABLE

Mr. JOHNSON. Mr. Speaker, I move that the communication from the Senate together with the bill be laid on the table.

The motion was agreed to.

#### SENATE MESSAGE

##### AMENDED SENATE BILL RECALLED FROM THE GOVERNOR RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence bill numbered and entitled as follows:

#### SENATE BILL No. 603.

An Act amending the act of June 24 1937 (P L 2017) entitled "An act creating each county (except of the first class) as a separate corporation and in each city of the first and second class as a part of the city government an institution district for the care and maintenance of certain indigent persons and children prescribing the powers and duties of county commissioners county treasurers city departments of public welfare the State Department of Welfare and the State Department of Public Assistance in respect thereto abolishing certain poor districts and terminating the terms of directors overseers guardians and managers of the poor and poor district auditors and providing for the temporary employment of certain of them providing for the transfer vesting sale and disposition of the property of poor districts and the payment of their obligations imposing certain existing obligations on institution districts and on the Commonwealth regulating the affairs of poor districts until abolished revising amending changing and consolidating the law relating to the care of the poor and repealing existing laws" authorizing the sale of surplus farm products and other personal property

Said bill having been recalled from the Governor for the purpose of amendment. The vote had on final passage and third reading on said bill was reconsidered in the Senate and the bill amended, in which amendments the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.  
The Clerk read the amendments as follows:

Amend Section 1, page 3, line 18, by inserting after the word "approve" the words "by resolution or ordinance"; page 3, line 20, by striking out after the word "at" the words "five hundred dollars (\$500)" and inserting in lieu thereof the following: "two hundred dollars (\$200)"; page 4, line 8, by striking out after the word "than" the words "five hundred dollars (\$500)" and in-



serting in lieu thereof the words "two hundred dollars (\$200)."

On the question,  
Will the House concur in the amendments made by the Senate?

#### COMMUNICATION AND BILL LAID ON TABLE

Mr. HELM. Mr. Speaker, I move that the communication from the Senate together with the bill be laid on the table.

The motion was agreed to.

#### SENATE MESSAGE

#### AMENDED SENATE BILL NON-CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has non-concurred in the amendments made by the House of Representatives to Senate bill numbered and entitled as follows:

#### SENATE BILL No. 835.

An Act amending the act of August 9, 1955 (Act No. 130) entitled "An act relating to counties of the third fourth fifth sixth seventh and eighth classes amending revising consolidating and changing the laws relating thereto" authorizing the appointment of solicitors by clerks of the court of quarter sessions and oyer and terminer in third fourth and fifth class counties and prescribing their duties

#### COMMUNICATION AND BILL LAID ON TABLE

Mr. HELM. Mr. Speaker, I move that the communication from the Senate together with the bill be laid on the table.

The motion was agreed to.

#### SENATE MESSAGES

The Clerk of the Senate being introduced, presented extracts from the Journal of the Senate:

Senate Bill for concurrence No. 316.

#### RECONSIDERATION OF VOTE

Mr. HELM. Mr. Speaker, I move that the vote by which Senate Resolution which read as follows:

Resolved, (the House of Representatives concurring), That when the Senate adjourns this week, it reconvene Monday, January 23, 1956 at 3:00 o'clock p. m., E.S.T. and when the House of Representatives adjourns this week, it reconvene Monday, January 23, 1956 at a time to be fixed by the House of Representatives.

was adopted, be reconsidered.

Mr. McCANN. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from Armstrong, Mr. Helm vote on the adoption of this resolution?

Mr. HELM. Mr. Speaker, I voted with the prevailing side.

The SPEAKER. How did the gentleman from Greene, Mr. McCann vote on the adoption of this resolution?

Mr. McCANN. Mr. Speaker, I voted with the prevailing side.

On the question,

Will the House agree to the motion?

It was agreed to.

On the question recurring,

Will the House concur in the resolution?

Mr. HELM. Mr. Speaker, I wish at this time to offer an amendment to the adjournment resolution changing the time for the reconvening of the Senate from 3:00 o'clock to 1:00 o'clock on Monday afternoon, January 23rd.

On the question,

Will the House agree to the amendment?

#### QUESTION OF INFORMATION

Mr. McCANN. Mr. Speaker, I rise to a question of information.

The SPEAKER pro tempore. The gentleman will state it.

Mr. McCANN. The Members on this side of the House understood Mr. Helm to say change the time of the Senate. Are we speaking of the Senate?

The SPEAKER pro tempore. That is right.

For the information of the gentleman from Greene the resolution leaves the time for House adjournment within the exclusive control of the House as to its adjournment.

Mr. McCANN. Thank you, Mr. Speaker.

On the question recurring,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House concur in the resolution as amended?

It was concurred in.

#### REPORT FROM COMMITTEE

Mr. READINGER from the Committee on Rules, reported as committed, House Resolution No. 144.

#### PERMISSION TO ADDRESS HOUSE

Mr. READINGER asked and obtained unanimous consent to address the House.

Mr. Speaker, about a week or ten days ago the Minority Leader of the House made some remarks concerning House Resolution No. 53, which was introduced on March 30th of last year and referred to the House Rules Committee, in which the Minority Leader requested the Rules Committee to consider and report out that resolution asking for a study by the Joint State Government Commission of the costs under the new Unemployment Compensation Act adopted last year.

Under date of January 5th I received a letter from the Secretary of the Department of Labor and Industry, John R. Torquato, which I am going to ask be inserted in the record of this House. It is quite lengthy and states in detail why that inquiry sought by House Resolution No. 53 is unnecessary.

At the moment I do not have copies of the letter, but I have requested the Chief Clerk's Office to prepare copies for the Press, for the Minority Leader and for any other persons who are interested in reading this at an early date.

The letter discusses in detail the amount of contributions under the new Act, or the amended Act, and also the cost of the benefits as experience has indicated.

As I mentioned a moment ago it indicates that in the Secretary's opinion, while he has no objection to a study being made of this matter, the study would avail nothing that is not now public news and available to the public.

So I am now requesting that this letter of January 5th addressed to me as the Majority Leader of the House be inserted in the record of the House.



Commonwealth of Pennsylvania  
Department of Labor and Industry  
Harrisburg

January 5, 1956.

Honorable Albert S. Readinger  
House Majority Leader  
House of Representatives  
Harrisburg, Pennsylvania

Dear Mr. Majority Leader:

The request of House Minority Leader, Charles C. Smith, that House Resolution 53, introduced March 30, 1955, be acted on favorably by the House Rules Committee, should cause no surprise. Some of the opponents of the progressive Unemployment Compensation Act of which this Administration is rightfully proud, would not scruple to question the accuracy of the Gregorian calendar. Even with all the facts plainly against them they ask once more for a new inquiry.

When liberalizing amendments to the Unemployment Compensation Law were steered through the House to passage under your able leadership, there were, I believe, only two or three votes cast against the measure and Mr. Smith publicly proclaimed that "if the Republican Party had won the election this is exactly the kind of a bill we would have enacted." Subsequently, however, when the Chamber of Commerce and the Pennsylvania Manufacturers Association stirred up an artificial storm of protest directed at the Senate, Mr. Smith joined with Mr. Johnson in sponsoring a Resolution calling for the Joint State Government Commission to make a study of costs, observing that "it is obvious that the estimates supplied by the Governor and those made by industry cannot both be right."

The Bill was finally passed in the Senate, after several hearings, by an overwhelming majority. Nevertheless, Senate Majority Leader Mahany, weeks after enactment, stated that he had been chided for finally supporting the Bill.

During the Senate controversy, representatives of industry placed on the desk of each Senator an analysis of the Bill which challenged every estimate supplied by the Administration. Yet, after a full hearing before the Senate Labor and Industry Committee, Chairman Berger stated that he was making the decision to accept the Department's estimates, since they were based upon official records. They were indeed. The estimates supplied were produced by the same civil service personnel whose figures had been accepted and used by previous administrations and the salsame industry representatives who now derided the figures as "fantastic."

Senator Kessler, who took a leading part in opposing the amendments and finally voted against them, told us that he would require continuous statements of tax yield in order to see who was right. After the first tax returns had been made under the new Law the official figures were presented to Senator Kessler. The figures coincided 100 per cent with the estimates of the Bureau. For the first quarter of 1955 they were not even off the 3 to 5 per cent tolerance which must be allowed for estimates. After studying these and consulting with industry representatives, Senator Kessler wrote to me to say that he was both surprised and pleased and would continue to be interested in the figures for the balance of the year. Subsequently, the Bureau again posted Senator Kessler on the accuracy of Bureau estimates as the year progressed.

The final statistics for 1955 show that whereas the Department had estimated a tax yield of \$135,000,000-\$138,000,000 for 1955 (industry representatives forecast that the yield would be \$200,000,000), the actual yield was \$133,000,000, roughly 2 per cent off target. Bureau estimates as to actual rate of tax yield were without error. Dollar yield was lower than estimates only due to taxable wages of industry being some \$300 million below expectancy.

Industry claims as to benefit costs were equally exaggerated as the year's experience now proves.

With this kind of a record, it is clear that the request for an inquiry by the House into the statistics of the Unemployment Compensation program is a face-saving device necessitated by the events of the last several weeks. The Bill provided that if the Fund sunk to less than \$350,000,000 on December 31, 1955, a modestly higher tax schedule would go into effect; the rate would rise from an average of 1.63 per cent to 2.1 per cent. Six weeks before the end of the year it became evident that the Fund would be several millions of dollars below the \$350,000,000 dollar level on December 31, 1955. The final figure was actually \$345,100,000.

In a similar situation in December 1954, the previous Administration had accepted 1 and ½ million dollars of advance payments on contributions not due until January 1955 and had counted approximately \$2,000,000 in interest not paid until January 1955, adding both figures to the balance of December 31, 1954. This shaky accounting action was countenanced by a letter from a Deputy Attorney General. In November 1955 I asked the Attorney General what our procedure should be this year. Late in December he advised that these items could not properly be counted as part of the Fund balance December 31, 1955. The Attorney General gave a great deal of consideration to this question and rendered a formal opinion on the subject.

Meanwhile, without consulting the Department, the Chamber of Commerce and the Pennsylvania Manufacturers Association circulated flyers among its members urging them to make advance payments "in order to prevent a rise in tax rate." No official of the Bureau was asked whether this money would be acceptable or could be legally counted. Instead, the first notice we had of this campaign was when checks began to come in to the Accounting Department. At no time, may I emphasize, was there the courtesy of consultation with officials of the Bureau.

Some 3500 employers submitted \$5,175,000 as advance contributions. When the Attorney General's opinion that these checks could not be accepted for the purpose of avoiding the tax rise written into the Act was publicized, the Chamber of Commerce and the Pennsylvania Manufacturers Association denounced the Administration for the obvious purpose of justifying their ill-advised campaign to flood the Bureau with advance payments. To further this end, after midnight consultations, and to create the impression that we had done something wrong, they hastily brought suit for mandamus in the Dauphin County Courts on the last business day of the year. There the matter now rests.

I have recited the above facts so fully because it is necessary to understand that the revived request for House inquiry is part of the continuing program of opponents of Unemployment Compensation to keep long settled issues alive. I am sure you will agree that there comes a time when controversy must be stilled.

We have no fear or apprehensions of what the results of a fair inquiry would be; however, I do not think that in light of the facts which are publicly available such an inquiry would serve any useful purpose. It would merely help revive the shouts and cries of our opponents that the Leader Administration does not know what it is doing.

Sincerely yours,

(signed) JOHN R. TORQUATO,  
Secretary of Labor and Industry.

## ADJOURNMENT

Mr. JUMP. Mr. Speaker, I move that this House do now adjourn until Monday, January 23, 1956 at 1:00 p.m.

The motion was agreed to, and (at 12:59 p.m.) the House adjourned.



# Legislative Journal.

Session 1955.

141st of the General Assembly.

Vol. 34.

HARRISBURG, PA., MONDAY, JANUARY 23, 1956.

No. 128.

## SENATE

MONDAY, January 23, 1956.

The Senate met at 1:00 o'clock, p. m., Eastern Standard Time.

The PRESIDENT (Lieutenant-Governor Roy E. Furman) in the Chair.

### PRAYER

The Chaplain, Rev. ROBERT W. ORVIS, Rector of Trinity Memorial Episcopal Church, Erie, offered the following prayer:

Two short prayers; one for our Country and the other for this Legislature. Let us pray.

Almighty God, Who hast given us this good land for our heritage, we humbly beseech Thee that we may always prove ourselves a people mindful of Thy favor and glad to do Thy will. Bless our land with honorable industry, sound learning and pure manners. Save us from violence, discord and confusion; from pride and arrogance, and from every evil way. Defend our liberties and fashion into one united people the multitudes brought hither out of many kindreds and tongues.

Endue with the spirit of wisdom those to whom in Thy Name we entrust the authority of government, that there may be justice and peace at home, and that, through obedience to Thy law, we may show forth Thy praise among the nations of the earth. In the time of prosperity, fill our hearts with thankfulness and in the day of trouble, suffer not our trust in Thee to fail; all of which we ask through Jesus Christ our Lord.

O God, the Fountain of Wisdom, Whose statutes are good and gracious and Whose law is truth, we beseech Thee so to guide and bless this Legislature of our Commonwealth. Bless those who are in the Administration; bless those who are the officers of the Senate and of the House; and bless those who serve them. Grant that everything may be ordained for our governance that only such things as please Thee, to the glory of Thy Name and the welfare of the people. These things we say and ask through Jesus Christ, our Lord. Amen.

### JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. MAHANY and Mr. WOLFE, further reading was dispensed with, and the Journal was approved.

## LEAVES OF ABSENCE

Mr. MAHANY asked and obtained leave of absence for Mr. WATSON, due to illness.

He also asked and obtained leave of absence for Mr. PECHAN, due to illness.

Mr. RUTH asked and obtained leave of absence for Mr. DERK, for the week, due to illness.

## NOMINATIONS BY THE GOVERNOR

### REFERRED TO COMMITTEE

The Secretary to the Governor being introduced, presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Executive Nominations:

### MEMBERS OF THE BEDFORD COUNTY BOARD OF ASSISTANCE

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, January 23, 1956.  
To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as members of the Bedford County Board of Assistance:

Conrad K. Hughes (Dem.), East Watson Street, Bedford, to serve until December 31, 1958, and until his successor is duly appointed and qualified, vice Ralph Moyle, Saxton, whose term expired.

Miss Mary Hughes (Rep.), 131 East Penn Street, Bedford, to serve until December 31, 1958, and until her successor is duly appointed and qualified. (Reappointment)

Rev. E. Albert Rich (Dem.), 309 South Richard Street, Bedford, to serve until December 31, 1958, and until his successor is duly appointed and qualified. (Reappointment)

GEORGE M. LEADER.

### JUSTICE OF THE PEACE

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, January 23, 1956.  
To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Kenneth E. Sheaffer, Box 57, Market Street, Freeburg, Snyder County, for appointment as Justice of the Peace in and for the Borough of Freeburg, Snyder County, until the first Monday of January 1958, to fill a vacancy.

GEORGE M. LEADER.



## ALDERMAN

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, January 23, 1956.  
To the Honorable, the Senate of the Commonwealth of  
Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate William A. Kelmickis, 116 Erwin Street, Duquesne, Allegheny County, for appointment as Alderman in and for the First Ward of the City of Duquesne, Allegheny County, to serve until the first Monday of January 1958, to fill a vacancy.

GEORGE M. LEADER.

## LEAVE OF ABSENCE

Mr. DENT asked and obtained unanimous consent to revert to the order of business of Leaves of Absence.

Mr. DENT, Mr. President, at this time I would like to ask leave of absence for Senator Elmer J. Holland, who we fully expect will be our next United States Congressman and who is out busy gathering in a few votes.

The PRESIDENT. There being no objection, the leave of absence is granted.

## GENERAL COMMUNICATION

The Chair cleared his table and laid before the Senate the following communication which was read by the Clerk:

## VETERANS ADMINISTRATION

Washington 25, D. C.

January 18, 1956

Office of  
The Administrator of  
Veterans Affairs

Mr. G. Harold Watkins  
Secretary  
Senate of Pennsylvania  
Harrisburg, Pennsylvania

Dear Mr. Watkins:

This is in further reply to your letter dated November 16, 1955, concerning the interest of the Commonwealth of Pennsylvania in acquiring either the Veterans Administration Hospital at Butler or our Hospital at Aspinwall, Pennsylvania.

After a space survey of the two hospitals, it has been determined that both will be needed to meet Veterans Administration bed requirements.

We sincerely regret that it will not be possible at this time to assist the Commonwealth of Pennsylvania in obtaining the additional hospital facilities desired.

Sincerely yours,

/s/ H. H. Higley  
H. V. HIGLEY  
Administrator

The PRESIDENT. This communication will be printed in the Legislative Journal.

## BILLS INTRODUCED AND REFERRED

Mr. STIEFEL read in his place and presented to the Chair Senate Bill No. 946, entitled:

An Act relinquishing Commonwealth rights in property control or formerly in control of the Woman's Medical College of Pennsylvania.

Which was committed to the Committee on State Government.

He also read in his place and presented to the Chair Senate Bill No. 947, entitled:

An Act amending the act of March 31, 1949 (P. L. 372), entitled "The General State Authority Act of 1949," authorizing the rehabilitation and repair of certain hospitals and increasing the borrowing capacity of the Authority.

Which was committed to the Committee on State Government.

## PETITIONS AND REMONSTRANCES

Mr. DENT. Mr. President, we have been waiting for some information. Although I have been trying to locate it, it has not as yet arrived. I would appreciate it if we could skip over, at this moment, Petitions and Remonstrances and proceed with the next Order of Business. I would appreciate reverting to Petitions and Remonstrances as soon as we get the information for which we are waiting.

The PRESIDENT. There being no objection, we will proceed with the next Order of Business and then revert, at a later point, to Petitions and Remonstrances.

## PERMISSION TO ADDRESS SENATE

Mr. STIEFEL asked and obtained unanimous consent to address the Senate.

Mr. STIEFEL. Mr. President, last week we celebrated the Two Hundred Fiftieth Anniversary of Benjamin Franklin throughout the entire civilized world. I am even inclined to believe that behind the Iron Curtain they bowed before this great sage of mankind. However, today, I want to suggest to the Senate of the General Assembly a way to further perpetuate the glory of his name.

Mr. President, we now have a bill pending in the Committee on Appropriations to reprint the "Frontier Forts of Pennsylvania." This is a book which was first published at the end of the 19th Century, and it was then republished in 1913. Now, we have the appropriation to publish the third edition. The father of the frontier forts of Pennsylvania was none other than Benjamin Franklin. This petition asks to accelerate a bill so that we can proceed with the printing and dedicate it to the memory of Benjamin Franklin.

## SENATE RESOLUTION REFERRED TO COMMITTEE

"FRONTIER FORTS OF PENNSYLVANIA" TO BE  
ISSUED AS A BENJAMIN FRANKLIN MEMORIAL

Mr. STIEFEL offered the following resolution which was twice read and referred to the Committee on Forests and Waters, Game and Fish:

In the Senate, January 23, 1956.

Today the 250th anniversary of the birth of Benjamin Franklin on January 17, 1706 is being commemorated throughout Pennsylvania and throughout the world by all those societies and institutions which have benefitted from his great contributions to the enlightenment of mankind.

Pennsylvanians have reasons to remember and honor a special contribution of Benjamin Franklin, two hundred years ago during the French and Indian War. When the defeat of Braddock's army left frontier farms and homes defenseless and exposed to the raids of the French and Indians, Benjamin Franklin was one of the Provincial



Commissioners who took the first active steps to establish a system of defense. He helped to plan a chain of frontier forts and to raise troops for garrison and patrol duty. After the force assigned to protect old Northampton County was routed by the Indians on the first of January, 1756, Franklin himself went to reorganize and complete the defenses of that important sector, and remained there until February 5th, building Fort Allen and supervising the building of three other forts.

Franklin's great achievements in other fields have tended to obscure his part in the planning and building of frontier forts. This service to Pennsylvania meant even more in terms of the political background of that day. Franklin was the leader of the popular party in the Assembly of Pennsylvania, and his party had been described to British officials as likely to oppose and hinder efforts to defend the Province. By his vigorous action in the crisis, Benjamin Franklin headed off any attempt to use the war emergency as an excuse for lessening the powers of the Assembly and restricting the number of voters. Thus he protected Pennsylvania's freedom in a double sense when he built frontier forts two hundred years ago, and we should be especially mindful of these services today; therefore be it

Resolved, That the new edition of "Frontier Forts of Pennsylvania" shall be issued as a Benjamin Franklin Memorial Edition with a suitable portrait of Franklin's as frontispiece and with an appropriate introductory essay on Franklin's services in this critical period of Pennsylvania history; and that the Committee on Appropriations is hereby urged on this significant date to report out the bill authorizing the Pennsylvania Historical and Museum Commission to publish "Frontier Forts of Pennsylvania," so that the Benjamin Franklin Memorial Edition may be issued at the earliest possible moment.

SENATE BILL No. 722, RECALLED FROM THE GOVERNOR, TAKEN FROM TABLE

Mr. HALUSKA. Mr. President, I call from the table Senate Bill No. 722, Printer's No. 265, which was recalled from the Governor for the purpose of amendment.

RECONSIDERATION OF SENATE BILL No. 722, RECALLED FROM THE GOVERNOR

Mr. HALUSKA. Mr. President, I move that the Senate do now reconsider the vote by which Senate Bill No. 722, entitled:

An Act amending the act of May 1, 1929 (P. L. 905) entitled "Vehicle Code," regulating issuance of registration plates to newspaper, newsreel or television photographers.

passed finally.

The PRESIDENT. How did the Senator vote?  
Mr. HALUSKA. Mr. President, I voted with the majority.

Mr. SEYLER. Mr. President, I second the motion.  
The PRESIDENT. How did the Senator vote?  
Mr. SEYLER. Mr. President, I voted with the prevailing side.

The motion was agreed to.  
And the question recurring,  
Shall the bill pass finally?

Mr. HALUSKA. Mr. President, I move to reconsider the vote by which the bill passed third reading.

The PRESIDENT. How did the Senator vote?  
Mr. HALUSKA. Mr. President, I voted with the majority.

Mr. SEYLER. Mr. President, I second the motion.  
The PRESIDENT. How did the Senator vote?

Mr. SEYLER. Mr. President, I voted with the prevailing side.

The motion was agreed to.  
And the question recurring,  
Will the Senate agree to the bill on third reading?  
Mr. HALUSKA. Mr. President, I ask unanimous consent to offer amendments at this time.

The PRESIDENT. Is there objection? The Chair hears none.

The Clerk read the amendments as follows:

Amend Sec. 1 (Sec. 501), page 3, line 7, by inserting after "or" where it appears the last time in said line: "on film";

Amend Sec. 1 (Sec. 501), page 3, line 10, by inserting after "inscribed": "the letters "PP" as the first two characters";

Amend Sec. 1 (Sec. 501), page 3, line 12, by striking out "the letters "PP" enclosed by a keystone shield";

Amend Sec. 1 (Sec. 501), page 3, line 18, by inserting after "or": "on film";

Amend Sec. 1 (Sec. 501), page 4, by inserting after line 3: "For the 1957 motor vehicle registration year and subsequent years the department shall issue registration plates beginning with the "PP" characters only to persons who meet the requirements of this subsection."

On the question,  
Will the Senate agree to the amendments?  
They were agreed to.  
Ordered, That the bill, as amended, lie over for printing.

CALENDAR

BILL ON CONCURRENCE IN HOUSE AMENDMENTS RECALLED FROM THE GOVERNOR

Agreeably to order,  
The Senate resumed the consideration of House Bill No. 445, as follows:

An Act amending the act of May 1 1929 (P. L. 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees proscribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" further regulating passing school buses and loading zones and eliminating school bus stop signs

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Clause (10) of subsection (b) of section 828 Act of May 1, 1929 (P. L. 905) know as "The Vehicle Code" added May 26, 1949 (P. L. 1884) is amended to read  
Section 828 School buses safety requirements

• • •  
(b) No person shall own or operate a school bus carrying school children on the highways of this Common-



wealth in a school bus that in addition to the other requirements of this act does not conform with the following

\* \* \*

(10) Every school district transporting pupils by school bus shall establish and maintain loading zones at or near all schools to or from which pupils are transported [off the highway loading zones and shall establish and designate school bus loading zones along the highways traversed by school buses by erecting thereat official "School Bus Stop" signs such signs as may be required by this section shall be furnished and maintained by the school districts and shall be erected by the authorities responsible for the maintenance of the highway]

Such loading zones shall be located off the travelable portion of the highway wherever practicable the secretary of highways with respect to state highways and local authorities with respect to highways under their jurisdiction shall have the authority to determine if any school bus loading zone established as herein provided is hazardous to any other users of the highway and if he so finds he may discontinue the same or cause it to be relocated to a point where such hazard will be eliminated

\* \* \*

Section 2. Section 1017.1 of the act added May 26, 1949 (P. L. 1884) is repealed

Section 3 The act is amended by adding after section 1017 thereof a new section 1017.1 to read

Section 1017.1 Passing School Buses

(a) On highways having roadways not divided by safety islands or physical traffic separation installation the driver of any vehicle approaching or overtaking a school bus conforming to the requirements of this act which is being used solely for the transportation of children to or from school and which has stopped for the purpose of receiving or discharging any school child shall stop his vehicle not less than ten feet from the school bus and keep his vehicle stationary until any child has entered the bus or has alighted and reached the side of the highway

(b) On highways having dual or multiple roadways separated by safety islands or physical traffic separation installations the driver of any vehicle overtaking a school bus which has stopped for the purpose of receiving or discharging any school child shall stop his vehicle not less than ten feet from the school bus and keep his vehicle stationary until any child has entered the bus or has alighted and reached the side of the highway

(c) On highways having dual or multiple roadways separated by safety islands or physical traffic separation installations the driver of a vehicle on another roadway approaching a school bus which has stopped for the purpose of receiving or discharging any school child shall reduce the speed of his vehicle to not more than fifteen miles per hour and shall not resume normal speed until his vehicle has passed the school bus and any child who may have alighted therefrom or is about to enter the school bus

(d) Whenever a school bus is parked at the curb for the purpose of receiving children directly from a school or discharging children to enter a school which is located on the same side of the street as that on which the school bus is parked drivers of vehicles shall be permitted to pass the school bus without stopping but at a speed not in excess of fifteen miles per hour

(e) The driver of any school bus being used solely for the transportation of children to or from school shall not start his bus until every child who may have alighted therefrom shall have reached a place of safety

Penalty Any person violating any of the provisions of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of not less than twenty-five dollars (\$25) nor more than fifty dollars (\$50) and costs of prosecution for the first offense and not less than fifty dollars (\$50) nor more than one hundred dollars (\$100) and costs of prosecution for each subsequent offense

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate concur in the same?

SENATE CONCURS IN AMENDMENTS MADE BY THE HOUSE TO HOUSE BILL No. 445, RECALLED FROM THE GOVERNOR

Mr. MAHANY. Mr. President, I move that the Senate do concur in the amendments made by the House to House Bill No. 445, recalled from the Governor.

Mr. FLEMING. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Barr,	Haluska,	McMenamin,	Stevenson,
Berger,	Harney,	McPherson, Jr.	Stiefel,
Blass,	Hays,	Miller,	Taylor,
Camel,	Kessler,	Mullin,	Van Sant,
Chapman,	Koprivier, Jr.	Peelot,	Wade,
Dent,	Lane,	Propert,	Wagner,
Diehm,	Madigan,	Ruth,	Watkins,
DiSilvestro,	Mahany,	Schmidt,	Weiner,
Donolow,	Mallery,	Scott,	Whalley,
Flack,	McGinnis,	Seyler,	Wolfe,
Fleming,	McCreesh,	Silvert,	Yosko,

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

BILL ON CONCURRENCE IN HOUSE AMENDMENTS RECALLED FROM THE GOVERNOR

Agreeably to order,

The Senate resumed the consideration of House Bill No. 1621, as follows:

An Act amending the act of August 9, 1955 (P. L. ) (Act No. 130) entitled "An act relating to counties of the third fourth fifth sixth seventh and eighth classes amending revising consolidating and changing the laws relating thereto" authorizing collection of data concerning deceased veterans of armed conflicts authorizing the erection of monuments for veterans of armed conflicts

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Subsection (e) of section 1923 of the act of August 9, 1955 (P. L. ) (Act No. 130) is hereby amended to read

Section 1923 Compilation of War Records \* \* \*

(e) For the purpose of locating the burial places of persons who have served in the military or naval service or other branches of the combative forces of the United States during any war or armed conflict in which the United States was engaged the Grand Army of the Republic the United Spanish War Veterans the Veterans of Foreign Wars of the United States the American Legion the Disabled American Veterans the American Veterans of World War II (AMVETS) and the Marine Corps League through their local camps posts and branches in this commonwealth are authorized without expense to the county to collect the required data and prepare and file with the county commissioners certificates embodying the information provided for in this section.

\* \* \*

Section 2 Section 2355 of the act of August 9, 1955 (P. L. ) (Act No. 130) is amended to read



Section 2355 Monuments and Memorials to War Veterans The board of commissioners may appropriate money for and provide for the erection of monuments or memorials commemorating the services of any person who has served in the armed forces of the United States or in any women's organization officially connected therewith during any part of any war in which the United States has been or may hereafter be engaged The style and character of such monuments or memorials shall be approved by the State Art Commission

And the amendments made thereto having been printed as required by the Constitution,  
On the question,  
Will the Senate concur in the same?

SENATE CONCURS IN AMENDMENTS MADE BY THE  
HOUSE TO HOUSE BILL No. 1621, RECALLED  
FROM THE GOVERNOR

Mr. MAHANY. Mr. President, I move that the Senate do concur in the amendments made by the House to House Bill No. 1621, recalled from the Governor.

Mr. FLEMING. Mr. President, I second the motion.  
On the question,  
Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Barr,	Haluska,	McMenamin,	Stevenson,
Berger,	Harney,	McPherson, Jr.	Stiefel,
Blass,	Hays,	Miller,	Taylor,
Camiel,	Kessler,	Mullin,	Van Sant,
Chapman,	Koprivier, Jr.	Peelor,	Wade,
Dent,	Lane,	Propert,	Wagner,
Diehm,	Madigan,	Ruth,	Watkins,
DiSilvestro,	Mahany,	Schmidt,	Weiner,
Donolow,	Mallery,	Scott,	Whalley,
Flack,	McCreesh,	Seyler,	Wolfe,
Fleming,	McGinnis,	Silvert,	Yosko,

NAYS—0

A majority of all the Senators having voted, "aye," the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

BILL ON CONCURRENCE IN HOUSE AMENDMENTS  
RECALLED FROM THE GOVERNOR

Agreeably to order,  
The Senate resumed the consideration of House Bill No. 1622, as follows:

An Act amending the act of August 9, 1955 (P. L. ) (Act No. 130) entitled "An act relating to counties of the third fourth fifth sixth seventh and eighth classes amending revising consolidating and changing the laws relating thereto" extending the definition of "deceased service persons" to include service personnel serving in an armed conflict

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 1908 of the Act of August 9, 1955 (P. L. ) (Act No. 130) is amended to read

Section 1908 Definitions (a) the term deceased service person as used in this subsection shall mean and include

(1) Any deceased person who at the time of his or her death was serving (whether or not in a combat zone) in the Army Navy Air Force Marine Corps Coast Guard or any women's organization officially connected therewith during any war or armed conflict in which the United States has been is now or shall hereafter be engaged or

who at the time of his or her death was serving in a zone where a campaign or state or condition of war or armed conflict then existed in which the United States was is or shall be a participant The existence of a campaign or state or condition of war or armed conflict and the participation of the United States therein as well as the fact that the deceased person served in a zone where such campaign or state or condition of war or armed conflict existed shall in each case be established by the records of the Department of Defense of the Federal Government or

(2) Any deceased person who had so served at any time during his or her life and whose separation from such service was honorable whether by discharge or otherwise or who at the time of his or her death was continuing in such service after the cessation of the war armed conflict campaign or state or condition of war during or in which he or she served or

(3) Any deceased person who was in active service in the militia of the State of Pennsylvania under and in pursuance of any proclamation issued by the Governor during the Civil War who was not duly mustered into the service of the United States but was honorably discharged or relieved from such service

(b) The term "legal residence" as used in this subsection shall be construed as synonymous with "domicile and is hereby defined as actual residence coupled with intention that it shall be permanent or a residence presently fixed with no definite intention of changing it or of returning to a former residence at some future period Legal residence is to be determined by abode of person and his or her intention to abandon his or her former domicile and establish a new one The legal residence of a deceased service person shall be prima facia in the county where he or she made his or her abode at the time of his or her death

And the amendments made thereto having been printed as required by the Constitution,

On the question,  
Will the Senate concur in the same?

SENATE CONCURS IN AMENDMENTS MADE BY THE  
HOUSE TO HOUSE BILL No. 1622, RECALLED  
FROM THE GOVERNOR

Mr. MAHANY. Mr. President, I move that the Senate do concur in the amendments made by the House to House Bill No. 1622, recalled from the Governor.

Mr. FLEMING. Mr. President, I second the motion.  
On the question,  
Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Barr,	Haluska,	McMenamin,	Stevenson,
Berger,	Harney,	McPherson, Jr.	Stiefel,
Blass,	Hays,	Miller,	Taylor,
Camiel,	Kessler,	Mullin,	Van Sant,
Chapman,	Koprivier, Jr.	Peelor,	Wade,
Dent,	Lane,	Propert,	Wagner,
Diehm,	Madigan,	Ruth,	Watkins,
DiSilvestro,	Mahany,	Schmidt,	Weiner,
Donolow,	Mallery,	Scott,	Whalley,
Flack,	McCreesh,	Seyler,	Wolfe,
Fleming,	McGinnis,	Silvert,	Yosko,

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.



## BILL ON CONCURRENCE IN HOUSE AMENDMENTS

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 284, as follows:

An Act amending the act of April 9 1929 (P L 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employees in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employees of certain departments boards and commissions shall be determined" creating the State Board of Chiroprody Examiners as a departmental administrative board in the Department of Public Instruction

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 So much as relates to the Department of Public Instruction of section 202 act of April 9 1929 (P L 177) known as "The Administrative Code of 1929" amended May 22 1951 (P L 323) May 24 1951 (P L 353) July 19 1951 (P L 1144) and August 17 1951 (P L 1245) is amended to read

Section 202 Departmental Administrative Boards Commissions and Offices The following boards commissions and offices are hereby placed and made departmental administrative boards commissions or offices as the case may be in the respective administrative departments mentioned in the preceding section as follows

\* \* \*

In the Department of Public Instruction  
 State Council of Education  
 State Real Estate Commission  
 Pennsylvania State Board of Censors  
 Public School Employes' Retirement Board  
 Board of Trustees of Thaddeus Stevens Trade School  
 Board of Trustees of Pennsylvania State Oral School for the Deaf  
 Board of Trustees of Scotland School for Veterans' Children  
 Board of Trustees of West Chester State Teachers' College  
 Board of Trustees of Millersville State Teachers' College  
 Board of Trustees of Kutztown State Teachers' College  
 Board of Trustees of East Stroudsburg State Teachers' College  
 Board of Trustees of Mansfield State Teachers' College  
 Board of Trustees of Bloomsburg State Teachers' College  
 Board of Trustees of Shippensburg State Teachers' College  
 Board of Trustees of Lock Haven State Teachers' College  
 Board of Trustees of Indiana State Teachers' College  
 Board of Trustees of California State Teachers' College  
 Board of Trustees of Slippery Rock State Teachers' College  
 Board of Trustees of Edinboro State Teachers' College  
 Board of Trustees of Clarion State Teachers' College  
 Board of Trustees of Cheyney State Teachers' College  
 State Board of Medical Education and Licensure  
 State Board of Pharmacy  
 State Dental Council and Examining Board  
 State Board of Optometrical Examiners  
 State Board of Osteopathic Examiners

Osteopathic Surgeons' Examining Board  
 State Board of Nurse Examiners  
 State Board of Barber Examiners  
 State Board of Cosmetology  
 State Board of Veterinary Medical Examiners  
 State Board of Chiropractic Examiners  
 State Board of Chiroprody Examiners  
 State Board for the Examination of Public Accountants  
 State Board of Examiners of Architects  
 State Registration Board for Professional Engineers  
 Public Service Institute Board  
 State Board of Private Academic Schools  
 State Board of Private Business Schools  
 State Board of Private Trade Schools  
 State Board of Private Correspondence Schools

\* \* \*

All of the foregoing departmental administrative boards and commissions shall be organized or reorganized as provided in this act

Section 2 Article IV of the act is amended by adding after section 461 a new section to read

Section 462 State Board of Chiroprody Examiners A State Board of Chiroprody Examiners is hereby created and shall consist of the Superintendent of Public Instruction and six members appointed by the Governor four of whom shall be chiroprodists who possess the requisite qualifications to practice chiroprody under the laws of this Commonwealth and who have been practicing chiroprody in this Commonwealth for five years immediately preceding their appointment and two of whom shall be physicians licensed to practice medicine and surgery in this Commonwealth The terms of members of the board shall be four years from the respective dates of their appointment No member of the board shall be a member of the faculty of any school or college teaching chiroprody Four members of the board shall constitute a quorum and the board shall select from its membership a chairman and secretary The members of the board other than the Superintendent of Public Instruction shall receive fifteen dollars (\$15) per diem for each day devoted to the work of the board

Section 3 Section 1310 of the act amended May 22 1951 (P L 323) and July 19 1951 (P L 1144) is amended to read

Section 1310 Professional Examining Boards The professional examining boards within the Department of Public Instruction shall respectively exercise the rights and powers and perform the duties by law vested in and imposed upon them Provided however That all boards shall be issued by the Department of Public Instruction and official documents of such examining Instruction but may be signed by the members of the appropriate board or any of them as determined by such board

Subject to the preceding provisions of this section and to any other inconsistent provisions in this act contained

The State Board of Medical Examination and Licensure shall continue to exercise the powers and perform the duties by law vested in and imposed upon the said board and the Bureau of Medical Examination and Licensure in the Department of Public Instruction

The State Board of Pharmacy shall continue to exercise the powers and perform the duties by law invested in and imposed upon the said board

The State Dental Council and Examining Board shall continue to exercise the powers and perform the duties by law vested in and imposed upon the said board the State Dental Council and the Board of Dental Examiners for the Commonwealth of Pennsylvania

The State Board of Optometrical Examiners shall continue to exercise the powers and perform the duties by law vested in and imposed upon the said board and the Board of Optometrical Education Examination and Licensure

The State Board of Osteopathic Examiners shall continue to exercise the powers and perform the duties by law vested in and imposed upon the said board and the State Board of Osteopathic Examiners of Pennsylvania

The Osteopathic Surgeons' Examining Board shall con-



tinue to exercise the powers and perform the duties by law vested in and imposed upon the said board

The State Board of Nurse Examiners shall continue to exercise the powers and perform the duties by law vested in and imposed upon the said board and the State Board of Examiners for Registration of Nurses

The State Board of Barber Examiners shall exercise the powers and perform the duties by law vested in and imposed upon the said board

The State Board of Cosmetology shall exercise the powers and perform the duties by law vested in and imposed upon the said board

The State Board of Veterinary Medical Examiners shall continue to exercise the powers and perform the duties by law vested in and imposed upon the said board

The State Board of Examination of Public Accountants shall continue to exercise the powers and perform the duties by law vested in and imposed upon the said board

The State Board of Examiners of Architects shall continue to exercise the powers and perform the duties by law vested in and imposed upon the said board

The State Registration Board for Professional Engineers shall continue to exercise the powers and perform the duties by law vested in and imposed upon the said board

The State Board of Chiropractic Examiners shall continue to exercise the powers and perform the duties by law vested in and imposed upon the said board

The State Board of Chiropody Examiners shall continue to exercise the powers and perform the duties by law vested in and imposed upon the said board

which was returned from the House of Representatives with amendments.

Said amendments having been twice read, and printed as required by the Constitution.

On the question,

Will the Senate concur in the same,

#### SENATE CONCURS IN AMENDMENTS MADE BY THE HOUSE TO SENATE BILL No. 284

Mr. MAHANY. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 284.

Mr. WEINER. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion,

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

#### NAYS—44

Barr,	Haluska,	McMenamin,	Stevenson,
Berger,	Harney,	McPherson, Jr.	Stiefel,
Blass,	Hays,	Miller,	Taylor,
Camel,	Kessler,	Mullin,	Van Sant,
Chapman,	Koprivier, Jr.	Peelor,	Wade,
Dent,	Lane,	Probert,	Wagner,
Diehm,	Madigan,	Ruth,	Watkins,
DiSilvestro,	Mahany,	Schmidt,	Weiner,
Donolow,	Mallery,	Scott,	Whalley,
Flack,	McCreesh,	Seyler,	Wolfe,
Fleming,	McGinnis,	Silver,	Yosko,

#### NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

#### BILL ON CONCURRENCE IN HOUSE AMENDMENTS

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 285, as follows:

An Act relating to the practice of chiropody conferring powers and imposing duties on the State Board of Chiropody Examiners and the Department of Public Instruction and providing penalties

Section 1 Chiropody or Podiatry as used in this act means the diagnosis of foot ailments and the practice of minory surgery upon the feet the padding dressing and strapping of the feet the making of models of the feet and palliative and mechanical treatment of functional disturbances of feet not including the amputation of the leg foot or toes or the treatment of systemic diseases of the bones ligaments or muscles of the feet or any part of the body

Section 2 Except as hereinafter provided any person not heretofore authorized to practice chiropody in this Commonwealth desiring to be entitled to so practice shall file with the State Board of Chiropody Examiners a written application for examination accompanied by a fee of twenty-five dollars (\$25) and two unmounted finished photographs one of which shall be verified by the dean of the School of Chiropody which he attended and by satisfactory proof that the applicant is twenty-one years of age a citizen of the United States of America of good moral character is not addicted to the intemperate use of alcohol or narcotic drugs and has obtained preliminary instruction equivalent to four years high school and pre-professional education of at least one year in a recognized college of liberal arts or of the sciences the fact that the instruction has been received by the applicant shall be evidenced by a certificate satisfactory to the Department of Public Instruction The applicant before presentation for examination must be a graduate of a School of Chiropody approved by the State Board of Chiropody Examiners The State Board of Chiropody Examiners shall send to every qualified person an admission card and one of his photographs marked with an assigned number for admission to examination

Section 3 The State Board of Chiropody Examiners shall hold annual examinations at a time and place as it shall specify The subjects for examination shall be those taught in a recognized School of Chiropody and shall be determined by the State Board of Chiropody Examiners The curriculum taught shall be confined to subjects covered by the definition of chiropody as contained in this act All examinations shall be given in the English language and shall be written in pen and ink to be supplied by the candidates No candidate shall indicate his name or the school where he obtained his education on his examination papers but shall identify his papers by the number assigned him on his photograph No candidate shall be admitted for examination without his marked photograph and admission card

Section 4 Every applicant who obtains an average of not less than fifty-five per centum at any one session and a general average of seventy-five per centum or more of a maximum of one hundred in the examination shall be considered to have successfully passed the required examination In case of failure at any examination the candidate after the expiration of six months and within two years may take a second examination without further application or the payment of an additional fee

Section 5 The State Board of Chiropody Examiners shall issue a certificate of registration to practice chiropody to those successfully passing the required examination All original registrations shall expire on the first day of January next succeeding the issue thereof and thereafter each person so registered shall be required to register annually before the first day of January of each succeeding year The form and method of such registration shall be provided for by the State Board of Chiropody Examiners in a manner enabling it to carry into effect the purposes of this act Each person who registers shall pay for each annual registration and for the certificate provided a fee of five dollars (\$5) or the amount the Department of Public Instruction may determine The money received and the examination fees required by this act shall be paid into the State Treasury for the use of the Commonwealth

Section 6 Upon recommendation by the State Board of Chiropody Examiners any person may be exempt from



examination if he holds a license or certificate to practice chiropody issued by any other state or territory of the United States which has requirements for licensure equivalent to those of this Commonwealth and which extends similar privileges to persons licensed under the laws of this Commonwealth Application for license in these cases shall be made on forms supplied by the State Board of Chiropody Examiners and shall be under oath The fee therefor shall be one hundred dollars (\$100)

Section 7 No person who is not a duly licensed and registered chiropodist shall practice chiropody or by any means or in any written or printed circular or in any business card letterhead or sign or otherwise assume the title "Chiopodist" "Podiatrist" "DSC" "G cp" "M cp" "Ped G" "Foot Specialist" "Foot Correctionist" "Pedopractor" nor any other title name or description implying or calculated to lead to the belief that he is qualified to practice chiropody Any person violating any of the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not more than two hundred dollars (\$200) or undergo imprisonment for not more than six months for the first violation On the second and each subsequent conviction he shall be sentenced to pay a fine of not more than five hundred dollars (\$500) or undergo imprisonment for not more than six months in jail or both

Section 8 Nothing in this act contained shall be construed to interfere with or affect regularly licensed physicians in the discharge of their professional duties and nothing herein contained shall be construed to prohibit or restrict the sale or fitting of shoes or commercial foot appliances No retail merchant shall be permitted to practice chiropody as provided for in this act unless duly licensed to practice chiropody

Section 9 The act of March 21 1945 (P L 51) entitled "An act defining and regulating the practice of Chiropody and providing penalties" is repealed

Section 10 This act shall take effect immediately

which was returned from the House of Representatives with amendments.

Said amendments having been twice read, and printed as required by the Constitution.

On the question,

Will the Senate concur in the same?

#### SENATE CONCURS IN AMENDMENTS MADE BY THE HOUSE TO SENATE BILL No. 285

Mr. MAHANY. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 285.

Mr. FLEMING. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

#### YEAS—44

Barr,	Haluska,	McMenamin,	Stevenson,
Berger,	Harney,	McPherson, Jr.	Stiefel,
Blass,	Hays,	Miller,	Taylor,
Camiel,	Kessler,	Mullin,	Van Sant,
Chapman,	Koprivier, Jr.	Peelr,	Wade,
Dent,	Lane,	Propert,	Wagner,
Diehm,	Madigan,	Ruth,	Watkins,
DISilvestro,	Mahany,	Schmidt,	Weiner,
Donolow,	Mallery,	Scott,	Whalley,
Flack,	McCreesh,	Seyler,	Wolfe,
Fleming,	McGinnis,	Silvert,	Yosko,

#### NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

#### BILL ON CONCURRENCE IN HOUSE AMENDMENTS

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 442, as follows:

An Act amending the act of April 9, 1929 (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employees in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employees of certain departments boards and commissions shall be determined" abolishing the State Osteopathic Surgeons' Examining Board and changing the character of the membership of the State Board of Osteopathic Examiners

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 As much as relates to the Department of Public Instruction of section 202 act of April 9, 1929 (P. L. 177) known as "The Administrative Code of 1929" amended May 22, 1951 (P. L. 323) May 24, 1951 (P. L. 353) July 19, 1951 (P. L. 1144) and August 17, 1951 (P. L. 1245) is amended to read.

Section 202 Departmental Administrative Boards Commissions and Offices The following boards commissions and offices are hereby placed and made departmental administrative boards commissions or offices as the case may be in the respective administrative departments mentioned in the preceding section as follows

\* \* \*

In the Department of Public Instruction

State Council of Education

State Real Estate Commission

Pennsylvania State Board of Censors

Public School Employees' Retirement Board

Board of Trustees of Thaddeus Stevens Trade School

Board of Trustees of Pennsylvania State Oral School for the Deaf

Board of Trustees of Scotland School for Veterans' Children

Board of Trustees of West Chester State Teachers' College

Board of Trustees of Millersville State Teachers' College

Board of Trustees of Kutztown State Teachers' College

Board of Trustees of East Stroudsburg State Teachers' College

Board of Trustees of Mansfield State Teachers' College

Board of Trustees of Bloomsburg State Teachers' College

Board of Trustees of Shippensburg State Teachers' College

Board of Trustees of Lock Haven State Teachers' College

Board of Trustees of Indiana State Teachers' College

Board of Trustees of California State Teachers' College

Board of Trustees of Slippery Rock State Teachers' College

Board of Trustees of Edinboro State Teachers' College

Board of Trustees of Clarion State Teachers' College

Board of Trustees of Cheyney State Teachers' College

State Board of Medical Education and Licensure

State Board of Pharmacy

State Dental Council and Examining Board

State Board of Optometrical Examiners



State Board of Osteopathic Examiners  
 [Osteopathic Surgeons' Examining Board]  
 State Board of Nurse Examiners  
 State Board of Barber Examiners  
 State Board of Cosmetology  
 State Board of Veterinary Medical Examiners  
 State Board of Chiropractic Examiners  
 State Board for the Examination of Public Accountants  
 State Board of Examiners of Architects  
 State Registration Board for Professional Engineers  
 Public Service Institute Board  
 State Board of Private Academic Schools  
 State Board of Private Business Schools  
 State Board of Private Trade Schools  
 State Board of Private Correspondence Schools

\* \* \*

Section 2 Section 416 of the act amended May 2 1949 (P. L. 781) is amended to read

Section 416 State Board of Osteopathic Examiners The State Board of Osteopathic Examiners shall consist of the Superintendent of Public Instruction and [five] seven members [each] five of whom shall be [a graduate] graduates of a legally incorporated and reputable college of osteopathy and shall have been licensed to practice osteopathy under the laws of this Commonwealth and shall not be in any manner financially interested in or connected with the faculty or management of any osteopathic school or college and shall have been engaged in the practice of osteopathy in this Commonwealth for a period of at least [three] five years the remaining two members shall be doctors of medicine licensed to practice medicine and surgery in this Commonwealth for a period of not less than five years immediately prior to their appointment

The osteopathic members of the board qualified as aforesaid shall be appointed from a full list of the members in good standing of the Pennsylvania Osteopathic Association which list shall be furnished to the Governor by the president and secretary of such association annually in the case of the failure of the Pennsylvania Osteopathic Association to submit such a list to the Governor the Governor shall appoint members in good standing of such association without restriction

The medical members of the board qualified as aforesaid shall be appointed from a full list of the members in good standing of the Medical Society of the State of Pennsylvania which list shall be furnished to the Governor by the president and secretary of such society annually in the case of the failure of the Medical Society of the State of Pennsylvania to submit such a list to the Governor the Governor shall appoint members in good standing of such society without restriction

The terms of the members of the board shall be four years from the respective dates of their appointment

[Three] five members of the board shall constitute a quorum and the board shall annually select from among its number a chairman and shall elect a secretary who need not be a member of the board

The members of the board other than the Superintendent of Public Instruction shall receive fifteen dollars per diem when actually engaged in the performance of their official duties and the secretary shall receive such reasonable compensation as the board shall determine with the approval of the Superintendent of Public Instruction

Section 3 Section 417 of the act is repealed

Section 4 Section 1310 of the act amended May 22 1951 (P. L. 323) and July 19 1951 (P. L. 1144) is amended to read

Section 1310 Professional Examining Boards The professional examining boards within the Department of Public Instruction shall respectively exercise the rights and powers and perform the duties by law vested in and imposed upon them Provided however That all certificates and official documents of such examining boards shall be issued by the Department of Public Instruction but may be signed by the members of the appropriate board or any of them as determined by such board

Subject to the preceding provisions of this section and to any other inconsistent provisions in this act contained

The State Board of Medical Examination and Licensure shall continue to exercise the powers and perform the duties by law vested in and imposed upon the said board and the Bureau of Medical Examination and Licensure in the Department of Public Instruction

The State Board of Pharmacy shall continue to exercise the powers and perform the duties by law vested in and imposed upon the said board

The State Dental Council and Examining Board shall continue to exercise the powers and perform the duties by law vested in and imposed upon the said board the State Dental Council and the Board of Dental Examiners for the Commonwealth of Pennsylvania

The State Board of Optometrical Examiners shall continue to exercise the powers and perform the duties by law vested in and imposed upon the said board and the Board of Optometrical Education Examination and Licensure

The State Board of Osteopathic Examiners shall continue to exercise the powers and perform the duties by law vested in and imposed upon the said board and the State Board of Osteopathic Examiners of Pennsylvania

[The Osteopathic Surgeons' Examining Board shall continue to exercise the powers and perform the duties by law vested in and imposed upon the said board]

The State Board of Nurse Examiners shall continue to exercise the powers and perform the duties by law vested in and imposed upon the said board and the State Board of Examiners for Registration of Nurses

The State Board of Barber Examiners shall exercise the powers and perform the duties by law vested in and imposed upon the said board

The State Board of Cosmetology shall exercise the powers and perform the duties by law vested in and imposed upon the said board

The State Board of Veterinary Medical Examiners shall continue to exercise the powers and perform the duties by law vested in and imposed upon the said board

The State Board of Examination of Public Accountants shall continue to exercise the powers and perform the duties by law vested in and imposed upon the said board

The State Board of Examiners of Architects shall continue to exercise the powers and perform the duties by law vested in and imposed upon the said board

The State Registration Board for Professional Engineers shall continue to exercise the powers and perform the duties by law vested in and imposed upon the said board

The State Board of Chiropractic Examiners shall continue to exercise the powers and perform the duties by law vested in and imposed upon the said board

Section 5 All books papers and records and all equipment in possession of the State Osteopathic Surgeons' Examining Board shall be delivered and turned over to the State Board of Osteopathic Examiners.

which was returned from the House of Representatives with amendments.

Said amendments having been twice read, and printed as required by the Constitution.

On the question,

Will the Senate concur in the same?

SENATE CONCURS IN AMENDMENTS MADE BY THE HOUSE TO SENATE BILL No. 442

Mr. MAHANY. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 442.

Mr. FLEMING. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:



## YEAS—44

Barr,	Haluska,	McMenamin,	Stevenson,
Berger,	Harney,	McPherson, Jr.	Stiefel,
Blass,	Hays,	Miller,	Taylor,
Camiel,	Kessler,	Mullin,	Van Sant,
Chapman,	Koprivier, Jr.	Peelor,	Wade,
Dent,	Lane,	Propert,	Wagner,
Diehm,	Madigan,	Ruth,	Watkins,
DiSilvestro,	Mahany,	Schmidt,	Welner,
Donolow,	Mallery,	Scott,	Whalley,
Flack,	McCreesh,	Seyler,	Wolfe,
Fleming,	McGinnis,	Silvert,	Yosko,

## NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

## BILL ON CONCURRENCE IN HOUSE AMENDMENTS

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 443, as follows:

An Act amending the act of March 19 1909 (P L 46) entitled "An act to regulate the practice of osteopathy in the State of Pennsylvania to provide for the establishment of a State Board of Osteopathic Examiners to define the powers and duties of said Board of Osteopathic Examiners to provide for the examining and licensing of osteopaths in this State and to provide penalties for the violation of this act" redefining osteopathy changing the provisions relating to qualifications and licensing of osteopathic physicians and surgeons and abolishing the State Osteopathic Surgeons' Examining Board

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 10 act of March 19 1909 (P L 46) entitled "An act to regulate the practice of osteopathy in the State of Pennsylvania to provide for the establishment of a State Board of Osteopathic Examiners to define the powers and duties of said Board of Osteopathic Examiners to provide for the examining and licensing of osteopaths in this State and to provide penalties for the violation of this act" amended September 29 1951 (P L 1648) is amended to read

Section 10 Applicants examined and licensed by the Boards of Osteopathic Examiners of other States or provinces of the Dominion of Canada on the payment of a fee of fifty dollars to the State Board of Osteopathic Examiners and filing in the office of the State Board of Osteopathic Examiners a copy of said license certified by the affidavit of the president or secretary of such board showing also that the standard of requirements adopted by said board of examiners is substantially the same as is provided by section eight of this act shall without further examination receive a license conferring on the holder thereof all the rights and privileges provided by section eleven of this act

(a) Doctors of Osteopathy licensed by the appropriate licensing boards of other states by examination to practice osteopathy and surgery or medicine and surgery may be granted a license to practice osteopathy and surgery without examination when

(1) The State Board of Osteopathic Examiners is satisfied that the standards of the board which issued the original license are substantially the same as those of Pennsylvania

(2) The applicant has presented to it satisfactory evidence of having met all the scholastic and other requirements of this act

(3) The applicant has not previously failed an examination for licensure in this Commonwealth

(4) The applicant has applied for licensure on forms

prescribed by the board and paid a fee of fifty dollars (\$50)

(b) An applicant licensed in another state to practice osteopathy including the use of drugs but excluding major surgery may be granted a license in the manner prescribed in subsection (a) of section 10 if he passes an examination in the principles and practice of surgery given by the State Board of Osteopathic Examiners

(c) An applicant licensed in another state to practice osteopathy without the use of drugs or surgery may be granted a license in the manner prescribed in subsection (a) of section 10 of this act if he completes the course of post-graduate study and passes the examination prescribed in clause (2) of subsection (c) of section 6 of this amendatory act

After the first day of July one thousand nine hundred and twenty-eight applicants for licensure under the provisions of this act shall furnish prior to any examination by the State Board of Osteopathic Examiners satisfactory proof that he or she has had a general education of not less than a standard four years' high school course or its equivalent and not less than one year of college credits in chemistry biology and physics all of which have been received before admission to osteopathic study After the first day of July one thousand nine hundred and forty-one such applicants shall have had not less than two years of college credits including one year in each of the subjects chemistry biology and physics all of which have been received before admission to osteopathic study

Section 2 Section 11 of the act amended June 5 1937 (P L 1649) is amended to read

Section 11 Every license to practice as an osteopathic physician issued by the State Board of Osteopathic Examiners shall authorize the holder thereof to practice osteopathy in all its branches including [minor surgery and obstetrics without restriction as the same is herein defined and taught and practiced in the legally incorporated reputable colleges of osteopathy but it shall not authorize the holder thereof to practice operative surgery without obtaining an additional license to practice such surgery as provided in section eleven (b) of this act Any use or practice by osteopathic physicians of the agencies or means hereinafter named as embraced within the fundamentals of the principles and practice of the system of osteopathy when used for the purposes in the manner and to the extent as taught and practiced in the legally incorporated reputable colleges of osteopathy shall not be construed the practice of medicine or deemed to be in violation of or contrary to any of the laws of this Commonwealth relating to the practice of medicine or regulating the public health

The word "osteopathy" as used in this act means a complete and independent scientific system for the preservation of health and the relief and cure of bodily disorders embracing a distinct etiology prophylaxis and therapeutics applicable to all types and conditions of disease which in its practice deals with the human body as an intricate machine holding as its foremost fundamental (a) that the body when in perfect structural alignment will function correctly and health ensue (b) that disease is the effect of anatomical abnormalities producing physiological discord emphasizing malposed part or parts of the spinal column its appendages and attachments as the chief predisposing and producing cause of disease to cure which the abnormal part or parts must be adjusted to the normal that pathogenic bacteria are secondary to the predisposing anatomical cause and (c) which regards and uses nondrug adjunctive measures as palliatives (d) embraces obstetrics ophthalmology subject however to the provisions herein as to surgery subscribes to sanitation and hygiene and to surgery when indicated and practiced from an osteopathic viewpoint (e) employs antiseptics anaesthetics and germicides in case of necessity and antidotes in case of poisoning and (f) opposes the introduction of drugs into the body organism as curative agencies] operative surgery obstetrics and the use of drugs without restriction The word "osteopathy"



as used in this act means a complete school of the healing art applicable to all types and conditions of diseases and disorders and practiced as authorized herein by physicians and surgeons possessing the degree of doctor of osteopathy. The board shall every two years publish a list of all persons licensed to practice osteopathy in the State and forward a copy of the list to every person licensed under this act and shall have copies available for public purposes.

Section 3 Sections 11 (a) and 11 (b) of the act added June 14 1923 (P L 795) are repealed.

Section 4 Section 12 of the act amended June 5 1937 (P L 1649) is amended to read

Section 12 Osteopathic physicians and [osteopathic] surgeons shall observe and be subject to all State and municipal regulations relating to the control of contagious diseases the reporting and certifying of births and deaths and all matters pertaining to public health the same as physicians of other schools and all such reports and certificates when made or issued by osteopathic physicians licensed under the laws of the Commonwealth shall be accepted by the persons partnerships corporations or by the officers boards bureaus or departments of the State or of any of its political subdivisions to whom the same are made with the same force and effect as reports or certificates issued by physicians of other schools and such osteopathic physicians shall be entitled to the same fees and compensation as is provided by law for physicians of any other school.

Section 5 All persons licensed by the Osteopathic Surgeons' Examining Board on the effective date of this act shall be issued a license to practice osteopathy and surgery by the State Board of Osteopathic Examiners.

Section 6 All persons licensed by the State Board of Osteopathic Examiners on the effective date of this act shall be licensed to practice osteopathy and surgery upon application to that board within five years of the effective date of this act payment of a fee of twenty-five dollars (\$25) and compliance with the requirements set forth in this section.

(a) He shall have the following pre-professional education

(1) If licensed on or after July 1 1941 two years of college credits including one year's credit in chemistry one in biology and one in physics or

(2) If licensed between August 1 1928 and June 30 1941 one year of college credit in chemistry biology and physics or ten years of practice.

(b) An applicant shall have completed a four year course of study and training in an approved osteopathic college.

(c) An applicant shall prove that he has

(1) Completed since his graduation from an approved osteopathic college a hospital internship of one year or the minimum requirements for internship as provided in the act of May 21 1943 (P L 491 act No. 217) entitled "An act reducing for a limited period of time the training period of internship in osteopathic hospitals in order to qualify for examination for license by the Osteopathic Surgeons' Examining Board to practice major surgery and suspending inconsistent laws" as reenacted and amended May 8 1947 (P L 171) or post-graduate hospital training in surgery equal thereto by submitting evidence which meets with the approval of the State Board of Osteopathic Examiners or in lieu thereof.

(2) Completed five hundred hours of postgraduate study given by or under the direction of a college university or hospital approved by the State Board of Osteopathic Examiners the postgraduate study shall include the subjects of principles and practice of surgery pathology biochemistry pharmacology materia medica and therapeutics and public health and preventive medicine the State Board of Osteopathic Examiners in its discretion and upon investigation of the credentials submitted may accept post-graduate study of the standard herein required in an approved college university or hospital completed subsequent to 1945 the applicant shall pass a written examination in the above subjects given by the State Board of Osteopathic Examiners.

Section 7 This act shall not affect the right of any per-

son to continue to practice osteopathy under a valid license issued prior to the effective date of this act such person shall have the right to practice as authorized herein including minor surgery but not major surgery such persons except as herein provided with regard to major surgery shall have the legal status of physicians and surgeons under the statutes of the Commonwealth.

which was returned from the House of Representatives with amendments.

Said amendments having been twice read, and printed as required by the Constitution,

On the question,

Will the Senate concur in the same?

SENATE CONCURS IN AMENDMENTS MADE BY THE HOUSE TO SENATE BILL No. 443

Mr. MAHANY. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 443.

Mr. FLEMING. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

#### YEAS—44

Barr,	Haluska,	McMenamin,	Stevenson,
Berger,	Harney,	McPherson, Jr.	Stiefel,
Blass,	Hays,	Miller,	Taylor,
Camiel,	Kessler,	Mullin,	Van Sant,
Chapman,	Koprivier, Jr.	Peelor,	Wade,
Dent,	Lane,	Propert,	Wagner,
Diehm,	Madigan,	Ruth,	Watkins,
DiSilvestro,	Mahany,	Schmidt,	Weiner,
Donolow,	Mallery,	Scott,	Whalley,
Flack,	McCreesh,	Seyler,	Wolfe,
Fleming,	McGinnis,	Silvert,	Yosko,

#### NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

#### BILL ON CONCURRENCE IN HOUSE AMENDMENTS

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 729, entitled:

A Joint Resolution proposing an amendment to article two section four of the Constitution of the Commonwealth of Pennsylvania by providing for annual sessions of the General Assembly

which was returned from the House of Representatives with amendments.

Said amendments having been twice read, and printed as required by the Constitution,

On the question,

Will the Senate concur in the same?

SENATE NON-CONCURS IN AMENDMENTS MADE BY THE HOUSE TO SENATE BILL No. 729

Mr. MAHANY. Mr. President, I move that the Senate do non-concur in the amendments made by the House to Senate Bill No. 729.

Mr. FLEMING. Mr. President, I second the motion.

On the question,



Will the Senate agree to the motion?

Mr. BARR. I ask a roll call, Mr. President.

Mr. HALUSKA. I ask for a roll call, Mr. President.

The yeas and nays were required by Mr. BARR and Mr. HALUSKA and were as follows, viz:

## YEAS—24

Berger,	Harney,	McPherson, Jr.,	Van Sant,
Blass,	Kessler,	Peelor,	Wade,
Chapman,	Koprivier, Jr.,	Propert,	Wagner,
Diehm,	Madigan,	Scott,	Watkins,
Flack,	Mahany,	Stevenson,	Whalley,
Fleming,	Mallery,	Taylor,	Wolfe,

## NAYS—20

Barr,	Haluska,	McMenamin,	Seyler,
Camel,	Hays,	Miller,	Silvert,
Dent,	Lane,	Mullin,	Stiefel,
DiSilvestro,	McCreesh,	Ruth,	Weiner,
Donolow,	McGinnis,	Schmidt,	Yosko,

So the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

## BILL ON CONCURRENCE IN HOUSE AMENDMENTS

## BILL OVER IN ORDER

Mr. MAHANY. Mr. President, I ask unanimous consent that Senate Bill No. 780, Printer's No. 427, on concurrence in House amendments, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

## BILL ON CONCURRENCE IN HOUSE AMENDMENTS

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 813, entitled:

An Act amending the "F.E.P.C." act of October 27 one thousand nine hundred fifty-five (Act No 222) by providing that termination of employment under a bona fide retirement or pension plan shall not constitute an unfair employment practice

which was returned from the House of Representatives with amendments.

Said amendments having been twice read, and printed as required by the Constitution,

On the question,

Will the Senate concur in the same?

## SENATE NON-CONCURS IN AMENDMENTS MADE BY THE HOUSE TO SENATE BILL No. 813

Mr. MAHANY. Mr. President, I move that the Senate do non-concur in the amendments made by the House to Senate Bill No. 813.

Mr. FLEMING. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. HALUSKA. I ask for a roll call, Mr. President.

Mr. BARR. I ask for a roll call, Mr. President.

The yeas and nays were required by Mr. HALUSKA and Mr. BARR and were as follows, viz:

## YEAS—24

Berger,	Harney,	McPherson, Jr.,	Van Sant,
Blass,	Kessler,	Peelor,	Wade,
Chapman,	Koprivier, Jr.,	Propert,	Wagner,

Diehm,  
Flack  
Fleming,

Madigan,  
Mahany,  
Mallery,

Scott,  
Stevenson,  
Taylor,

Watkins,  
Whalley,  
Wolfe,

## NAYS—20

Barr,  
Camel,  
Dent,  
DiSilvestro,  
Donolow,

Haluska,  
Hays,  
Lane,  
McCreesh,  
McGinnis,

McMenamin,  
Miller,  
Mullin,  
Ruth,  
Schmidt,

Seyler,  
Silvert,  
Stiefel,  
Weiner,  
Yosko,

So the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

## COMMUNICATION FROM THE GOVERNOR REPORTED FROM COMMITTEE ON EXECUTIVE NOMINATIONS

Mr. WOLFE. Mr. President, I ask unanimous consent to make reports from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. WOLFE. Mr. President, from the Committee on Executive Nominations, I report a communication from His Excellency, the Governor of the Commonwealth of Pennsylvania, recalling the nomination of Norman Moul as Justice of the Peace.

The Clerk read the communication as follows:

## RECALLING THE NOMINATION OF NORMAN MOUL AS JUSTICE OF THE PEACE

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, January 16, 1956.  
To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated July 25, 1955, for the appointment of Norman Moul, Abbottstown, Adams County, as Justice of the Peace in and for the Borough of Abbottstown, Adams County, until the first Monday of January 1956, to fill a vacancy.

I respectfully request the return to me of the official message of nomination in the premises.

GEORGE M. LEADER.

## NOMINATION BY THE GOVERNOR REPORTED FROM COMMITTEE

Mr. WOLFE. Mr. President, I further report from the Committee on Executive Nominations the nomination of Norman Moul as Justice of the Peace and ask that it be read by the Clerk.

The Clerk read the nomination as follows:

## JUSTICE OF THE PEACE

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, July 25, 1955.  
To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Norman Moul, Abbottstown, Adams County, for appointment as Justice of the Peace in and for the Borough of Abbottstown, Adams County, to serve until the first Monday of January 1956, to fill a vacancy.

GEORGE M. LEADER.

## NOMINATION RETURNED TO THE GOVERNOR

Mr. WOLFE. Mr. President, I move that the nomination



just read by the Clerk be returned to His Excellency, the Governor of the Commonwealth.

Mr. MAHANY. Mr. President, I second the motion.

The motion was agreed to.

The PRESIDENT. The nomination will be returned to the Governor.

#### COMMUNICATION FROM THE GOVERNOR REPORTED FROM COMMITTEE

Mr. WOLFE. Mr. President, I also report from the Committee on Executive Nominations a communication from His Excellency, the Governor of the Commonwealth of Pennsylvania, recalling the nominations of Willard S. Haring as Justice of the Peace.

The Clerk read the communication as follows:

#### RECALLING THE NOMINATION OF WILLARD S. HARING AS JUSTICE OF THE PEACE

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, January 16, 1956.  
To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated July 19, 1955, for the appointment of Willard S. Haring, Gilbertsville, Montgomery County, as Justice of the Peace in and for the Township of Douglass, Montgomery County, until the first Monday of January 1956, vice Ammon B. Mensch, deceased.

I respectfully request the return to me of the official message of nomination in the premises.

GEORGE M. LEADER.

#### NOMINATION BY THE GOVERNOR REPORTED FROM COMMITTEE

Mr. WOLFE. Mr. President, I further report from the Committee on Executive Nominations the nomination of Willard S. Haring as Justice of the Peace, and ask that it be read by the Clerk.

The Clerk read the nomination as follows:

#### JUSTICE OF THE PEACE

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, July 19, 1955.  
To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Willard S. Haring, Gilbertsville, Montgomery County, for appointment as Justice of the Peace in and for the Township of Douglass, Montgomery County, to serve until the first Monday of January 1956, vice Ammon B. Mensch, deceased.

GEORGE M. LEADER.

#### NOMINATION RETURNED TO THE GOVERNOR

Mr. WOLFE. Mr. President, I move that the nomination just read by the Clerk be returned to His Excellency, the Governor of the Commonwealth.

Mr. MAHANY. Mr. President, I second the motion.

The motion was agreed to.

The PRESIDENT. The nomination will be returned to the Governor.

#### CALENDAR

#### THIRD READING CALENDAR

BILL ON THIRD READING AND FINAL PASSAGE,  
RECALLED FROM THE GOVERNOR

Agreeably to order,

The Senate resumed the third reading and consideration of Senate Bill No. 475, as follows:

An Act amending the act of August 22, 1953 (P. L. 1344) entitled "An act relating to marriage and amending revising consolidating and changing the law relating thereto" further regulating the issuance of marriage licenses when applicants are infected with syphilis

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Subsection (A) of Section 5 of the act of August 22 1953 (P. L. 1344) known as "The Marriage Law" is amended to read as follows

Section 5 Restrictions on the Issue of Marriage License No license to marry shall be issued by any clerk of the orphans' court

\* \* \*

(A) Until there shall be in the possession of the clerk of the orphans' court a statement or statements signed by a duly licensed physician of the Commonwealth of Pennsylvania or any commissioned medical officer in the United States Army or Navy or any physician of the public health service of the Federal Government that each applicant within thirty days of the application for the marriage license has submitted to an examination to determine the existence or nonexistence of syphilis which examination has included a standard serological test or tests for syphilis and that in the opinion of the examining physician the applicant is not infected with syphilis [or if so infected is not in a stage of that disease which is likely to become communicable] Provided however That if a statement of a physician duly licensed by this Commonwealth or a physician in the United States Army or Navy or any physician of the public health service of the Federal Government reveals that either of the applicants is infected with syphilis in a stage which is not likely to become communicable the applicants may apply to a judge of the orphans' court in the manner provided by section nine of this act for permission to marry Upon finding that it is in the best interests of the applicants and of the public that they should marry the judge may issue an order directing the clerk of the orphans' court to issue a license to the applicants and the said clerk shall forthwith issue to the applicants a marriage license The physician's statement shall be accompanied by a statement from the person in charge of the laboratory making the test or from some other person authorized to make such statement setting forth the name of the test the date it was made the exact name and address of the physician to whom a report was sent and the exact name and address of the person whose blood was tested but not setting forth the result of the test and such other facts as the Department of Health may deem necessary to determine whether the applicant is infected with syphilis in a stage of that disease likely to become communicable

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Barr,	Haluska,	McMenamin,	Stevenson,
Berger,	Harney,	McPherson, Jr.,	Stiefel,
Blase,	Hays,	Miller,	Taylor,
Camiel,	Kessler,	Mullin,	Van Sant,
Chapman,	Koprivier, Jr.,	Peelor,	Wade,
Dent,	Lane,	Probert,	Wagner,
Diehm,	Madigan,	Ruth,	Watkins,
DiSilvestro,	Mahany,	Schmidt,	Weiner,
Donolow,	Mallery,	Scott,	W.Dailey,
Flack,	McCreesh,	Seyler,	Wolfe,
Fleming,	McGinnis,	Silvert,	Yosko,



## NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

### BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 8, as follows:

An Act authorizing and directing the Department of Highways with the approval of the Governor to erect and maintain a toll bridge over the Ohio River in Beaver County between a point in or near the borough of Shippingport to a point in or near the borough of Midland on the opposite side of the Ohio River and to provide the necessary approaches and connections with State highways empowering counties to pay certain damages

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The Department of highways with the approval of the Governor is hereby authorized and directed to erect and construct a bridge over the Ohio River in Beaver County between a point in or near the borough of Shippingport to a point in or near the borough of Midland on the opposite side of the Ohio River and to acquire the necessary land for approaches thereto

Upon completion of the bridge the department of highways shall operate and maintain the same as a toll bridge and shall charge and collect tolls at reasonable rates determined by it until the cost of the bridge and of operating and maintaining it have been paid

Section 2 In the construction of said bridge and the approaches thereto and connections with existing State highways the Department of Highways shall have all of the powers and authority conferred with respect to the relocation widening or construction of State highways including the exercise of the power of eminent domain Any damages sustained by reason of taking property in the location widening or construction of any such bridge the approaches thereto and connections with State highways shall be ascertained in accordance with laws applicable to the ascertainment of damages in relocating widening or constructing State highways and such damages when ascertained shall be paid by the Commonwealth or county or counties as may be agreed upon in accordance with the laws relating to State highways

The Department of Highways shall have authority to make and carry out and to do every other act necessary to carry out the project herein authorized

Section 3 After the cost of construction of such bridge and the approaches thereto has been paid the collection of tolls shall cease and the bridge and its approaches shall be maintained by the Department of Highways in accordance with present or future laws governing the reconstruction and maintenance of State highways

Section 4 This act shall take effect immediately

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

## YEAS—44

Barr,	Haluska,	McMenamin,	Stevenson,
Berger,	Harney,	McPherson, Jr.,	Stiefel,
Blass,	Hays,	Miller,	Taylor,

Camel,	Kessler,	Mullin,	Van Sant,
Chapman,	Koprivier, Jr.,	Peelor,	Wade,
Dent,	Lane,	Propert,	Wagner,
Diehm,	Madigan,	Ruth,	Watkins,
DiSilvestro,	Mahany,	Schmidt,	Weiner,
Donolow,	Mallery,	Scott,	Whalley,
Flack,	McCreesh,	Seyler,	Wolfe,
Fleming,	McGinnis,	Silvert,	Yosko,

## NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

### BILL OVER IN ORDER TEMPORARILY

Mr. HALUSKA. Mr. President, the sponsor of this bill called from Pittsburgh and told me that he would arrive here at 2:45 p. m. I would, therefore, like to ask unanimous consent that Senate Bill No. 446, Printer's No. 376 on third reading, go over in its order, temporarily.

The PRESIDENT. Is there objection? The Chair hears none.

### BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 499, as follows:

A Joint Resolution proposing an amendment to article eight of the Constitution of the Commonwealth of Pennsylvania enabling the Legislature to enact legislation providing for absentee voting

The General Assembly of the Commonwealth of Pennsylvania hereby resolves as follows

Section 1 The following amendment to the Constitution of the Commonwealth of Pennsylvania is proposed in accordance with the provisions of the eighteenth article thereof

That article eight be amended by adding at the end thereof a new section to read

Section 19 The Legislature may by general law provide a manner in which and the time and place at which qualified voters who may on the occurrence of any election be unavoidably absent from the State or county of their residence because their duties occupation or business require them to be elsewhere or who on the occurrence of any election are unable to attend at their proper polling places because of illness or physical disability may vote and for the return and canvass of their votes in the election district in which they respectively reside

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

## YEAS—33

Barr,	Harney,	McGinnis,	Silvert,
Berger,	Hays,	McMenamin,	Stiefel,
Camel,	Kessler,	Miller,	Van Sant,
Dent,	Koprivier, Jr.	Mullin,	Wade,
DiSilvestro,	Lane,	Ruth,	Wagner,
Donolow,	Mahany,	Schmidt,	Weiner,
Flack,	Mallery,	Scott,	Whalley,
Fleming,	McCreesh,	Seyler,	Yosko,
Haluska,			

## NAYS—8

Blass,	Diehm,	Propert,	Watkins,
Chapman,	Madigan,	Taylor,	Wolfe,



A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

### BILLS OVER IN ORDER

Mr. MAHANY. Mr. President, I ask unanimous consent that the following bills, on third reading, go over in their order:

Senate Bill No. 802, Printer's No. 452; and

House Bill No. 856, Printer's No. 248.

The PRESIDENT. Is there objection? The Chair hears none.

### BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 874, as follows:

An Act amending the act of June 24, 1931 (P. L. 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" increasing millage of annual tax for general township purposes

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Clause one section 1709 act of June 24, 1931 (P. L. 1206) known as "The First Class Township Code" reenacted amended and revised May 27, 1949 (P. L. 1955) is amended to read

Section 1709 Tax Levies The board of township commissioners may levy taxes upon all property and upon all occupations within the township made taxable for township purposes as ascertained by the valuation for county purposes made by the assessors of the several counties of this Commonwealth for the year for which the township taxes are levied for the purposes and at the rate hereinafter specified Provided however That such valuation shall be subject to correction by the county commissioners of the several counties and to appeal by the taxable persons in accordance with existing laws

One An annual tax for general township purposes not exceeding [twelve] fifteen mills unless the board of township commissioners by majority action shall upon due cause shown by resolution petition the court of quarter sessions in which case the court may order a rate of not more than [three] five mills additional to be levied Further provided That if at the hearing before the court of quarter sessions upon said petition of which notice shall be given as the court may direct which hearing shall be held not less than ten nor more than fifteen days after said petition shall be presented the owners of real estate having assessed valuation of fifty per centum of the total assessed valuation of real estate in said township shall by petition object to the making of an order for any additional tax levy the court shall thereupon deny the prayer of said petition

\* \* \*

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

### YEAS—44

Barr,	Haluska,	McMenamin,	Stevenson,
Berger,	Harney,	McPherson, Jr.,	Stiefel,
Blass,	Hays,	Miller,	Taylor,
Camel,	Kessler,	Mullin,	Van Sant,

Chapman,  
Dent,  
Diehm,  
DiSilvestro,  
Donolow,  
Flack,  
Fleming.

Koprivier, Jr.,  
Lane,  
Madigan,  
Mahany,  
Mallery,  
McCreesh,  
McGinnis,

Peelor,  
Propert,  
Ruth,  
Schmidt,  
Scott,  
Seyler,  
Silver,

Wade,  
Wagner,  
Watkins,  
Weiner,  
Whalley,  
Wolfe,  
Yosko,

### NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

### BILLS OVER IN ORDER

Mr. MAHANY. Mr. President, I ask unanimous consent that the following bills, on third reading, go over in their order:

Senate Bill No. 889, Printer's No. 404;

Senate Bill No. 890, Printer's No. 405;

Senate Bill No. 891, Printer's No. 406;

Senate Bill No. 892, Printer's No. 414;

Senate Bill No. 893, Printer's No. 407;

Senate Bill No. 894, Printer's No. 408;

Senate Bill No. 895, Printer's No. 409; and

Senate Bill No. 896, Printer's No. 458.

The PRESIDENT. Is there objection? The Chair hears none.

### BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 911, as follows:

An Act amending the act of June 1, 1933 (P. L. 1172) entitled "An act establishing certain streets in boroughs and incorporated towns as State highways and providing for their construction and maintenance at the expense of the Commonwealth" deleting a route in Berks County

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The following route established by section 2 act of June 1, 1933 (P. L. 1172) entitled "An act establishing certain streets in boroughs and incorporated towns as State highways and providing for their construction and maintenance at the expense of the Commonwealth" and its amendments is deleted

[Route 06183 Extending Route 06183 Beginning at a point on the Spring Township-West Lawn Borough line thence northerly on a borough street to a point on Route 149 in the Borough of West Lawn Berks County a distance of about 0.05 of a mile]

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

### YEAS—44

Barr,  
Berger,  
Blass,  
Camel,  
Chapman,  
Dent,  
Diehm,  
DiSilvestro,

Haluska,  
Harney,  
Hays,  
Kessler,  
Koprivier, Jr.,  
Lane,  
Madigan,  
Mahany,

McMenamin,  
McPherson, Jr.,  
Miller,  
Mullin,  
Peelor,  
Propert,  
Ruth,  
Schmidt,

Stevenson,  
Stiefel,  
Taylor,  
Van Sant,  
Wade,  
Wagner,  
Watkins,  
Weiner,



Donolow,  
Flack,  
Fleming,

Mallery,  
McCreesh,  
McGinnis,

Scott,  
Seyler,  
Silvert,

Whalley,  
Wolfe,  
Yosko,

### NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present the said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 912, as follows:

An Act amending the act of June 22, 1931 (P. L. 594) entitled "An act establishing certain township roads as State highways authorizing their construction maintenance and improvement under certain conditions and restrictions limiting the obligation of the Commonwealth in the construction of certain structures located on such highways conferring certain powers upon the Department of Highways and local authorities persons associations and corporations for sharing the cost of the maintenance and construction of such highways and making an appropriation to carry out the provisions of said act" deleting a route in Berks County

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The following route established by the act of June 22, 1931 (P. L. 594) entitled "An act establishing certain township roads as State highways authorizing their construction maintenance and improvement under certain conditions and restrictions limiting the obligation of the Commonwealth in the construction of certain structures located on such highways conferring certain powers upon the Department of Highways and local authorities persons associations and corporations for sharing the cost of the maintenance and construction of such highways and making an appropriation to carry out the provisions of said act" and its amendments is deleted

[Route 06183 Beginning at a point on Route 06071 at the Cumru-Spring Township line thence northwesterly through Spring Township to the south line of West Lawn Borough in Berks County a distance of about 1.2 miles]

And said bill having been read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:::

### YEAS—44

Barr,  
Berger,  
Blass,  
Camel,  
Chapman,  
Dent,  
Diehm,  
DiSilvestro,  
Donolow,  
Flack,  
Fleming,

Haluska,  
Harney,  
Hays,  
Kessler,  
Koprivier, Jr.,  
Lane,  
Madigan,  
Mahany,  
Mallery,  
McCreesh,  
McGinnis,

McMenamin,  
McPherson, Jr.,  
Miller,  
Mullin,  
Peelot,  
Propert,  
Ruth,  
Schmidt,  
Scott,  
Seyler,  
Silvert,

Stevenson,  
Stiefel,  
Taylor,  
Van Sant,  
Wade,  
Wagner,  
Watkins,  
Weiner,  
Whalley,  
Wolfe,  
Yosko,

### NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present the said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 918, as follows:

An Act amending the act of June 21, 1939 (P. L. 626) entitled "An act providing for and regulating the assessment and valuation of all subjects of taxation in counties of the second class creating and prescribing the powers and duties of a Board of Property Assessment Appeals and Review imposing duties on certain county and city officers abolishing the board for the assessment and revisions of taxes in such counties and prescribing penalties" requiring the board to certify the total value of real property to clerks or secretaries of political subdivisions and prescribing the time for appeal

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The act of June 21, 1939 (P. L. 626) entitled "An act providing for and regulating the assessment and valuation of all subjects of taxation in counties of the second class creating and prescribing the powers and duties of a Board of Property Assessment Appeals and Review imposing duties on certain county and city officers abolishing the board for the assessment and revision of taxes in such counties and prescribing penalties" is amended by adding after section 17 a new section to read

Section 17.1 On or before the fifteenth day of January the Board of Property Assessment Appeals and Review shall certify to the clerk or secretary of each political subdivision coming within the scope of this act within the county the total value of real property appearing in the assessment roll and taxable by the respective political subdivisions The time limit within which the political subdivision is entitled to appeal from the actions of the board shall commence to run on the day such certification is mailed or otherwise delivered

And said bill having been read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:::

### YEAS—44

Barr,  
Berger,  
Blass,  
Camel,  
Chapman,  
Dent,  
Diehm,  
DiSilvestro,  
Donolow,  
Flack,  
Fleming,

Haluska,  
Harney,  
Hays,  
Kessler,  
Koprivier, Jr.,  
Lane,  
Madigan,  
Mahany,  
Mallery,  
McCreesh,  
McGinnis,

McMenamin,  
McPherson, Jr.,  
Miller,  
Mullin,  
Peelot,  
Propert,  
Ruth,  
Schmidt,  
Scott,  
Seyler,  
Silvert,

Stevenson,  
Stiefel,  
Taylor,  
Van Sant,  
Wade,  
Wagner,  
Watkins,  
Weiner,  
Whalley,  
Wolfe,  
Yosko,

### NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present the said bill to the House of Representatives for concurrence.

### BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 1129, entitled:

An Act amending the act of May 17, 1929 (P. L. 1798) entitled "An act providing a fixed charge payable by the Commonwealth on lands acquired by the State and the Federal Government for forest reserves" requiring the Commonwealth for a limited time to pay charges to counties on certain federal forest reserves

And said bill having been read at length the third time, and agreed to,

On the question,



Shall the bill pass finally?

Mr. SEYLER. Mr. President, I desire to interrogate the gentleman from Crawford, Senator Mahany.

The PRESIDENT. Will the gentleman from Crawford, Mr. Mahany, permit himself to be interrogated?

Mr. MAHANY. I will, Mr. President.

Mr. SEYLER. Mr. President, I would like to ask the Majority Leader to explain the purpose of the amendment to the law provided in this bill.

Mr. MAHANY. As I understand it, the present law provides that where a county sells sufficient timber, or a certain amount, then it is prohibited from getting any further amounts from the State, under this law. Evidently what happened was that in Forest County, in one year, they did sell more timber than what was set up under the present law and, therefore, they put themselves out from receiving any further State money for the rest of the time. I believe you will agree with me that perhaps that would be all right for one year, but it should not affect them for the future. This bill was introduced, designed to take care of Forest County and any other county in a similar position, where they have sold a certain amount of timber, so that they might get this subsidy in the future.

Mr. SEYLER. Mr. President, does the gentleman mean that, as the law stands, if they receive this amount for one year, it cuts them off from the State payments from then on? Is that correct?

Mr. MAHANY. That is my understanding of the present law.

Mr. SEYLER. Mr. President, I would like to ask the gentleman whether he does not think that we need to amend this bill so that if that happens to another given country, then we do not have to make a bill like this again. I understood the bill to mean that they would only lose the State subsidy for that one year. It seems to me that that is the way the law should read.

Mr. MAHANY. That is the way this bill does read.

Mr. SEYLER. As I understand it, this bill just takes care of the years 1953, 1954, 1955 and 1956.

Mr. MAHANY. Just give me time to get the bill, please. Would you tell me which page and line you are referring to?

Mr. SEYLER. Page 4, lines 3 to 10, is the essential part of this bill. As I understand it, it does not correct what you have explained and what seems to me is a defect in the law. However, it simply takes care of the years 1953, 1954, 1955 and 1956. It seems to me that if we have a defect in the law, so that in any given year a county attains the necessary funds from sales to the Federal Government, that you should only lose the appropriation from the State for that one year. I do not think that this bill really corrects that. I think it simply takes care of this one county for four specific years.

Mr. MAHANY. This bill was sponsored by the House Representative from Forest County and also the Representative from Warren County. I presume they have consulted with, perhaps, the Department of Justice, and certainly the Legislative Reference Bureau, before they had this bill drawn. I presume they were satisfied with it. However, if you have some question on it, and you would like to have time to consult these sponsors and anyone else with whom you would care to consult, I will be happy to go along with you and ask that the bill

be passed over in order to give you sufficient time to do that.

Mr. SEYLER. I am perfectly willing to do that.

And the question recurring,

Shall the bill pass finally?

### BILL OVER IN ORDER

Mr. MAHANY. Mr. President, I ask unanimous consent that House Bill No. 1129, Printer's No. 1154, on final passage, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

### BILLS SIGNED

The PRESIDENT (Lieutenant-Governor Roy E. Furman) announced that the Chief Clerk having reported that the following bills had passed both houses of the General Assembly and the same being correct, the titles were publicly read as follows:

Senate Bill No. 758, entitled:

An Act amending the act of June 25, 1947 (P. L. 1145) entitled as amended "An act empowering cities of the second class cities of the second class A cities of the third class boroughs towns townships of the first class townships of the second class school districts of the second class school districts of the third class and school districts of the fourth class to levy assess and collect or to provide for the levying assessment and collection of certain additional taxes subject to maximum limitations for general revenue purposes authorizing the establishment of bureaus and the appointment and compensation of officers and employees to assess and collect such taxes and permitting penalties to be imposed and enforced providing an appeal from the ordinance or resolution levying such taxes to the courts of quarter sessions and to the Supreme Court and Superior Court" authorizing taxing authorities to impose real property transfer taxes on either the transfer or on the transferee.

Senate Bill No. 767, entitled:

An Act amending the act of August 9, 1955 (Act No. 130) entitled "County Code," extending the powers of the County Planning Commission in counties of the third class subject to action by the county commissioners.

Senate Bill No. 775, entitled:

An Act making an appropriation to the Joint Committee appointed by the Senate and House of Representatives to investigate the Pennsylvania Training School at Morgantown.

House Bill No. 1898, entitled:

An Act amending the act of July 28, 1953 (P. L. 723), entitled "Second Class County Code," further providing for and changing the provisions of the act relating to employees' retirement system and the powers, duties and liabilities of the county, the county institution district, and the retirement board relative thereto and the rights, privileges, and limitations of employees and beneficiaries under the retirement system.

House Bill No. 1915, entitled:

An Act amending the act of May 22, 1935 (P. L. 233), entitled "Police Relief and Pension Fund Law," changing the amount of payments to certain beneficiaries.

House Bill No. 1916, entitled:

An Act amending the act of May 25, 1933 (P. L. 1050), entitled "An act creating and establishing a fund for the care, maintenance, and relief of aged, retired and dis-



abled employees of the bureau of fire in cities of the second class; \* \* \* changing the amounts of payments to certain beneficiaries.

House Bill No. 1922, entitled:

An Act reenacting and amending section 4, act of May 28, 1915 (P. L. 596), entitled "An act requiring cities of the second class to establish a pension fund for employees of said cities, \* \* \*," increasing the amount of pensions in certain cases.

Whereupon,

The PRESIDENT (Lieutenant-Governor Roy E. Furman) in the presence of the Senate signed the same.

## CALENDAR

### SECOND READING CALENDAR

#### BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 53, entitled:

An Act amending the act of May one one thousand nine hundred twenty-nine (P. L. 905), entitled "The Vehicle Code" prohibiting throwing of certain material from motor vehicles.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

#### BILL OVER IN ORDER

Mr. MAHANY. Mr. President, I ask unanimous consent that House Bill No. 173, Printer's No. 1247, on second reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

#### BILL RECOMMITTED

Mr. MAHANY. Mr. President, I move that Senate Bill No. 231, on second reading, entitled:

An Act amending the act of May 11, 1921 (P. L. 522) entitled as amended "Dog Law of 1921," regulating and in certain cases prohibiting the impounding and killing of unclaimed dogs and providing that in the cities of Philadelphia and Pittsburgh they shall first be offered for sale to medical schools hospitals laboratories or other scientific or educational institutions

be recommitted to the Committee on Public Health and Welfare.

Mr. McCREESH. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. DENT. Mr. President and Members of the Senate, I just want to announce that I want recorded as voting "no" on this motion to send this particular bill back to committee. I am not prepared to say that I am for the bill in its present condition or its present style. I do believe that there is ground for some amendment. I do believe, though, that this is of such grave importance to the people and to the general welfare of this great Commonwealth that this bill ought to remain on the Calendar to see if we cannot iron out any differences which may be apparent in the thinking of the proponents and the opponents.

I want to remind the Members of this Senate that all this bill is trying to do, and whether it does it the way some people want it done or not is of little importance because of the manner of doing it can be corrected right in the bill itself, is to eliminate the present practice in this Commonwealth, particularly of forcing the schools to pay a great deal of money to persons who go out and get dogs and sell them to the hospitals for purposes of experimentation. They have been called dog snatchers and other names, but a great many pets have been stolen and sold for this purpose. All of us realize that the experimentation is not confined to dogs. I have never heard any opponent of this legislation get up and complain about the practice that has been known for many years where a human being, who is incarcerated in a prison and who can allow himself to be used in an experiment with a drug or a concept of surgery with the hope of being freed from incarceration. You allow, if you please, the advancement of medical science by the practice of experimentation upon human beings, but you want to disallow, because of an organized pressure group, the experimentation on animals that has saved many lives.

Mr. President, let us say here in this room that it is not any more inhuman to work upon a dog than a human being. Because that human being happens to be incarcerated in prison, he is no less a human. Are we to say then that guinea pigs are in a different category of relationship between man and beast than what dog and men are? Are we to say then that we are to stop experimentation upon frogs and, experimentation in medical science upon mice? Is the mouse in a different proposition in the relationship between human and beast than what a dog is? Certainly, none of us want our pets used and there is nothing in this bill that compels anyone to have their pet experimented upon.

I remember a Member of this Senate, by the name of Senator T. Newell Wood, who told me, as well as other Members of this Senate, that when he had an accident on his farm and was run over by his tractor, it was the experimentation upon his own dog—one that he loved as much as he would have loved a member of his own family—that saved his life. I do not think the question is one whereby only dogs are to be protected. If you are disallowing the use of dogs, this is one of three States in the entire United States that will not permit the experimentation for the advancement of medical science upon these animals.

Mr. President, many of the proponents of a so-called sales tax will get up and say, "We ought to have it because thirty-seven States have it." Yet, these same men do not have the courage to vote upon a measure that is meant for the advancement of human welfare and human health. However, forty-five out of forty-eight States have it. Why do you not come forth with your arguments now that if forty-five States have it, it should be good enough for Pennsylvania or do you only want to take out of the other States that which pleases your fancy, and that which does not please your fancy is of no use to Pennsylvania? I believe the time has come when we should face this question squarely. For many, many, many years we have had this problem before us. Let us vote on it. Those who do not have the



courage or the will to vote for it, let them vote "no." Those who have the courage and the will, let them vote "yes."

Over the years, I have been in hospitals a great many times. I want to say that many of the advancements in medical science have been made possible because our hospitals, and particularly in other States, have been able to have experimental processes performed upon this animal and other animals. If you have no manner whatsoever in which you want to allow the experimentation upon this particular animal, then I say disallow it on all of them. In so far as I am concerned, the dog is no greater a creature of God than a guinea pig is, nor a mouse or any other living animal. The dog does not belong to the human race and so, the relationship between a dog and man is of no greater importance than that between any other animal. Every day of our lives, we kill chickens and eat them. We kill cattle and eat it and, yet, in the great country of India—a lot of people think that India is a backward country. However, in India, they keep the cow sacred and they do not kill it and they will not eat it. Here in this Country, we do not respect the Indian custom of keeping the cow sacred. Are we then to say to the Indians that we are a forward-looking country, but we do not allow experimentation upon dogs, but we eat cows?

Mr. President and Members of the Senate, there is an opinion here that has the making or the breaking of our future in so far as our medical science in Pennsylvania is concerned. Remember this, that the very people who oppose this legislation close their eyes to the violation of it. If these people were sincere, then why do they not go into the hospitals and stop the experimentation upon the dogs that are being experimented upon now? I say that either you stop it or that you allow it legally.

I want to say to all the Members of this Senate that the question of personal political success at home has nothing to do with measures when they aim at the general welfare. I think that everyone of us should vote upon this legislation and not hide behind the ruse of sending it back to committee for further study. I want to tell you that if, in the twenty years I have been here, they would take all the bills that went back for further study and piled them end to end, they would go around the world three times and have two lengths left over. I think the situation is one that calls for a clear-cut vote on the issue and, therefore, I want recorded as voting "no" on the question of sending this bill back to committee.

Mr. MAHANY. Mr. President, I am always amazed at the fine speeches Senator Dent can make on a bill in which there is nothing in it regarding what he is talking about.

Mr. President, I want to say this to Senator Dent. Contrary to what he states, the State of Pennsylvania is one of the few States that does legally allow vivisection. That is probably the reason we have medical schools in the State of Pennsylvania and do not have medical schools in the other States. For instance, in New Jersey, they could not have a medical school because in that State, they do not allow vivisection. That does cost us quite a bit of money, because students come from all over the United States into the State of Pennsylvania to go to

the University of Pennsylvania Medical School and the University of Pittsburgh Medical School and other medical schools which are located here. The taxpayers of Pennsylvania must pay a large portion of the cost of educating these students who do come from other States and we never get reimbursed for it.

The only purpose of this bill is to allow these medical schools and hospitals and research agencies to obtain the dogs from the dog pound instead of forcing them to pay anywhere from \$10.00 to \$50.00 for dogs which they procure from private agencies. At the present time, I am not either opposed to the bill or for the bill. I think that the proponents of the bill have some education work to do back home in trying to educate the people of the value of vivisection and the value of obtaining these dogs from the dog pounds. They also have to clear this with, we will say, some others before we can act on the bill.

Mr. President, we all know that while this bill is on the Calendar, we do receive thousands of telegrams and communications from the people back home. Perhaps when we finally get the proper amendments in here, which can be agreed to, then these people back home may withdraw their objections to the bill. In the meantime, however, it is quite necessary for the Members of the Senate to answer the letters which they get from back home. It does take a lot of our time and a lot of money of the State's to buy stationery, and so forth, to write these letters on. I believe it was a United States Senator who said that the way to get re-elected was by the primary rule to always answer the mail that you receive from back home. If all of us fellows had to answer all the mail that we receive on this bill, we would not have much time for anything else.

In order that we can get this thing properly worked out, Mr. President, and that it may be more or less satisfactory to everybody, I think it is well for us to put it back into committee and try to work out our differences there and then bring it out. At that time, we will be able to vote more intelligently on this particular piece of legislation.

Mr. SCHMIDT. Mr. President, I rise at this time in support of the position which has been taken by the Minority Leader, Senator Dent, on this matter. I feel, gentlemen, that we (on both sides of the aisle) felt very proud here last year when we were the hosts to one Jonas Salk, whom the Nation and this State honored because of the great advance that was made in the fight against poliomyelitis.

All of the work of men of the type of Jonas Salk has been predicated upon the fact that they have been able to conduct certain research with, what we call, so-called guinea pigs, whether they be humans or animals. This work that has been done has been for the benefit of mankind.

This is, as Senator Mahany has said, merely a bill to make available to the laboratories and to the medical schools of Pennsylvania a source of supply of dogs, as we refer to them, for the conducting of these experiments. These dogs are dogs that are condemned to death. They are dogs which have been collected by the dog pounds under the law, and have not been claimed and are about to be exterminated. Rather than to have these dogs exterminated, we feel that in the best interest of



science and the advancement of science, we in Pennsylvania want to see to it that our laboratories and our medical schools have this supply available to them.

Mr. President, this bill is going to clear up an evil. It is going to clear up the evil that those who are opposed to it say will be caused by this act. Their feeling is, from all the misinformation, that if this act is passed it will lead to a lot of dog snatching. Well, the dog snatching is taking place now, because the medical schools and the laboratories cannot get a sufficient supply of dogs. This bill, therefore, is in the interest of those people who want to see to it that these dogs are available to the medical schools and are not snatched and sold for a price to the medical schools.

It may be that there should be some change in the law to make sure that these dogs which are deceased and brought to the pound are kept there until a certain period of time elapses and sufficient protection is thrown around them so that the rightful owners of these dogs will have a chance to claim them. If, after a period of time, these dogs are not claimed and they are about to be executed, then I say, and I do not think anyone should contradict this statement, that it is in the interest of humanity that these dogs be turned over to properly regulated laboratories, which are conducted either by laboratories or medical schools, and that we have the benefit of these dogs for the advancement of science.

Mr. President, I am not afraid to vote on this bill. I can tell you that today I received telegrams from some of my best friends, people whom I know personally and whom I feel are misinformed, and they have told me that they do not want this bill. I am ready to stake my political future, if that is necessary, to see to it that our medical schools and laboratories are able to get this supply of dogs. I would much rather see a dog furnished to the medical schools or laboratories than have it killed in the pound and serve no value whatsoever to humanity.

Therefore, I ask you, gentlemen, let us keep this bill on the Calendar and let us pass it over and get together and offer the amendments which may be necessary, to see to it that the owners of pets, which might be picked up, are given every opportunity to reclaim those dogs, but if after a reasonable length of time and after diligent search, these owners cannot be found, then let us turn them over to the medical schools.

Mr. DENT. Mr. President, I want to interrogate the gentleman from Crawford but, before I do, I would like to say to him that if he would listen to everything that I say, he would not just pick out what he thinks is false information.

If you will remember, when I started to talk I stated that the main purpose of this bill was to see to it that we eliminated the very thing which Senator Schmidt talked about, the so-called scarcity because of the necessity of getting dogs from sources that are not always reliable.

Now, Mr. President and Members of this Senate, I wonder if Senator Mahany will permit himself to be interrogated at this moment?

The PRESIDENT. Will the gentleman from Crawford, Mr. Mahany, permit himself to be interrogated?

Mr. MAHANY. I will, Mr. President.

Mr. DENT. Senator Mahany, you said that you received thousands of letters against this bill.

Mr. MAHANY. I did not say that, Senator. I said there are Senators here who have received thousands of letters.

Mr. DENT. Have you received any?

Mr. MAHANY. I think I have. My executive assistant looks over these letters, and he is down there sorting them out. By the way, he just received a message that his mother is deceased and he has gone back home. However, we did get an awful lot of letters on this particular subject. Other Senators here have told me that their mail was just full of telegrams and letters against this bill. As for my own personal mail, I have not seen the mail today on this particular subject.

Mr. DENT. Mr. President, I do not want to, in any way, ask the Senator the next question because then he would have to call in his executive assistant, and I join with the rest of the Senate, of course, in extending to him our deepest sympathy in his hour of great loss and I would not ask him this question.

I want to thank you, Senator, and say that so far as the State of New Jersey is concerned, they are at this moment building a medical school. So, I am sorry if they are not going to be able to operate it after they build it, but I would think that the people of New Jersey would know what they are doing.

Mr. President, if anybody on the other side who has received any letters against this bill will hold their hand up, I would like to interrogate them.

Mr. President, I desire to interrogate the gentleman from Blair, Senator Mallery.

The PRESIDENT. Will the gentleman from Blair, Mr. Mallery, permit himself to be interrogated?

Mr. MALLERY. I will, Mr. President.

Mr. DENT. Senator Mallery, would you get one of the letters and read it?

Mr. MALLERY. The letters which I received, Senator Dent, were received at the time when the bill was first introduced and shortly thereafter. I will say that I received more letters against this bill than on any tax measure which has been introduced.

Let me say this. I agree with you absolutely that when experimentation on animals is made by people who can profit and do good by such experimentation, that should be permissible. I will say, on the other hand, that I think the medical profession has done the poorest job of disseminating information on this bill than on any matter I know of. You must keep in mind, as I heard you state in referring to the poor, and it is true, that God must have loved them because there are so many of them. There is one other saying which is absolutely true and that is, "If you love me, love my dog." Those people who have dogs, children and adults, next to members of their family, love the dog about as much as they do their neighbors.

In all sincerity, Senator Dent, let me assure you that by the motion to return this bill to committee, there is no intent on the part of anyone in our Caucus to kill this bill. Just as soon as I have an opportunity, I want to talk to the deans of several of the medical schools. I, for one, want to make certain that dogs, when they are used for experimentation, that it will be done by people in our medical schools and in our laboratories. Such institutions are the proper places to make these experiments.

I have read and I have in my pocket a section of the



Philadelphia Inquirer, which I believe everyone should read and possibly all of you have. It is an argument for your stand in this matter. I am only sorry that the medical profession has not publicized this. I feel that more publicity should have been given to what is being done and what is being accomplished in medical research. Great strides are being made in industrial research and the same is being done in the way of promoting health and in saving lives, but that has not been given the publicity it should have. Evidently, it has not reached the peoples in our communities, especially in the rural community sections of the State where I come from, where every hunter and dog owner in the two counties which I represent are fearful that something is going to happen to their dog.

If you will be patient on that side and give a few of us an opportunity of a day or two, I feel certain that the bill will be more acceptable to everyone in Pennsylvania.

Mr. DENT. I thank the gentleman for the answer to my question. I think that his answer, of course, absolves me a little from some of the criticism I got from Senator Mahany when he said that when I answer, I make a long answer. However, I want Senator Mallery to know that I appreciated the answer because it more or less concurs in what I have been trying to say here.

The difference in our viewpoint is that I do not believe that the bill ought to go back to committee. I believe that any amendments which can be worked out, ought to be worked out on the floor. This is the thirteenth month of the Session, and we are not in the first month of the Session, and if we are sending bills back at this late date for further study, I wish someone would kindly tell me if there is any such thing as a target date when we are going to quit in this General Assembly. If we are just going to be referring these bills back for further study, I wonder if that means that we are going to be here all year.

Mr. President, I do not want dogs to get into the hands of persons not qualified or authorized. I said that the bill may not be in the form that we want it, but there is no reason why we cannot put it in the form here on the floor. I do not agree with Senator Mahany that we have to contact some people on the outside. I think we have enough intelligence in this Senate—although we do not display it too often, I do think that we have it—and I think we can work out the situation to the satisfaction of most of the people concerned.

The reason I interrogated the Senator from Blair, Senator Mallery, was because I wanted someone to read to this Senate some of the literature they have been receiving against this bill. I do not know how many Members of this Senate know it, but the information which is being fed to the dog owners of this State is that this bill is a vivisectionist bill, and that the propaganda being fed is by an organization called the Anti-Vivisectionist Organization. These people are not interested in whether they get the dogs from the dog pounds or from dog snatchers. What they are interested in, and what they have the people of Pennsylvania believing, is that the passage of this bill gives the right in Pennsylvania to practice vivisection. I particularly wanted to make the statement which I did in my first speech so that Senator

Mahany or someone would bring out into the open the very crux of the whole argument.

Mr. President, the anti-vivisectionists have not been reporting to the people on a true basis. They have the dog lovers in my community aroused to a fever pitch, because the dog lovers in my community believe that when we pass this bill, we are going to allow vivisection. Senator Mahany knows that I know they have vivisection in the hospitals because I have been to the sections in the hospitals where they practice it. I have gone down into the kennels where they keep the dogs and I have inspected them at both Temple and Pennsylvania. I know exactly what they go through, but I know also what they have to do to get dogs.

Mr. President, now say that you allow vivisection and you say the greatest danger to the dog lover is the present practice because a dog can be stolen and sold to a hospital and there is no way that the owner can trace it; whereas, if it goes to a pound, the first place that a boy or any person who loses a dog calls is a dog pound. If his dog is there, he can claim it. That is as true as anything that has ever been said on this floor. All we are saying is that if the dogs are unclaimed, why should the hospitals not get them?

Mr. President, if Senator Mallery has a formula by which we will see to it that only those authorized and qualified may experiment on dogs, I am for that, but I do not think that the anti-vivisectionists ought to go out into the highways and byways of this State and picture every man who wants to vote for this legislation as being a man who hates or does not like dogs.

Let me tell you all something, Mr. President. All of my life, like many men in this room, I have had a dog in my home. I think that people around Jeannette who watched me grow up can tell you that I do not believe I was ever seen too much without my dog. I had many occasions when I had to leave the classroom and take my dog home before I was allowed to be in, because he would sit outside and whine. Even if some of you do not know it, there are some people and some animals that like me. I want to say that I like dogs as much as any man on this floor, and I am trying to protect the dogs of the poor people, if that is the way you want to put it, Senator Mallery, because it is the dogs of the poor kids that are stolen by these dog snatchers and sold to the hospitals at exorbitant prices. There is no reason why we should add to the cost when it is being done in the interest of human welfare.

I would like to sit by the bedside of any one of the people who sent me a letter against this bill and if the doctor said to them on their sick bed, "We have to experiment with a dog or experiment with you," I would like to know what percentage of that crowd would say, "Experiment with me and save the dog." Senator Newell Wood gave the answer when they experimented on his dog and saved his life. I do not say that a dog's life is worthless. Some people may say that a dog is worth as much as a human being, and maybe that is so, but I do not measure it that way. I only measure it like this. I think that a dog or a human being who sacrifices their life or gives in pain for the future good of the human race is certainly not living a wasted or useless life.

I think, like Senator Schmidt, that to take a dog out and shoot it, because no one will claim it, is more in-



human than taking that dog and attempting to experiment in a manner that may save many, many human lives and also many dogs' lives. It may interest all of you to know that in the experimentation on dogs, they have developed dog surgery and medical science for dogs. The veterinarians all over the Country receive the reports and, when they receive sick dogs, they are able to do a great deal for the dogs that come to their establishments and into their dog hospitals because of the experimentations that have been carried on with dogs. If any of you believe that many human beings in the lifetime of this human race have not been used for experimentation on an operating table, then you are not facing facts. Medical science has at many times, had to dive into a human body on an absolute uncharted base. They have had to work on an experiment in trying to save a human life. That particular human being was being experimented on the same as a dog.

So, I say to the anti-vivisectionists, you should face the people and tell them the truth. Tell them that we are not trying to open it up so that every man's dog will be taken from him and cut up for the sheer joy of cutting a dog up. Tell them that what we are trying to do is to make it possible for dogs that are not claimed, wayward, stray dogs, poor, homeless pups, if you want it that way, to be given over to medical science rather than the dogs that are, in many cases, stolen from those who love them and sold into experimentation by persons who have no regard either for the dog or the dog owner.

Mr. McCREESH. Mr. President, the reason why I am against this bill is that I do not know how it got on the floor. The Chairman of the Committee on Health and Welfare is sick in the hospital. I think the least we could do is leave this bill on the Postponed Calendar until he returns to the Senate.

We have many Senators who have been taken sick lately, and I do not understand why we should get all heated up over this bill. There are plenty of other bills that we could consider and spend a few hours on until some of our Members get back here.

Mr. President, I have always been opposed to this bill. This bill might easily become a racket and you would have kids snatching dogs all over and selling them for whatever they could get for them to the universities. Therefore, Mr. President, that is the reason why I decided to talk on this bill. I think it should be passed over until the Senators return to the Senate. I think it is a disgrace to bring this bill up when the Chairman of the Committee is sick and in the hospital. Those who want to laugh and make mockery may do so, but I do not think that is good policy.

Mr. CHAPMAN. Mr. President, regarding the concern of Senator McCreesh, I will say that I happen to be the Acting Chairman of this Committee of Public Health and Welfare. I received word from the chairman of that committee to report this bill out. The committee met and I was present. The committee instructed the chairman to report the bill out, as amended. I am not concerned but what this bill will pass.

In order to allay some of the fears of those who think the bill is being returned to committee to be buried, that is a mistake. The Republican Caucus has agreed and many of them have spoken to me, saying that if you will

amend the bill and tell which medical schools and which laboratories can perform these operations, then we will be for the bill.

Therefore, Mr. President, this bill is being returned to the committee and myself. I will agree that next Monday morning, at 9:00 o'clock, I will have those amendments about which I spoke corrected in the bill. I think there will be no question on our side but what the bill will receive the unanimous consent, I hope, of the Republican Caucus. If Senator Dent will concede to the bill going back to committee until next Monday, I think we will lose no time.

Mr. President, for twenty-six years, since I have been in the Senate of Pennsylvania, I have sponsored this measure. I do not think, therefore, that one week will make very much difference about the enactment of it. I am also informed that the House will also approve the bill with these amendments.

Mr. WEINER. Mr. President, I have an open mind on this bill, but I felt I would be remiss in my duty if I did not read this telegram I received for the bill. It might be that this telegram is a week late. It says:

"Your passage of Senate Bill 231 vital to medical education and public welfare!"

Mr. President, I thought we voted on that bill last week. I received another telegram which I think is rather cogent and would be of importance in this measure. It says:

"Heart attacks of four State Senators this year demands that you insure passage of bill 231!"

I think that is pretty close to our own home ground. I would say, roughly, that I have received about 150 to 200 telegrams from not only the Philadelphia area, but the surrounding counties for this bill. I think we should think seriously before we act hastily on this measure.

Mr. DENT. Mr. President, I certainly would not go against the wishes of Senator Chapman in the matter because I believe, for many years, not as long as Senator Chapman, I have tried over the years to advance this legislation. I agree with him that another week would not make that much difference. If Senator Chapman is assured by his Caucus that it will come out next Monday, I certainly will go along and withdraw my opposition to the bill going back to committee. However, I assure Senator Chapman that if it does not come out, I am very fearful that I will have to doubt any suggestions which he might make in the future.

Mr. DiSILVESTRO. Mr. President, I am not rising to be for or against the bill. However, an interesting point has been developed. I would like to interrogate the gentleman from Warren, Senator Chapman.

The PRESIDENT. Will the gentleman from Warren, Mr. Chapman, permit himself to be interrogated?

Mr. CHAPMAN. I will, Mr. President.

Mr. DiSILVESTRO. Senator Chapman, how long has this bill been in committee, about a year?

Mr. CHAPMAN. I have forgotten when it was; early in the Session.

Mr. DiSILVESTRO. Who was Chairman of the Committee?

Mr. CHAPMAN. Senator Pechan was Chairman and I was Co-Chairman.

Mr. DiSILVESTRO. Did Senator Pechan ever bring this



bill before the committee up until the day that you brought it up?

Mr. CHAPMAN. Yes.

Mr. DiSILVESTRO. When did he bring the bill up? When did Senator Pechan bring Senate Bill No. 231 up?

Mr. CHAPMAN. He talked about it, but—

Mr. DiSILVESTRO. But he never brought it up.

Mr. CHAPMAN. Senator Pechan was always in favor of the bill.

Mr. DiSILVESTRO. Was he favorable to it?

Mr. CHAPMAN. We did not vote on the bill until we knew that everything was ironed out.

Mr. DiSILVESTRO. Perhaps I got the wrong impression, but I can assure you that I visited Senator Pechan on numerous occasions, before his operation and after his operation. God bless him; I am so happy that he came through satisfactorily. However, do you think that maybe the doctor may have spoken to Senator Pechan and told him the value of vivisection and so forth? In other words, do you think that when Senator Pechan called you, he thanked God that maybe through the discovery of certain things—

Mr. CHAPMAN. He called his secretary down in his office and when she called me down, I talked to her then.

Mr. DiSILVESTRO. This is not a laughing matter, Mr. President. I am not trying to ridicule anybody. However, when I took up pharmacy, I did not take up pharmacy to walk the boardwalk while people were suffering. I will get up at three or four o'clock in the morning for anyone who rings my doorbell. Even though they say, "Put it on the eye," I just take it like a man and give them the medicine and put it on the eye because we are helping humanity.

Senator Chapman, do you think this is a very important bill?

Mr. CHAPMAN. Next to the tax bill, I think it is the most important bill. It is a bill which I have been most personally interested in.

Mr. DiSILVESTRO. Why are we not men and vote for this bill just the way it is? There is nothing wrong with the bill. I am not saying whether I am voting "aye" or "nay."

Mr. CHAPMAN. The bill will not be changed except for what I said before, and that is by naming the various medical schools and the various laboratories in which these experiments can be performed.

Mr. DiSILVESTRO. I made a discovery here this afternoon through a statement made by you a little while ago. It seems as though Senator Pechan is absolutely convinced, and it took an experience in a hospital to convince him, that this is a very good bill.

Mr. CHAPMAN. He is more convinced than he was before.

Mr. DiSILVESTRO. Let us not make a joke out of this; this is important. You know, I rarely rise but I love to get up when my conscience says, "get up."

I do not want to put you through any more cross-examination, Senator Chapman. Thanks a lot.

Mr. President, I really believe we should at least be men once in awhile. This business of amendments, I have heard about for twenty years. They take it back to committee for further study and I say, what is there about it to study? This bill is clear-cut. You men are

all intelligent. I think we should vote for the bill. We should keep it on the Calendar.

Senator Chapman is a gracious man; he is an affable person; he is charitable; generous and he has a good heart. I think that by result of those affects that strike his good heart, he has risen to take the position. I do not want to say that I do not believe that in a week this bill will be out. It is out now, so let us work on it. Let us vote on it. I think it is an honest piece of legislation.

Mr. STIEFEL. Mr. President, I have all the respect and admiration for Major Hunt. I know of no other authority on colonial Pennsylvania than Major Hunt. However, when it comes to this bill, I still feel that there is a lot which is illogical and untenable in the position taken by the anti-vivisectionists. When I traveled to the Near East, I was in the British Army. When we reached Constantinople, which today is known as Istanbul, they pointed out to us an island on the Marmara Sea where dogs, which had been captured, were sent to die in peace. At least, dogs were not killed.

Here in Pennsylvania, if a stray dog is captured, he has three chances. Either the dog will be recaptured by his owner, or it will be given to a new owner or it will be killed in a humane way. The last way, the killing in a humane way, is, in my opinion, illogical from the viewpoint of the anti-vivisectionist. Instead of spending thousands upon thousands of dollars in publishing the A. V., or placing costly advertisements in the newspapers, why not find an abandoned island and ship the dogs there? That would be more logical, in my opinion.

Mr. BERGER. Mr. President, I question whether any man in this Senate is more heartily in favor of this bill, or similar bills that have been before us in the past, than I am. However, I want to rise now to endorse the statements which have been made by Senator Chapman. I think, possibly, he went a little too far in saying that the Republican Caucus endorsed the measure and promised to put it out on Monday. However, I know he speaks in all sincerity when he says that it was the sense of the Caucus that the bill should go back for certain amendments which many of the Members felt were necessary. As a member of the Health and Welfare Committee, I can endorse, for at least one vote, the statement that he made that the bill will be reported in the very near future. If he says it will be Monday, as far as I am concerned, it will be Monday.

Mr. President, as far as the statements of the gentleman from Philadelphia, concerning the reason that Doctor Pechan, the Chairman of the Committee, might have had for telephoning Senator Chapman and asking him to report the bill, I might say this. Before Senator Pechan went into the hospital, or knew that he was to undergo surgery there, action was taken upon this bill and the amendments, as presently appear in it, were discussed by the committee and Senator Chapman was given the duty of preparing the amendments, I believe, and reporting the bill out. That happened well before Senator Pechan ever went to the hospital. I will say, however, to Senator DiSilvestro, that I had occasion to talk to Senator Pechan on the day or the day after he had been released from the hospital and arrived in Florida. At that time, he did tell me that the very serious operation that he underwent had been developed as a result of research on dogs by an eminent doctor in Philadelphia.



Mr. DENT. Mr. President, I would like to ask Senator DiSilvestro to go along with the suggestion of Senator Chapman, if he will, in order that we do resolve this question. However, I would like to remind Senator Mallery, and I hope he will hear me, that this bill would not affect the dogs that are caught in Blair County.

Mr. MALLERY. Mr. President, our newspapers contain paid advertisements opposing this bill. Senator Dent may guess possibly, and I could guess, who is doing this publicizing against the bill. I did state that those who are in favor of the bill have done nothing in my District other than ask me to vote for the bill. What I think they might well have done was to point out, as has been pointed out by Senator Dent, the good that has been derived by the experimenting on dogs. This matter has been fully brought to our attention, but it has not been to the general voting public in my District.

Mr. DENT. Thank you, Senator Mallery.

Mr. President, I just want the rest of the Senators who have not read the bill—I do not know whether they all have or not—to know that all it affects are the dog pounds in the city of Pittsburgh and the city of Philadelphia. In our counties, it does not have any affect. I, myself, do not see any reason for that exemption. I think wherever a stray dog is homeless, it would be a darn sight better off by giving its life, if necessary, to the advancement of both the dog race and the human race.

Mr. MALLERY. May I ask you one question, Senator Dent? Would you object to an amendment being placed in the bill to provide that, where a dog bearing a license is taken, notice is given to that owner?

Mr. DENT. Senator Mallery, I would certainly accept that amendment if it is not already covered in the bill. As I understand it, the law is that any dog that has a license, when found, they must try to notify the owner. They have to do it, I understand, by registered mail. I thought that was covered. The dog law does cover it. . .

I certainly would never go along with any bill that would allow the taking of a dog that a license is paid on. That is just like taking an automobile or anything else. It is personal, private property. Certainly, we do not condone the taking of private property under any condition.

Therefore, Mr. President, I will go along with the proposal to send this bill back to committee with the understanding that Senator Chapman and Senator Berger have led us to believe that it is a sincere effort to correct whatever may be at fault in the legislation.

Mr. SCHMIDT. Mr. President, in deference to Senator Chapman, whose interest in this bill is unquestioned, I, too, at this time, will withdraw my objection to this bill going back to committee, understanding that it will receive the consideration that every protective device be set up wherein these dogs shall be protected from being either killed at the pound or delivered to these laboratories unless sufficient time has elapsed and every opportunity taken to ascertain the ownership of the dog, and also that some regulation might be set up in the bill regulating the laboratories and the hospitals in the use of these dogs.

And the question recurring,

Will the Senate agree to the motion?

(A voice vote having been taken, the question was determined in the affirmative.)

## BILLS OVER IN ORDER

Mr. MAHANY. Mr. President, I ask unanimous consent that the following bills, on second reading, go over in their order:

Senate Bill No. 317, Printer's No. 394; and

Senate Bill No. 318, Printer's No. 388.

The PRESIDENT. Is there objection? The Chair hears none.

## BILL ON SECOND READING AMENDED

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 382, entitled:

An Act amending the act of May 7, 1937 (P. L. 589) entitled as amended "An act providing for the taking over by the Commonwealth under certain terms conditions and limitations of certain streets in cities of the first class as State highways . . ." changing or deleting certain routes and adding certain new routes.

The first section was read and agreed to.

The second section was read.

On the question,

Will the Senate agree to the section?

Mr. Lane offered the following amendment:

Amend Sec. 2, page 6, lines 5 to 17, by striking out all of said lines.

It was agreed to.

The section was agreed to as amended.

The third section was read.

On the question,

Will the Senate agree to the section?

Mr. LANE offered the following amendment:

Amend Sec. 3, page 6, line 18, by striking out all of said line.

It was agreed to.

The section was agreed to as amended.

The title was read.

On the question,

Will the Senate agree to the title?

Mr. LANE offered the following amendment:

Amend Title, page 2, last line of Title, by striking out "and adding certain new routes."

It was agreed to.

The title was agreed to as amended.

And said bill having been read at length the second time, as amended.

On the question,

Will the Senate agree to the bill on second reading, as amended?

## BILLS OVER IN ORDER

Mr. LANE. Mr. President, I ask unanimous consent that Senate Bill No. 382, Printer's No. 469, on second reading, go over in its order, as amended.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. MAHANY. Mr. President, I ask unanimous consent that the following bills, on second reading, go over in their order:

Senate Bill No. 420, Printer's No. 451; and

House Bill No. 655, Printer's No. 258.



The PRESIDENT. Is there objection? The Chair hears none.

### BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 730, entitled:

An Act providing for and regulating the licensing of poultry technicians by the Secretary of Agriculture for the drawing of blood from poultry to be used in pullorum testing programs

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 756, entitled:

An Act amending the act of May 1, 1929 (P. L. 905) entitled "The Vehicle Code" changing the requirements regarding use of different types of danger and caution signals and eliminating penalty provision

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

### BILL OVER IN ORDER

Mr. MAHANY. Mr. President, I ask unanimous consent that Senate Bill No. 857, Printer's No. 383, on second reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

### BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 857, entitled:

An Act amending the act of May 1, 1929 (P. L. 905) entitled "The Vehicle Code" authorizing the establishment of speed limits in cities of the first class under certain terms and conditions and imposing penalties.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

### BILL OVER IN ORDER

Mr. MAHANY. Mr. President, I ask unanimous consent that Senate Bill No. 866, Printer's No. 470, on second reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

### BILL RECOMMITTED

Mr. MAHANY. Mr. President, I move that House Bill No. 944, on second reading, entitled:

An Act amending the act of August twenty-fourth one thousand nine hundred fifty-one (P. L. 1417) entitled as amended "Corporation Income Tax Law" changing

formula for determining gross receipts of corporations owning property or carrying on activities within and without the Commonwealth and the penalty for failure to make report or for making false report and increasing the rate of tax for a limited period of time

be recommitted to the Committee on Finance.

Mr. FLEMING. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. DENT. Mr. President, I desire to interrogate the gentleman from Crawford, Senator Mahany.

The PRESIDENT. Will the gentleman from Crawford, Mr. Mahany, permit himself to be interrogated?

Mr. MAHANY. I will, Mr. President.

Mr. DENT. Will you tell me why this bill is going back to committee?

Mr. MAHANY. I believe that these tax measures should probably be considered in committee as part of the tax package which we finally may be able to agree upon. For instance, and this is hypothetical, if we agree some time that we might have to have a two per cent sales tax and a two per cent income tax or some other type of tax, it might be that we would not have to increase the corporate net income tax. It might be that we will have to make some increase, but it might be either more or less than the rate as fixed by this particular bill. In order that the committee may have charge of all of the tax bills and so that they may consider them all in a package, I believe it is desirable that this bill be re-committed to committee.

Mr. DENT. Mr. President, I will not object to this bill going back since it is only a companion bill to House Bill No. 941, which is the real corporate net income tax proposal. I would like to ask at this time if the gentleman on the other side would rather go into the question that I would like to bring up in relationship to House Bill No. 941 and House Bill No. 944 at this time, or whether they would rather continue on through the Calendar. The thing that I would like to impress the Members with is that I believe this would be the proper time and if, after this motion, I can be recognized under the question of Petitions and Remonstrances, I would agree readily to having the bill go back to committee.

Mr. MAHANY. Mr. President, I am quite willing to stay here and listen to anything Senator Dent has to say about this bill or any other bill. However, I believe that it would be more orderly if we finished the Calendar and then reverted to Petitions and Remonstrances, as he had requested earlier, and take it up in that order. I believe then we will find a more orderly statement of what we are doing here in the Legislative Journal.

Mr. DENT. Mr. President, I agree with Senator Mahany on that. I made that suggestion, but I am so fearful that if we wait until the Calendar is finished, many of the Members will leave the floor. I believe that the matter I want to discuss is one of such grave importance to the Membership of this Senate that there is no order of business that cannot be interrupted to take it up. I think it is a matter that strikes at the very foundation of the integrity of this Senate and one that requires a great deal more attention than what might be given if we wait until the end of the Session and the Members can very readily and honestly leave the floor and not return. It is not imperative that they stay here to hear me or anybody



else. However, it is rather imperative that they stay during the reading of the Calendar.

Mr. President, although I normally would agree that the proper procedure would be to finish the Calendar first, I am very much afraid of the departure of too many Members to receive the message that I think is of such vital importance to the Members of this Senate. The question that I want to raise is one that cannot be answered unless all of the Members are here on the floor.

Therefore, I would like to have the vote taken as to whether this bill goes back to committee or not. I agree that it should go back inasmuch as Senator Mahany said that it might be part of a package and it would not be in the same position that it is in at the present moment in so far as rates and so forth are concerned. I will go along with having it go back to committee, but I must urgently request that I be given permission to inject at this point, after the vote, the question of Petitions and Remonstrances, because it is one that vitally affects the integrity of this Senate. We might be wrong in what we believe to be a violation and, if we are, we certainly do not want to make false accusations. If we are not wrong, then something should be done about it. I believe everybody knows what I am talking about, since my statement appeared in the newspaper over the week end.

Mr. MAHANY. Mr. President, we adopted a rule the other day that starting today we would adjourn the Session at 6:00 o'clock P. M. There are some other bills on this Calendar which we should take action on. I feel that we should be able to complete them within the next five minutes. If Senator Dent will just wait until then, I am quite sure that he will have a good audience inasmuch as he has kind of given us a preview of what he is going to say. I am sure that he is so interested in the rest of the Senators here, that I feel they will stay and listen to him.

Mr. BARR. Mr. President, this is not a trifling matter. I think that the Senate is going to have to be informed as to whether the chairman of a certain committee pulled a hoax on his own Caucus and on all the Members of the Senate. I would ask, in all fairness to them and to ourselves, that all the Members remain, because this is one thing that will have to be proven to the satisfaction of the people of the Commonwealth.

And the question recurring,

Will the Senate agree to the motion?

(A voice vote having been taken, the question was determined in the affirmative.)

### BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 970, entitled:

An Act amending the act of May 1, 1929 (P. L. 905) entitled "The Vehicle Code" by changing requirements and penalties concerning lamps and illuminating devices.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 1294, entitled:

An Act amending the act of June 24, 1939 (P. L. 872) entitled "The Penal Code" regulating the advertising of merchandise commodities and services.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

### BILL ON SECOND READING AMENDED

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 1330, entitled:

An Act amending the act of May 17, 1921 (P. L. 682) entitled "The Insurance Company Law of 1921," further regulating reserves with respect to domestic mutual fire insurance companies.

The first section was read.

On the question,

Will the Senate agree to the section?

Messrs. WADE, McPHERSON, JR., FLEMING, DENT, BARR and RUTH offered the following amendments:

Amend Sec. 1 (Sec. 807), page 3, lines 2, 3 and 4 by striking out "and unless the company's annual pre-" in line 2 and all of lines 3 and 4 and inserting in lieu: "and in such case when the annual total gross premium income less return premiums of the company from such policies shall amount to seventy-five thousand dollars (\$75,000.00) or more the provisions requiring unearned premium reserves as hereinafter set forth shall thereafter apply regardless of the annual premium income of such company in any subsequent year"; Amend Sec. 1 (Sec. 807), page 3, lines 5 and 6 by striking out "first day of January one thousand nine hundred fifty-six" and inserting in lieu: "effective date of this act a domestic mutual fire insurance company and"; Amend Sec. 1 (Sec. 807) page 3, line 12, by inserting after "reserves": "under the foregoing provisions"; Amend Sec. 1 (Sec. 807), page 3, lines 12 and 13, by striking out "except that" and inserting: "issued on and after the effective date of this act"; Amend Sec. 1 (Sec. 807), page 3, line 13, by inserting after "reserves": "progressively"; Amend Sec. 1 (Sec. 807), page 3, lines 14 and 15, by striking out "first day of January one thousand nine hundred fifty-six" and inserting in lieu: "effective date of this act"; Amend Sec. 1 (Sec. 807), page 3, line 16, by inserting after "during": "the year one thousand nine hundred fifty-six and"; Amend Sec. 1 (Sec. 807), page 3, line 16, by inserting after "each": "succeeding"; Amend Sec. 1 (Sec. 807), page 4, lines 5 and 6, by striking out "first day of January one thousand nine hundred fifty-six" and inserting in lieu: "effective date of this act"; Amend Sec. 1 (Sec. 807), page 4, lines 8 and 9, by striking out "on which cash" in line 8 and all of line 9.

They were agreed to.

The section was agreed to as amended.

The title was read.

On the question,



Will the Senate agree to the title?

Messrs. WADE, McPHERSON, JR., FLEMING, DENT, BARR and RUTH offered the following amendments:

Amend Title, page 2, last line of title, by inserting after "to": "certain"; Amend Title, page 2, last line of title, by striking out "fire".

They were agreed to.

The title was agreed to as amended.

And said bill having been read at length the second time, as amended,

On the question,

Will the Senate agree to the bill on second reading, as amended?

### BILLS OVER IN ORDER

Mr. WADE. Mr. President, I ask unanimous consent that House Bill No. 1330, Printer's No. 800, on second reading, go over in its order, as amended.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. MAHANY. Mr. President, I ask unanimous consent that the following bills, on second reading, go over in their order:

House Bill No. 1417, Printer's No. 722; and

House Bill No. 1773, Printer's No. 1079.

The PRESIDENT. Is there objection? The Chair hears none.

### BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 1795, entitled:

An Act to further amend the act approved the twenty-fifth day of April one thousand nine hundred twenty-nine (P. L. 723) entitled "An act regulating the investment of funds by administrative departments boards commissions and officers of the State Government" by increasing the investment powers of State administrative departments boards commissions or officers.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

### BILL RECOMMITTED

Mr. MAHANY. Mr. President, I move that House Bill No. 1880, on second reading, entitled:

An Act to further amend sections twenty and twenty-one of the act, approved the first day June, one thousand eight hundred eighty-nine (P. L. 420), entitled "A further supplement to an act, entitled 'An act to provide revenue by taxation,' approved the seventh day of June, Anno Domini one thousand eight hundred seventy-nine," by requiring additional reports and changing the due date of certain payments of capital stock tax and franchise tax; and changing the gross receipts fraction applicable to foreign corporations.

be recommitted to the Committee on Finance.

Mr. FLEMING. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. DENT. Mr. President, I would like to call your attention to the fact that this is one so-called revenue bill that does not cost anybody any more money than

they would have to pay under the old bill. This bill is just trying to make available for us in this biennium some additional \$25,000,000 through an acceleration of an existing tax. No matter what kind of a tax package we may agree upon, Senator, I see absolutely no reason, unless you can point one out to me, why this bill would have to go back to committee.

Mr. MAHANY. In answer to the Senator, Mr. President, it may be that we will be able to develop a tax program in which we will not need to accelerate the return for the capital stock tax. Although the corporations would not have to pay any more money, yet if we accelerate the time of payment, it might be necessary for them to go out and borrow money to pay this tax if they did not have it in their bank account. If they borrowed money from the bank to do this, they would have to pay interest on it and whatever interest they would have to pay would be an increased item of expense to them.

I am quite sure if we need this money and need it immediately, Mr. President, that the Committee on Finance may well bring this bill out at an early date if we are not able to agree on some type of broad base tax program. That is the reason why I would like to have it go back to committee.

Mr. DENT. Mr. President, I thank the gentleman. I might say that just the other day when I asked him a question and he gave me an answer, his answer was, "I do not like it." I am just going to answer him now and say, after hearing his reason for sending this bill back to committee, "I give up."

And the question recurring,

Will the Senate agree to the motion?

(A voice vote having been taken, the question was determined in the affirmative.)

### SENATE CONCURRENT RESOLUTION REFERRED TO COMMITTEE

RETURNING TO THE GOVERNOR SENATE BILL No. 192 WITHOUT AMENDMENT

Mr. MAHANY. Mr. President, I ask unanimous consent to offer a resolution at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Messrs. MAHANY and SCHMIDT offered the following resolution which was twice read and referred to the Committee on Education:

In the Senate, January 23, 1956.

Resolved (the House Concurring) That Senate Bill No. 192, Printer's No. 246, entitled "An Act providing for and regulating the licensing and practice of practical nursing imposing duties on the State Board of Nurse Examiners and imposing penalties," which was recalled from the Governor December 28, 1955, for the purpose of amendment be returned to the Governor without amendment.

### SENATE BILL No. 446 CALLED UP

Mr. LANE. Mr. President, I call up from the Third Reading Calendar, Senate Bill No. 446, which was passed over in its order temporarily.

### BILL OVER IN ORDER

Mr. LANE. Mr. President, I ask unanimous consent that Senate Bill No. 446, Printer's No. 376, on third reading, go over in its order.



The PRESIDENT. Is there objection? The Chair hears none.

### BILLS INTRODUCED AND REFERRED

Mr. STIEFEL. Mr. President, I ask unanimous consent to introduce bills at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Messrs. STIEFEL and CHAPMAN read in place and presented to the Chair Senate Bill No. 948, entitled:

An Act amending the act of June 24, 1939 (P. L. 872), entitled "The Penal Code," requiring the display of the Pennsylvania flag.

Which was committed to the Committee on Judiciary General.

They also read in place and presented to the Chair Senate Bill No. 949, entitled:

An Act amending the act of March 10, 1949 (P. L. 30), entitled "Public School Code of 1949," requiring the acquisition and display of the Pennsylvania flag.

Which was committed to the Committee on Education.

They also read in place and presented to the Chair Senate Bill No. 950, entitled:

An Act amending the act of May 1, 1929 (P. L. 905), entitled "The Vehicle Code," prohibiting the issuance of operators' licenses and learners' permits to persons under eighteen years of age.

Which was committed to the Committee on Highways.

### HOUSE CONCURRENT RESOLUTION No. 107 TAKEN FROM TABLE

Mr. MAHANY. Mr. President, I call from the table House Concurrent Resolution No. 107, for consideration at this time.

The Clerk read the resolution as follows:

### JOINT STATE GOVERNMENT COMMISSION TO STUDY SURFACE AND GROUND WATER RESOURCES

In the House of Representatives, August 2, 1955.

There is vastly increased use of both surface and ground water for domestic, industrial, agricultural, irrigational, recreational and related purposes. The continued expansion of water use may create shortages of these valuable resources. There is an inevitable relationship between the utilization of waters and the utilization of other mineral resources.

The Act of June 22, 1937, P. L. 1987 has declared the discharge of sewage or industrial waste or any noxious and deleterious substances into the waters of this Commonwealth which is or may become inimical and injurious to the public health or to animal or aquatic life or to the uses of such waters for domestic or industrial consumption or for recreation not to be a reasonable or natural use of such waters and to be a public nuisance and against public policy.

The Commonwealth recognizes a public interest in the quantity, quality and utilization of these waters and a duty upon the General Assembly to insure that such waters are conserved and that their use is allotted in a fair and equitable manner; therefore be it

Resolved (the Senate concurring), That the Joint State Government Commission be authorized to study the surface and ground water resources in the Commonwealth and the inter-relationships between the utilization of water resources and other mineral resources and the urban and industrial development of the Commonwealth and

more particularly to determine the adequacy or inadequacy of existing laws and to ascertain what new laws, if any, may be necessary to properly protect these valuable resources. The State Planning Board and the various administrative agencies of the Commonwealth now engaged in studies of these vital problems shall cooperate with the Commission in this study.

The Commission shall report its findings at the next regular session of the General Assembly.

### SENATE CONCURS IN HOUSE CONCURRENT RESOLUTION No. 107

Mr. MAHANY. Mr. President, I move that the Senate do concur in the resolution just read by the Clerk.

Mr. HARNEY. Mr. President, I second the motion.

The motion was agreed to.

Ordered, That the Clerk inform the House of Representatives accordingly.

### BILLS INTRODUCED AND REFERRED

Mr. WEINER. Mr. President, I ask unanimous consent to introduce bills at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Messrs. WEINER, DONOLOW and SILVERT read in place and presented to the Chair Senate Bill No. 951, entitled:

An Act amending the act of March 26, 1903, (P. L. 63), entitled "An act authorizing and empowering the several cities of this Commonwealth to purchase, or acquire by condemnation proceedings, such real estate, within the city limits, as they may need, . . ." authorizing the acquisition of real estate for health center purposes.

Which was committed to the Committee on Local Government.

They also read in place and presented to the Chair Senate Bill No. 952, entitled:

An Act amending the act of May 20, 1921 (P. L. 957), entitled "An act empowering cities to take, purchase, or condemn property . . ." authorizing the acquisition of property for outdoor recreation center purposes.

Which was committed to the Committee on Local Government.

### REQUEST TO CALL UP ORDER OF BUSINESS OF PETITIONS AND REMONSTRANCES

Mr. DENT. Mr. President, I would like to call up at this time the order of business of Petitions and Remonstrances.

The PRESIDENT. The Senator from Westmoreland, Mr. Dent, calls up the order of business of Petitions and Remonstrances, which was passed over earlier in the Session.

Mr. DENT. Mr. President, I am sure that the Senators are somewhere in the hall of the house. I was afraid that there would be empty seats on the other side. I am just wondering whether the gentleman have gone for the day or whether they are around.

If the Senators are not here, it will be all right with me. We can pass the order of business over and I will take it up tomorrow, Mr. President.

Mr. MAHANY. Mr. President, if you will wait a minute or two, I feel quite sure that some of them will come back to hear you. I do not think they have left the building.



Mr. DENT. I can wait.

REQUEST WITHDRAWN TO CALL UP ORDER OF  
BUSINESS OF PETITIONS AND REMONSTRANCES

Mr. DENT. Mr. President, I withdraw my request for  
Petitions and Remonstrances and will take it up to-  
morrow.

The PRESIDENT. The Senator from Westmoreland,  
Mr. Dent, withdraws his request.

ADJOURNMENT

Mr. MAHANY. Mr. President, I move that the Senate  
do now adjourn until Tuesday, January 24, 1956, at 1:00  
o'clock, p. m., Eastern Standard Time.

Mr. SILVERT. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 4:17 o'clock, p. m., Eastern  
Standard Time, until Tuesday, January 24, 1956, at 1:00  
o'clock, p. m., Eastern Standard Time.



**HOUSE OF REPRESENTATIVES**

MONDAY, JANUARY 23, 1956

The House met at 1:00 p. m.

The SPEAKER (Hiram G. Andrews) in the Chair.

**PRAYER**

The Chaplain, Reverend Harold J. Crouse, Pastor of Trinity Lutheran Church, York, offered the following prayer:

O God, our Strength, teach us the divinity of the still small voice within that is ever urging us in the way of righteousness.

Thou ever present Eternal Spirit who carest for us and loves us, enter into the hearts and minds of these Representatives here assembled, transacting the business of a great State—a business that concerns such a vast multitude of people. Grant, Eternal God, that their minds would reflect Thy truth; their words would show Thy love, and their actions would make plain Thy will. O Lord, open the eyes of their souls to Thy nearness so that they might live and walk and work as in Thy constant presence.

Bless us, O Lord, and make us a blessing as we pass through this day. Lend us Thy strength so that amidst the host of things we may have to do we may not flinch or fail, but that we may do all the good we can to as many as we can, as long as we can. In the blessed name of our Lord and God we pray it. Amen.

The SPEAKER. The Chair requests the gentleman from Armstrong, Mr. Helm, to preside temporarily.

Mr. HELM IN THE CHAIR

**JOURNAL APPROVAL POSTPONED**

The SPEAKER pro tempore. If there is no objection, the approval of the Journal for Wednesday, January 18, 1956 will be postponed until printed. The Chair hears none.

**BILLS INTRODUCED AND REFERRED**

By Miss LEIBY. HOUSE BILL No. 1983.

An Act amending the act of March 10, 1949 (P. L. 30), entitled "An act relating to the public school system, including certain provisions applicable as well to private and parochial schools; amending, revising, consolidating and changing the laws relating thereto," clarifying provisions relating to the right to participate in the election of county boards of school directors, associate district superintendents, suspension of professional employees on consolidation of schools, rule making power in reference to medical and dental examinations, status of State teachers college graduates and incurring penalty for employing teachers with only emergency certificates.

Referred to the Committee on Education.

By Mr. McCANN. HOUSE BILL No. 1984.

An Act requiring bonds issued by Authorities to be offered for sale at open and competitive bidding and specifying the procedure therefor.

Referred to the Committee on Education.

**SENATE MESSAGE****SENATE BILL FOR CONCURRENCE**

The SPEAKER pro tempore. The Speaker has referred the following Senate bill:

The Clerk of the Senate being introduced, presented for concurrence, bill numbered and entitled as follows:

SENATE BILL No. 316.

An Act amending the "Optometrists' Licensure Law" \* \* \* regulating the advertising of products used for ophthalmic purposes and providing penalties for violation thereof.

Referred to the Committee on Professional Licensure.

**RESOLUTION INTRODUCED AND REFERRED**

The SPEAKER pro tempore. The Speaker has referred the following resolution:

By Mr. JUMP. RESOLUTION (Not Printed).

In the House of Representatives, January 18, 1956.

On December 11, 1955, a new Jewish Community Center was dedicated at Wilkes-Barre, Pennsylvania. This event clearly stands out as the finest contribution of 1955 toward the cultural, spiritual, civic and educational growth of a progressive area of this Commonwealth.

Our brethren of the Jewish faith displayed great vision and spared no material cost, time and effort in planning this beautiful center, a million dollar monument dedicated to turning out the finest calibre of future citizens and leaders of this Commonwealth and Nation.

It was symbolic that the dedicatory exercises were attended by 1,500 citizens of all denominations. Persons of all faiths rubbed shoulders in the true spirit of God's brotherhood. It is also symbolic that this great center nestles on the campus of Wilkes College and the closely neighboring The First Baptist Church overlooking the gracefully curving banks of the Susquehanna River. It is truly as the name implies, a community center, a symbol of goodwill and brotherhood among men of all faiths; therefore be it

Resolved, That the House of Representatives recognize the tremendous contribution the people of the Jewish faith of the Wyoming Valley have made to a community and State for which they are grateful, and be it further

Resolved, That a copy of this resolution be sent to the Jewish Community Center at Wilkes-Barre, Pennsylvania.

Referred to the Committee on Rules.

**RECESS**

The SPEAKER pro tempore. At the request of the Majority and Minority Leaders, the Chair will declare a recess for an hour and a half, if there are no objections, for the purpose of holding Democratic and Republican Caucuses.

The Chair hears none and declares a recess for an hour and a half. The Members will please go to their respective caucus rooms promptly.

**AFTER RECESS**

The time of recess having expired, the House was called to order.

Mr. HELM IN THE CHAIR

**SENATE MESSAGE****RECALLING SENATE BILL No. 773 FROM GOVERNOR**

The Clerk of the Senate being introduced presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, January 23, 1956.

Resolved (the House of Representatives concurring), That Senate Bill No. 773, Printer's No. 422, entitled "An act amending the act of May 1, 1929 (P. L. 905) entitled



An Act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts an appropriation and providing for refunds' prohibiting the operation of motor vehicles with certain types of mufflers and changing penalties," be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

On the question,

Will the House concur in the resolution of the Senate?

It was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

### SENATE MESSAGE

#### AMENDED SENATE BILL CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives to Senate bill numbered and entitled as follows:

#### SENATE BILL No. 775.

An Act making an appropriation to the Joint Committee appointed by the Senate and House of Representatives to investigate the Pennsylvania Training School at Morgantown

### BILLS SIGNED BY SPEAKER

The SPEAKER pro tempore. The Speaker signed the following bills in the presence of the House:

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

#### HOUSE BILL No. 1898.

An Act amending the act of July 28, 1953 (P. L. 723) entitled "An act relating to counties of the second class amending revising consolidating and changing the laws relating thereto" further providing for and changing the provisions of the act relating to employe' retirement system and the powers duties and liabilities of the county the county institution district and the retirement board relative thereto and the rights privileges and limitations of employes and beneficiaries under the retirement system

#### HOUSE BILL No. 1915.

An Act amending the act of May 22, 1935 (P. L. 233) entitled "An act creating and establishing a fund for the care maintenance and relief of aged retired and disabled employees of the Bureau of Police in cities of the second class providing a pension fund for said employees and providing for the payment of certain dues fees assessments fines and appropriations thereto regulating membership therein creating a board for the management thereof providing the amount made and manner of payment to

beneficiaries thereof and for the care and disposition of said fund providing for the payment into this fund by cities of the second class of all monies heretofore payable into any other funds organizations corporations or associations having the same or similar purposes and of such additional monies as may be necessary to carry out the provisions of this act" changing the amount of payments to certain beneficiaries

#### HOUSE BILL No. 1916.

An Act amending the act of May 25, 1933 (P. L. 1050) entitled "An act creating and establishing a fund for the care maintenance and relief of aged retired and disabled employees of the bureau of fire in cities of the second class creating a board for the management thereof providing the mode and manner of payment to beneficiaries and for the care and disposition of its funds and providing for the transfer and payment of all moneys and securities in existing funds in similar boards superseded by the fund and board herein created" changing the amounts of payments to certain beneficiaries

#### HOUSE BILL No. 1922.

An Act reenacting and amending section 4 of the act of May 28, 1915 (P. L. 596) entitled "An act requiring cities of the second class to establish a pension fund for employes of said cities and regulating the administration and the payment of such pensions" increasing the amount of pensions in certain cases

#### SENATE BILL No. 480.

An Act amending the act of May 25, 1951 (P. L. 415), entitled "An act relating to habeas corpus; conferring jurisdiction upon the judges of the courts of common pleas; prescribing venue; defining procedure in all cases; authorizing service to be made upon persons anywhere in the Commonwealth; providing for the imposition of costs; allowing appeals; specifying the appellate court to which appeals may be taken; and repealing inconsistent legislation including that conferring jurisdiction on courts of quarter sessions," extending jurisdiction as to habeas corpus to courts of quarter sessions.

#### SENATE BILL No. 523.

An Act amending the act of May 29, 1931 (P. L. 280), entitled "An act relating to delinquent taxes on seated lands, and prescribing interest charges on nonpayment thereof; requiring the receivers and collectors of county, city, borough, town, township, school district and poor district taxes to make a return to the county commissioners of such unpaid taxes, and providing for the lien thereof; authorizing the county treasurers to collect such taxes, and to sell seated lands at public sale for taxes heretofore or hereafter returned as unpaid; and authorizing the county commissioners to purchase such lands and resell the same under certain circumstances," further regulating the tax sales and payment of the purchase money.

#### SENATE BILL No. 582.

An Act amending the act of August 19, 1953 (P. L. of instruments, the attestation of documents, the administration of oaths and affirmations, the execution of depositions and affidavits, and other notarial acts, heretofore or hereafter taken before any commissioned officer of the armed forces of the United States, and providing that such instruments and documents executed by any person who is a member of or actually present with the armed forces of the United States or is outside the United States for certain purposes shall be legal, valid and binding, and providing for the form of the instrument or document and what proof shall be sufficient of the authority of such commissioned officer so to act," extending affidavit provisions, to include the spouse of a member of the armed forces.



## SENATE BILL No. 593.

An Act amending the act of May 28, 1915 (P. L. 596) entitled "An act requiring cities of the second class to establish a pension fund for employes of said cities and regulating the administration and payment of such pensions" extending the benefits to employes of certain authorities created jointly with other political subdivisions or joined in by the cities and authorities credit for past service on making back payments.

## SENATE BILL No. 758.

An Act amending the act of June 25, 1947 (P. L. 1145), entitled, as amended, "An act empowering cities of the second class, cities of the second class A, cities of the third class, boroughs, towns, townships of the first class, townships of the second class, school district of the second class, school districts of the third class and school districts of the fourth class to levy, assess, and collect or to provide for the levying, assessment, and collection of certain additional taxes subject to maximum limitations for general revenue purposes; authorizing the establishment of bureaus and the appointment and compensation of officers and employes to assess and collect such taxes; and permitting penalties to be imposed and enforced; providing an appeal from the ordinance or resolution levying such taxes to the court of quarter sessions and to the Supreme Court and Superior Court," authorizing taxing authorities to impose real property transfer taxes on either the transferor or on the transferee.

## SENATE BILL No. 767.

An Act amending the act of August 9, 1955 (Act No. 130) entitled "An act relating to counties of the third fourth fifth sixth seventh and eighth classes amending revising consolidating and changing the laws relating thereto" changing technical provisions with respect to plans required to be submitted to the County Planning Commission.

## SENATE BILL No. 775.

An Act making an appropriation to the Joint Committee appointed by the Senate and House of Representatives to investigate the Pennsylvania Training School at Morgantown.

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

## LEAVE OF ABSENCE

By unanimous consent leave of absence was granted as follows:

Mrs. Henzel for Mr. KRATZ for the remainder of the week because of death in the family.

## SENATE MESSAGE

SENATE INSISTS ON AMENDMENTS  
NON-CONCURRED IN BY HOUSE

The Clerk of the Senate being introduced, informed that the Senate has insisted upon its amendments, non-concurred in by the House of Representatives, to House Bill No. 1104, entitled

An Act amending the act of April 21 1949 (P. L. 665) entitled "An act to carry into effect section one of article fifteen of the Constitution giving cities of the first class the right and power to frame adopt and amend their own charters and to exercise the powers and authority of local self-government and providing the procedure therefore imposing certain restrictions limitations and regulations imposing duties upon city councils city officers county boards of elections courts and the Secretary of the Commonwealth and providing for the payment of certain ex-

penses by such cities and imposing penalties" providing for the revision of home rule charters providing for the establishment of a charter revision commission for the purpose of making revisions and imposing duties upon city councils city officers boards of election courts and the Secretary of the Commonwealth.

And has appointed Messrs. Watkins, Propert and Camiel a committee of conference to confer with a similar committee of the House of Representatives, (already appointed) on the subject of the differences between the two Houses in relation to said bill.

HOUSE BILLS NOS. 779 AND 780 MADE  
SPECIAL ORDER

Mr. READINGER. Mr. Speaker, I move that House Bill No. 779 on page 1 of today's calendar and House Bill No. 780 on page 2 of today's calendar be made a special order of business immediately.

The motion was agreed to.

The SPEAKER pro tempore. The Chair lays before the House the first bill on special order, being House Bill No. 779.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 779, entitled:

An Act providing revenue by imposing a tax on retail sales of tangible personal property to consumers requiring sellers to register and file returns providing for the assessment collection and lien of the tax imposing duties on prothonotaries prescribing penalties and providing for the use of proceeds of the tax for public school purposes

Article I was read.

On the question,

Will the House agree to the article?

Mr. READINGER offered the following amendment:

The SPEAKER pro tempore. Does the Majority Leader desire to discuss the amendments as a whole.

Mr. READINGER. I was just about to ask that we be allowed to discuss all of the amendments as well as the merits of both bills without distinction.

The SPEAKER pro tempore. The Chair will have the Clerk read the amendments to the entire bill and without objection from the House will permit discussion of all the amendments to the bill.

The CLERK read all the amendments to House Bill 779 offered by Mr. Readinger, as follows:

Amend Sec. 101, page 2, line 4, by inserting quotation marks after "Act."

Amend Sec. 101, page 2, line 4, by striking out "of 1955".

Amend Sec. 102, page 2, line 17, by striking out "and any" and inserting "but no deduction shall be made for."

Amend Sec. 102, page 4, line 10, by inserting after "beverages" except sales for consumption on the premises of the seller.

Amend Sec. 102, page 4, line 12, by inserting after the words "Sales of gasoline and other motor fuels" the following: "Sales of newspapers, magazines and other periodicals."

Amend Sec. 102, page 5, lines 2 and 3, by striking out "intended for use and used" in line 2 and all of line 3, and inserting "to religious, charitable and educational organizations."

Amend Sec. 102, page 5, line 7, by inserting after "consumption" "except sales made by a caterer and sales made for consumption on the premises of a seller other than a hospital or school."

Amend Sec. 102, page 5, by inserting between lines 14 and 15 the following:



(o) Sales of tangible personal property (i) which is to be used in fabricating, compounding or manufacturing tangible personal property other than industrial machinery or in producing public utility service to be sold ultimately at retail, or (ii) which is to be used in the process of farming, agriculture or horticulture and which, in either event, becomes an ingredient or component part of the fabricated, compounded or manufactured tangible personal property or public utility product or of the product of farming, agriculture or horticulture, or is consumed in the process of fabrication, compounding, manufacturing or producing or in the process of farming, agriculture or horticulture or (iii) which is to be used in the production or delivery of public utility service.

(p) Sales of manufactured tangible personal property by any taxpayer bound by a contract entered into prior to the date of approval of this act to sell such property at a specified price which price is not subject to adjustment or modification by reason of the tax imposed by this act. In such case the tax imposed by this act shall be payable by the first purchaser thereof who is not required under a contract entered into prior to the date of approval of this act to sell such property at a specified price which price is not subject to adjustment or modification by reason of the tax imposed by this act. The provisions of this paragraph shall apply with respect to the sale of manufactured tangible personal property purchased or to be purchased for incorporation into or attachment to real estate in the performance of a contract for the construction of a building or improvements thereto or the sale of said real estate entered into prior to the date of approval of this act under which the purchaser of said manufactured tangible personal property is required to sell the said building make such improvements or sell such real estate at a price not subject to adjustment by reason of the tax hereby imposed: Provided however, That unless notice of such contract is given by the taxpayer to the department within forty-five (45) days after the effective date of this act the exclusion allowed by this paragraph shall not apply.

(q) Sales of medicine on prescription, sales of crutches, wheelchairs for the use of cripples and invalids, and when designed to be worn on the person of the purchaser or user, artificial limbs, artificial eyes and artificial hearing devices, sales of false teeth by a dentist and the materials used by a dentist in dental treatment, sales of eyeglasses when especially designed or prescribed by an ophthalmologist, oculist or optometrist for the personal use of the owner or purchaser, and sales of artificial braces and supports designed solely for the use of crippled persons.

Amend Sec. 202, page 7, lines 4 to 15 both inclusive by striking out all of said lines and inserting in lieu

(1) If the purchase price is ten cents (10¢) or less no tax shall be collected,

(2) If the purchase price is eleven cents (11¢) or more but less than forty-one cents (41¢) one cent shall be collected,

(3) If the purchase price is forty-one cents (41¢) or more but less than seventy-one cents (71¢) two cents (2¢) shall be collected,

(4) If the purchase price is seventy-one cents (71¢) or more but less than one dollar and one cent (\$1.01), three cents (3¢) shall be collected,

(5) If the purchase price is more than one dollar (\$1.00) three per centum of each dollar of purchase price plus the above bracket charges upon any fractional part of a dollar in excess of even dollars shall be collected.

Amend Sec. 204, page 8, line 12, by striking out "two" and inserting "three."

Amend Sec. 204, page 8, line 16, by striking out "two" and inserting "three."

Amend Sec. 702, page 32, line 3, by striking out "shall" where it appears the second time.

Amend Sec. 702, page 32, lines 3 and 4, by striking out "September 1, 1955" and inserting "immediately."

Mr. CHARLES C. SMITH offered the following amendments which were read by the Clerk as follows:

Amend Sec. 102, Definitions, at page 6, line 10, by adding a new Definition as follows:

(13) "Clothing and Shoes" Any and all apparel utilized to cover the human body against nakedness or cold, including, but not restricted to, materials, fabrics, or other goods to be made into wearing apparel. Provided, however, clothing as defined herein shall not include furs, fur coats, athletic apparel and uniforms not used in the ordinary course of the business or occupation of the person.

Amend Sec. 102, Definitions, Sub-section (7), "Sale at Retail," at page 5, line 15, by adding the following:

(o) Clothing and shoes, but not jewelry or any other object not worn primarily to cover the human body against nakedness or cold.

Amend Sec. 202, page 7, lines 1 to 15, by striking out all of said lines and inserting in lieu thereof:

Section 202. Amount of Tax.—(a) The rate of tax shall be two per centum of the sale price of each separate sale at retail. The tax shall in each instance be computed and collected on the basis of the total transaction without regard to the value or price of the separate items making up the total amount of a single sales transaction.

(b) The tax shall be computed as follows:

(1) Where the consideration is twenty-five cents (25¢) or less no tax shall be collected.

(2) Where the consideration is from twenty-six cents (26¢) to fifty (50¢), both inclusive, the tax shall be one cent (1¢).

(3) On each sale where the consideration is from fifty-one cents (51¢) to ninety-nine cents (99¢), both inclusive, the tax shall be two cents (2¢).

(4) On each sale where the consideration is one dollar (\$1.00) or in excess thereof, the tax shall be two per centum of each dollar or fraction thereof.

Mr. READINGER. Mr. Speaker, about a week ago as a result of some conferences between House Members and Senate Members, a decision was made by the Republican majority of the Senate which led to the fact that House Bills 779 and 780 have been brought from Committee. These bills are those introduced by Representative Hewitt back in March of 1955 and they are retail sales tax bills. The one is the sales tax, the other is the use tax.

The amendments now before us have been offered to House Bill 779. After the bill was reported from Committee, it was discovered that it included certain things which we on this side of the House did not think should be included in a retail sales tax at any percentage, and it excluded certain things which we thought should be included.

In order to make intelligible the amendments which are before you, offered by both sides, I think that we should remind you we are assuming that we need additional revenue in addition to that now provided for by the tax bills already on the books, additional revenue, somewhere in the vicinity of \$465 million.

What amount of revenue the Hewitt bill would have raised without any amendments, I do not know. But one thing which is being taken out by these amendments, which is now in the bill is multiple taxation of manufactured goods being taxed during the process of manufacture. The way the bill was originally drawn, an article could be taxed five or six times before it became a completed manufactured product and sold to the ultimate customer. One of these amendments which I shall discuss later will remove that.

The Hewitt bill also provided, as the old law had provided, that credit would be given on all trade-ins—credit



for the amount of the trade-in would be given to the purchaser in computing the sales tax.

Mr. Hewitt's bill also failed to include restaurant meals and beverages. These amendments seek to put into the taxable category such meals.

Also in the Hewitt bill there was no provision for eliminating from the tax building materials which were covered by bona fide contracts entered into between a builder and a prospective purchaser before this act becomes effective. This obviously would work an injustice to any person who was bound firmly by a contract of that kind.

You will recall that in the 1953 session, the bill which finally became law was amended in the process to exclude persons who were bound by contracts for buildings. But when that was amended back in 1953 it was so worded, not by design I do not think on anybody's part, but it just happened to be so worded that practically every contract relating to the creation of a building after the Act became effective meant that the materials which went into that building, road or whatever it happened to be, were tax exempt. One of these amendments today seeks to tighten that up and in effect provide that only when the contract entered into cannot be adjusted because of the imposition of a tax will the person be eliminated from the payment of the tax.

Just to give you a little more background material and tell you what we are trying to accomplish by the proposal of these amendments, I would like to point out to you that the actual collections made for the last twelve months under the 1953 sales tax act, which expired on August 31, 1955, the actual collections at one per cent amounted to \$65,300 thousand. If that tax had been imposed at the rate of three per cent it would have brought in for that twelve month period \$196 million.

While the amendments here proposed make effective immediately the sales tax, I think we can only count on collecting a sales tax for fourteen months, because it will obviously take some time to get this measure, if it passes the House, over through the Senate, past the Governor's office, and into effect, so that no matter how you look at it, it is reasonable to assume that it will not become collectible before March 1. I think most of us realize that the collections for May of next year would fall into the next biennium and not into this one, and therefore, we are reduced to a period of fourteen months if this bill should become law.

Therefore, you take the \$196 million which would have been raised under the three per cent rate, under the old Act, and add two more months to that period, you would have a revenue of \$228,500 thousand under the old act at three per cent.

Now, speaking about these amendments again, if restaurant meals are now included in the yield, the yield would be increased by the following amounts; clothing, \$45 million; meals and beverages for on premise consumption \$40 million; eliminating the trade-in credits which were allowed under the old law, approximately \$45 million; including building materials except those covered by the type of bona fide contract I mentioned a minute ago, an additional \$15 million. Adding all these together we get approximately \$375 million revenue for the balance of the biennium for fourteen months.

Now, I would like to point out a few more facts to you before we close this part of the discussion on these

amendments. A two per cent rate for the same period, fourteen months, based on this bill with these amendments in it, would yield approximately \$225 million; a two per cent rate based on the old law which expired would bring in \$160 million during the fourteen months.

Now, what we are proposing today to you gentlemen and ladies of the House is a bill which when amended, with certain items included excluded, will raise a sufficient amount of money which when added to the business taxes which the Senate of Pennsylvania has indicated it is willing to vote for, would raise approximately the amount of money which is necessary to finance this Commonwealth's needs for the rest of the biennium.

I am asking all the Members to vote for these amendments for the reason that we have got to have the money. Not because we like these amendments any more than any one else likes them, not because we are fond of taxing people's clothing, not allowing any trade-in credits, not because we are fond of raising money but because we have got to get money in some way and we have been told that this is the only way we are going to have to raise it. We want a sensible bill and we think with these amendments in it it will be a sensible bill, in that it will not outrageously tax any segment of our economy, in that it will still include exemptions which we think are proper, but we shall still raise the amount of money necessary.

These rates can be changed. You can have a lower rate if you want to include many more items than you now have in this bill with these amendments. The rate could be raised higher than three per cent if you want to allow more exemptions of items that will be taxed under this bill, but I want you to remember in considering these amendments that we have been told by the Senate of Pennsylvania up to this time that the only way we are going to raise what we need is with the sales tax. Therefore, it does us no good to vote down these amendments on the ground that we do not want to include various items in a tax bill of this kind, because every time we vote them down we shall cut the yield, and if we cut the yield we are faced with the problem of raising a couple hundred millions of dollars. I mentioned to you a minute ago that the yield at a two per cent rate with these items in and out would only be \$255 million. So, in considering these amendments I ask that you bear in mind the fact that you are either going to raise all the money this way or only part of the money, and I am now asking the Membership to vote for all of these amendments as submitted.

Mr. CHARLES C. SMITH. Mr. Speaker, I do not believe the Majority Leader meant what he said when he said to vote for all of the amendments, because we certainly will agree with that. If he would like to give us votes for the clothing amendment, we are perfectly agreeable.

We are going to have quite a few amendments drawn on this side of the House, but we were informed by the Legislative Reference Bureau that physically it was an impossibility to do all of it.

The Majority Leader and I discussed some of the amendments this morning and, I would like to itemize them. As far as beverage sales for consumption on the premises and food, that would have been one of our amendments, but the Majority Leader has suggested it.



We wanted to take out also the sale of newspapers, magazines and other periodicals.

We also wanted to make the religious, charitable and educational organization amendments.

We were willing to put amendments in to exclude raw materials from the bill.

We were also willing to put in amendments for the farmer so he would have his seeds and fertilizer exempt.

We also wanted to put in the medical and prescription amendments

We are perfectly willing to go along with the breakage the way it has been set up, with the exception of the percentage rate which is now three per cent since it has been changed in Committee.

I think the gentleman might have misquoted accidentally when he said they knew nothing about the bill when it was in Committee. It would amaze me if they did not know. I am quite sure they knew the condition of the Hewitt bill in Committee before they reported it to the floor. Everybody else did, and I am surprised that they did not.

They were, I understand, also informed in Committee that the majority party had amendments that were offered by the sponsor to the Chairman of the Committee. If he had accepted those amendments and acted upon them in Committee, all of this would have been unnecessary today.

It was the majority party's definite stand two years ago, the party which is now the minority party, that in a sales tax bill clothing and shoes of any type should be exempt from taxation under a sales tax bill. We did not think it quite fair to tax the workingman's clothes, the baby's shoes, or anyone's shoes.

We thought at that time, and we have the same feeling today, that clothing should not be part of a sales tax bill. It rather surprises me to see the majority party at this time trying to tax the workingman's clothes, the workingman's shoes, the workingman's overalls, and things that the man uses in making his daily livelihood. If my memory serves me correctly, it was that very same party two years ago which fought to exempt the workingman's tools. It would be rather peculiar to exempt his tools which he used in working at that time and now tax all of his clothing he is going to use in his employment. That is the reason for the amendment we are putting in.

Another thing, we also feel we are in a position here in the House, as we told the gentlemen quite a while ago, that there would not be too many votes for a three per cent sales tax. We told them that the majority of our caucus would support a two per cent sales tax.

We are now witnessing something I just cannot understand. We are witnessing the Governor in one breath saying one thing and the majority leader saying something else. I do not disagree with the Majority Leader's thinking, but as far as I know the Governor has said he would veto any sales tax that did not contain a package. I believe the Governor is so quoted in the Press.

The gentleman says that with the amendments which have been put in the bill it will produce \$380 million in revenue until the end of this biennium. I do not intend to dispute that figure. Perhaps he is right, but he may be wrong.

Let me ask you, does this bill have any chance of passing tomorrow, any more chance than any other tax

bill had that has been passed in this long session? I would like to remind him that it has perhaps less chance. At least the other two bills that the majority passed had bipartisan support in the Senate. I believe this bill cannot pass in the Senate without Republican and Democratic votes.

If the other bills had passed in the Senate, they would have faced the approval or the disapproval of the Governor. We all know that he would have signed either the classified income tax bill or the excise tax bill, because he said so many times in the Press.

But I wonder where the Governor has said that he is going to sign this bill. He has already said he won't, if the Press is correct, and as far as I know they report accurately. He said last week he would not sign any sales tax bill, and I am quoting, "which will not raise all of the money that he needs." He says it must be part of a fifty-fifty compromise. This bill, as far as I know, is not part of any compromise. It might be that the Majority Leader hopes it is going to become part of a compromise in the future, but it certainly is not as of today, and certainly is not going to be, I understand, as of tomorrow. It would produce 80 per cent of what the Governor says he needs—not 50 per cent, not 40 per cent, but 80 per cent—yet he says he is not going to sign it. If the Governor means what he says, and we must assume that sometimes he does mean what he says, then he is going to veto this bill if it ever reaches his desk.

How about the other branch of the Legislature. Will the Democratic Senators vote for this bill if it passes here? I don't know, do you? Will the Republican Members of the Senate vote for this bill if it passes here? I don't know that. You know as well as I do that this bill in the form the Democratic leadership has it today, and seems to want it, will not have too much support, I think I can say Republican support, in the Senate if it has clothing in it. You know that as well as I do.

You know too that it is going to tax the full price of any trade-ins regardless of what they may be, automobiles, television, radio, or any other kind of trade-ins. That was one thing we were against two years ago, and I think we are still against it.

The bill as it stands doesn't have a chance even if it does pass the House, and you know it as well as I do. It seems to me it is headed for the ash can like the other tax programs that have passed this Legislature.

The Governor during the week, and I quote, accused the Senate of the "rankest kind of hypocrisy" because they brought a sales tax to a vote last week without enough votes to pass it. The Governor was quoted that way in the Press all over the state.

I want to ask you what are you doing today? Who is the hypocrite? Why are you trying to pass a bill when you know you do not have the votes to do it, and you know it as well as I do. Yet the Governor when the shoe is on the other foot said that the Republican Senators are hypocrites. It is the rankest kind of hypocrisy, according to his own quotes.

You know the Governor will veto it if it goes to him as it is, at least the Governor said that and we must assume again that he is telling the truth. You know the Democratic Members of the Senate will not vote for it if the Governor says he is going to veto it. So it doesn't



have a chance even if all the Republicans voted for this bill.

I would like also to say that the Governor has said, and I quote, "We will give them ten votes in the House." That is a big deal. They are going to give us ten votes in the House to pass a bill that we did not even ask to come out of Committee. They are going to give us ten votes in the House to pass a bill that is going to give the Governor all the money he needs to spend—or part of it.

I would like, while I am on this subject, to say this: the Governor talks about a fifty-fifty plan. This fifty-fifty plan that he talks about, regardless of what the other tax is going to be, to me is just so much hypocrisy. I wonder if the Governor is foolish enough to think because the Republicans control one branch and the Democrats control the other branch of the Legislature, that that makes a fifty-fifty deal.

I am wondering if you have given just a little bit of thought to who is in the front office? Is he a Republican or a Democrat? What kind of administration is this? Is it a Republican or Democratic administration? Who is going to spend the money that is needed, the Republicans or the Democrats? The Governor in his big-hearted way says it is a fifty-fifty deal. It is fifty-fifty only in the House, and that is all. He must have the money, he needs the money, it is his administration that is going to spend the money, it is his Democratic jobholders who are going to get a lot of benefit from the money, and yet he still says it is a fifty-fifty deal. I have heard of hypocrisy but I never heard of it being carried that low.

I am not going to ask, nor did we in our caucus ask anyone to vote for this bill. I am not going to ask anyone to vote against this bill. I am going to tell them here today and tomorrow to vote on it exactly as their constituents want them to vote. There will be none of the high-pressure tactics that have been used on Members of the other side of the House.

There are a number of our Members who feel the time has come to vote for any tax program. If they must vote for this bill regardless of its provisions, whether the rate is two per cent or three per cent, I want them to vote for it if that is what their people want them to do. I want them to vote for it if their constituents feel that way and if they feel that way in their own hearts.

Again let me reminisce. We have been sitting here now for thirteen months. We as a minority party are offering to help the Governor solve his problems. We offered to supply as many votes as we possibly could for a two per cent honest and fair tax that contained the Ohio plan. That was one of our stipulations.

Our other stipulation was that the Governor himself should say he would not veto the bill and he would sign it. I do not believe to you Members who are sitting here, and to the people of the Commonwealth that it is an unfair offer.

As I say, let me reminisce. I never in the time I have been in the Legislature—and I would like to ask anyone here and I will yield to them if they would like to take the floor and say I am wrong—ever found the present majority party when they were in the minority sponsoring any tax legislation or offering to give us the majority of their votes. Do you remember? If you do, stand up and say so and I will admit that I am wrong. You gave

us eight votes on a pop tax one time. Do you remember that? That is all the votes you ever gave us. If I am wrong in that, stand up and state I am wrong and I am willing to admit it. When did you offer to give us a majority of the votes on your side for a tax program?

So what are we doing today? We are coming in and offering to you a tax program from the minority party and yet the Governor calls us hypocrites over in the Senate.

I want to speak a little bit about the Governor and I will end this. We sincerely believe if the Governor would isolate himself for a while down on the farm, probably for the next two weeks, and cool down his temper, which he seems to lose control of so often, and not say another word about a tax program that probably Al Readinger, the Speaker of this House, myself and several from the Senate could sit down and honestly work out something. Maybe we could get out of this session. But the Governor continually tries to dictate prior to anybody's sitting down.

I would like to say just one more thing. We on this side of the House, and my caucus has instructed me to say this, are for a tax program with the Ohio tax collection system. That is one thing we want.

Another thing I would like to say, the Governor has been quoted, "We will give them ten votes in the House." He says, "It is not our baby." I wonder whose baby he thinks it is. I am just wondering when I see this kind of headlines. It was the rankest kind of hypocrisy to even offer to pass the bill, and you are doing the same thing today.

It says here, "Leader's voice rose and his face flushed and he pounded the table." I am going to be very personal, and I hate to be personal with the Governor of this state, but let me say to the Governor, I think he is a lousy salesman. He is trying to do one thing, he is trying to sell a tax program for the money that he, the Governor, needs and the administration needs, and one of the first principles of salesmanship is that you don't try to insult your customers.

If he wants to put a tax program through, I think the Governor had better think back to the time when he was in the Senate, when he was just a little more humble than he is today. In those days the Governor did not pound the desk with his first, the way the paper says he did—not once, but several times. It said at the end of the story he again pounded the desk.

I wonder if the Governor, when he was selling at his chicken hatchery and would get a customer would pound the desk in front of him. He wasn't that kind of a man when he was selling his eggs and his chicks. He wasn't that kind of a man when he was elected to the front office. He wasn't that kind of a man when he sat over there in the Senate. He never pounded the desk. He very seldom even rose to his feet to say a few words.

If the Governor is going to try to sell a tax program, let the Governor remember a few things. Humility is one way you can do it; you don't do it by insulting people. You don't do it by trying to rub salt in the wounds. You don't tell the other person not to play politics and play it yourself to the greatest extent. That is number one.

There are two other axioms that I would like to call



to his attention. One is this "You can catch more flies with honey than you can with vinegar."

There is another old, old saying, and I think it applies to the Governor, "Put a beggar on horseback and he will ride himself to death."

Let me say to you, the Governor's attitude will have to change if he wants to put a tax program through to solve the Commonwealth's problems. If he wants to get an honest and fair tax program, he must be honest and fair himself.

Mr. READINGER. Mr. Speaker, the gentleman makes a fine speech as usual, and he did today, but I think there are so many holes in his speech that we should point out a few of them.

He says, among other things, that the membership on his side of the House wants an honest and fair two per cent sales tax bill. He also said about a week ago that would only raise about half of the money needed. In so far as the other half is concerned, we, the majority, should go see the Republican majority of the Senate and try to work that part out.

That is their conception, I believe, of a fifty-fifty program. We on this side have not proposed any fifty-fifty program. The Governor has said he thinks the Democrats and the Republicans should share responsibility for raising this money, and he would take a sales tax and sign it if the Republicans would furnish the votes for our half of a tax program needed to raise this money. I don't know whether the minority in the House even speaks to the majority in the Senate. I doubt it, but up to this time there has been no commitment whatsoever, no suggestion from the Republican kings in the Senate, that they will go along with anything we would propose to raise the other half of this money.

Let us analyze this two per cent honest and fair sales tax, as the gentleman describes it. It is very important not only that we know something about this, but that the public does too. If we were to reduce this rate to two per cent and eliminate trade-ins as proposed in these amendments and eliminate clothing as the gentleman would like to do, we would wind up with a tax bill which would raise about \$285 million.

If we take the \$465 million figures as being a reasonable figure of the amount needed; I have not computed it, but I can see we are about \$160 million short. The gentleman told us last week, "Go see the Senate and see what you can work out with them." If that is an honest and fair program and position for the Republican Party in this House to take, then I don't know what I am talking about.

The Governor has not insisted that there be a fifty-fifty program, he has suggested it. We had high hopes on this side that the Republicans in the Senate and the House would see fit to do just that.

We have even gone so far as to introduce and report out to this House a two per cent net income tax bill which is calculated to raise about \$210 million during the rest of the biennium. If you think it is fun for any party in the majority to suggest imposing that kind of a tax on the people of Pennsylvania, then I don't think you know what you are talking about. It certainly doesn't endear you to people to tell them you are going to reach into their pockets and take two per cent of a certain amount of their money as a means of raising funds.

So what do we have now? We have the gentleman on the other side saying, We insist that trades-ins not be taxed, we insist that clothing not be taxed, and we insist that we have a two per cent rate. I do not think they can seriously argue that the revenue would be any higher than I have just mentioned, about \$285 million on that kind of a bill. Have they made any suggestion on the other side as to what kind of a tax measure we should have to raise the balance of the money? No. The only help we get is, "Go over to the Senate and see what you can do."

Let me remind you again that just about two weeks ago the Minority Leader in the Senate, and I as the Majority Leader in the House did go to the Senate and practically on bended knee asked them to go along with a two per cent income tax, a two per cent sales tax, any way they wanted to write it, and they could claim plenty of exemptions if they did that. But they said flatly, "You will get no votes on the Republican side for any income tax."

So I say, while the gentleman's speech sounds fine and he can criticize the Governor for saying, "I'll veto a sales tax bill which is inadequate if it comes to my desk," when you boil it down it means just what we are doing today. It means that if you are sincere and willing to raise this money, you are going to vote in favor of a three per cent tax with no more exemptions than these amendments call for and you are going to join with us in saying, we are going to raise the money. That was our program. We told you all along that the people of Pennsylvania wanted this money raised with a sales tax and not in any other way, and we are going to vote with you.

That is what I think they should say, but are they going to say it? No. They are going to vote against these amendments, these two major amendments, the trade-ins and the clothing. They are going to vote for their amendment of two per cent and then they will go back to their districts and say, "See, we saved you from a three per cent sales tax that would tax the clothing on your backs, we did this and we did that." Maybe the people will believe them, and maybe they won't. But the fact will still remain that no matter what they say about it, their tax as they proposed it would not raise the money we need in this Commonwealth and a lot of things would have to suffer if we don't raise it.

Not to prolong this any longer, I think most of us understand what these amendments are. I think most of us have a pretty clear idea of what the figures are. When the bill comes up for final passage tomorrow, we can add whatever comments we have on the rightness or wrongness of raising this kind of money through a sales tax alone.

Mr. CHARLES C. SMITH. Of course, there might be a difference of opinion, Mr. Speaker, as to how much money is needed and how much money they are asking for.

I would like to interrogate the Majority Leader, Mr. Speaker.

The SPEAKER pro tempore. Will the gentleman from Berks, Mr. Readinger, permit himself to be interrogated?

Mr. READINGER. I shall, Mr. Speaker.

Mr. CHARLES C. SMITH. Before I interrogate the Majority Leader, I would just like to make one statement.



This bill as it has now come from Committee, this bill that is now being amended, happens to be practically a Democratic bill.

I would like to ask the gentleman how many votes he is going to have for the bill in your form tomorrow, and perhaps we could talk about the matter. I said to the Press today that we will deal on the floor of the House and not deal behind closed doors. Now, will the gentleman tell me how many votes he is going to have for the bill if we leave it the way he wants it.

Mr. READINGER. I can not tell that to the gentleman because I do not know myself.

Mr. CHARLES C. SMITH. If the gentleman would be interested tomorrow to come to the floor of the House, before a caucus and tell us how many votes he has for this bill in the form he wants it, perhaps we can go to our caucus and help him out. Is there anything more fair than that? It is your bill now and your amendments.

Mr. READINGER. The gentleman's saying it is our bill does not make it so. We have amended the bill in the manner in which we think we must, in order to raise the amount of money needed but that does not make it our bill.

Mr. CHARLES C. SMITH. Mr. Speaker, it is his party's bill in the way it has been amended to bring in the amount of money which is needed, am I right on that statement?

Mr. READINGER. It is our version of how the bill should be written in order to raise the money.

Mr. CHARLES C. SMITH. Would the gentleman come to the floor of this House tomorrow and give me the number of votes he has for his version of this sales tax bill that has a Republican sponsor's name on it? Is there anything more fair than that?

Mr. READINGER. We will do exactly that when we call it up for final passage tomorrow.

Mr. CHARLES C. SMITH. If he will do that prior to our caucus, then we will go to our caucus and talk about it.

Mr. READINGER. We plan to bring this bill on the floor of the House tomorrow for final passage. I intend to speak on the bill and ask the membership of this House to vote for it, and that is when we are going to find out how many of your Members will vote for it and how many of ours will vote for it.

Mr. CHARLES C. SMITH. Mr. Speaker, I think we would be able to tell the gentleman tomorrow on the floor of the House. I am just trying to clear the air here. You say it is a Republican bill in the manner you think it should be now. Is there anything unfair in our saying that we agree with him, it is a Republican sponsored bill with the amendments drawn, Democratic amendments the way he feels. Now if he will come to the floor of this House and tomorrow guarantee so many votes for this bill in front of the Press, we will then caucus immediately and come back with a decision.

Mr. READINGER. I thank the gentleman for his kind offer but the time is long since past when we can accept kind offers. The time has come for us to all get on the floor of this House tomorrow and vote whether we think this is a good bill or a bad bill, there is no need to caucus as far as I can see. We will find out and the public will know who is for it and who is against it.

Mr. CHARLES C. SMITH. Mr. Speaker, if it is a bad

bill I am surprised that the majority party would even release it from Committee. I did not think they released bad legislation from Committee.

Mr. READINGER. Mr. Speaker, I might reply to that suggestion, that when it is a choice between the Commonwealth's going bankrupt or passing a bad bill the majority party will probably pass a bad bill and it does not matter how bad it will be.

Mr. FILO. Mr. Speaker, I would like to bring to the attention of the Minority Leader that some Democrats on this side of the House in the last session did vote for taxes, and if he checks his records he will find that to be so. It is true they did not vote for the sales tax, but they did vote for some other revenue bills that the Republican Members did not vote for.

The SPEAKER pro tempore. The Chair now lays before the House the amendments offered to Article 1 of the bill by the gentleman from Berks Mr. Readinger, as follows:

Amend Sec. 102, page 2, line 17, by striking out "and any" and inserting "but no deduction shall be made for."

On the question,

Will the House agree to the amendment?

Mr. WATERHOUSE. I think that the bill as it is now written is fair in this respect, that if Mrs. Housewife goes down to the store to buy a new mangle, desires to trade in her old mangle and pays a couple hundred dollars difference, she is going to pay the tax on that \$200. When her old mangle is sold to the other Mrs. Housewife, they are going to collect the tax on the old mangle. That holds true with a television, with a radio, or anything else that they might be trading. They are paying a tax on all the money they are spending and what could be fairer than that? There are those who know I am an automobile dealer and I should not mention cars, but this bill is not taxing me, it is taxing John Q. Public. It will only tax me for the car I buy for myself. In eleven months and these are figures right from the Department, there were almost 40 thousand new trucks sold, and a three per cent tax would bring in \$4,800 dollars. That is figuring the price of those trucks lower than the price actually would be, it is figuring a \$4,000 average price, which is low.

There were 420,446 new cars sold, and at three per cent, figuring them at three thousand, which is low, this would bring in in eleven months on that basis \$37,840,000.

There were 1,115,735 used cars sold, which figuring only on a basis of \$500 would bring in \$45 million in eleven months, and in twelve months this would bring in \$64 million.

Now, you would get all of the tax on that money. If a man bought a new car and he traded his used car in you would get the tax on the cash involved. The dealer would sell that car and you get the tax on that and that is certainly double taxation any way you figure it.

I have many customers who come to me, they will buy a new car and they are back a couple months and they say "gee, I wish I had gotten a ford," or "my mother-in-law objects to getting in the back seat," or "I cannot get my mother in or my father in because they have a bad leg, so could you get me a four door." Why sure they probably paid \$4,000 for their car. They give me maybe a couple or three hundred dollars and I give them a new car such as they want. Now, if we were to accept these amendments those people would pay the full tax on the



\$4,000. Then they would come back and they would pay the full tax on the car they got to replace that car. So, it is a question not of exempting but of establishing a price on an article and that price should be the amount of money that changes hands. It certainly is in practically everything else, I think. We want to be fair, we are not asking for anything that the other fellow should not have.

We know that in the State of Ohio, with all of the other exemptions they will not have under this bill, they still raised around \$400 million in a biennium, and in Pennsylvania it would run closer to \$500 million in a biennium. So, with this tax the way they want to set it up at three per cent, it is good for probably \$600 million or more. That might sound fantastic but it is not, because in Ohio, with three million less people than we have they have been getting in excess of \$400 million. This bill with the amendments they expect to put in, is good, as I say for in excess of \$600 million a biennium. I certainly hope the membership will not accept the amendment that is now being offered.

Mr. READINGER. May I interrogate the gentleman from Erie?

The SPEAKER pro tempore. Will the gentleman from Erie, Mr. Waterhouse, permit himself to be interrogated?

Mr. WATERHOUSE. I shall, Mr. Speaker.

Mr. READINGER. The gentleman was speaking about a biennium in connection with his estimate of revenues in the state of Ohio, is that correct?

Mr. WATERHOUSE. Would you restate that?

Mr. READINGER. The gentleman was speaking about a biennium, a two year period in connection with his figures in Ohio.

Mr. WATERHOUSE. Yes, sir, I was.

Mr. READINGER. The gentleman, of course, realizes that we have only 14 months in which to collect, if we do collect, on this one.

Mr. WATERHOUSE. Yes, I am perfectly aware of that.

Mr. READINGER. May I ask the gentleman what he suggests we use to raise the \$45 million he has suggested the bills would necessitate our raising? Can he suggest another tax measure he would like us to pass to substitute for that \$45 million?

Mr. WATERHOUSE. Well, Mr. Speaker, I might be able to but I do not believe I will.

Mr. READINGER. I thank the gentleman.

I reiterate that is the trouble we are faced with all the time. I could make a beautiful speech today against this amendment I am proposing to tax clothing. I could probably talk about the family of John Smith or Mary Doe or somebody else and maybe bring tears to your eyes, if I tried hard enough, maybe to my own, about how bad it would be to tax clothing, the poor little children's shoes and so forth. I could make such a speech but I am not going to because we have got to have money and the only way to get it is to raise it by imposing a tax on something. So, I am still asking the membership to forget about these fervent pleas, and vote for these amendments.

Mr. WATERHOUSE. I believe the Members are not 100 per cent sure that they are now only voting on the one amendment that has to do with trade-ins.

The SPEAKER pro tempore. The Chair will restate the question.

Those voting "aye" vote in favor of the amendment known as the trade-in amendment offered by the gentle-

man from Berks, Mr. Readinger, for the trade-in amendment only. Those voting "no" vote against the amendment offered by the gentleman from Berks, Mr. Readinger.

On the question recurring,

Will the House agree to the amendment?

The yeas and nays were required by Messrs. CHARLES C. SMITH, WEIDNER, JOHNSON and READINGER, and were as follows:

#### YEAS—110

Adam,	Frank,	McLaughlin,	Rudisill,
Amarando,	Frascella,	McWherter,	Sarra,
Anderson, M. S.,	Gaffney,	Meholchick,	Scarcell,
Anderson, S. A.,	Garlock,	Mihm,	Schuster,
Barnatovich,	Gelfand,	Mills,	Sherman,
Bazin,	Guss,	Monroe,	Smith, Wm. B.,
Boles,	Hamilton, R. K.,	Moran,	Snider,
Bonner,	Hass,	Muldowney,	Stank,
Boory,	Heavey,	Mullen,	Stebbins,
Branca,	Holt,	Munley,	Stephens,
Brennan, A. P.,	Jenkins,	Murray, J. J.,	Stone,
Brennan, J. J.,	Jones, G. E.,	Musto,	Swartz,
Breth,	Kamyk,	Needham,	Taylor,
Bucchin,	Kolankiewicz,	Olsen,	Thomas,
Capano,	Kornick,	O'Neill,	Toil,
Cianfrani,	Leiby,	Pacchioli,	Varallo,
Cloffi,	Leonard,	Pashley,	Verona,
Cochran,	Leven,	Paulhamus,	Wallace,
Comer,	Limper,	Petrosky,	Walsh,
Curwood,	Lopresti,	Pettigrew,	Wargo,
Dougherty,	Lovett,	Polaski,	Weish,
Eilberg,	Luttt,	Polen,	Wheeler,
Farabaugh,	Maxwell,	Readinger,	Whitenight,
Filo,	McCann,	Reibman,	Williams,
Fineman,	McCormack,	Reidenbach,	Yetter,
Flint,	McGee,	Renwick,	Yetzer,
Floyd,	McKeever,	Rosen,	Andrews,
Flynn,		Rovansek,	Speaker

#### NAYS—90

Agnew,	Goldstein,	Leisey,	Rubin,
Auker,	Gramlich,	Light,	Sigman,
Banker,	Greenwood,	Lippincott,	Smith, C. C.,
Bell,	Haudenshield,	Magee,	Steckel,
Blair,	Helm,	Mahan,	Stevenson,
Bower,	Henzel,	Markley,	Stoner,
Breisch,	Hewitt,	McInroy,	Strausser,
Brenninger,	Hocker,	Metz,	Stroup,
Brown,	Horst,	Mikula,	Thompson,
Connelly,	Houk,	Miller,	Tompkins,
Cooper,	Isaacs,	Moody,	Toomey,
Davis,	Johnson,	Moscrip,	Varner,
Donahue,	Jones, T. H. W.,	Murphy,	Vaughan,
Donaldson,	Jump,	Murray, H. P.,	Wall,
Down,	Kehler,	Naugle,	Waterhouse,
Ehrgood,	Keller,	Ogilvie,	Weidner,
Erb,	Kent,	Parry,	Wescott,
Eshleman,	Kline,	Pomeroy,	Willaredt,
Ewing,	Knecht,	Price,	Wilt,
Frost,	Kooker,	Pursley,	Wood,
George,	Kromer,	Rigby,	Worley,
Gibb,	Lafore,	Royer,	Young,
Gibson,			Ziegler,

#### NOT VOTING—7

Ashton,	Foster,	Kratz,	Murray, P. G.,
Bullen,	Guthrie,	Lawyer,	

So the question was determined in the affirmative and the amendment was agreed to.

On the question recurring,

Will the House agree to the Article as amended?

The SPEAKER pro tempore. The Chair now lays before the House the amendments which were offered by the gentleman from Philadelphia, Mr. Charles C. Smith.

The amendments were read as follows:

Amend Sec. 102, Definitions, at page 6, line 10, by adding a new Definition as follows:

(13) "Clothing and Shoes" Any and all apparel utilized to cover the human body against nakedness or cold, including, but not restricted to, materials, fabrics, or other



piece goods to be made into wearing apparel. Provided, however, clothing as defined herein shall not include furs, fur coats, athletic apparel and uniforms not used in the ordinary course of the business or occupation of the person.

Amend Sec. 102, Definitions, Sub-section (7), "Sale at Retail," at page 5, line 15, by adding the following:

(o) Clothing and shoes, but not jewelry or any other object not worn primarily to cover the human body against nakedness or cold.

On the question,

Will the House agree to the amendments?

Mr. CHARLES C. SMITH. Mr. Speaker, if it meets with the approval of the gentlemen on the other side of the House and if there are no objections on our side of the House, we will accept the same roll call.

Mr. READINGER. We will be happy to do that.

The SPEAKER pro tempore. Does the Chair hear any objection to that procedure?

Mr. CHARLES C. SMITH. I said if it does not meet with any objection or if there are any votes to be changed on this side of the House—

Mr. READINGER. We shall be glad to accept the additional ones who want to come over on our side.

Mr. CHARLES C. SMITH. If they have any sense, they will come over on this side.

The SPEAKER pro tempore. The Chair thanks the gentleman from Philadelphia, Mr. Smith, and the gentleman from Berks, Mr. Readinger.

Mr. READINGER. Mr. Speaker, did the gentleman say cents or socks?

Mr. Speaker, of course, you realize we want it in reverse.

The SPEAKER pro tempore. The Chair did not hear the gentleman.

Mr. READINGER. I say, I hope the Chair realizes that we want that reversed, we are all voting "no."

On the question recurring,

Will the House agree to the amendments?

The yeas and nays were required by Messrs. CHARLES C. SMITH, WEIDNER, JOHNSON and READINGER, and were as follows:

#### YEAS—90

Agnew,	Goldstein.	Lelsey,	Rubin,
Auker,	Gramlich,	Light,	Steman.
Banker,	Greenwood,	Lippincott,	Smith, C. C.,
Bell,	Haudenschild,	Magee,	Steckel,
Blair,	Helm,	Mahan,	Stevenson,
Bower,	Henzel,	Markley,	Stoner,
Brelsch,	Hewitt,	McInroy,	Strausser,
Brenninger,	Hocker,	Metz,	Stroup,
Brown,	Horst,	Mikula,	Thompson,
Connelly,	Houk,	Miller,	Tompkins,
Cooper,	Isaacs,	Moody,	Toomey,
Davis,	Johnson,	Moscrip,	Varner,
Donahue,	Jones, T. H. W.,	Murphy,	Vaughan,
Donaldson,	Jump,	Murray, H. P.,	Wall,
Down,	Kehler,	Naugle,	Waterhouse,
Ehrgood,	Keller,	Ogilvie,	Weldner,
Erb,	Kent,	Parry,	Wescott,
Eshleman,	Kline,	Pomeroy,	Willaredt,
Ewing,	Knecht,	Price,	Wilt,
Frost,	Kooker,	Pursley,	Wood,
George,	Kromer,	Rigby,	Worley,
Gibb,	Lafore,	Royer,	Young,
Gibson,			Ziegler,

#### NAYS—110

Adam,	Frank,	McWherter,	Sarraf,
Amarando,	Frascella.	Meholchick,	Scarcelli,
Anderson, M. S.,	Gaffney,	Mihm,	Schuster,
Anderson, S. A.,	Garlock,	Mills,	Sherman,
Barnatovich,	Gelfand,	Monroe,	Smith, Wm. B.,
Bazin,	Guss,	Moran,	Snider,

Boles,	Hamilton, R. K.,	Muldowney,	Stank,
Bonner,	Hass,	Mullen,	Stebbins,
Boory,	Heavey,	Munley,	Stephens,
Branca,	Holt,	Murray, J. J.,	Stone,
Brennan, A. P.,	Jenkins,	Musto,	Swartz,
Brennan, J. J.,	Jones, G. E.,	Needham,	Taylor,
Breth,	Kamyk,	Olsen,	Thomas,
Bucchin,	Kolankiewicz,	O'Neil,	Toll,
Capano,	Kornick,	Pacchioli,	Varallo,
Cianfrani,	Leiby,	Pashley,	Verona,
Cioffi,	Leonard,	Paulhamus,	Wallace,
Cochran,	Leven,	Petrosky,	Walsh,
Comer,	Limper,	Pettigrew,	Wargo,
Curwood,	Lopresti,	Polaski,	Welsh,
Dougherty,	Lovett,	Polen,	Wheeler,
Ellberg,	Lutty,	Readinger,	Whitenight,
Farabaugh,	Maxwell,	Reibman,	Williams,
Filo,	McCann,	Reidenbach,	Yetter,
Fineman,	McCormack,	Renwick,	Yetzer,
Flint,	McGee,	Rosen,	Andrews,
Floyd,	McKeever,	Rovansek,	Speaker
Flynn	McLaughlin,	Rudisill,	

#### NOT VOTING—7

Ashton,	Foster,	Kratz,	Murray, P. G.,
Bullen,	Guthrie,	Lawyer,	

So the question was determined in the negative and the amendments were not agreed to.

On the question recurring,

Will the House agree to Article I as amended?

It was agreed to.

Article II was read.

On the question,

Will the House agree to the Article?

Mr. READINGER offered the above noted amendments to Article II.

They were agreed to.

On the question,

Will the House agree to the Article as amended?

Mr. CHARLES C. SMITH offered the following amendments:

Amend Sec. 202, page 7, lines 1 to 15, by striking out all of said lines and inserting in lieu thereof

Section 202. Amount of Tax.—(a) The rate of tax shall be two per centum of the sale price of each separate sale at retail. The tax shall in each instance be computed and collected on the basis of the total transaction without regard to the value or price of the separate items making up the total amount of a single sales transaction.

(b) The tax shall be computed as follows:

(1) Where the consideration is twenty-five cents (25¢) or less no tax shall be collected.

(2) Where the consideration is from twenty-six cents (26¢) to fifty cents (50¢), both inclusive, the tax shall be one cent (1¢).

(3) On each sale where the consideration is from fifty-one cents (51¢) to ninety-nine cents (99¢), both inclusive, the tax shall be two cents (2¢).

(4) On each sale where the consideration is one dollar (\$1.00) or in excess thereof, the tax shall be two per centum of each dollar or fraction thereof.

On the question,

Will the House agree to the amendments?

Mr. GOLDSTEIN. Mr. Speaker, before you vote on this amendment I would like to make a few remarks.

According to the calculation given by the Majority Leader, a tax at two per cent would raise \$285 million. Had we passed this tax eight months ago, it would have been sufficient, with the economies promised by the Governor, to have allowed us a sales tax at the rate of two per cent.

I am not afraid to face my responsibilities. I campaigned on a sales tax and I will keep my promise. I will vote against the amendment reducing it to two per



cent because I believe three per cent is needed now. When I so vote, I am voting two per cent on behalf of myself and one per cent on behalf of Governor Leader whose dilatory tactics have compelled me to vote for a three per cent tax.

Mr. READINGER. The gentleman may speak about dilatory tactics all he wants, but his statement is no more true than the statement that the Republican Senate of this Legislature has not employed dilatory tactics. That is the reason we are still here today.

On the question,

Will the House agree to the amendments?

The yeas and nays were required by Messrs. CHARLES C. SMITH, WEIDNER, JOHNSON and READINGER, and were as follows:

## YEAS—80

Agnew.	Gramlich.	Lippincott,	Sigman.
Auker.	Greenwood,	Magee,	Smith, C. O.
Banker.	Helm,	Markley,	Steckel.
Bell.	Henzel,	McInroy,	Stevenson.
Blair.	Horst,	Metz,	Stoner.
Bower.	Houk,	Mikula,	Strusser.
Breisch.	Isaacs,	Miller,	Stroup.
Brenninger.	Johnson,	Moody,	Tompkins.
Brown.	Jones, T. H. W.,	Moscip.	Toomey.
Connelly.	Jump,	Murphy,	Varner.
Davis.	Kehler,	Murray, H. P.,	Vaughan.
Donahue.	Keller.	Naugle,	Wall.
Donaldson.	Kent,	Ogilvie.	Waterhouse.
Ehrgood.	Kline,	Parry,	Weldner.
Erb.	Knecht.	Pomeroy,	Wescott.
Eshleman.	Kooker.	Price.	Willaredt.
Frost.	Kromer.	Pursley,	Wilt.
George.	Lafore.	Rigby.	Wood.
Gibb.	Leisey.	Royer.	Worley.
Gibson.	Light.	Rubin.	Ziegler.

## NAYS—120

Adam.	Flynn.	McCormack.	Rovansek.
Amarando.	Frank.	McGee.	Rudisill.
Anderson, M. S.,	Frascella.	McKeever.	Sarrat.
Anderson, S. A.,	Gaffney.	McLaughlin.	Scarcelll.
Barnatovich.	Garlock.	McWherter.	Schuster.
Bazin.	Gelfand.	Meholchick.	Sherman.
Boles.	Goldstein.	Mihm.	Smith, Wm. B.,
Bonner.	Guss.	Mills.	Snider.
Boory.	Hamilton, R. K.,	Monroe.	Stank.
Branca.	Hass.	Moran.	Stebbins.
Brennan, A. P.,	Haudenshield.	Muldowney.	Stephens.
Brennan, J. J.,	Heavey.	Mullen.	Stone.
Breth.	Hewitt.	Munley.	Swartz.
Buechin.	Hocker.	Murray, J. J.,	Taylor.
Capano.	Holt.	Musto.	Thomas.
Cianfrani.	Jenkins.	Needham.	Thompson.
Cloff.	Jones, G. E.,	Olsen.	Toll.
Cochran.	Kamyk.	O'Neill.	Varallo.
Comer.	Kolankiewicz.	Pacchioli.	Verona.
Cooper.	Kornick.	Pashley.	Wallace.
Ourwood.	Leiby.	Paulhamus.	Walsh.
Dougherty.	Leonard.	Petrosky.	Wargo.
Down.	Leven.	Pettigrew.	Welsh.
Ellberg.	Ltimper.	Polaski.	Wheeler.
Ewing.	Lopresti.	Polen.	Whitenight.
Farabaugh.	Lovett.	Readinger.	Williams.
Filo.	Lutty.	Reibman.	Yetter.
Fineman.	Mahan.	Reidenbach.	Yetter.
Flint.	Maxwell.	Renwick.	Young.
Floyd.	McCann.	Rosen.	Andrews.

Speaker

## NOT VOTING—7

Ashton.	Foster.	Kratz.	Murray, P. G.,
Bullen.	Guthrie.	Lawyer.	

So the question was determined in the negative and the amendments were not agreed to.

On the question recurring,

Will the House agree to Article II as amended?

It was agreed to.

Articles III, IV, V and VI were read and agreed to.

Article VII was read.

On the question,

Will the House agree to the Article?

Mr. READINGER offered the above noted amendments.

They were agreed to.

The title was read and agreed to.

On the question,

Will the House agree to the bill on second reading as amended?

It was agreed to.

And said bill having been read the second time and agreed to as amended,

Ordered, To be transcribed for third reading.

The SPEAKER pro tempore. The Chair lays before the House the next bill on special order, being House Bill No. 780.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 780, entitled:

An Act providing revenue by imposing a tax on the use and storage of tangible personal property within the Commonwealth providing for the assessment collection and lien of the tax imposing duties on prothonotaries requiring sellers maintaining a place of business in this Commonwealth to register make returns and collect the tax prescribing penalties and providing for the use of the proceeds of such tax for public school purposes

Article I was read.

On the question,

Will the House agree to the Article?

Mr. READINGER. Mr. Speaker, I am about to offer amendments to House Bill 780, which is a companion bill to the one we just debated. It is a use tax. All the amendments being submitted are exactly the same as the ones submitted to 779, except they have been tailored to fit this particular bill.

The amendments were read as follows:

Amend Sec. 101, page 2, line 4, by inserting quotation marks after Act.

Amend Sec. 101, page 2, line 4, by striking out "of 1955."

Amend Sec. 102, page 3, line 15, by inserting after "Gasoline and other motor fuels" the following: "News-papers, magazines and other periodicals."

Amend Sec. 102, page 4, line 8, by striking out "of 1955."

Amend Sec. 102, page 4, lines 9 and 10, by striking out "in a church for religious purposes," and inserting: "by religious, charitable or educational organizations."

Amend Sec. 102, page 4, by inserting after line 20 the following:

(o) Tangible personal property (i) which is to be used in fabricating, compounding or manufacturing tangible personal property other than industrial machinery, or in producing public utility service to be sold ultimately at retail, or (ii) which is to be used in the process of farming, agriculture or horticulture and which, in either event, becomes an ingredient or component part of the fabricated, compounded or manufactured tangible personal property or public utility product or of the product of farming, agriculture or horticulture, or is consumed in the process of fabrication, compounding manufacturing or producing or in the process of farming, agriculture or horticulture, or (iii) which is to be used in the production or delivery of public utility service.

(p) The manufacture, storage or use of manufactured tangible personal property by any taxpayer bound by a contract entered into prior to the date of approval of this act to sell such property at a specified price, which price is not subject to adjustment or modification by



reason of the tax imposed by this act. In such case, the tax imposed by this act shall be payable by the first purchaser thereof who is not required, under a contract entered into prior to the date of approval of this act, to sell such property at a specified price, which price is not subject to adjustment or modification by reason of the tax imposed by this act. The provisions of this paragraph shall apply with respect to the manufacture or use of manufactured tangible personal property purchased or to be purchased for incorporation into or attachment to real estate in the performance of a contract for the construction of a building or improvements thereto, or the sale of said real estate entered into prior to the date of approval of this act under which the purchaser of said manufactured tangible personal property is required to sell the said building, make such improvements, or sell such real estate at a price not subject to adjustment by reason of the tax hereby imposed: Provided, however, That unless notice of such contract is given by the taxpayer to the department within forty-five (45) days after the effective date of this act, the exclusion allowed by this paragraph shall not apply.

(q) Medicine on prescription, crutches, wheelchairs for the use of cripples and invalids, and when designed to be worn on the person of the purchaser or user, artificial limbs, artificial eyes and artificial hearing devices, false teeth and the materials used by a dentist in dental treatment, eyeglasses when especially designed or prescribed by an ophthalmologist, oculist or optometrist for the personal use of the owner or purchaser, and artificial braces and supports designed solely for the use of crippled persons.

Amend Sec. 102, page 6, line 17, by inserting after "deducted" "but no deduction shall be made for any tangible personal property actually taken in trade or exchange for the whole or any part of the price of the property sold."

They were agreed to.

Article II was read.

On the question,

Will the House agree to the Article?

Mr. READINGER offered the following amendments:

Amend Sec. 202, page 7, lines 18 to 20, by striking out all of said lines.

Amend Sec. 202, page 8, lines 1 to 8, by striking out all of said lines, and inserting:

(1) If the purchase price is ten cents (10¢) or less, no tax shall be collected.

(2) If the purchase price is eleven cents (11¢) or more but less than forty-one cents (41¢), one cent (1¢) shall be collected.

(3) If the purchase price is forty-one cents (41¢) or more but less than seventy-one cents (71¢) two cents (2¢) shall be collected.

(4) If the purchase price is seventy-one cents (71¢) or more but less than one dollar and one cent (\$1.01), three cents (3¢) shall be collected.

(5) If the purchase price is more than one dollar (\$1.00), three per centum of each dollar of purchase price, plus the above bracket charges upon any fractional part of a dollar in excess of even dollars, shall be collected.

They were agreed to.

On the question,

Will the House agree to the Article as amended:

Mr. CHARLES C. SMITH offered the following amendments:

Amend Sec. 202, page 7, lines 11 to 20 and page 8, lines 1 to 8, by striking out all of said lines and inserting in lieu thereof

Section 202. Amount of tax. (a) The rate of tax shall be two per centum of the price of each separate purchase of tangible personal property purchased for storage use or other consumption in this Commonwealth. The tax shall in each instance be computed and collected on the basis

of the total transaction without regard to the value or price of the separate items making up the total amount of a single sales transaction.

(b) The tax shall be computed as follows:

(1) Where the consideration is twenty-five cents (25c) or less no tax shall be collected.

(2) Where the consideration is from twenty-six cents (26c) to fifty cents (50c), both inclusive, the tax shall be one cent (1c).

(3) On each sale where the consideration is from fifty-one cents (\$51c) to ninety-nine cents (99c), both inclusive, the tax shall be two cents (2c).

(4) On each sale where the consideration is one dollar (\$1.00) or in excess thereof, the tax shall be two per centum of each dollar or fraction thereof.

The yeas and nays were required by Messrs. Charles C. Smith, Weidner, Johnson and Readinger, and were as follows:

#### YEAS—80

Agnew,	Gramlich,	Lippincott,	Sigman,
Auker,	Greenwood,	Magee,	Smith, C. C.,
Banker,	Helm,	Markley,	Steckel,
Bell,	Henzel,	McInroy,	Stevenson,
Blair,	Horst,	Metz,	Stoner,
Bower,	Houk,	Mikula,	Strausser,
Brelsich,	Isaacs,	Miller,	Stroup,
Brenninger,	Johnson,	Moody,	Tompkins,
Brown,	Jones, T. H. W.,	Moscip,	Toomey,
Connelly,	Jump,	Murphy,	Varnier,
Davis,	Kehler,	Murray, H. P.,	Vaughan,
Donahue,	Keller,	Naugle,	Wall,
Donaldson,	Kent,	Ogilvie,	Waterhouse,
Ehrgood,	Kline,	Parry,	Weidner,
Erb,	Knecht,	Pomeroy,	Wescott,
Eshleman,	Kooker,	Price,	Willaredt,
Frost,	Kromer,	Pursley,	Wilt,
George,	Lafore,	Rigby,	Wood,
Gibb,	Lelsey,	Royer,	Worley,
Gibson,	Light,	Rubin,	Ziegler,

#### NAYS—120

Adam,	Flynn,	McCormack,	Rovansek,
Amarando,	Frank,	McGee,	Rudisill,
Anderson, M. S.,	Frascella,	McKeever,	Sarrafi,
Anderson, S. A.,	Gaffney,	McLaughlin,	Scarcell,
Barnatovich,	Garlock,	McWherter,	Schuster,
Bazin,	Gelfand,	Meholchick,	Sherman,
Boles,	Goldstein,	Mihm,	Smith, Wm. B.,
Bonner,	Guss,	Mills,	Snider,
Boory,	Hamilton, R. K.,	Monroe,	Stank,
Branca,	Hass,	Moran,	Stebbins,
Brennan, A. P.,	Haudenshield,	Muldowney,	Stephens,
Brennan, J. J.,	Heavey,	Mullen,	Stone,
Breth,	Hewitt,	Munley,	Swartz,
Buechlin,	Hocker,	Murray, J. J.,	Taylor,
Capano,	Holt,	Musto,	Thomas,
Cianfrani,	Jenkins,	Needham,	Thompson,
Cloffi,	Jones, G. E.,	Olsen,	Toll,
Cochran,	Kamyk,	O'Neill,	Varallo,
Comer,	Kolankiewicz,	Pacchioli,	Verona,
Cooper,	Kornick,	Pashley,	Walsh,
Curwood,	Leiby,	Paulhamus,	Wallace,
Dougherty,	Leonard,	Petrosky,	Wargo,
Down,	Leven,	Pettigrew,	Welsh,
Ellberg,	Lamper,	Polaski,	Wheeler,
Ewing,	Lopresti,	Polen,	Whitenight,
Farabaugh,	Lovett,	Readinger,	Williams,
Filo,	Lutty,	Reibman,	Yetter,
Fineman,	Mahan,	Reidenbach,	Yetzer,
Flint,	Maxwell,	Renwick,	Young,
Floyd,	McCann,	Rosen,	Andrews,

Speaker

#### NOT VOTING—7

Ashton,	Foster,	Kratz,	Murray, P. G.,
Bullen,	Guthrie,	Lawyer,	

So the question was determined in the negative and the amendments were not agreed to.

On the question recurring,

Will the House agree to Article II as amended?

It was agreed to.



Articles III, IV and V were read and agreed to.

Article VI was read.

On the question,

Will the House agree to the Article?

Mr. READINGER offered the following amendment:

Amend Sec. 602, page 26, lines 6 and 7, by striking out "September 1, 1955" and inserting: "immediately."

It was agreed to.

The Article was agreed to as amended.

The title was read and agreed to.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for third reading.

### BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 110, entitled:

An Act amending the act of April 9, 1929 (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employees in certain departments, boards commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employees of certain departments, boards and commissions shall be determined," designating the days on which State employees shall be paid and repealing inconsistent legislation.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1051, entitled:

An Act authorizing the State Employees' Retirement Board to loan money to contributors to the State Employees' Retirement Fund and prescribing retirement benefits when loans are not repaid

The first section was read.

On the question,

Will the House agree to the section?

### BILL RECOMMITTED

Mr. McCANN. Mr. Speaker, I move that this bill be re-committed to the Committee on Appropriations.

The motion was agreed to.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1857, entitled:

An Act amending the act of May 2, 1925 (P. L. 448) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the in-

land waters and the boundary lakes and boundary rivers of the Commonwealth" authorizing refunds of fees fines and other moneys erroneously or unjustly collected.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1867, entitled:

An Act amending the act of March 10, 1949 (P. L. 30), entitled "An act relating to the public school system, including certain provisions applicable as well to private and parochial schools; amending, revising, consolidating and changing the laws relating thereto," further providing for Commonwealth reimbursement for certain costs incurred by school districts in connection with the education of certain handicapped children.

The first section was read.

On the question,

Will the House agree to the section?

### BILL RECOMMITTED

Mr. McCANN. Mr. Speaker, I move that this bill be re-committed to the Committee on Appropriations.

The motion was agreed to.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1925, entitled:

An Act amending the act of June 15, 1937 (P. L. 1743) entitled as amended "An act relating to magistrates and magistrates' courts in the city of Philadelphia imposing certain duties upon and prohibiting certain practices by magistrates and fixing their compensation imposing certain duties on the city controller in regard thereto authorizing the employment by him of additional clerks and fixing their compensation regulating the practice in and defining magistrates' courts the entering of bail and the issuance of discharges in criminal cases in the county of Philadelphia conferring certain powers over magistrates and magistrates' courts and imposing certain duties in connection therewith upon the judges of the courts of common pleas of the county of Philadelphia the Attorney General and the District Attorney providing for the appointment and employment of stenographers to report proceedings in certain cases heard by magistrates fixing the salaries of persons employed by authority of this act providing penalties for violations of the provisions thereof and repealing certain prior acts" establishing an Alcoholic Court of Philadelphia and prescribing its powers and duties and jurisdiction and the magistrates assigned thereto providing for a seal for the court and the costs taxable therein.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1926, entitled:

An Act amending the act of March 10, 1949 (P. L. 30) entitled "An act relating to the public school system including certain provisions applicable as well to private and parochial schools amending revising consolidating and changing the laws relating thereto" authorizing the reassessment of certain property in school districts of the third and fourth class in certain cases and imposing liability for school taxes upon the owners thereof.



And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1933, entitled:

An Act amending the act of April 9, 1929 (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" clarifying institutions for the deaf subject to supervision and inspection of the State Council of Education.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1936, entitled:

An Act amending the act of March 10, 1949 (P. L. 30) entitled "An act relating to the public school system including certain provisions applicable as well to private and parochial schools amending revising consolidating and changing the laws relating thereto" authorizing expanded audio-visual education programs and matching of State and district moneys for payment of costs thereof.

The first section was read.

On the question,

Will the House agree to the section?

#### BILL RECOMMITTED

Mr. McCANN. Mr. Speaker, I move that this bill be recommitted to the Committee on Appropriations.

The motion was agreed to.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1944, entitled:

An Act to amend the act approved the nineteenth day of March one thousand nine hundred fifty-one (1951-1952 Pamphlet Laws 28) entitled "An act relating to the civil defense of this State and its coordination with national defense providing for the establishment of a State Council of Civil Defense local and district councils of civil defense Mobile Support Units prescribing the powers duties and immunities thereof and of their personnel authorizing mutual aid compacts and providing penalties" by authorizing the State Council of Civil Defense to make rules and regulations.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1951, entitled:

An Act amending the act of March 10, 1949 (P. L. 30) entitled "An act relating to the public school system including certain provisions applicable as well to private and parochial schools amending revising consolidating and changing the laws relating thereto" requiring the board of county school directors to provide transportation for physically or mentally handicapped children in certain cases and providing for reimbursements.

The first section was read.

On the question,

Will the House agree to the section?

#### BILL RECOMMITTED

Mr. POLEN. Mr. Speaker, I move that this bill be recommitted to the Committee on Appropriations.

The motion was agreed to.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate Bill No. 215, entitled:

An Act amending the act of March 10, 1949 (P. L. 30) entitled "An act relating to the public school system including certain provisions applicable as well to private and parochial schools amending revising consolidating and changing the laws relating thereto" changing the basis for reimbursement on account of rentals payable to the State Public School Building Authority municipality authorities and nonprofit corporations and the conditions therefor and limitations on approval of projects for reimbursement purposes and providing for reimbursement on account of sinking fund charges on indebtedness for school buildings hereafter constructed and making an appropriation.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate Bill No. 257, entitled:

An Act validating the action of any school board which has heretofore employed any teacher who was related to a member of the board without strictly complying with the law relating to such employment and relieving the members of the board from all liability.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

#### BILL PASSED OVER

There being no objection

Senate Bill No. 383, Printer's No. 375 was passed over at the request of the SPEAKER pro tempore.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate Bill No. 693, entitled:

An Act amending the act of August 10, 1951 (P. L. 1163), entitled, as amended, "An act relating to the orphans' court; conferring exclusive jurisdiction on such courts over the administration and distribution of decedents' estates, trust estates, minors' estates, and absentees' estates; conferring concurrent jurisdiction over the administration and distribution of incompetents' estates and the



determination of title to real estate in certain cases; providing for the organization of orphans' courts, the procedure therein, the powers and duties of the judges thereof, and appeals therefrom," conferring exclusive jurisdiction on orphans' courts (except the orphans' court of Philadelphia County) over the administration and distribution of incompetents' estates and on the orphans' court of Philadelphia County over inter vivos trusts and revising the procedure on and effect of jury trials and the availability of jurors

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate Bill No. 696, entitled:

An Act relating to the administration and distribution of incompetents' estates (except in Philadelphia County) both as to real and personal property and the procedure relating thereto including the disposition of such estates or portions thereof and the determination of title thereto without the appointment of a guardian in certain cases the appointment bond removal and discharge of guardians of such estates their powers duties and liabilities the rights of persons dealing with such guardians and the rights of persons claiming an interest in such estates or in property distributed therefrom whether as claimants or distributees and containing provisions concerning the determination of incompetency and the powers duties and liabilities of foreign guardians and also generally dealing with the jurisdiction powers and procedure of the orphans' court and the common pleas court relating to incompetents estates.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate Bill No. 759, entitled:

An Act amending the act of March 10, 1949 (P. L. 30) entitled "An act relating to the public school system including certain provisions applicable as well to private and parochial schools amending revising consolidating and changing the laws relating thereto" limiting reimbursement for depreciation to school districts using their own vehicles in pupil transportation

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate Bill No. 772, entitled:

An Act to amend the act approved the third day of June one thousand nine hundred forty-three (P. L. 818) entitled "An act for the extension of Capitol Park in the City of Harrisburg and for the acquisition of real estate in connection therewith and for the demolition of the buildings and structures thereon providing for and imposing powers and duties upon a Capitol Park Extension Commission conferring powers and duties upon the Department of Property and Supplies and making an appropriation" by empowering and directing the Department of Property and Supplies to acquire by purchase or condemnation all lands buildings and property which will permit the construction by said Department of an extension of East Street (Commonwealth Avenue) northwardly from Forster Street to connect with Sixth Street and making an appropriation

The first section was read.

On the question,

Will the House agree to the section?

#### BILL RECOMMITTED

Mr. POLEN. Mr. Speaker, I move that this bill be re-committed to the Committee on Appropriations.

The motion was agreed to.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate Bill No. 834, entitled:

An Act validating and confirming certain contracts heretofore entered into by municipality authorities for the construction of a school building project or projects and for relevant service contracts as a part of the construction when there is no evidence of fraud or conspiracy and authorizing or ratifying payments on such contracts or parts of contracts by the municipality authority upon approval thereof by the Department of Public Instruction and the Department of Justice.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate Bill No. 842, entitled:

An Act amending the act of May 15, 1939 (P. L. 134) entitled as amended "An act relating to fireworks defining fireworks prohibiting the sale offering or exposing for sale and use of fireworks except in certain cases authorizing cities boroughs towns and townships to issue permits for fireworks displays and to regulate the same imposing duties on the Pennsylvania State Police sheriffs police officers and constables and providing penalties" authorizing the issuance of permits for and the use of fireworks in connection with raising and protecting crops.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate Bill No. 853, entitled:

An Act amending the act of May 3, 1949 (P. L. 1669) entitled as amended "An act to provide revenue for school districts of the first class by imposing a tax on persons engaging in certain businesses professions occupations trades vocations and commercial activities therein providing for its levy and collection conferring and imposing powers and duties on the Board of Public Education receiver of school taxes and school treasurer in such districts and prescribing penalties" excluding certain costs from the term receipts"

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate Bill No. 862, entitled:

An Act amending the act of June 16, 1836 (P. L. 715) entitled "An act relating to Reference and Arbitration" providing by rule of the County Court of Allegheny County for the arbitration of certain suits at issue

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.



## BILL ON FINAL PASSAGE POSTPONED

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. Readinger.

The House resumed the consideration on final passage of House Bill No. 1824 as follows:

An Act amending the act of May 1, 1929 (P. L. 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" increasing the registration fees for motor vehicles and certain commercial motor vehicles and truck tractors

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 702 act of May 1, 1929 (P. L. 905) known as "The Vehicle Code" amended February 18, 1943 (P. L. 3) is amended to read

Section 702 Motor Vehicles The fee for annual registration of motor vehicles except as provided in this act shall be [ten (\$10)] fifteen (\$15) dollars

Section 2 Section 703 and subsection (a) of section 903 of the act amended June 30, 1955 (Act No 70) are amended to read

Section 703 Commercial Motor Vehicles and Truck Tractors with Pneumatic Tires Commercial motor vehicles and truck tractors with pneumatic tires other than those electrically operated shall be divided into eight (8) classes and the fee for annual registration of such vehicles in each of the respective classes based on the gross chassis weight as given and certified to by the manufacturer shall be as follows

## Four-Wheeled

Class	Chassis Weight in Pounds	Fee
R	Less than 2000 .....	\$16.50
S	2000 and over but less than 3000 .....	26.00
T	3000 and over but less than 4000 .....	35.00
U	4000 and over but less than 5000 .....	55.00
V	5000 and over but less than 6000 .....	90.00
W	6000 and over but less than 7500 .....	120.00
Y	7500 and over but less than 9000 .....	190.00
Z	9000 and over .....	225.00

## Six Wheeled (3 Axles)

Class	Chassis Weight in Pounds	Fee
RZ	2000 and over but less than 3000 ...	\$48.00
SZ	3000 and over but less than 4000 ...	60.00
TZ	4000 and over but less than 5000 ...	72.00
UZ	5000 and over but less than 6000 ...	132.00
VZ	6000 and over but less than 7500 ...	168.00
WZ	7500 and over but less than 9000 ...	208.00
YZ	9000 and over but less than 12000 ...	252.00
ZZ	12000 and over .....	300.00

## Eight-Wheeled (4 Axles in Pairs)

Class	Chassis Weight in Pounds	Fee
RX	3000 and over but less than 4000 ...	\$60.00

SX	4000 and over but less than 5000 ...	72.00
TX	5000 and over but less than 6000 ...	132.00
UZ	6000 and over but less than 7500 ...	168.00
VX	7500 and over but less than 9000 ...	208.00
WX	9000 and over but less than 12000 ...	252.00
YX	12000 and over but less than 13500 .	300.00
ZX	13500 and over .....	360.00

## Section 903 Weight of Vehicles and Loads

(a) Commercial motor vehicles and truck tractors other than those electrically operated shall not be used or operated on any highway with gross weight exceeding those specified for the several classes and weights of chassis as follows

## Four-Wheeled

Class	Chassis Weight in Pounds	Maximum Gross Weight in Pounds
R	Less than 2000 .....	[ 5000] 6000
S	2000 and over but less than 3000 .....	[ 7000] 8000
T	3000 and over but less than 4000 .....	[11000] 12000
U	4000 and over but less than 5000 .....	16500
V	5000 and over but less than 6000 .....	21000
W	6000 and over but less than 7500 .....	26000
Y	7500 and over but less than 9000 .....	30000
Z	9000 and over .....	33000

## Six-Wheeled

Class	Chassis Weight in Pounds	Maximum Gross Weight in Pounds
RZ	2000 and over but less than 3000 ...	12000
SZ	3000 and over but less than 4000 ...	14000
TZ	4000 and over but less than 5000 ...	16000
UZ	5000 and over but less than 6000 ...	26000
VZ	6000 and over but less than 7500 ...	31000
WZ	7500 and over but less than 9000 ...	36000
YZ	9000 and over but less than 12000 ...	40000
ZZ	12000 and over .....	47000

## Eight-Wheeled (4 Axles in Pairs) Commercial Vehicles

Class	Chassis Weight in Pounds	Maximum Gross Weight in Pounds
RX	3000 and over but less than 4000 ...	14000
SX	4000 and over but less than 5000 ...	16000
TX	5000 and over but less than 6000 ...	26000
UX	6000 and over but less than 7500 ...	31000
VX	7500 and over but less than 9000 ...	36000
WX	9000 and over but less than 12000 ...	40000
YX	12000 and over but less than 13500 .	47000
ZX	13500 and over .....	60000

\* \* \*

Section 3 This act shall take effect the first day of the registration year commencing 1956

On the question recurring,

Shall the bill pass finally?

Mr. JOHNSON. Mr. Speaker, I do not intend to debate this bill at length. The Journal is replete with a very substantial debate between Mr. Petrosky and myself on December 6th when the bill was defeated on final passage. As you know, the bill was brought back and is now up for another vote. The vote at that time was 61 in favor and 80 against.

For the information of the House, this bill increases the passenger car registration fees from \$10 to \$15 and makes a corresponding increase in light trucks.

The Democratic side today has turned down an amendment which would make it easier, if the sales tax passes, to buy cars. On a new car that costs \$2,000 they want to levy a tax of \$60 with no deduction for the trade-in. In this bill they are again reaching out after the small man, the average guy that is driving a car, and saying, "In addition to that, we want to increase your registration plates from \$10 to \$15."

I believe if you will go back and examine the record



when we voted on the bill before, we at that time made quite clear the reasons why we do not favor increasing these fees at this time.

I am therefore asking those on the Republican side particularly to vote against this bill. I think those of you on the other side should certainly think of the people back home before you increase these plates from \$10 to \$15.

Mr. PETROSKY. Mr. Speaker, it is true that the proposal before us at the present time fell some time ago due to some absenteeism in the House on that particular date.

However, it is a component part of a highway program that will supply an adequate highway system on the interstate, the state and the local level.

The passage of this bill means much to the motorists of Pennsylvania. We have received no protests against the small additional levy to have the motorist pay for a portion of this program.

I request the membership on both sides of the House to vote for this bill. We have approached this highway program on a non-partisan basis. We wish to say to you that never do we want to make it partisan because the highways are being used by both Republicans and Democrats.

We have had demand upon demand for additional highway facilities for the people of this Commonwealth. It inures to the benefit and the welfare of all the people of the Commonwealth to give to the people an adequate all-around program.

That is what we are trying to do with the highway package that is before us this evening. This bill is a component part of that package and is very necessary to the fulfillment of the highway program on every level of government.

Mr. LEONARD. Mr. Speaker, of all the tax bills that we vote for while we are in session trying to gather enough money to operate the state to the benefit and the interests of the people of Pennsylvania, this is the easiest tax bill I ever voted for. How can a man who owns an automobile object to an increase of \$5 for his plates? He wants better roads and he wants to get where he is going. The automobile business today in Pennsylvania is the biggest problem with which the Pennsylvania police and the state government have to contend.

I would vote for it if they raised it to \$25. I am asking everybody here to be free and honest with themselves, to do the thing we ought to do at this time and vote for this bill.

Mr. FLINT. Mr. Speaker, I listened to the gentleman from McKean in opposition to this measure. I feel his constituents cannot be a different kind of people than those whom I represent in the next county.

Relative to this increase in license fees, I would like to read a portion of a letter I received today from an officer of the Council of the Borough of Austin in Potter County. My correspondent says:

I have been a resident of Austin for a good many years, and this is the first time I can recall that any previous representative has ever supported any bill in the General Assembly that would afford the kind of relief to the small towns whereby they could have a decent street to drive on . . .

It is most certain no one would protest the

increase of \$5.00 or even \$10.00 per passenger car to raise this revenue.

On the question recurring,  
Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

## YEAS—111

Adam,	Frank,	McLaughlin,	Rudisill,
Amarando,	Frascella,	McWherter,	Sarrar,
Anderson, M. S.,	Gaffney,	Meholchick,	Scarcelli,
Anderson, S. A.,	Garlock,	Mihm,	Schuster,
Barnatovich,	Gelfand,	Mills,	Sherman,
Bazin,	Guss,	Monroe,	Smith, Wm. B.,
Boles,	Hamilton, R. K.,	Moran,	Snider,
Bonner,	Hass,	Muldowney,	Stank,
Boory,	Heavey,	Mullen,	Stebbins,
Branca,	Holt,	Munley,	Stephens,
Brennan, A. P.,	Jenkins,	Murray, J. J.,	Stone,
Brennan, J. J.,	Jones, G. E.,	Musto,	Swartz,
Breth,	Kamyk,	Needham,	Taylor,
Buchin,	Kolankiewicz,	Olsen,	Thomas,
Capano,	Kornick,	O'Neil,	Toll,
Cianfrani,	Lawyer,	Pacchioni,	Varallo,
Cioffi,	Leiby,	Pashley,	Verona,
Cochran,	Leonard,	Paulhamus,	Wallace,
Comer,	Leven,	Petrosky,	Walsh,
Curwood,	Limper,	Pettigrew,	Wargo,
Dougherty,	Lopresti,	Polaski,	Welsh,
Ellberg,	Lovett,	Polen,	Wheeler,
Farabaugh,	Lutty,	Readinger,	Whitenight,
Filo,	Maxwell,	Reibman,	Williams,
Fineman,	McCann,	Reidenbach,	Yetter,
Flint,	McCormack,	Renwick,	Yetzer,
Floyd,	McGee,	Rosen,	Andrews,
Flynn,	McKeever,	Rovansek,	Speaker

## NAYS—84

Agnew,	Goldstein,	Leisey,	Royer,
Auker,	Gramlich,	Light,	Smith, C. C.,
Banker,	Greenwood,	Lippincott,	Steckel,
Bell,	Haudenschild,	Magee,	Stevenson,
Bower,	Helm,	Mahan,	Strausser,
Breisch,	Henzel,	Markley,	Stroup,
Brenninger,	Hewitt,	McInroy,	Thompson,
Brown,	Hocker,	Metz,	Tompkins,
Connelly,	Horst,	Mikula,	Toomey,
Cooper,	Houk,	Miller,	Varner,
Davis,	Isaacs,	Moody,	Vaughan,
Donahue,	Johnson,	Moscrip,	Wall,
Donaldson,	Jones, T. H. W.,	Murphy,	Waterhouse,
Down,	Jump,	Murray, H. P.,	Weidner,
Ehrgood,	Kehler,	Naugle,	Wescott,
Erb,	Keller,	Ogilvie,	Willaredt,
Eshleman,	Kent,	Parry,	Wilt,
Ewing,	Kline,	Pomeroy,	Wood,
Frost,	Kooker,	Price,	Worley,
Gibb,	Kromer,	Pursley,	Young,
Gibson,	Lafore,	Rigby,	Ziegler,

## NOT VOTING—12

Ashton,	Foster,	Knecht,	Rubin,
Blair,	George,	Kratz,	Sieman,
Bullen,	Guthrie,	Murray, P. G.,	Stoner,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

HOUSE BILLS Nos. 1831, 1825 and 1311  
MADE SPECIAL ORDER

Mr. READINGER. Mr. Speaker, I move that House Bills Nos. 1831 and 1825 on page 10 and House Bill No. 1311 on page 8 of today's calendar, be made a special order of business in that order immediately.

The motion was agreed to.

The SPEAKER pro tempore. The Chair lays before the



House the first bill on special order fixed for this time, being House Bill No. 1831.

Agreeably to order,

The House resumed the consideration on final passage of House Bill No. 1831, as follows:

An Act to further amend the act approved the first day of May one thousand nine hundred twenty-nine (P. L. 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayor burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" by adding a certain classification and definition of motor vehicles and fixing a fee therefor The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section one hundred two of the act approved the first day of May one thousand nine hundred twenty-nine (P. L. 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens and encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" as last amended by the act approved the seventeenth day of July one thousand nine hundred fifty-three (P. L. 500) is hereby further amended by inserting between the definition "Street Car" and the definition "Tractor" a new definition to read as follows:

Section 102 Definitions The following words and phrases when used in this act shall for the purpose of this act have the meanings respectively ascribed to them in this section except in those instances where the context clearly indicates a different meaning

\* \* \* \* \*

"Suburban Motor Vehicles" shall be a passenger motor vehicle with a convertible or interchangeable body usable for both passenger and delivery purposes and including but not restricted to motor vehicles commonly known as suburban station or depot wagons

\* \* \* \* \*

Section 2 Article VII of the said act is hereby amended by adding immediately following section seven hundred two point one a new section to read as follows

Section 702.2 The fee for annual registration of suburban motor vehicles shall be eighteen (\$18) dollars

Section 3 This act shall become effective immediately but the registration fee shall take effect the first day of the registration year commencing 1956.

On the question recurring,

Shall the bill pass finally?

Mr. READINGER. Mr. Speaker, I want to speak very, very briefly on this bill. I think everybody knows it is an administration bill and part of a plan to increase the amount of revenue available for highway purposes.

But as my name appeared on it as a sponsor and as the newspapers for some reason or other reported it by itself and not in connection with House Bill 1824, which provided for an increase of from \$10 to \$15 for motor vehicles, I was the recipient of practically hundreds and hundreds of postcards and letters from irate station wagon owners. I would like to say now for their enlightenment and so forth that it was never intended that we raise their license fee from \$10 to \$18 unless it was accompanied by an increase in the passenger fee from \$10 to \$15.

I am saying this because I do not want them to think that we singled station wagon owners out as a special object for taxation. We think they are worthy people, fine people, but we think they ought to pay a little bit more than a passenger car because half the time they are using them for trucks, and I believe that if they fully understand what we have been trying to do here, they will be more lenient and will stop sending the type of postcards that I was getting.

Mr. PETROSKY. Mr. Speaker, just a minute for further clarification. This bill 1831 now sets up a suburban classification for station wagons. Heretofore we had a rather hazy administration of the Act for some station wagons registered as passenger cars and others registered as R-plate trucks.

It is highly desirable for a more efficient operation for the Department and highly desirable by people affected by this legislation, dealers and what have you, to create a suburban classification for these vehicles. Hereafter there will be no possibility of applying for a truck plate or a passenger plate, it will be only the one classification, suburban classification for station wagons.

Mr. MOODY. Mr. Speaker, as an owner and operator of a station wagon, is the \$3 increase sufficient interest in the bill to prevent my voting on it?

The SPEAKER pro tempore. It is not.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—119

Adam,	Frascella,	McLaughlin,	Rudisill,
Amarando,	Gaffney,	McWherter,	Sarra,
Anderson, M. S.,	Garlock,	Meholchick,	Scarcelli,
Anderson, S. A.,	Gelfand,	Mihm,	Schuster,
Barnatovich,	Guss,	Mills,	Sherman,
Bazin,	Hamilton, R. K.,	Monroe,	Smith, Wm. B.,
Boles,	Hass,	Moody,	Snider,
Bonner,	Heavey,	Moran,	Stank,
Boory,	Henzel,	Muldowney,	Stebbins,
Branca,	Holt,	Mullen,	Stephens,
Brennan, A. P.,	Jenkins,	Munley,	Strausser,
Brennan, J. J.,	Jones, G. E.,	Murray, J. J.,	Stroup,
Brenninger,	Jones, T. H. W.,	Musto,	Swartz,
Breth,	Kamyk,	Needham,	Taylor,
Bucchin,	Kolankiewicz,	Olsen,	Thomas,
Capano,	Kornick,	O'Neill,	Toll,
Cianfrani,	Lafore,	Pacchioli,	Varallo,



Cioffi,	Lawyer,	Pashley,	Verona,
Cochran,	Leiby,	Paulhamus,	Wallace,
Comer,	Leonard,	Petrosky,	Walsh,
Curwood,	Leven,	Pettigrew,	Wargo,
Dougherty,	Limper,	Polaski,	Welsh,
Elberg,	Lopresti,	Polen,	Wheeler,
Farabaugh,	Lovett,	Pomeroy,	Whitenight,
Filo,	Lutty,	Readinger,	Willaredt,
Fineman,	Maxwell,	Reibman,	Williams,
Flint,	McCann,	Reidenbach,	Yetter,
Floyd,	McCormack,	Renwick,	Yetzer,
Fivnan,	McGee,	Rosen,	Andrews,
Frank,	McKeever,	Rovanssek,	Speaker

## NAYS—76

Agnew,	Gibson,	Lelsey,	Royer,
Auker,	Goldstein,	Light,	Smith, C. C.,
Banker,	Gramlich,	Lippincott,	Steckel,
Bell,	Greenwood,	Magee,	Stevenson,
Bower,	Haudenshield,	Mahan,	Stone,
Breisch,	Helm,	Markley,	Thompson,
Brown,	Hewitt,	McInroy,	Tompkins,
Connolly,	Hocker,	Metz,	Toomey,
Cooper,	Horst,	Mikula,	Varnier,
Davis,	Houk,	Miller,	Vaughan,
Donahue,	Isaacs,	Moscrip,	Wall,
Donaldson,	Johnson,	Murphy,	Waterhouse,
Down,	Jump,	Murray, H. P.,	Weidner,
Ehrgood,	Kehler,	Naugle,	Wescott,
Erb,	Keller,	Ogilvie,	Wilt,
Eshleman,	Kent,	Parry,	Wood,
Ewing,	Kline,	Price,	Worley,
Frost,	Kooker,	Pursley,	Young,
Gibb,	Kromer,	Rigby,	Ziegler,

## NOT VOTING—12

Ashton,	Foster,	Knecht,	Rubin,
Blair,	George,	Kratz,	Sigman,
Bullen,	Guthrie,	Murray, P. G.,	Stoner,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

The SPEAKER pro tempore. The Chair lays before the House the next bill on special order fixed for this time, being House Bill No. 1825.

Agreeably to order,

The House resumed the consideration on final passage of House Bill No. 1825, as follows:

An Act to further amend subsection (i) of section four of the act approved the eighteenth day of April one thousand nine hundred forty nine (P. L. 604) entitled "An act to promote the welfare of the people of the Commonwealth creating a State Highway and Bridge Authority as a body corporate and politic with power to construct reconstruct improve maintain equip furnish and operate highway and bridge projects and roadside rests and to lease the same and to fix and collect fees rentals and charges for the use thereof authorizing and regulating the issuance of bonds by said Authority and providing for the payment of such bonds and the rights of the holders thereof and to enter into agreements with the Government of the United States or any Federal agency and authorizing the Department of Highways to grant assign convey or lease to the Authority lands easements or rights of way of the Commonwealth and interests therein and to acquire lands therefor authorizing said Authority and the Department of Highways to enter into agreements providing for mutual cooperation in furtherance of the construction of any project hereby authorized granting the right of eminent domain empowering said Authority to sell and convey projects and property to the Commonwealth and providing that no debt of the Commonwealth or any of its political subdivisions shall be incurred in the exercise of any of the powers granted by this act and making an

appropriation" by increasing the power of the Authority to borrow money and issue evidences of indebtedness therefor in certain cases

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Subsection (i) of section four of the act approved the eighteenth day of April one thousand nine hundred forty-nine (P. L. 604) entitled "An act to promote the welfare of the people of the Commonwealth creating a State Highway and Bridge Authority as a body corporate and politic with power to construct reconstruct improve maintain equip furnish and operate highway and bridge projects and roadside rests and to lease the same and to fix and collect fees rentals and charges for the use thereof authorizing and regulating the issuance of bonds by said Authority and providing for the payment of such bonds and the rights of the holders thereof and to enter into agreements with the Government of the United States or any Federal agency and authorizing the Department of Highways to grant assign convey or lease to the Authority lands easements or rights of way of the Commonwealth and interests therein and to acquire lands therefor authorizing said Authority and the Department of Highways to enter into agreements providing for mutual cooperation in furtherance of the construction of any project hereby authorized granting the right of eminent domain empowering said Authority to sell and convey projects and property to the Commonwealth and providing that no debt of the Commonwealth or any of its political subdivisions shall be incurred in the exercise of any of the powers granted by this act and making an appropriation as amended by the act approved the thirtieth day of June one thousand nine hundred fifty-one (1951-52 P. L. 954) is hereby further amended to read as follows

## Section 4 Purposes and Powers General

\* \* \* \* \*

(i) To borrow money make and issue negotiable notes bonds and other evidences of indebtedness or obligations (herein called "bonds") of the Authority not exceeding eighty million dollars (\$80,000,000) in the aggregate and in addition whenever during the 1955-1957 and 1957-1959 biennia the Federal government apportions money to the Commonwealth for the construction reconstruction and improvement inclusive of necessary bridges and tunnels of the federally-aided highways and the amount of money so apportioned necessitates the allocation of Commonwealth funds in excess of the amount allocated during the 1953-1955 biennium the authority without limitation as aforesaid may issue bonds of the authority in such amount as the Secretary of Highways shall certify as necessary for defraying the cost of the construction of such projects in an amount not exceeding the difference between the allocation of the Commonwealth in the 1953-1955 biennium and the allocation required in the 1955-1957 and 1957-1959 biennia to obtain the maximum of such Federal Aid and to secure the payment of such bonds or any part thereof by pledge or deed of trust of all or any of its revenues rentals and receipts and to make such agreements with the purchasers or holders of such bonds or with others in connection with any such bonds whether issued or to be issued as the Authority shall deem advisable and in general to provide for the security for said bonds and the rights of the holders thereof Provided that no work on any bridge tunnel or public highway shall be commenced under these provisions until the Secretary of Highways certifies to the Governor that traffic conditions have created a need for said project

For the purposes of this subsection (1) the term "cost of the construction" of any project or projects shall embrace the following

(1) Obligations incurred for labor and to contractors builders and materialmen in connection with the construction of any such project or projects for machinery and equipment and for the restoration of property damaged or destroyed in connection with such construction

(2) The cost of acquiring by purchase any such project or projects and the cost of acquiring by purchase and the amount of any award or final judgment in any proceeding to acquire by condemnation such lands property rights rights of way franchises easements and other interests as may be deemed necessary or convenient



in connection with the acquisition or construction of any such project or projects options and partial payments thereon and the amount of any damages incident to or consequent upon such acquisition or construction

(3) The cost of acquiring any property real personal or mixed tangible or intangible or any interest therein necessary or desirable for the construction of any such project or projects

(4) The principal and interest requirements upon any such bonds for the period during which and to the extent which the rentals received by the authority from such project or projects shall be insufficient for the payment thereof the fees and expenses of the fiscal agent of the authority in respect of such bonds during any such period and the reasonable fees and expenses of any paying agents for such bonds during such period

(5) The taxes or other municipal or governmental charges (if any) lawfully levied or assessed during construction upon any such project or projects and premiums on insurance (if any) in connection with any such project or projects during construction

(6) The cost and expenses of preliminary investigations to determine the feasibility or practicability of constructing any such project or projects and fees and expenses of engineers for making preliminary studies surveys reports estimates of costs and of revenues and other estimates and for preparing plans and specifications and supervising construction as well as for the performance of all other duties of engineers in relation to such construction or the issuance of bonds therefor and

(7) Expense of administration property chargeable to any such project or projects during construction legal expenses and fees financing charges costs of audits and of preparing and issuing such bonds and all other items of expense not elsewhere in this subsection specified incident to the construction of any such project or projects the financing thereof and the acquisition of lands property rights rights of way franchises easements and interests therefor including abstracts of title title insurance title opinions costs of surveys reports and other expenses in connection with such acquisition

On the question recurring,

Shall the bill pass finally?

Mr. PETROSKY. Mr. Speaker, rather than taking the time of the House in debating this bill, we have discussed it at length at a prior time, I would like to submit the following for the record. I ask the Members of the House to vote "aye" on this.

Pennsylvania must be prepared to participate with any Federal Highway Program which will emerge from the next session of the National Congress.

The Commonwealth cannot participate unless it has, first, sufficient funds to match the Federal dollars, and, second it must have engineering plans, locations, surveys and designs which can be submitted and approved by the Federal Bureau of Public Roads.

Fortunately for Pennsylvania, the Department of Highways since last January has completed, or has in preparation, plans which will completely take up the Federal allocation of \$42,000,000 under the 1954 Federal-aid Act. It also has in hand sufficient money to match dollar for dollar the Federal allocation.

Because of the high standard of construction required by the Federal Bureau of Public Roads, the mileage which can be built with the more than \$80,000,000 available for the biennium, is comparatively small. It must be expanded.

In addition to the highways on the Federal system, the Department of Highways has plans to improve the 100 per cent State system. These are the roads which do not qualify for Federal-aid. These are the roads which have been sorely neglected by previous administrations. They

can no longer be ignored if the Commonwealth is to meet its obligations to all segments of our population.

Expressways and by-pass routes around our urban centers of population are the newest and most spectacular features of a modern highway system. These are vital links and Pennsylvania needs more of them and intends to build more of them. They are expensive, but if the Commonwealth expects to handle tomorrow's traffic efficiently, nothing must interfere with this type of construction. Every driver knows State roads, farm-to-market roads and other types of highways are in drastic need of attention to overcome years of neglect, poor planning and political mishandling.

Thus, we have two vital problems in our highway planning. On the one hand we must insist that the responsibility for the roads on the Federal system be met. The State can no longer ignore its responsibility for constructing and properly maintaining the neglected State road system.

One of the difficulties confronting the new Highway administration last January was the muddled and confused financial situation which it inherited. The budget, which was prepared by the previous administration in November 1954, made no provision whatever for any expansion of the Federal-aid program. No consideration was given to the possibility that there might be an expanded Federal program, although the National administration had for months previously discussed such a program.

General Lucius Clay, appointed by the President to make a survey, recommended that the Federal Government develop a program which would double our present mileage. He further recommended completion of a highway system that would be adequate to take care of increasing traffic at least until 1974. When this recommendation reached the Legislative stage, the new Highway administration revised its figures to take advantage of any Federal program based on the Clay Plan. No legislation, however, was enacted to implement the Clay Plan. The State Highway Department was ready, however, to take advantage of this program.

Then the Gore Plan was proposed. This was a five year plan which would provide for a 300 per cent increase in Federal aid to States. No financing plan was specified, but in the Congressional debate, the matching factor was obviously predominant. Again, the State Highway Department was prepared to adapt its program to benefit from the Gore Plan, but it too failed of enactment.

Then the Fallon Plan was proposed, which would be financed on a pay-as-you-go basis, the revenue to be derived through increased user taxes. Despite the crying need for new highway construction, the Fallon Bill was lobbied to death.

All the months the Federal Congress debated, the highway legislation, the Department of Highways was prepared to participate in any national program, which finally was approved. In the meantime, the regular work of the Department proceeded in an orderly manner.

The Department realizes today that in the next session of Congress a highway bill will be enacted. It will be ready then to get for Pennsylvania the full benefit of whatever legislation is enacted. The necessity for a greatly expanded highway program, with the Federal Government working shoulder to shoulder with the States, is a recognized necessity. It rises above any cheap partisan-



ship. It must rise above partisanship in Pennsylvania.

Use of the highways is not confined to Republicans; nor do the Democrats monopolize the roadways. The State Highway Department does not ask a contractor whether he is a Republican or a Democrat when he bids on a highway construction job. The low bid and ability to do the work are the only requisites asked for by the present administration of the Highway Department.

Recently, I had an opportunity to study the financial position of the Highway Department. What I saw was most encouraging.

Before presenting an analysis of the Department's fiscal position today, I want to call attention to one figure which struck me and that is the financial position of the Department on January 18, the day the Democratic administration took over.

The cash balance on that historic day was just about EIGHT MILLION DOLLARS. Now \$8 Million Dollars is a pretty slim purse for a Department which does a half BILLION dollar annual business. But our Republican friends explain the depleted funds by saying "well that was an election year."

The Motor Fund Cash balance is in a much healthier condition under Democratic management. As of October 31 there were \$83,158,588 in the fund. The total commitments against the fund through October 31, 1955 were \$220,138,612.57. Among these commitments construction contracts authorized totalling \$73,456,290, which indicates the scope and volume of the work the Highway Department has done since January 18.

In addition to actual construction contracts, the Department under agreement for the design and location surveys totalling \$3,590,000. Most of the work under these agreements is well under way and will provide for a substantial shelf of completed plans to take care of present and future construction programs.

Other items in the commitment total is \$33,525,294 for the acquisition of right-of-way. Right-of-way is an essential factor in the construction of highways and has always been segregated as a separate cost from construction accounts. This has always been a practice in Pennsylvania, and in every other State.

State Highway and Bridge Authority rentals totals \$6,355,510.83. This item is for obligations previously assumed by the previous administrations.

Payments to municipalities total \$16,824,851.54.

Purchase order balances total \$9,749,049.46 while miscellaneous commitments total \$228,786.27.

Under existing laws the State Department of Highways is compelled to allocate to other State Departments a total of \$48,475,864. In addition, commitments against Act 18-A passed for the repair and rehabilitation of roads and bridges destroyed or damaged by the August 18th Hurricane total \$16,000,000.

Thus we have commitments totalling \$220,138,612.57 through October 31, 1955.

Despite the muddled financial situation the present administration inherited last January, the State Highway Department has succeeded in having under contract or has advertised contracts which will total more than \$100,000,000. The target set for 1956 is also \$100,000,000 with plans for an additional \$45,000,000 in sight for June. This will be the greatest highway construction program in the history of the State.

Nothing, absolutely nothing, except the lack of finances will deprive the people of Pennsylvania from the highways and bridges which are long overdue. Pennsylvania can no longer permit its multi-billion dollar investment in its highway plant to deteriorate. It will deteriorate unless sufficient money is made available to modernize its highways and bridges. It will fall into obsolescence unless the finances are on hand to take advantage of any Federal highway legislation which provides for an expanded highway program. No longer can Pennsylvania's State highway system be permitted to become impassable.

Every community in the State is trying to attract new industries. The first question a community must answer is whether or not the location is served by adequate roads. Other States competing for new industries promise construction of high speed highways to serve new plants.

In the location of the Curtis-Wright plant in Clearfield County, the first question asked of the Governor was about the roads. The State Highway Department was able to assure the Company that adequate highways would be constructed to serve their needs. These roads are now being built.

In the location of the Schick plant in Lancaster, the Highway Department after several years delay, was able to begin the construction of an vital interchange which would serve the great plant.

The location of a big cosmetic plant in another Lancaster County city was dependent upon the Department's ability to reconstruct the roads leading to the plant.

Every week the Department of Highways is called upon for help in rebuilding and modernizing obsolete roads to aid communities, the help, the resettlement of city dwellers to provide safe roads and bridges for travel to churches and schools.

It is often said that Pennsylvania has a modern highway system. In some respects, that is true. Many of our roads are spectacular engineering examples, but the majority of the mileage on the system needs rehabilitation. The hard core of the system is becoming obsolete. Our 100 per cent State system needs a complete rehabilitation.

The ability to meet the needs of modern traffic, the expansion of industrial activity transcends any political consideration and is one of Pennsylvania's first problems which must be met.

Mr. JOHNSON. Mr. Speaker, on December 6th, as Mr. Petrosky says, we debated this bill quite at length.

I just want to quickly summarize the arguments that I made at that time against this bill, which seeks to raise the borrowing power of the Highway and Bridge Authority so that the State Government can borrow enough money to match the increase in Federal aid for this current biennium, over and above the preceding biennium.

As we figure it, the amount will be \$32 million. We find on examining the Governor's budget that he has made a provision in the Highway budget for this increase in the matching money required to match the Federal aid highway appropriation. Further, I know the argument was made that we need to have this borrowing power so that in the event a gigantic road building program passes in Washington the State of Pennsylvania will be able to borrow the money for purposes of matching that type of requirement.

From what information we have, if this gigantic road



building program passes this session of Congress, it will merely be enabling legislation now, then next year they will appropriate the money for the program. We are practically into the second year of this biennium and therefore we will be back here next January and if any gigantic road building program passes which will require unusual outlay on the part of Pennsylvania we will be here in January and actually in several days could pass a bill which would do the necessary job, if we choose to borrow the money for Federal matching.

As we understand the Federal highway program, the state's share of that new program will only be ten per cent. I have seen figures where Pennsylvania would be allocated about \$50 million a year. That would mean that we would only have to come forward with \$5 million. Certainly we could take that out of our motor license fund, with the practically ten per cent increase today in the taxes that we are receiving from gasoline, together with the overage from the gasoline tax which will be available from the extra penny we put on for the flood project.

Therefore, I say that we do not need to increase the borrowing power of the Highway and Bridge Authority at this time. If the money is necessary, we can do it next January or next February when we come back here for the session of 1957-59. And what is more, when Governor Leader campaigned, he told all over the state how we Republicans had borrowed money for the General State Authority, for the Highway and Bridge Authority, and so forth. And he said that is an indication that there is something wrong with the way Pennsylvania has been operated under the Republicans. And he said, "believe me, I am going to investigate that when I am Governor."

What has he done? He has investigated it and he apparently finds that what we did was ok because I read in the paper where he wants to increase the ceiling on the borrowing power of the General State Authority, and here today is a bill wherein he wants to almost immediately increase the borrowing power of the Highway and Bridge Authority by \$32 million.

For reasons expressed in December and for reasons expressed now, we are asking the House to vote against this bill.

Mr. PETROSKY. Mr. Speaker, there are sufficient safeguards in this proposal that is before us to hold within the limits of the amount of money that must be matched with Federal allocations, in order to avail ourselves of those monies when they are forthcoming out of the present session of Congress.

Certainly we would be remiss in our duties in the event we were not to make ample provisions to procure those funds when they are allotted by the Federal Congress. Every Member of this House knows of the inadequacy of the highway system throughout the nation. Every other state in this nation is going to pass upon those funds and match them and then we are going to be left holding the bag.

But if we had a sufficiently safeguarded piece of legislation that will allow us to borrow the money to match those funds and get those allocations from the Federal Government, then and then only will we be able to put out a well rounded program that will enure to the benefit of all the people of the Commonwealth.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

#### YEAS—111

Adam,	Frank,	McLaughlin,	Rudisill,
Amarando,	Frascella,	McWherter,	Sarrafi,
Anderson, M. S.,	Gaffney,	Meholchick,	Scarcelli,
Anderson, S. A.,	Garlock,	Mihm,	Schuster,
Barnatovich,	Gelfand,	Mills,	Sherman,
Bazin,	Guss,	Monroe,	Smith, Wm. B.,
Boles,	Hamilton, R. K.,	Moran,	Snider,
Bonner,	Hass,	Muldowney,	Stank,
Boory,	Heavey,	Mullen,	Stebbins,
Branca,	Holt,	Munley,	Stephens,
Brennan, A. P.,	Jenkins,	Murray, J. J.,	Stone,
Brennan, J. J.,	Jones, G. E.,	Musto,	Swartz,
Breth,	Kamyk,	Needham,	Taylor,
Bucchin,	Kolankiewicz,	Olsen,	Thomas,
Capano,	Kornick,	O'Neill,	Toll,
Cianfrani,	Lawyer,	Pacchioli,	Varallo,
Cioffi,	Leiby,	Pashley,	Verona,
Cochran,	Leonard,	Paulhamus,	Wallace,
Comer,	Leven,	Petrosky,	Walsh,
Curwood,	Lamper,	Pettigrew,	Wargo,
Dougherty,	Lopresti,	Polaski,	Welsh,
Ellberg,	Lovett,	Polen,	Wheeler,
Farabaugh,	Lutty,	Readinger,	Whitenight,
Filo,	Maxwell,	Reibman,	Williams,
Fineman,	McCann,	Reidenbach,	Yetter,
Flint,	McCormack,	Renwick,	Yetzer,
Floyd,	McGee,	Rosen,	Andrews,
Flynn,	McKeever,	Rovanssek,	Speaker

#### NAYS—81

Agnew,	Gibson,	Lafore,	Rigby,
Auker,	Goldstein,	Lelsey,	Royer,
Banker,	Gramlich,	Light,	Smith, C. C.,
Bell,	Greenwood,	Lippincott,	Steckel,
Bower,	Helm,	Mahan,	Stevenson,
Brelsch,	Henzel,	Markley,	Stroup,
Brenninger,	Hewitt,	McInroy,	Thompson,
Brown,	Hocker,	Metz,	Tompkins,
Connelly,	Horst,	Mikula,	Toomey,
Cooper,	Houk,	Miller,	Varner,
Davis,	Isaacs,	Moody,	Vaughan,
Donahue,	Johnson,	Moscrip,	Wall,
Donaldson,	Jones, T. H. W.,	Murphy,	Waterhouse,
Down,	Jump,	Murray, H. P.,	Weldner,
Ehrgood,	Kehler,	Naugle,	Wescott,
Erb,	Keller,	Ogilvie,	Willaredt,
Eshleman,	Kent,	Parry,	Wilt,
Ewing,	Kline,	Pomeroy,	Wood,
Frost,	Kooker,	Price,	Worley,
Gibb,	Kromer,	Pursley,	Young,
			Ziegler,

#### NOT VOTING—12

Ashton,	George,	Kratz,	Sigman,
Blair,	Guthrie,	Magee,	Stoner,
Bullen,	Haudenschild,	Murray, P. G.,	Strausser,
Foster,	Knecht,	Rubin,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

The SPEAKER pro tempore. The Chair lays before the House the next bill on special order fixed for this time, being House Bill No. 1311.

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 1311 as follows:

An Act providing a permanent allocation of a part of the fuels and liquid fuels tax proceeds to cities boroughs incorporated towns and townships for their road street and bridge purposes conferring powers and imposing duties on local officers and the Department of Highways



and making an appropriation out of the Motor License Fund

Whereas There is an urgent need for a vast construction reconstruction and modernization program on Pennsylvania's hundred thousand mile public road system therefore

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 In the interest of better roads for all Pennsylvania and an equitable distribution of funds available for highway purposes for use on local roads and streets as related to the burden of highway traffic thereon and the revenues derived therefrom the General Assembly finds that it is necessary to provide for a permanent allocation of a part of the highway funds among cities boroughs incorporated towns and townships for the roads and streets for which they are responsible

Section 2 As used in this act

(1) "Department" means the Department of Highways

(2) "Municipality" means any city borough incorporated town or township

(3) "Roads and streets" means public roads and streets including bridges used for travel by horse drawn and motor vehicles and does not include ways courts and alleys

Section 3 An amount equal to twenty per centum of four and one-half cents (4½c) of all taxes permanent and additional collected on each gallon of liquid fuel under "The Liquid Fuels Tax Act" of May 21, 1931 (P. L. 149) and its amendments and on each gallon of fuel under the "Fuel Use Tax Act" of January 14, 1952 (P. L. 1965) and its amendments is appropriated out of the Motor License Fund to the municipalities of the Commonwealth on the basis and subject to the provisions hereinafter set forth

Section 4 The money hereby appropriated to municipalities and the money appropriated to the cities borough towns and townships of the Commonwealth by the Act of September 3, 1955 (Appropriation Act No. 18-A) shall be paid to the municipalities in accordance with the following formula and subject to the provisions of this act

Fifty-five per centum thereof divided by the total miles of roads and streets which are maintained by municipalities

Multiplied by

The number of miles in the particular municipality.

Plus

Forty-five per centum thereof divided by the total official population of the municipalities having responsibility for the maintenance of public roads or streets

Multiplied by

The official population of the particular municipality

(Amount due the particular municipality)

Section 5 (a) The calculation of mileage shall be determined annually as of the first day of January of the year for which the allocation is made by the department from reports submitted by the municipalities

(b) The calculations involving population shall be made by the department and shall be based on the latest available official census figures where the population of any municipality changes by reason of annexation withdrawal or dissolution the department shall not be presumed to have notice of the change until furnished with a statement approved by all affected municipalities or with an order of a court of competent jurisdiction

Section 6 The moneys appropriated and allocated to municipalities by this act by the act of September 3, 1955 (Appropriation Act No. 18-A) shall be paid over in the manner provided by law on requisition of the Secretary of Highways to the respective municipalities on February 28, May 31, August 31, and November 30, of each year beginning February 28, 1956 the amount appropriated

hereby to be paid during any fiscal year shall be determined by the taxes received during the preceding fiscal year

Section 7 All moneys allocated shall be used for the construction reconstruction maintenance and repair of roads and streets including bridges and drainage structures for which the municipality is responsible If the work is performed by the municipality the money may be expended for labor equipment rental payrolls purchase of materials and equipment including repair parts necessary for the maintenance of equipment small tools road drags and snow fences and in any case for highway administration and design right-of-way acquisition and contributions to the department for construction of State highways within the municipality

Section 8 Fifty per centum of all money allocated to each municipality shall be used for construction reconstruction or widening of roads and streets bridges and drainage structures when all roads and streets of a municipality are classified as improved according to the standards of the department the fifty per centum required to be used for road and street improvement may be used for maintenance and repair of roads and streets

Section 9 (a) In order to qualify for its share of the moneys appropriated hereby and by the act of September 3 1955 (Appropriation Act No. 18-A) each municipality shall

(1) Submit certified reports on forms furnished by the department showing that the money appropriated will be or has been spent in accordance with the provisions of this act (2) establish and maintain a special fund into which the funds appropriated hereby and by the act of September 3, 1955 (Appropriation Act No. 18-A) shall be deposited and into which no other moneys may be deposited or comingled and maintain a special account which will reflect all expenditures involving such moneys which account shall be subject to inspection by the department and audit by the Auditor General.

(3) Furnish satisfactory evidence to the department that a general or special tax the proceeds of which are specifically earmarked in whole or in part to provide funds for road and street purposes is being levied for the year in which the allocation is made

(b) The department shall withhold further payment under this act until the foregoing conditions are complied with

Section 10 All materials used and work done on any project financed in whole or in part with the funds allocated hereunder shall conform to the current specifications of or specifications approved by the department and be subject to inspection by the department

Section 11 This act shall take effect immediately

On the question,

Shall the bill pass finally?

Mr. PETROSKY. Mr. Speaker, I will be very brief about this, we still want to approach this in a non-partisan manner.

The measure before us is a new piece of legislation and it has three very important points in it. It will set up the allocations for the local municipalities for the allotments to be received by them from the Motor License Fund.

House Bill 1311 is the first time we have ever had a measure of this nature. It can really and truly be called a home rule program. Under House Bill 1311 we set up a permanent schedule of allocations for return to the political subdivisions of moneys from the gas tax funds.

No. 2, we increase that from the \$36 million that was allocated under prior administrations to \$60 million with this proposal.

No. 3, we do not require any matching funds. There are many instances where certain municipalities would have to raise local taxes in order to match the funds allocated in that category by the Highway Department.



Certainly there has been a slight change in the formula set up in this legislation, but in all the conferences and deliberations out of which came this legislation we find it is more nearly an equitable distribution of these funds than we have ever had in the past.

I ask the membership on both sides of this House to go along with this measure. They know the need of the local administrators for funds to place their highways in proper condition. It is good legislation, it is legislation that is necessary for our local administrators back home.

We on this side of the House have taken an honest position. We have voted to provide revenue to allocate sufficient funds to the people back home so they can do a job on the rural road program.

Mr. Speaker, I ask the Members of the House, to support this legislation.

Mr. ISAACS. Mr. Speaker, I would like to interrogate the gentleman from Westmoreland, Mr. Petrosky.

The SPEAKER pro tempore. Will the gentleman from Westmoreland, Mr. Petrosky, permit himself to be interrogated?

Mr. PETROSKY. I shall, Mr. Speaker.

Mr. ISAACS. Mr. Speaker, will the gentleman tell me the meaning of the term "official census figures" in this bill?

Mr. PETROSKY. The meaning of the term "official census figures" is those figures which are tallied in the respective political subdivisions by the Federal Census Bureau.

Mr. ISAACS. The last one then, Mr. Speaker, would be the census of 1950?

Mr. PETROSKY. That is a decennial census. A census can be undertaken by the administrators in a political subdivision just so long as it is an official census, as I have noted, and transmitted to the Department of Highways. Then those figures will be used as and when they are taken.

Mr. ISAACS. Mr. Speaker, this official census about which the gentleman speaks, does he mean a census taken by the people who conduct the census every ten years?

Mr. PETROSKY. I do not know whether they use the same procedure as they use in a decennial census. However, just so long as they apply to the Federal Bureau of Census and have the census taken by that Bureau and the figures certified to the Department of Highways, those figures will be accepted. That is as clear as I can make it, Mr. Speaker.

Mr. ISAACS. Mr. Speaker, will the gentleman tell me how much the political subdivisions will receive under this bill per mile and per capita?

Mr. PETROSKY. Mr. Speaker, I can give the gentleman an approximate rate of the allocations under the mileage and the population basis. It will be approximately \$275 per mile and it will be approximately \$1.35 per capita. You can realize that I must use the word "approximate" because the figures for the total population of the state can change with these official census being taken. How many of them are going to be taken, I do not know. That is up to the local administrators.

Mr. ISAACS. Mr. Speaker, can the gentleman tell me as to the revenue from the fuel taxes upon what period he is basing this figure?

Mr. PETROSKY. What figure is the gentleman speaking of?

Mr. ISAACS. The figure of \$275 per mile and so much per capita?

Mr. PETROSKY. I am basing that upon the 20 per cent of the four and a half cents in the legislation, plus the amount that will be accrued and divided according to the existing formula under Appropriation Act 18-A as passed in this House some time ago.

Mr. ISAACS. Mr. Speaker, presupposing this bill becomes law and a political subdivision has a census taken, we will say in May of 1956, when would the official census figures in this new census be reflected in the payments from this fund?

Mr. PETROSKY. At such time as they are certified to the Department and on the next payment date.

Mr. ISAACS. Mr. Speaker, the reason I am asking these questions, I represent a number of townships and boroughs that have doubled and even trebled in population since the census of 1950. In my county alone we have had an increase of 125,000, maybe 175,000, in population. If all these political subdivisions have a new census taken, will that reduce the per capita and the per mile payments?

Mr. PETROSKY. It would not reduce the per mile payments, because that would only reflect in the per capita, but of necessity I must say it would in the event your census would show an influx of population. It stands to reason that would reduce it. So, therefore, as you will recognize, I have used approximate figures in every instance.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

## YEAS—202

Adam,	Gaffney,	Mahan,	Rubin,
Agnew,	Garlock,	Markley,	Rudisill,
Amarando,	Gelfand,	Maxwell,	Sarra,
Anderson, M. S.,	George,	McCann,	Scarcelll,
Anderson, S. A.,	Gibb,	McCormack,	Schuster,
Ashton,	Gibson,	McGee,	Sherman,
Auker,	Goldstein,	McInroy,	Sigman,
Banker,	Gramlich,	McKeever,	Smith, C. O.,
Barnatovich,	Greenwood,	McLaughlin,	Smith, Wm. B.,
Bazin,	Guss,	McWherter,	Snider,
Bell,	Hamilton, R. K.,	Meholchick,	Stank,
Blair,	Hass,	Metz,	Stebbins,
Boles,	Haudenschild,	Mihm,	Steckel,
Bonner,	Heavey,	Mikula,	Stephena,
Boory,	Helm,	Miller,	Stevenson,
Bower,	Henzel,	Mills,	Stone,
Branca,	Hewitt,	Monroe,	Stoner,
Breisch,	Hocker,	Moody,	Strausser,
Brennan, A. P.,	Holt,	Moran,	Stroup,
Brennan, J. J.,	Horst,	Moscrip,	Swartz,
Brenninger,	Houk,	Muldowney,	Taylor,
Breth,	Isaacs,	Mullen,	Thomas,
Brown,	Jenkins,	Munley,	Thompson,
Bucchin,	Johnson,	Murphy,	Toll,
Bullen,	Jones, G. E.,	Murray, H. P.,	Tompkins,
Capano,	Jones, T. H. W.,	Murray, J. J.,	Toomey,
Cianfrani,	Jump,	Musto,	Varallo,
Cioffi,	Kamyk,	Naugle,	Varner,
Cochran,	Kehler,	Needham,	Vaughan,
Comer,	Keller,	Ogilvie,	Verona,
Connelly,	Kent,	Olsen,	Wall,
Cooper,	Kline,	O'Neil,	Wallace,
Curwood,	Knecht,	Pacchioli,	Walsh,
Davis,	Kolankiewicz,	Parry,	Wargo,
Donahue,	Kooker,	Pashley,	Waterhouse,
Donaldson,	Kornick,	Paulhamus,	Weidner,
Dougherty,	Kromer,	Petrosky,	Welsh,
Down,	Lafore,	Pettigrew,	Wescott,
Ehrgood,	Lawyer,	Polaski,	Wheeler,
Eilberg,	Leiby,	Polen,	Whitenight,
Erb,	Leisey,	Pomeroy,	Willaredt,
Eshleman,	Leonard,	Price,	Williams,
Farabaugh,		Pursley,	Wilt,



Filo,	Leven,	Readinger,	Wood,
Fineman,	Light,	Reibman,	Worley,
Flint,	Limper,	Reidenbach,	Yetter,
Floyd,	Lippincott,	Renwick,	Yetzer,
Flynn,	Lopresti,	Rigby,	Young,
Frank,	Lovett,	Rosen,	Ziegler,
Frascella,	Lutty,	Rovanssek,	Andrews,
Frost,	Magee,	Royer,	Speaker

NAYS—1

NOT VOTING—4

Ewing,

Foster,

Guthrie,

Kratz,

Murray, P. G.,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

# HOUSE BILL No. 257 MADE SPECIAL ORDER

Mr. READINGER. Mr. Speaker, I move that House Bill No. 257 on page 8 of today's calendar be made a special order of business immediately.

The motion was agreed to.

The SPEAKER pro tempore. The Chair lays before the House the special order of business for this time, being House Bill No. 257.

Agreeably to order,

The House resumed the consideration on final passage of House Bill No. 257, as follows:

An Act amending the act of April twelve one thousand nine hundred fifty-one (P. L. 90) entitled "An act relating to alcoholic liquors alcohol and malt and brewed beverages amending revising consolidating and changing the laws relating thereto regulating and restricting the manufacture purchase sale possession consumption importation transportation furnishing holding in bond bonding in storage traffic in and use of alcoholic liquors alcohol and malt and brewed beverages and the persons engaged or employed therein defining the powers and duties of the Pennsylvania Liquor Control Board providing for the establishment and operation of State liquor stores for the payment of certain license fees to the respective municipalities and townships for the abatement of certain nuisances and in certain cases for search and seizure without warrant prescribing penalties and forfeitures providing for local option and repealing existing laws" authorizing licensed establishments to sell until two o'clock antemeridian on Sundays

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1 Section 406 act of April twelve one thousand nine hundred fifty-one (P. L. 90) known as the "Liquor Code" is amended to read

Section 406 Sales by Liquor Licensees Restrictions Every hotel restaurant or club liquor licensee may sell liquor and malt or brewed beverages by the glass open bottle or other container and in any mixture for consumption only in that part of the hotel or restaurant habitually used for the serving of food to guests or patrons and in the case of hotels to guests and in the case of clubs to members in their private rooms in the hotel or club No club licensee nor its officers servants agents or employees other than one holding a catering license shall sell any liquor or malt or brewed beverages to any person except a member of the club No club holding a catering license nor its officers servants agents or employees shall sell on Sunday to non-members any liquor or malt or brewed beverages In the case of a restaurant located in a hotel which is not operated by the owner of the hotel and which is licensed to sell liquor under this act liquor and malt or brewed beverages may be sold for consumption in that part of the

restaurant habitually used for the serving of meals to patrons and also to guests in private guest rooms in the hotel

Hotel restaurant and public service liquor licensees their servants agents or employees may sell liquor and malt or brewed beverages only after seven o'clock antemeridian of any [week] day and until two o'clock antemeridian of the following [week] day and shall not sell after two o'clock antemeridian on Sunday or after two o'clock antemeridian on any day on which a general municipal special or primary election is being held until one hour after the time fixed by law for closing the polls No club licensee or its servant agents or employees may sell liquor or malt or brewed beverages between the hours of three o'clock antemeridian and seven o'clock antemeridian on any day

On the question recurring,

Shall the bill pass finally?

Mr. READINGER. Mr. Speaker, I think all the Members of the House should know, if they do not know, that this is a bill which would allow public liquor licensees to remain open until 2:00 a. m. on a Sunday morning.

This bill was defeated some time ago and has been on our calendar quite a long time. I think it should be disposed of.

I would like to point out that at least in my own humble opinion we are not invading the Sabbath in any way when we vote for this bill. I say that for the reason that ever since liquor was made legal again in Pennsylvania back in 1933, all clubs have been allowed to stay open until 2:00 a. m. or later—I guess it is 3:00 a. m.

Many other states have seen fit to adopt a rule of conduct through their laws which will allow places selling liquor or beer, to remain open past midnight on a Saturday night.

I realize that many people are bitterly opposed to this legislation because they have a feeling it is invading the Sabbath day. But I repeat as long as our law allows clubs to remain open until 3:00 a. m. on a Sunday morning, it seems to me that if we are invading the Sabbath at all we are doing it now and we have been doing it since 1933.

After all a club is nothing but a building with members who have some common interest in going there, either on club business or for social recreation.

I cannot see why it makes any difference whether a person drinks beer or liquor in one building or drinks it in the building next door to it. Both of them under the law have to remain orderly and decent, otherwise they should not be operating at all. Why it makes any difference in which particular building a person drinks, I don't know.

Bills have been introduced this session which seek to legalize drinking in public places during the whole afternoon and evening of a Sunday. It is a reasonable argument that would invade what we consider to be the prerogative of the Sabbath day. It might divert people from going to church in the evening or from some church service in the afternoon, but I don't believe anybody can honestly argue that if somebody chooses to do his drinking from 11:00 at night to 2:00 in the morning on a Saturday night that that is going to keep him from going to church or Sunday school or any other religious function.

I am asking the Membership to vote for this bill on the ground that it is in line with what many other states have done. I think it is in line with the thinking of the people of Pennsylvania, the majority of them. I think



they know how to drink carefully, and decently, and there would be no abuses following the passage of this bill.

Mr. McCORMACK. Mr. Speaker, I would like to say a brief word with respect to this bill.

I would be less than truthful if I said I agree with Mr. Readinger on the fact that this bill is not a transgression against the moral law. I respect every Member here who sincerely believes liquor should not be sold on Sunday anywhere in this Commonwealth. But the answer, of course, to that, is let us close the clubs.

What I take opposition to, and why I think we should pass this bill is because there are many Members here who are not against the bill because it violates or transgresses the moral law. They are against it for selfish interests because of these one-man clubs which contribute very little to the revenue of this Commonwealth. Yet they make virtually all the profit. We would be closing our eyes to something that actually exists throughout this Commonwealth, and especially in the large cities, if we were not to say that that was the truth.

I think these taproom owners today throughout the Commonwealth, because of the financial circumstances of the small families, are suffering a crisis today, they are losing money, and it must be recognized for economic reasons that Saturday night is the only opportunity there is for these men to make a decent living. They are entitled to it because we extract quite a bit of money from them every year. They are entitled to this revenue. They are facing this serious crisis today because the working man comes out until late on a Saturday night, maybe 10:30 or 11:00, after watching television, and he has to leave the taproom because under our law it closes at 12:00. There is no one here that says anyone cannot get a drink merely by going a block or two away or getting into his car and going to Jersey.

So I say for economic reasons those who are not sincerely opposed to this bill on the grounds of moral reasons, should support it and recognize that these taproom owners are respectable citizens and taxpayers and they are entitled to make this living.

Mr. MOSCRIP. Mr. Speaker, just to temper somewhat the economic crisis which our tavern owners face, I have had a number of bartenders and proprietors tell me that they were glad the bill was defeated before, and they hoped it would not pass. I live in a border county where a thirty minute drive will put you in New York state. So all of them are not facing a crisis.

Mr. McINROY. Mr. Speaker, I have been waiting a long time for this bill. I am sorry I don't have all my notes with me.

I would like to oppose it. I see no reason for a bill like this. The only sensible reason that has been suggested here is that since the clubs are permitted to do it, then we ought to let the licensed places do it.

They admit, however, that it is wrong morally for the clubs to stay open until 2:00 o'clock in the morning. Then the remedy is not extending another wrong. Two wrongs don't make a right, Mr. Speaker.

I submit if you want to help this matter, the thing to do is to close the clubs at 12:00 o'clock on Saturday night rather than to extend the closing time of drinking places to 2:00 o'clock on Sunday morning.

I happen to live right next to New York state. I say this is the entering wedge. The liquor lobbyists want this to keep their own jobs. For the benefit of you folks who don't live near another state like I do, next to New York state, that is open on Sunday afternoon, let me tell you this, that it certainly does corrupt the Sabbath when they open up in the afternoon.

I realize that this bill does not open it up in the afternoon, but you can't tell me or any sensible person that has studied it, if you stay up until 2:00 a.m. in the morning and drink at any one of these taverns, that you are in shape to go to church in the morning.

The alcoholics that we have heard so much about, the Alcoholics Anonymous organization, for instance, and I have one of them in my Sunday School class at home, I have heard him say over and over that he has to go to church on Sunday in order to keep himself going the way he should.

We are spending a lot of money, we are worrying a lot about alcoholics in Pennsylvania. Here we are doing one of the worst things we could do if we pass this bill. By the time you get home, after staying in a tavern until 2:00 or 3:00 o'clock in the morning, if you get home safely, you will be in no condition to go to church in the morning.

My experience with the ones I have talked to in my county, is that the owners of the taverns don't want it themselves. They say they get enough of it all through the week until 12:00 on Saturday night.

It seems to me that those who must drink, and I am not saying we must go back to prohibition at all, it seems to me they ought to be able to get tanked up by 12:00 o'clock. If they don't there is something wrong with them. They can take it home and drink it at home.

I would like to close with this little quotation from the Bible. Some of you think we are narrow minded, those of us who are against bills like this one. What does the Bible say about a stumbling block? Look it up yourselves. It says that anybody who puts a stumbling block in the way of their brother or sister, it would be better that a millstone be hung around their neck and that they would be drowned in the depths of the sea.

I submit to you, ladies and gentlemen of this House, if you vote for this bill you are putting stumbling blocks in front of your brothers and sisters, and maybe your own boy or your own girl, or your own grandson or your own granddaughter, who knows.

It would be better for you as it says here, that you should be drowned in the depths of the sea. Let us think it over, folks. Let us be sensible. You are not going to stampede me on any bill like this and I am proud to stand up and talk against it.

Mr. AMARANDO. Mr. Speaker, I have thought this over and I am ready to vote on it. Let's go!

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

A verification of the roll was requested my Messrs. PETROSKY, McINROY and VERONA.

The roll was verified and was as follows:



YEAS—102

Adam,	Frank,	McLaughlin,	Renwick,
Agnew,	Frascella,	Meholchick,	Rosen,
Amarando,	Gaffney,	Metz,	Rovansek,
Anderson, M. S.,	Gelfand,	Mihm,	Rubin,
Anderson, S. A.,	Holt,	Mikula,	Sarras,
Barnatovich,	Jenkins,	Mills,	Scarcelli,
Bazin,	Jones, G. E.,	Monroe,	Schuster,
Boles,	Jones, T. H. W.,	Moran,	Sherman,
Bonner,	Jump,	Muldowney,	Sigman,
Branca,	Kamyk,	Mullen,	Smith, Wm. B.,
Brelschi,	Kline,	Munley,	Stank,
Brennan, A. P.,	Kolankiewicz,	Murphy,	Steckel,
Brennan, J. J.,	Kornick,	Murray, J. J.,	Taylor,
Brenninger,	Lafore,	Musto,	Thomas,
Breth,	Leiby,	Needham,	Toll,
Bucchin,	Leonard,	Olsen,	Varallo,
Bullen,	Leven,	Paccholi,	Vaughan,
Comer,	Limper,	Pashley,	Verona,
Connelly,	Lippincott,	Petrosky,	Wallace,
Curwood,	Lopresti,	Pettigrew,	Wargo,
Dougherty,	Lutty,	Polaski,	Weldner,
Ehrgood,	Markley,	Pomeroy,	Welsh,
Elberg,	McCann,	Readinger,	Williams,
Filo,	McCormack,	Reibman,	Yetter,
Fineman,	McGee,	Reidenbach,	Yetzer,
Floyd,	McKeever,		

NAYS—84

Auker,	Gibb,	Lovett,	Stebbins,
Banker,	Gibson,	Mahan,	Stephens,
Bell,	Goldstein,	McInroy,	Stevenson,
Boory,	Gramlich,	McWherter,	Stone,
Bower,	Guss,	Miller,	Strausser,
Brown,	Hamilton, B. K.,	Moody,	Stroup,
Capano,	Hass,	Moscrip,	Swartz,
Cianfrani,	Heavy,	Murray, H. P.,	Thompson,
Cloffi,	Helm,	Naugle,	Tompkins,
Cooper,	Henzel,	Ogilvie,	Toomey,
Davis,	Hocker,	O'Neill,	Varner,
Donahue,	Houk,	Parry,	Wall,
Donaldson,	Isaacs,	Paulhamus,	Waterhouse,
Erb,	Johnson,	Polen,	Wescott,
Eshleman,	Kehler,	Price,	Whitenight,
Ewing,	Keller,	Pursley,	Willaredt,
Farabaugh,	Kent,	Rigby,	Wilt,
Flint,	Kooker,	Royer,	Wood,
Flynn,	Kromer,	Rudisill,	Worley,
Frost,	Lawyer,	Smith, C. C.,	Ziegler,
Garlock,	Lelsey,	Snider,	Andrews,
		Speaker	

NOT VOTING—21

Ashton,	George,	Horst,	Maxwell,
Blair,	Greenwood,	Knecht,	Murray, P. G.,
Cochran,	Guthrie,	Kratz,	Stoner,
Down,	Haudenschild,	Light,	Walsh,
Foster,	Hewitt,	Magee,	Wheeler,
			Young,

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the bill falls.

\* \* \* \* \*

(During the verification of the negative roll.)

The SPEAKER pro tempore. The Chair recognizes the gentleman from Westmoreland, Mr. Maxwell.

Mr. MAXWELL. Mr. Speaker, I voted in the affirmative when the roll was called. I was called to the telephone and I understand I am now on the negative roll. I voted in the affirmative.

The SPEAKER pro tempore. The gentleman's name can be stricken from the negative roll, but it cannot be placed on the affirmative roll.

Mr. MAXWELL. By unanimous consent of the House, don't you think my name could be placed on the affirmative roll? I definitely vote "aye," and I was called to the telephone.

The SPEAKER pro tempore. The affirmative roll has

been verified for the information of the gentleman. His remarks will be spread upon the Journal.

Does the gentleman wish his name stricken from the negative roll?

Mr. MAXWELL. I do, Mr. Speaker.

The SPEAKER pro tempore. The gentleman's name will be stricken from the negative roll.

\* \* \* \* \*

BILLS PASSED OVER

The SPEAKER pro tempore. Without objection, the Chair will pass over the remaining bills on the final passage and third reading calendar. The Chair hears none.

PERMISSION TO ADDRESS HOUSE

Mr. JOHNSON asked and obtained unanimous consent to address the House.

Mr. Speaker, I realize it is very late. I had some remarks to make today which I think are of great importance to the membership.

However, I believe I will give up the opportunity today and ask for recognition tomorrow to make my remarks.

The SPEAKER pro tempore. The Chair thanks the gentleman.

STATEMENT BY SPEAKER PRO TEMPORE

The SPEAKER pro tempore.

The Chair asks the indulgence of the House for a moment. The Chair would like to make a very short statement.

The Chair wishes to state that he very much appreciates the invitation of the Speaker to preside as Speaker pro tempore during today's session.

That pleasure is only exceeded for me personally by the pleasure of seeing our Speaker back in the Hall of the House, physically well and able to perform his duties. I know that I personally, and I think I speak for every Member of this House, when I say to him that we wish him continued good health and Godspeed.

At this time I turn the gavel back to the Speaker.

The SPEAKER (HIRAM G. ANDREWS) in the Chair.

The SPEAKER. The Chair desires to thank the gentleman from Armstrong for the particularly able way in which he presided today.

The Chair desires to compliment the House. This House today has been a Chamber of which anyone can be proud. You have complied with all of the parliamentary requirements contingent upon the dignity this House should enjoy.

The Speaker wants to say for himself that he thinks in his head he is perfectly well, but someone has not informed my legs. When I start out I find that my feet and my knees don't do what my head tells them to do, so for a few days I hope that by using the talent in the House you will forgive me if I don't stand here during a long session. I think by another week I will be able to take on all comers.



**RESOLUTIONS PASSED OVER**

The SPEAKER. Without objection, the order of business of resolutions will be passed over. The Chair hears none.

**PERMISSION TO ADDRESS HOUSE**

Mr. CHARLES C. SMITH asked and obtained unanimous consent to address the House.

Mr. Speaker, I would like to compliment the Majority Leader. We have seen a miracle here today. After thirteen months he had one hundred percent attendance and I think he should be congratulated.

The SPEAKER. Prod him enough and he will get 101 per cent attendance.

Mr. READINGER. Mr. Speaker, I would like to thank the Minority Leader for his misdirected thanks.

I do not think anything I did or said brought our Members here today. I think they always want to be here, but today it seems as though they were not delayed or kept away by some great reason. So I think his thanks should be directed to the entire membership of the Democratic party, and I add mine to it.

The SPEAKER. Constant practice makes perfect, and we have been practicing for a year.

**COMMITTEE MEETINGS**

AGRICULTURAL AND DAIRY INDUSTRIES, Mr. Snider, Chairman, Room 331, Tuesday, January 24, at 11:00 a. m.

APPROPRIATIONS, Mr. Polen, Chairman, Room 245, Tuesday, January 24, at 10:45 a. m.

COUNTIES, Mr. Wheeler, Chairman, Room 323, Tuesday, January 24, at 11:30 a. m.

JUDICIARY, Mr. Lopresti, Chairman, Room 145, Tuesday, January 24, at 10:00 a. m.

LABOR RELATIONS, Mr. Moran, Chairman, Room 331, Tuesday, January 14, at 11:30 a. m.

LIQUOR CONTROL, Mr. Stank, Chairman, Room 325, Tuesday, January 24, at 11:30 a. m.

MILITARY AFFAIRS, Mr. Needham, Chairman, Room 323, Tuesday, January 24, at 11:00 a. m.

PUBLIC UTILITIES, Mr. Mills, Chairman, Room 329, Tuesday, January 24, at 12:00 noon.

STATE GOVERNMENT, Mr. POLASKI, Chairman, Room 324, Tuesday, January 24, at 11:45 a. m.

The Legislative Service Club Breakfast will be held tomorrow morning, Tuesday, January 24, 1956, at 8:30 a. m. in the Private Dining Room of the Capitol Cafeteria.

**ADJOURNMENT**

Mr. WORLEY. Mr. Speaker, I move that this House do now adjourn until Tuesday, January 24, 1956 at 1:00 p. m.

The motion was agreed to, and (at 8:01 p. m.) the House adjourned.



# Legislative Journal.

Session 1955.

141st of the General Assembly.

Vol. 34.

HARRISBURG, PA., TUESDAY, JANUARY 24, 1956.

No. 129.

## SENATE

TUESDAY, January 24, 1956.

The Senate met at 1:00 o'clock, p.m., Eastern Standard Time.

The PRESIDENT Lieutenant-Governor Roy E. Furman) in the Chair.

### PRAYER

The Chaplain, Rev. ROBERT W. ORVIS, Rector of Trinity Memorial Episcopal Church, Erie, offered the following prayer:

Let us pray for our Nation.

O God of all Nations, look down we beseech Thee upon us who ask Thy help and blessing. Sustain us in the spirit of justice and humility. Enable us to recognize in peoples and races their virtues, traditions and just rights. Cultivate in us more fully the love of the arts of peace; train us in the habits of self-command and simplicity. Give us the courage of our convictions and so purge our hearts of suspicion of others and increase our confidence in our brethren, that we may keep our place among the Nations in peace and good will. These things we say and ask through Jesus Christ, our Lord, Amen.

Grant and continue unto us a succession of legislators and leaders, we beseech Thee, who have been taught the wisdom of the Kingdom of Christ. Endow the Governor of this State and all the Members of this General Assembly, particularly we pray Thee for the Members of this Senate and all who serve them in any capacity. with the right of understanding, a pure purpose and sound speech. Enable them to raise above all self-seeking and party zeal into the larger sentiments of public good and human brotherhood. Purge our political life of every evil; inspire us with calmness and self-restraint and inspire us with the endeavor to get Thy will done everywhere upon the earth.

These things we say and ask in the Name of Christ, our Lord, Amen.

### JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. MAHANY and Mr. DiSILVESTRO, further reading was dispensed with, and the Journal was approved.

## LEAVES OF ABSENCE

Mr. RUTH asked and obtained leave of absence for Mr. HOLLAND.

Mr. MAHANY asked and obtained leave of absence for Mr. WATSON, due to illness.

He also asked and obtained leave of absence for Mr. PECHAN, due to illness.

### NOMINATIONS BY THE GOVERNOR REFERRED TO COMMITTEE

The Secretary to the Governor being introduced, presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Executive Nominations:

#### JUSTICE OF THE PEACE

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, January 24, 1956.  
To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate O. E. Roseman, 123 Victory Lane, Leetsdale, Allegheny County, for appointment as Justice of the Peace in and for the Borough of Leetsdale, Allegheny County, to serve until the first Monday of January 1958, to fill a vacancy.

GEORGE M. LEADER.

#### MEMBERS OF THE BOARD OF TRUSTEES OF FARVIEW STATE HOSPITAL

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, January 24, 1956.  
To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as members of the Board of Trustees of Farview State Hospital, for the term of four years and until their successors are appointed and qualified:

Andrew F. Kelly, Gouldsboro, Wayne County, vice F. Carrol Krautter, Newfoundland, resigned.  
Harlan James Crellin, Milford, Pike County, vice Dr. Park M. Horton, New Milford, resigned.

GEORGE M. LEADER.

#### MEMBERS OF THE CARBON COUNTY BOARD OF ASSISTANCE

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, January 24, 1956.  
To the Honorable, the Senate of the Commonwealth of Pennsylvania:



In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as members of the Carbon County Board of Assistance:

James Billet (Dem.), Tresckow, to serve until December 31, 1958, and until his successor is duly appointed and qualified. (Reappointment)

Joseph E. Sniscak (Dem.), 81 East Catawissa Street, Nesquehoning, to serve until December 31, 1958, and until his successor is duly appointed and qualified. (Reappointment)

Rev. William T. Longsdorf (Rep.) 434 Franklin Avenue, Palmerton, to serve until December 31, 1958. (Reappointment)

GEORGE M. LEADER.

#### JUSTICE OF THE PEACE

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, January 24, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Eiven W. Brosey, R. D. 3, Manheim, Lancaster County, for appointment as Justice of the Peace in and for the Township of Ralpho, Lancaster County, to serve until the first Monday of January 1958, vice Mrs. Dorothy G. Neale, resigned.

GEORGE M. LEADER.

#### JUSTICE OF THE PEACE

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, January 24, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Homer S. Grove, Shirleysburg, Huntingdon County, for appointment as Justice of the Peace in and for the Borough of Shirleysburg, Huntingdon County, to serve until the first Monday of January 1958, vice Ira Grove, whose term expired.

GEORGE M. LEADER.

#### ALDERMAN

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, January 24, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Francis S. Duffy, 426 Raspberry Street, Erie, Erie County, for appointment as Alderman in and for the Fourth Ward of the City of Erie, Erie County, until the first Monday of January 1958, vice Edwin Bowes, deceased.

GEORGE M. LEADER.

#### MEMBERS OF COUNTY BOARDS OF ASSISTANCE

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, January 24, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as members of County Boards of Assistance:

#### HUNTINGDON COUNTY

Mrs. Lillian Minna Friedman (Rep.), 1109 Mifflin Street, Huntingdon to serve until December 31, 1958, and until her successor is duly appointed and qualified, vice Mrs. Dorothy Mainzer, Huntingdon, whose term expired.

#### MIFFLIN COUNTY

Mrs. Janet Sweigart (Dem.), 104 West Main Street, Belleville, to serve until December 31, 1958, and until her successor is duly appointed and qualified, vice Lantz A. Harry, McVeytown, whose term expired.

James A. Dalton (Dem.), 129 Juniata Street, Lewistown, to serve until December 31, 1958. (Reappointment)

David M. Barron, Esq. (Rep.), 123 Market Street, Lewistown, to serve until December 31, 1958, and until his successor is duly appointed and qualified. (Reappointment)

GEORGE M. LEADER.

#### HOUSE MESSAGES

##### HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives being introduced, presented for concurrence bills of the House, as follows:

House Bill No. 1311, entitled:

An Act providing a permanent allocation of a part of the fuels and liquid fuels tax proceeds to cities boroughs incorporated towns and townships for their road street and bridge purposes conferring powers and imposing duties on local officers and the Department of Highways and making an appropriation out of the Motor License Fund

Which was committed to the Committee on Highways.

House Bill No. 1824, entitled:

An Act amending the "Vehicle Code" of May 1 1929 (P. L. 905) by increasing the registration fees for motor vehicles and certain commercial motor vehicles and truck tractors

Which was committed to the Committee on Highways.

House Bill No. 1825, entitled:

An Act to further amend subsection (i) of section four of the "State Highway and Bridge Authority Act" approved the eighteenth day of April one thousand nine hundred forty-nine (P. L. 604) by increasing the power of the Authority to borrow money and issue evidences of indebtedness therefor in certain cases

Which was committed to the Committee on Highways.

House Bill No. 1831, entitled:

An Act to further amend the "Vehicle Code" approved the first day of May one thousand nine hundred twenty-nine (P. L. 905) by adding a certain classification and definition of motor vehicles and fixing a fee therefor

Which was committed to the Committee on Highways.

#### HOUSE CONCURS IN SENATE CONCURRENT RESOLUTION

He also informed the Senate that the House has concurred in resolution from the Senate as follows:

#### RECALLING SENATE BILL No. 773 FROM THE GOVERNOR

In the Senate, January 18, 1956.  
Resolved (the House of Representatives concurring),



That Senate Bill No. 773, Printer's No. 422, entitled "An act amending the act of May 1, 1929 (P. L. 905) entitled 'An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds' prohibiting the operation of motor vehicles with certain types of mufflers and changing penalties," be recalled from the Governor for the purpose of amendment.

### BILLS SIGNED

The President (Lieutenant-Governor Roy E. Furman) announced that the Chief Clerk having reported that the following bills had passed both houses of the General Assembly and the same being correct, the titles were publicly read as follows:

Senate Bill No. 284, entitled:

An Act amending the act of April 9, 1929 (P. L. 177), entitled "The Administrative Code of 1929," creating the State Board of Chiropractic Examiners as a departmental administrative board in the Department of Public Instruction.

Senate Bill No. 285, entitled:

An Act relating to the practice of Chiropractic; conferring powers and imposing duties on the State Board of Chiropractic Examiners and the Department of Public Instruction; and providing penalties.

Senate Bill No. 442, entitled:

An Act amending the act of April 9, 1929 (P. L. 177), entitled "Administrative Code of 1929," abolishing the State Osteopathic Surgeons' Examining Board.

Senate Bill No. 443, entitled:

An Act amending the act of March 19, 1909 (P. L. 46), entitled "Osteopathic Practice Law," redefining osteopathy, changing the provisions relating to qualifications and licensing of osteopathic physicians and surgeons and abolishing the State Osteopathic Surgeons' Examining Board.

Whereupon,

The President (Lieutenant-Governor Roy E. Furman) in the presence of the Senate signed the same.

### REPORTS FROM COMMITTEES

Mr. FLEMING, from the Committee on Local Government, reported as committed, House Bill No. 832, entitled:

An Act amending the act of May 3, 1915 (P. L. 226) entitled "An act to establish and regulate the fees to be received and charged by the prothonotary of the courts of common pleas of this Commonwealth . . ." changing and further fixing the fees to be charged by the prothonotary.

He also, from the Committee on Local Government, reported as committed, House Bill No. 833, entitled:

An Act amending the act of June 12, 1919 (P. L. 476) entitled, as amended, "An act to regulate and establish the fees to be charged and collected by the recorder of deeds in counties of the second class" increasing amount of fees to be charged and collected by recorders in counties of the second class.

He also, from the Committee on Local Government, reported as committed, Senate Bill No. 916, entitled:

An Act authorizing the Pennsylvania Historical and Museum Commission to make a study of appropriate ways and methods for developing and promoting the historical interest of Philadelphia and vicinity and specifically for developing a "colonial compound" in Germantown.

He also, from the Committee on Local Government, reported as committed, House Bill No. 1224, entitled:

An Act amending the act of April 3 1947 (P. L. 55) entitled "An act authorizing cities boroughs towns and townships to regulate parking lots within their boundaries and to collect license or permit fees and require bonds from the operators thereof" authorizing certain political subdivisions to regulate motor vehicles parking garages.

He also, from the Committee on Local Government, reported as committed, House Bill No. 1526, entitled:

An Act amending the act of March 7, 1901 (P. L. 20) entitled "An act for the government of cities of the second class" requiring reimbursement to cities of second class for costs incurred in the collection of certain fines.

Mr. HAYS from the Committee on Education, reported as committed, House Bill No. 151, entitled:

An Act amending the act of March ten one thousand nine hundred forty-nine (P. L. 30) entitled "Public School Code of 1949," increasing mileage rate and daily expense allowance of directors and mileage rate of members of joint school boards and of joint school committees.

He also, from the Committee on Education, reported as committed, House Bill No. 160, entitled:

An Act amending the act of March ten one thousand nine hundred forty-nine (P. L. 30) entitled "Public School Code of 1949," extending the area in which school directors may attend out of State meetings and increasing mileage rate and daily expense allowance therefor.

He also, from the Committee on Education, reported as committed, House Bill No. 407, entitled:

An Act amending the act of August 10, 1951 (P. L. 1182) entitled "Chiropractic Registration Act of 1951," extending the period for application for limited examination clarifying certain provisions thereof establishing further standards of educational conferences and requiring board approval thereof providing for branch office certificates and prohibiting branch office practice without such certificate.

He also, from the Committee on Education, reported as committed, House Bill No. 623, entitled:

An Act amending the act of March 10, 1949 (P. L. 30) entitled "Public School Code of 1949" providing for payment by the Commonwealth to school districts for the acceptance of non-resident inmates of children's institutions into its schools.



He also, from the Committee on Education, reported as committed, House Bill No. 949, entitled:

An Act amending the act of March 10, 1949 (P. L. 30) entitled "Public School Code of 1949," providing for courses of study in first aid and Home Nursing to be included during the last four years of any complete high school program.

He also, from the Committee on Education, reported as committed, House Bill No. 1021, entitled:

An Act amending the act of March 10, 1949 (P. L. 30) entitled "Public School Code of 1949," granting the right to a hearing and appeal before the State Council of Education on the creation or change of a third or fourth class school district.

He also, from the Committee on Education, reported as committed, House Bill No. 1221, entitled:

An Act amending the act of March 10, 1949 (P. L. 30) entitled "Public School Code of 1949," limiting the period for approval of one-room one-teacher schools.

He also, from the Committee on Education, reported as committed, House Bill No. 1248, entitled:

An Act amending the act of March 10, 1949 (P. L. 30) entitled "Public School Code of 1949," extending the time within which school taxes shall be levied and assessed by the board of school directors in school districts of the second third and fourth class.

He also, from the Committee on Education, reported as committed, House Bill No. 1340, entitled:

An Act amending the act of March 10, 1949 (P. L. 30) entitled "Public School Code of 1949" further providing for payments to school districts on account of pupil transportation.

He also, from the Committee on Education, reported as committed, House Bill No. 1566, entitled:

An Act amending the act of March 10, 1949 (P. L. 30) entitled "Public School Code of 1949" regulating the acceptance of non-resident school children.

He also, from the Committee on Education, reported as committed, House Bill No. 1567, entitled:

An Act amending the act of March 10, 1949 (P. L. 30) entitled "Public School Code of 1949" providing for payments on account of nonresident pupil transportation.

He also, from the Committee on Education, reported as committed, House Bill No. 1579, entitled:

An Act amending the act of March 10, 1949 (P. L. 30) entitled "Public School Code of 1949" providing for pupil transportation in institutions and providing for reimbursements.

He also, from the Committee on Education, reported as committed, House Bill No. 1838, entitled:

An Act amending the act of March 10, 1949 (P. L. 30) entitled "Public School Code of 1949," further regulating the admission of beginners to the public schools.

Mr. WEINER, from the Committee on State Government, reported as committed, Senate Bill No. 905, entitled:

An Act authorizing the Department of Property and Supplies, to acquire by gift ninety-three acres more or less, of land with buildings thereon in the City of Pittsburgh, Allegheny County, for maintenance by the Department of Health as a sanatorium or hospital for the reception and treatment of indigent persons affected with tuberculosis; and making an appropriation.

He also, from the Committee on State Government, reported as committed, House Bill No. 1777, entitled:

An Act to further amend the act approved the ninth day of April one thousand nine hundred twenty-nine (P. L. 177) entitled "The Administrative Code of 1929" by further defining the powers of the Department of Property and Supplies relating to automobiles.

He also, from the Committee on State Government, reported as committed, House Bill No. 1786, entitled:

An Act providing for cooperation by the Commonwealth of Pennsylvania in conjunction with the State of New Jersey with the United States of America in the improvement and maintenance of the Delaware River between Allegheny Avenue Philadelphia Pennsylvania and Trenton Marine Terminal Trenton New Jersey and making an appropriation.

Mr. WHALLEY, from the Committee on Highways, reported as committed, Senate Bill No. 26, entitled:

An Act authorizing the Department of Highways, with the approval of the Governor, to erect and construct a toll bridge over the Monongahela River connecting the State highway system in Washington County with the system of State highways in Fayette County, and to provide the necessary approaches and connections with such State highways; empowering counties to pay certain damages; providing for the collection of tolls; and making an appropriation.

Mr. BERGER, from the Committee on Labor and Industry, reported as amended, House Bill No. 1397, entitled:

An Act amending the act of June 21, 1939 (P. L. 566) entitled "The Pennsylvania Occupational Disease Act," changing provisions relating to liability of employers and benefits and persons entitled thereto changing certain rules of evidence and regulating practice and procedure authorizing commutation of certain awards providing for certain subrogation rights and the fixing of certain fees prescribing penalties making an appropriation and generally clarifying and changing the provisions of the act.

He also, from the Committee on Labor and Industry, reported as amended House Bill No. 1398, entitled:

An Act amending the act of June 2, 1915 (P. L. 736) entitled "The Pennsylvania Workmen's Compensation Act," changing provisions relating to liability of employers and benefits and persons entitled thereto changing certain rules of evidence and regulating practice and procedure authorizing commutation of certain awards providing for certain subrogation rights and the fixing of certain fees prescribing penalties making appropriations and generally clarifying and changing the provisions of the act.

Mr. RUTH, from the Committee on Education, reported as committed, Senate Bill No. 333, entitled:

An Act amending the act of January 18, 1952 (P. L. 2111), entitled "An act to provide for minimum compensation and increments for administrators and members of the faculty of State Teachers Colleges; . . ." increasing the minimum compensation and increments.

He also, from the Committee on Education, reported as committed, Senate Bill No. 590, entitled:

An Act amending the act of March 10, 1949 (P. L. 30), entitled "Public School Code of 1949" authorizing school directors of districts in a jointure to vote at county convention meetings in the county where the joint school is located.



He also, from the Committee on Education, reported as committed, Senate Bill No. 651, entitled:

An Act amending the act of March 10, 1949 (P. L. 30), entitled "Public School Code of 1949" changing the number and value of scholarships

He also, from the Committee on Education, reported as committed, Senate Bill No. 851, entitled:

An Act amending the act of March 10, 1949 (P. L. 30), entitled "Public School Code of 1949" requiring approval of the electors of the school district before entering into any lease with the State Public School Building Authority or any municipality authority or nonprofit corporation; and providing for elections thereon.

#### REPORT OF JOINT COMMITTEE TO INVESTIGATE PENNSYLVANIA TRAINING SCHOOL AT MORGANZA

Mr. LANE. Mr. President and Members of the Senate, pursuant to a Concurrent Resolution, adopted by the Senate and the House of Representatives, Resolution No. 113, creating a Joint Investigating Committee to investigate alleged unhealthy conditions at Morganza, I have the honor to inform the Members of the Senate that the committee held five days of public hearings, at which time quite a number of witnesses were heard. In addition, there were 1,135 pages of transcribed testimony taken.

I also wish to report to the Members of the Senate that the report I am about to file is unanimous. Every member of the committee signed this report, with the exception of Senator Holland, who is absent. However, he concurs in the subject matter contained in the report. I also wish to advise the Members of the Senate that after this report is submitted, mimeographed copies of the findings of the committee will be placed upon the members' desks.

Before submitting the report, Mr. President, I wish to publicly thank the Members of the Senate who served on the committee and the Members of the House who served on the committee. I believe there was very little politics, if any, in this investigation. I am proud to work with such a fine group of men.

Mr. President, on behalf of the Joint Investigating Committee, investigating the Morganza conditions, I present to the Chair the following report.

Mr. FLEMING. Mr. President, having served as Co-Chairman of that Investigating Committee with Senator Lane, I merely wish to concur in the statements which he has made. The committee worked in harmony; the committee attempted to do what the resolution directed it to do, with only one thought in mind, that we would bring recommendations that would, in some way, act for the betterment of the institution. We believe that we have done that and we sincerely trust that the Senate and the House of Representatives will approve and accept our report.

The PRESIDENT. This Report will be noted in the Appendix to the Legislative Journal.

#### HOUSE MESSAGE

#### HOUSE CONCURS IN AMENDMENTS TO HOUSE BILL No. 1907

The Clerk of the House of Representatives being introduced, presented communication from the House of Rep-

resentatives informing th Senate that the House has concurred in amendments made by the Senate to House Bill No. 1907, entitled:

An Act making an appropriation to the Senate and House of Representatives of the General Assembly for the salaries of officers and employes and mileage of members and incidental expenses for the balance of the Legislative Session of 1955

#### BILLS SIGNED

The President (Lieutenant-Governor Roy E. Furman) announced that the Chief Clerk having reported the following bills had passed both houses of the General Assembly and the same being correct, the titles were publicly read as follows:

House Bill No. 445, entitled:

An Act amending the act of May 1, 1929 (P. L. 905), entitled "Vehicle Code," further regulating passing school buses and granting to magistrates power to recommend suspension of operating privileges for violations.

House Bill No. 499, entitled:

A Joint Resolution proposing an amendment to article eight of the Constitution of the Commonwealth of Pennsylvania enabling the Legislature to enact legislation providing for absentee voting.

House Bill No. 874, entitled:

An Act amending the act of June 24, 1931 (P. L. 1206), entitled "First Class Township Law," increasing millage of annual tax for general township purposes.

House Bill No. 1621, entitled:

An Act amending the act of May 2, 1929 (P. L. 1278), entitled "General County Law," authorizing collection of data concerning deceased veterans of armed conflicts; authorizing the erection of monuments for and giving retirement benefits to veterans of armed conflicts.

House Bill No. 1622, entitled:

An Act amending the act of May 2, 1929 (P. L. 1278), entitled "General County Law," extending the definition of "deceased service persons" to include service personnel serving in an armed conflict.

House Bill No. 1907, entitled:

An Act making an appropriation to the House of Representatives of the General Assembly for the salaries of officers and employes and mileage of members.

Whereupon,

The President (Lieutenant-Governor Roy E. Furman) in the presence of the Senate signed the same.

#### BILLS INTRODUCED AND REFERRED

Mr. BLASS read in his place and presented to the Chair Senate Bill No. 953, entitled:

An Act amending the act of May 11, 1921 (P. L. 522) entitled, as amended, "Dog Law of 1921" providing for the appointment, bonding and compensation of additional agents by the Department of Revenue to facilitate the issuance of dog licenses and kennel certificates; defining their powers and duties and making an editorial correction in a penalty.

Which was committed to the Committee on Agriculture.



Mr. STIEFEL read in his place and presented to the Chair Senate Bill No. 954, entitled:

An Act requiring the builders of dwelling or housing units to give bond to guarantee against defective workmanship and material.

Which was committed to the Committee on Judiciary General.

He also read in his place and presented to the Chair Senate Bill No. 955, entitled:

An Act permitting any person entitled to vote to absent himself from any service or employment in which he is then engaged or employed for a period of two hours in certain cases without deduction in salary or wages.

Which was committed to the Committee on Elections.

He also read in his place and presented to the Chair Senate Bill No. 956, entitled:

An Act amending the act of June 2, 1915 (P. L. 736), entitled, as amended "The Pennsylvania Workmen's Compensation Act," providing for payment by insurance carrier held liable by decision of referee and filing of bond by insurance carrier relieved of liability conditioned upon payment of amount of its liability fixed by final appellate decision.

Which was committed to the Committee on Labor and Industry.

#### SENATE CONCURRENT RESOLUTION REPORTED FROM COMMITTEE

Mr. BERGER. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. BERGER. Mr. President, I am directed by the Committee on Education to report a Senate Concurrent Resolution, as committed, relating to Senate Bill No. 192, Printer's No. 246.

The PRESIDENT. The Senate will be at ease for a moment.

(The Senate was at ease.)

Mr. BERGER. Mr. President, Senator Mullin informs me that this resolution, which I just reported from the Committee on Education, was to be re-referred to the Committee on Public Health and Welfare and reported for that purpose. Therefore, I will amend my report.

#### SENATE CONCURRENT RESOLUTION RE-REFERRED

Mr. BERGER, from the Committee on Education, returned to the Senate, Senate Concurrent Resolution, which was read by the Clerk as follows:

#### RETURNING TO THE GOVERNOR SENATE BILL No. 192 WITHOUT AMENDMENT

In the Senate, January 23, 1956.

Resolved (the House Concurring), That Senate Bill No. 192, Printer's No. 246, entitled "An Act providing for and regulating the licensing and practice of practical nursing; imposing duties on the State Board of Nurse Examiners and imposing penalties," which was recalled from the Governor December 28, 1955, for the purpose of amendment be returned to the Governor without amendment.

which was re-referred to the Committee on Public Health and Welfare.

#### INTERROGATION

Mr. SCHMIDT. Mr. President, I desire to interrogate, the gentleman from Potter, Senator Berger.

The PRESIDENT. Will the gentleman from Potter, Mr. Berger, permit himself to be interrogated?

Mr. BERGER. I will, Mr. President.

Mr. SCHMIDT. Did I understand you to state that this resolution was to be re-referred to the Committee on Public Health and Welfare?

Mr. BERGER. That was the request that I made at the prior request of Senator Mullin, who said that was the understanding he had with the Chairman of the Committee, Senator Wagner.

Mr. SCHMIDT. Mr. President, may I ask whether or not that was the recommendation of the Committee on Education, which had this bill and reported the bill from committee?

Mr. BERGER. Mr. President, unfortunately, I left the committee meeting at 10:30 o'clock in order to attend a meeting of the Committee on Labor and Industry. However, Senator Wagner handed me the resolution, prior to leaving Harrisburg, and requested that I report the resolution out, saying that that had been the action of the committee. Just now Senator Mullin came to me and said that he had arranged with Senator Wagner that this resolution should be re-referred to the Committee on Public Health and Welfare. In all fairness, Mr. President, I will say that the bill under discussion, to which the resolution refers, came from that committee, if I am not mistaken.

Mr. SCHMIDT. Yes, that is true. The bill did come from that committee. Whether or not the committee made that recommendation, I did not know about that. I understood it was reported out. If that is the understanding, I am perfectly satisfied that it be re-referred to the Committee on Public Health and Welfare.

Mr. BERGER. Mr. President, I am only taking the word of Senator Mullin, that that was the arrangement which he had with Senator Wagner.

#### HOUSE MESSAGES

#### RESOLUTION RECALLING FROM THE GOVERNOR HOUSE BILL No. 342

The Clerk of the House of Representatives being introduced, presented extract from the Journal of the House of Representatives, which was twice read as follows, considered and agreed to:

In the House of Representatives, January 19, 1956.

Resolved (If the Senate concur), That House Bill No. 342, Printer's No. 1248, entitled "An Act amending the act of May 1, 1929 (P. L. 905), entitled "Vehicle Code," exempting motor vehicles of war amputees from the payment of title or registration fees.

be recalled from the Governor for the purpose of further consideration.

Ordered, That the Clerk inform the House of Representatives accordingly.

#### RESOLUTION RECALLING FROM THE GOVERNOR HOUSE BILL No. 844

He also presented extract from the Journal of the House of Representatives, which was twice read as follows, considered and agreed to:



In the House of Representatives, January 17, 1956.

Resolved (If the Senate concur), That House Bill No. 844, Printer's No. 1129, entitled: An Act amending the act of May 1, 1929 (P. L. 905), entitled "Vehicle Code," authorizing use of warning figures, commonly known as "silent policemen" to be erected on highways and State highways by certain political subdivisions.

be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk inform the House of Representatives accordingly.

#### RESOLUTION RECALLING FROM THE GOVERNOR HOUSE BILL No. 1002

He also presented extract from the Journal of the House of Representatives, which was twice read as follows, considered and agreed to:

In the House of Representatives, January 17, 1956.

Resolved (If the Senate concur), That House Bill No. 1002, Printer's No. 1076, entitled:

An Act relating to conditional sales made and filed prior to July 1, 1954.

be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk inform the House of Representatives accordingly.

#### RESOLUTION RECALLING FROM THE GOVERNOR HOUSE BILL No. 1172

He also presented extract from the Journal of the House of Representatives, which was twice read as follows, considered and agreed to:

In the House of Representatives, January 17, 1956.

Resolved (If the Senate concur), That House Bill No. 1172, Printer's No. 1092, entitled:

An Act amending the act of June 14, 1923 (P. L. 710), entitled "Boxing and Wrestling Law," prohibiting the use of a fictitious or assumed name for the purpose of participating in any amateur boxing match or exhibition.

be recalled from the Governor for the purpose of further consideration.

Ordered, That the Clerk inform the House of Representatives accordingly.

#### RESOLUTION RECALLING FROM THE GOVERNOR HOUSE BILL No. 1174

He also presented extract from the Journal of the House of Representatives, which was twice read as follows, considered and agreed to:

In the House of Representatives, January 19, 1956.

Resolved (If the Senate concur), That House Bill No. 1174, Printer's No. 1244, entitled:

An Act amending the act of March 10, 1949 (P. L. 30), entitled "Public School Code of 1949," by providing for military leaves of absence for public school employees who are called for military service at any time.

be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk inform the House of Representatives accordingly.

### RECESS

Mr. MAHANY. Mr. President, I move that the Senate do now take a recess for thirty minutes, for the purpose of holding a Republican Caucus.

Mr. TAYLOR. Mr. President, I second the motion.

The motion was agreed to.

### AFTER RECESS

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

#### REPORT OF COMMITTEE OF CONFERENCE ON HOUSE BILL No. 728

Mr. WATKINS. Mr. President, I submit the report of the Committee of Conference on House Bill No. 728, entitled:

An Act amending the act of April 9, 1929 (P. L. 177), entitled "Administrative Code of 1929," authorizing the lease or grant of real estate under the jurisdiction of the Department of Forests and Waters in the City of Philadelphia for the purpose of aiding the establishment of parking services and facilities within State Park Areas situate within the city.

The PRESIDENT. The report will lie over for printing under the rules.

#### COMMUNICATIONS FROM THE GOVERNOR REPORTED FROM COMMITTEE ON EXECUTIVE NOMINATIONS

Mr. WOLFE. Mr. President, I ask unanimous consent to make reports from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. WOLFE. Mr. President, from the Committee on Executive Nominations, I report at this time communications from His Excellency, the Governor of the Commonwealth of Pennsylvania, recalling certain nominations.

The Clerk read the communications as follows:

#### RECALLING THE NOMINATIONS OF REVEREND MARTIN A. ROCHE AND MRS. WANDA AUSTIN AS MEMBERS OF THE TIOGA COUNTY BOARD OF ASSISTANCE

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, January 16, 1956.  
To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nominations dated June 21, 1955, for the appointment of Rev. Martin A. Roche (Dem.), Mansfield, as a member of the Tioga County Board of Assistance, to serve until December 31, 1955, and until his successor is duly appointed and qualified, vice Fred A. Jupenlaz, Mansfield, whose term expired and Mrs. Wanda Austin (Dem.), Wellsboro, for appointment as a member of the Tioga County Board of Assistance to serve until December 31, 1955, and until her successor is duly appointed and qualified, vice Miss Isabel Martin, Morris Run, whose term expired.

I respectfully request the return to me of the official nominations in the premises

GEORGE M. LEADER.

#### RECALLING THE NOMINATION OF EDWARD R. DeHART AS ALDERMAN



Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, January 16, 1956.  
To the Honorable, the Senate of the Commonwealth of  
Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated July 11, 1955, for the appointment of Edward R. DeHart, 33 South 17th Street, Harrisburg, Dauphin County, as Alderman in and for the Ninth Ward of the City of Harrisburg, Dauphin County, until the first Monday of January 1956, vice Tryon E. Benner, deceased.

I respectfully request the return to me of the official message of nomination in the premises.

GEORGE M. LEADER.

RECALLING THE NOMINATION OF PETER S.  
SCHWEICH AS ALDERMAN

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, January 16, 1956.  
To the Honorable, the Senate of the Commonwealth of  
Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 18, 1955, for the appointment of Peter S. Schweich, 669 Poplar Street, Lancaster, Lancaster County, as alderman in and for the 8th Ward of the city of Lancaster, Lancaster County, until the first Monday of January 1956, vice Hubert Miller, deceased.

I respectfully request the return to me of the official message of nomination in the premises.

GEORGE M. LEADER.

RECALLING THE NOMINATION OF HOWARD K. NEY  
AS ALDERMAN

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, January 16, 1956  
To the Honorable, the Senate of the Commonwealth of  
Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated July 11, 1955, for the appointment of Howard K. Ney, 2528 Lexington Street, Harrisburg, Dauphin County, as Alderman in and for the Tenth Ward of the City of Harrisburg, Dauphin County, until the first Monday of January 1956, vice Charles J. Householder, deceased.

I respectfully request the return to me of the official message of nomination in the premises.

GEORGE M. LEADER.

RECALLING THE NOMINATION OF MRS. ESTHER C.  
SHAFFER AS MEMBER OF THE MONTGOMERY  
COUNTY BOARD OF ASSISTANCE

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, January 16, 1956.  
To the Honorable, the Senate of the Commonwealth of  
Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated August 2, 1955, for the appointment of Mrs. Esther C. Shaffer (Dem.), 614 Elkins Avenue, Elkins Park 17, as a member of the Montgomery County Board of Assistance, to serve until December 31, 1955, and until her successor is duly appointed and qualified, vice Milton H. Pagel, Norrisotwn, whose term expired.

I respectfully request the return to me of the official nomination in the premises.

GEORGE M. LEADER.

RECALLING THE NOMINATION OF JOHN E. BAER AS  
MEMBER OF THE MONTGOMERY COUNTY  
BOARD OF ASSISTANCE

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, January 16, 1956.  
To the Honorable, the Senate of the Commonwealth of  
Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated September 12, 1955, for the appointment of John E. Baer (Dem.), 428 Foulke Avenue, Ambler, as a member of the Montgomery County Board of Assistance, to serve until December 31, 1955, and until his successor is duly appointed and qualified, vice Rev. W. Paul Reumann, Lansdale, resigned.

I respectfully request the return to me of the official nomination in the premises.

GEORGE M. LEADER.

RECALLING THE NOMINATION OF EDWARD F.  
TOOHEY AS MEMBER OF THE UNEMPLOYMENT  
COMPENSATION BOARD OF REVIEW

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, January 16, 1956.  
To the Honorable, the Senate of the Commonwealth of  
Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 25, 1955, for the appointment of Edward F. Toohey, City Centre Building, Philadelphia 7, Philadelphia County, as a member of the Unemployment Compensation Board of Review, until July 1, 1955, and until his successor shall have been appointed and qualified, vice J. K. Clement, Dauphin, whose term expired.

I respectfully request the return to me of the official nomination in the premises.

GEORGE M. LEADER.

NOMINATIONS BY THE GOVERNOR REPORTED  
FROM COMMITTEE

Mr. WOLFE. Mr. President, I further report from the Committee on Executive Nominations, the nominations recalled by His Excellency, the Governor.

The Clerk read the nominations as follows:

MEMBERS OF THE TIOGA COUNTY BOARD OF  
ASSISTANCE

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, June 21, 1955.  
To the Honorable, the Senate of the Commonwealth of  
Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as members of the Tioga County Board of Assistance:

Rev. Martin A. Roche (Dem.), Mansfield, to serve until December 31, 1955, and until his successor is duly appointed and qualified, vice Fred A. Jupenlaz, Mansfield, whose term expired.

Mrs. Wanda Austin (Dem.), Wellsboro, to serve until December 31, 1955, and until her successor is duly appointed and qualified, vice Miss Isabel Martin, Morris Run, whose term expired.

GEORGE M. LEADER.

ALDERMAN

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, July 11, 1955.  
To the Honorable, the Senate of the Commonwealth of  
Pennsylvania:

In conformity with law, I have the honor hereby to



nominate for the advice and consent of the Senate Edward R. DeHart, 33 South 17th Street, Harrisburg, Dauphin County, for appointment as Alderman in and for the Ninth Ward of the City of Harrisburg, Dauphin County, to serve until the first Monday of January 1956, vice Tryon E. Benner, deceased.

GEORGE M. LEADER.

#### ALDERMAN

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, April 18, 1955.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Peter S. Schweich, 669 Poplar Street, Lancaster, Lancaster County, for appointment as Alderman in and for the Eighth Ward of the City of Lancaster, Lancaster County, until the first Monday of January 1956, vice Hubert Miller, deceased.

GEORGE M. LEADER.

#### ALDERMAN

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, July 11, 1955.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Howard K. Ney, 2528 Lexington Street, Harrisburg, Dauphin County, for appointment as Alderman in and for the Tenth Ward of the City of Harrisburg, Dauphin County, to serve until the first Monday of January 1956, vice Charles J. Housholder, deceased.

GEORGE M. LEADER.

#### MEMBER OF THE MONTGOMERY COUNTY BOARD OF ASSISTANCE

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, August 2, 1955.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following person for appointment as a member of the Montgomery County Board of Assistance:

Mrs. Esther C. Shaffer (Dem.), 614 Elkins Avenue, Elkins Park 17, to serve until December 31, 1955, and until her successor is duly appointed and qualified, vice Milton H. Pagel, Norristown, whose term expired.

GEORGE M. LEADER.

#### MEMBER OF THE MONTGOMERY COUNTY BOARD OF ASSISTANCE

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, September 12, 1955.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following person for appointment as a member of the Montgomery County Board of Assistance:

John E. Baer (Dem.), 428 Foulke Avenue, Ambler, to serve until December 31, 1955, and until his successor is duly appointed and qualified, vice Rev. W. Paul Reumann, Lansdale, resigned.

GEORGE M. LEADER.

#### MEMBER OF THE UNEMPLOYMENT COMPENSATION BOARD OF REVIEW

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, April 25, 1955.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following person for appointment as a member of the Unemployment Compensation Board of Review:

Edward F. Toohey, City Centre Building, Philadelphia 7, Philadelphia County, to serve until July 1, 1955, and until his successor shall have been appointed and qualified, vice J. K. Clement, Dauphin, whose term expired.

GEORGE M. LEADER.

#### NOMINATIONS RETURNED TO THE GOVERNOR

Mr. WOLFE. Mr. President, I move that the nominations just read by the Clerk be returned to His Excellency, the Governor of the Commonwealth.

Mr. PROPERT. Mr. President, I second the motion.

The motion was agreed to.

The PRESIDENT. The nominations will be returned to the Governor.

#### REPORT FROM COMMITTEE ON EXECUTIVE NOMINATIONS

Mr. WOLFE, from the Committee on Executive Nominations, further reported with a favorable recommendation the following nominations, made by His Excellency, the Governor.

#### MEMBERS OF CAMBRIA COUNTY BOARD OF ASSISTANCE

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, January 16, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as members of the Cambria County Board of Assistance:

Dr. S. J. Bondy (Dem.), 908 United States Bank Building, Johnstown, to serve until December 31, 1958, and until his successor is duly appointed and qualified. (Reappointment)

Charles W. Symons, Sr. (Rep.), 244 Union Street, Johnstown, to serve until December 31, 1958, and until his successor is duly appointed and qualified. (Reappointment)

Dr. Burrell K. Johnson (Rep.), 728 Menoher Boulevard, Johnstown, to serve until December 31, 1958, and until his successor is duly appointed and qualified, vice James G. Contakos, Johnstown, whose term expired.

GEORGE M. LEADER.

#### MEMBER OF SULLIVAN COUNTY BOARD OF ASSISTANCE

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, January 16, 1956.



To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Robert H. Marquardt (Rep.), Muncy Valley, Sullivan County, for appointment as a member of the Sullivan County Board of Assistance, to serve until December 31, 1956, and until his successor is duly appointed and qualified, to fill a vacancy.

GEORGE M. LEADER.

MEMBER OF ALLEGHENY COUNTY BOARD OF ASSISTANCE

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, January 16, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Thomas M. Watt (Rep.), 814 Larimer Avenue, McKeesport, Allegheny County, for appointment as a member of the Allegheny County Board of Assistance, to serve until December 31, 1956, and until his successor is duly appointed and qualified, vice Edward A. Feigenbaum, Pittsburgh, resigned.

GEORGE M. LEADER.

MEMBER OF HUNTINGDON COUNTY BOARD OF ASSISTANCE

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, January 16, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Mrs. Mary Elsie Madden (Dem.), Star Route, Orbisonia, Huntingdon County, for appointment as a member of the Huntingdon County Board of Assistance, to serve until December 31, 1956, and until her successor is duly appointed and qualified, vice Mrs. Margaret H. Ewing, Shade Gap, resigned.

GEORGE M. LEADER.

MEMBER OF BLAIR COUNTY BOARD OF ASSISTANCE

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, January 16, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Mrs. Mary Louise Wear (Dem.), Claysburg, Blair County, for appointment as a member of the Blair County Board of Assistance, to serve until December 31, 1958, and until her successor is duly appointed and qualified, vice Mrs. Jean Beyer, Claysburg, resigned.

GEORGE M. LEADER.

MEMBER OF BLAIR COUNTY BOARD OF ASSISTANCE

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, January 18, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate L. J. Hanelly (Dem.), 5206 Highland Park Avenue, Altoona, Blair County, for appointment as a member of

the Blair County Board of Assistance, to serve until December 31, 1958, and until his successor is duly appointed and qualified, vice Ammon D. Mingle, Roaring Spring, whose term expired.

GEORGE M. LEADER.

MEMBERS OF JUNIATA COUNTY BOARD OF ASSISTANCE

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, January 16, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as members of the Juniata County Board of Assistance:

D. Gray Switzer (Dem.), Mifflintown, to serve until December 31, 1958, and until his successor is duly appointed and qualified, vice Mrs. Bernice M. Copenhaver, Mifflintown, resigned.

Mrs. Margaret Welsh (Rep.), Mifflintown, to serve until December 31, 1958, and until her successor is duly appointed and qualified. (Reappointment)

Leo McNaught (Dem.), Mifflintown, to serve until December 31, 1958, and until his successor is duly appointed and qualified. (Reappointment)

GEORGE M. LEADER.

JUDGE OF THE COURT OF COMMON PLEAS OF THE FIFTH JUDICIAL DISTRICT

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, December 20, 1955.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Emanuel F. Schifano, 20 Ansonia Place, Pittsburgh, Allegheny County, for appointment as Judge of the Court of Common Pleas of the Fifth Judicial District of Pennsylvania, composed of the County of Allegheny, until the first Monday of January 1958, vice Hon. Premo J. Columbus, deceased.

GEORGE M. LEADER.

MEMBER OF THE STATE FOREST COMMISSION

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, Pa., June 20, 1955.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following person for appointment as member of the State Forest Commission, to serve until the third Tuesday of January 1959, and until his successor shall have been appointed and qualified:

Louis Krummacker, Carrolltown, Cambria County, vice Joseph F. Stauss, Benton, whose term expired.

GEORGE M. LEADER.

MEMBERS OF THE PENNSYLVANIA HISTORICAL AND MUSEUM COMMISSION

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, December 28, 1955.



To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as members of the Pennsylvania Historical and Museum Commission, to serve until the third Tuesday of January 1959, and until their successors shall have been appointed and qualified:

Frank W. Melvin, Esq., 3211 West Penn Street, Philadelphia, Philadelphia County, vice Maj. Charles J. Biddle, Andalusia, whose term expired.

Thomas Murphy, Scranton Times, 145 Penn Avenue, Scranton, Lackawanna County (Reappointment).

Miss Frances Dorrance, 38 Church Street, Dallas, Luzerne County (Reappointment).

Dr. John W. Oliver, 55 Hoodridge Drive, Mt. Lebanon, Allegheny County (Reappointment).

J. Bennett Nolan, Esq., 432 Oley Street, Reading, Berks County, vice A. Atwater Kent, Jr., Ardmore, whose term expired.

Miss Grace Rankin, 706 Coal Street, Wilkinsburg, Allegheny County, vice Hon. Charles G. Webb, Wellsboro, whose term expired.

Dr. Maurice Mook, Professor of Anthropology, Pennsylvania State University, University Park, Centre County, vice Richard N. Williams II, Wayne, whose term expired.

Mrs. Eleanor H. Smith, 3460 Schoolhouse Lane, Germantown, Philadelphia County, vice Hon. Lambert Cadwalader, Haverford, whose term expired.

GEORGE M. LEADER.

#### COMMISSIONER OF DEEDS

Commonwealth of Pennsylvania,

Governor's Office, Harrisburg, January 16, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Robert Mullen Starkey, The Travelers Insurance Company, 700 Main Street, Hartford 15, Connecticut, for reappointment as Commissioner of Deeds for the Commonwealth of Pennsylvania, with residence in the State of Connecticut, for the term of five years, to compute from February 5, 1956.

GEORGE M. LEADER.

#### COMMISSIONER OF DEEDS

Commonwealth of Pennsylvania,

Governor's Office, Harrisburg, January 16, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Alan Sydney Lavine, Esq., 223 East Hanover Street, Trenton, New Jersey, for appointment as Commissioner of Deeds for the Commonwealth of Pennsylvania, with residence in the State of New Jersey, for the term of five years to compute from the date of confirmation.

GEORGE M. LEADER.

#### JUSTICE OF THE PEACE

Commonwealth of Pennsylvania,

Governor's Office, Harrisburg, December 19, 1955.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Worman H. Kurtz, Donegal, Westmoreland County, for appointment as Justice of the Peace in and for the Town-

ship of Donegal, Westmoreland County, to serve until the first Monday of January 1958, vice Evelyn Kurtz, deceased.

GEORGE M. LEADER.

#### JUSTICE OF THE PEACE

Commonwealth of Pennsylvania,

Governor's Office, Harrisburg, January 16, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Edward J. Kessler, R. D. 1, Mohnton, Berks County, for appointment as Justice of the Peace in and for the Township of Robeson, Berks County, to serve until the first Monday of January 1958, vice William M. Jefferson, deceased.

GEORGE M. LEADER.

#### JUSTICE OF THE PEACE

Commonwealth of Pennsylvania,

Governor's Office, Harrisburg, January 16, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate John D. Evans, 820 North Juniata Street, Hollidaysburg, Blair County, for reappointment as Justice of the Peace in and for the Borough of Hollidaysburg, Blair County, to serve until the first Monday of January 1958.

GEORGE M. LEADER.

#### JUSTICE OF THE PEACE

Commonwealth of Pennsylvania,

Governor's Office, Harrisburg, December 28, 1955.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Robert J. Benven, Sr., 70 Cherry Street, Etna, Allegheny County, for appointment as Justice of the Peace in and for the Borough of Etna, Allegheny County, until the first Monday of January 1958, vice Joseph G. Benven, resigned.

GEORGE M. LEADER.

#### JUSTICE OF THE PEACE

Commonwealth of Pennsylvania,

Governor's Office, Harrisburg, January 16, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Cornelius de Groot, Revere, Bucks County, for reappointment as Justice of the Peace in and for the Township of Nockamixon, Bucks County, to serve until the first Monday of January 1958.

GEORGE M. LEADER.

#### JUSTICE OF THE PEACE

Commonwealth of Pennsylvania,

Governor's Office, Harrisburg, January 16, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Peter J. Harkins, 628 Race Street, Bristol, Bucks County, for



appointment as Justice of the Peace in and for the Borough of Bristol, Bucks County, to serve until the first Monday of January 1958, vice John J. Gallagher, deceased.

GEORGE M. LEADER.

#### JUSTICE OF THE PEACE

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, January 16, 1956.  
To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Ellis E. Wambaugh, Emigsville, York County, for appointment as Justice of the Peace in and for the Township of Manchester, York County, to serve until the first Monday of January 1958, vice Mahlon E. Cassel, deceased.

GEORGE M. LEADER.

#### JUSTICE OF THE PEACE

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, December 28, 1955.  
To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Ernest W. Hofman, Washington Township, York County, P. O., R. D. 1, East Berlin, for reappointment as Justice of the Peace in and for the Township of Washington, York County, until the first Monday of January 1958, to compute from January 3, 1956

GEORGE M. LEADER.

#### JUSTICE OF THE PEACE

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, January 16, 1956.  
To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Melvin B. Hoffman, 4th and Mill Streets, Mifflinburg, Union County, for reappointment as Justice of the Peace in and for the Borough of Mifflinburg, Union County, to serve until the first Monday of January 1958.

GEORGE M. LEADER.

#### JUSTICE OF THE PEACE

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, January 23, 1956.  
To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Kenneth E. Sheaffer, Box 57, Market Street, Freeburg, Snyder County, for appointment as Justice of the Peace in and for the Borough of Freeburg, Snyder County, until the first Monday of January 1958, to fill a vacancy.

GEORGE M. LEADER.

#### SENATE CONCURRENT RESOLUTION

#### TIME OF NEXT MEETING

Mr. WHALLEY. Mr. President, I ask unanimous consent to offer a resolution at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. WHALLEY, offered the following resolution which was twice read, considered and agreed to:

In the Senate, January 24, 1956.

Resolved (the House of Representatives concurring), That when the Senate adjourns this week, it reconvene on Monday, January 30, 1956, at one o'clock p. m., E. S. T., and when the House of Representatives adjourns this week, it reconvene on Monday, January 30, 1956, at a time to be fixed by the House of Representatives.

Ordered, That the Clerk present the same to the House of Representatives for concurrence.

#### REPORTS FROM COMMITTEE

Mr. WHALLEY. Mr. President, I ask unanimous consent to make reports from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. WHALLEY, from the Committee on Highways, reported as committed, Senate Bill No. 843, entitled:

An Act amending the act of June 1, 1933 (P. L. 1172), entitled "Borough Rural State Highway Law" adding a new route in the Borough of Coudersport.

He also, from the Committee on Highways reported as committed, Senate Bill No. 864, entitled:

An Act directing the Highway & Bridge Authority in cooperation with the City of Harrisburg, and at the expense of the Commonwealth, to construct a by-pass through the northeast corner of Capitol Park.

#### RECESS

Mr. MAHANY. Mr. President, I move that the Senate do now take a recess for five minutes, for the purpose of holding a Republican Caucus.

Mr. TAYLOR. Mr. President, I second the motion.

The motion was agreed to.

#### AFTER RECESS

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

#### NOMINATIONS BY THE GOVERNOR REFERRED TO COMMITTEE

The Secretary to the Governor being introduced, presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Executive Nominations:

#### MEMBERS OF THE BOARD OF TRUSTEES OF WEST CHESTER STATE TEACHERS' COLLEGE

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, January 24, 1956.  
To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as members of the Board of Trustees of West Chester State Teachers' College:

Robert R. Batt, 130 Willowburn Road, Ithan, Villanova,



Delaware County, to serve until the third Tuesday of January 1961, and until his successor shall have been appointed and qualified, vice Mrs. Frances P. Donahoo, Chester, whose term expired.

Mrs. Frances V. Atkinson, 20 South Warner Avenue, Bryn Mawr, Montgomery County, to serve until the third Tuesday of January 1959, and until her successor shall have been appointed and qualified, vice A. M. Kulp, Hatfield, whose term expired.

Dr. John Stokes Adams, Jr., Deepdale Road, Strafford, Wayne, Chester County, to serve until the third Tuesday of January 1961, and until his successor shall have been appointed and qualified, vice Raymond S. Shortlidge, Esq., Paoli, whose term expired.

Dr. Charles W. David, Radnor and Upper Gulph Roads, Wayne, Chester County, to serve until the third Tuesday of January 1959, and until his successor shall have been appointed and qualified, vice Thomas A. Riley, Esq., Westtown, whose term expired.

Dr. H. LaRue Frain, Birchrunville, Chester County, to serve until the third Tuesday of January 1961, and until his successor shall have been appointed and qualified, vice Samuel P. Cloud, Sconnettstown, whose term expired.

GEORGE M. LEADER.

#### REPORT FROM COMMITTEE ON EXECUTIVE NOMINATIONS

Mr. WOLFE. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. WOLFE, from the Committee on Executive Nominations, reported with a favorable recommendation the following nomination, made by His Excellency, the Governor of the Commonwealth:

#### MEMBER OF THE PENNSYLVANIA LIQUOR CONTROL BOARD

Commonwealth of Pennsylvania,

Governor's Office, Harrisburg, December 28, 1955.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate A. D. Cohn, 210 Elmwood Boulevard, York, York County, for appointment as a member of the Pennsylvania Liquor Control Board, to serve until November 29, 1961, and until his successor shall have been appointed and qualified, vice Hon. John S. Rice, Gettysburg, whose term expired.

GEORGE M. LEADER.

#### PETITIONS AND REMONSTRANCES

Mr. MILLER. Mr. President and Members of the Senate, last night I had an enjoyable experience in listening to a good discussion pertaining to the Northwestern Extension of the Pennsylvania Turnpike. At this meeting, which was called by the Western Pennsylvania Regional Planning Association, headed by Mr. Sahli of Beaver County, there were present many men from labor and industry, and men from local, county and State governments. We had quite a few House Members present and, from the Senate, we had Senator Blass, Senator Chapman, Senator Mahany, Senator Barr, Senator Dent, Senator Lane, the Lieutenant-Governor and myself present. I think we all came away from the meeting with a fuller understanding of the possibilities of economic growth in western Pennsylvania.

Therefore, Mr. President, because I thought the meeting was very important and pertinent to what we are

studying here in the State Government, I would like to have added to the Legislative Journal a report of the meeting which was held last night.

The PRESIDENT. The remarks of the Senator from Beaver, together with the added report, will be made a part of the Legislative Journal.

(Following is the material requested to be made a part of the record by the gentleman from Beaver, Mr. MILLER:)

#### REMARKS BEFORE THE PENNSYLVANIA TURNPIKE COMMISSION

BY

I. S. SAHLI, CHAIRMAN

#### WESTERN PENNSYLVANIA REGIONAL PLANNING ASSOCIATION

The Western Pennsylvania Regional Planning Association was organized in 1954, for the purpose of advocating the construction of a Pennsylvania Turnpike Extension, running North and South from Lake Erie to the West Virginia border. The membership of this Association comprises a representative segment of the business, civic and political interests of ten Western tier Counties of Pennsylvania. The policy of this organization has been to compile and present to the proper authorities and the general public, the logic of a North-South Turnpike extension.

It is realized that one of the criteria for the establishment of a route for a toll road is the assurance that sufficient revenue will accrue to the operating authority to permit rapid amortization of the investment.

The terrain is more suitable for such construction than any other proposed route.

1. The route traverses a heavily populated sector of Pennsylvania. The ten Counties traversed have a population of 4,000,000 or nearly 40% of the State's total.

2. Western Pennsylvania is one of the most heavily industrialized areas in the world, with invested capital of ten billion dollars, or nearly 40% of Pennsylvania's total. The value of manufactured products approaches eight billion dollars, or 33% of the State's total. Approximately 4000 industries are located in ten Counties.

3. 775,000 or 27% of all Pennsylvania's motor vehicles are registered in these ten Counties.

4. The Western Pennsylvania North-South Turnpike would serve as a link in the proposed short route to the South. With the completion of the New York Thruway and all the traffic arteries that serve it from the East and North, and with the completion of the Ohio and Indiana Turnpikes and other express highways in Michigan and Minnesota, it is obvious that a tremendous volume of Southbound traffic would be funneled into this route, part of which is already realized by the completion of the West Virginia Turnpike. If built, this highway would be the shortest route to Florida from all of Western Pennsylvania, the Mid-West, and all the traffic arteries serving the New York Thruway.

5. The completion of the St. Lawrence Seaway and the challenge it will bring to the Port of Erie, is another very important reason why the Pittsburgh industrial area should be connected with an improved Port of Erie by this Turnpike Extension.



6. There is a greater concentration of institutions of higher learning in Western Pennsylvania than in any other possible location in the State. The activities of these time-honored campuses should add materially to the total revenues of this Turnpike Extension.

7. Today a large percentage of Pennsylvania's economic strength emanates from installations in Western Pennsylvania. Not only would the construction of such a facility encourage them to remain here and expand their businesses, but inevitably new industries would be attracted to this area.

You will note that this Association does not pinpoint this route, but presents it in general with the thought in mind that the Engineers will locate it where most practical.

8. We believe that Turnpikes, wherever economically feasible, are the answer to the critical need of immediate modern highway development. It is our firm belief that the Pennsylvania Turnpike Commission in their wisdom, based upon engineering surveys and the logics presented above, will move quickly on the authorized Erie Extension.

Respectfully submitted,

WESTERN PENNSYLVANIA REGIONAL  
PLANNING ASSOCIATION

I. S. SAHLI, Chairman

#### REMARKS BY

JOHN W. GRAJCIAR, DIRECTOR, DISTRICT 21  
UNITED STEELWORKERS OF AMERICA

#### TO THE

PENNSYLVANIA TURNPIKE COMMISSION

JANUARY 24, 1956

Gentlemen:

As a representative of Labor in Northwestern Pennsylvania, I have been greatly disturbed over the past number of years by the industrial picture in this section of our State. I have advocated, wherever it is possible, the setting up of various kinds of Area Development Associations for the purpose of trying to promote industrial growth in this part of the State, because I realize that it is much easier to keep up with the growing American Industrial Development in a growing community than it is in a community that is slowly dying out. We have seen the picture of unemployment in a great number of communities in the State of Pennsylvania, particularly in the Northeastern part of our State and the Southern part of the Western tier of counties in the State. For that and other reasons which I will enumerate later, I am very much interested in trying to make our area, once again, one in which the area could compete with other places, not only in holding what industries we have at the present, but to induce other industries to come into this part of the State. Let me give you briefly some of the things I am talking about.

In the year 1931, United States Steel Corporation had plants in New Castle, Pennsylvania, and Farrell, Pennsylvania, employing approximately 18,000 people. Today, they do not have a single person employed in this area. In the National Tube Company of Ellwood City, Pennsylvania, they had up until recently, approximately 3,800 employees and are now down to less than 2,200 employees, and we have been desperately fighting with the corporation not to shut down this plant as they said that they would do in a very short time. In the United Engineering and Foundry Company of New Castle, Pennsylvania, there

were approximately 2,600 employed 5 years ago, and just recently they moved completely out of this area. The Bossert Division of Rockwell Spring and Axle Company, had 1,900 people 18 months ago, and are now down to less than 500 employees.

We have had no growth in the so-called heavy industry or durable goods industry in our district. Mercer County is losing ground in our industry. Venango County is in bad shape. Crawford County also is in bad shape, and Erie County has been slipping fast.

Most of these plants that I have enumerated that have been moving away from this section of the country have moved away on to waterways for cheaper transportation. We have no waterway transportation in this entire area with the exception of a slight movement of freight on Lake Erie, in Erie, Pennsylvania. Freight rates have jumped more than 200% since 1941 in the type of industry that we have in this area. Our only hope of preserving what we now have, and possibly of bringing in new industry, is to have some form of transportation that can meet at least partly some of the savings that are had by the people on the waterway transportation routes. It might interest the Commission to know that the sole remaining basic steel producer in this area is the Sharon Steel Corporation, and that in order to stay in business, they are now shipping 70% or more of their finished product by truck.

I also want to point out to the Commission that in 1954 the U. S. Department of Labor listed 43 different cities as being in the critical labor market area in this country. This means that these cities had 8% or more of its workers unemployed at that time. Eight of those cities were in the State of Pennsylvania and two of those 8 were in the area that we are representing here today. One of those cities was New Castle, Pennsylvania, and the other was Erie, Pennsylvania. Furthermore, the only reason that Mercer County was not placed on the critical labor market area was the fact that the U. S. Department of Labor had placed Mercer County into the Youngstown labor market area, but the actual story is that in Mercer County much more than 8% of the workers were unemployed during the 1954 slack period. The same thing was also true with most of Crawford County.

Another observation which I noted recently and which I made to the Commission, and I can only speak for the Steelworkers' Union alone in this regard, is that we have approximately 4,000 less dues paying members today in this area than we had in October of 1953, and if this trend exists in other industries, it certainly does not present a very nice picture for the future. This fact, as the records indicate, shows that we are not keeping pace with the growing population in providing enough jobs for the younger people in this area, with the result that many people have to go to other places to get employment. It is estimated that in New Castle alone, there is over 4,000 people working in Youngstown, Ohio, and nearby communities because of lack of jobs around here.

What I am trying to point out to the Commission is, that in this area along the proposed Western Route of the North-South Turnpike that we are discussing with you today, (with the possible exception of Beaver County) is that all of the rest of the counties, namely; Lawrence, Mercer, Crawford, and Erie Counties are not doing so well.

As bad as the picture may have been up to this time in the need of added employment in industry, there is, however, a number of important



developments recently, if taken advantage of could certainly change this picture considerably. One of them, is the development of the New York Thruway and the connecting up of it with this area would certainly be a great help in opening up new markets for industries in this section of the State. The other is the development of the St. Lawrence Seaway, providing that we don't let Ohio get the jump on us in port development and development of good highways and railroad facilities along the Lake Erie section of the St. Lawrence Seaway.

There have been a large number of surveys made by a number of industrial planning groups, economist from banks in this area in which they all agree that the development of the St. Lawrence Seaway could very easily change this entire area into not only a thriving industrial area, but one that could very easily develop a boom and bring in new industries and enlarging the present industries. While we realize that the Commission cannot directly concern itself with the problem of port development and railroad facilities, it can certainly help build a series of fast lateral highway networks that will be the stimulus needed to do this other part of the work that is so vitally needed in this part of the State of Pennsylvania.

We earnestly hope that the Pennsylvania Turnpike Commission will give this matter the utmost consideration; we feel that we are entitled to this inasmuch as there has been consideration given to other parts of the State, and we feel that we are justified in asking for this help for the counties in Northwestern part of the State of Pennsylvania

Sincerely submitted on behalf  
of the Western Pennsylvania  
Regional Planning Association.

JOHN W. GRAJCIAR

January 24, 1956.

#### REMARKS BEFORE THE PENNSYLVANIA TURNPIKE COMMISSION

BY

HONORABLE ARTHUR J. GARDNER  
MAYOR OF ERIE, PENNSYLVANIA

Gentlemen:

My interest in the development of the Erie Extension of the Pennsylvania Turnpike, closely parallels the life of the Pennsylvania Turnpike Commission, as it presently is constituted. But it is only natural that my conclusions cannot compare with the information that lies before the Commission; and my acquaintance with the multitude of technical problems involved can hardly match that of you men, with whom these matters are a day-to-day affair.

However, I take it upon myself, as Mayor of Erie, to discuss with you what I consider a desperate need for speedy construction of the Erie Extension—the North-South link of the Turnpike system in Western Pennsylvania.

#### THE OHIO FACTOR

The State of Ohio, late last Autumn, earmarked \$75 million for the construction of an expressway—part toll, part free—from Ashtabula, Ohio, to East Liverpool, Ohio.

This is the core of the matter and signifies three things:

1. The State of Ohio proposes—with this expressway—to service its rich industrial area in

southeastern Ohio and extending down along the Ohio River.

2. The State of Ohio proposes to service, also, the vast commercial activity of the Pittsburgh region. And, summing up these points.

3. The State of Ohio proposes to create, by this expressway, a hub of port development—in the Cleveland-Ashtabula region—that ultimately will rival, if not surpass, the activity of the Port of New York

#### THE HISTORIC FACTOR

Perhaps Ohio—in pushing ahead with its plans for this North-South expressway—is making a tragic mistake. But that belief is not consistent with history.

It is historic that projections of potential revenues for proposed toll superhighways have been pitifully underestimated. In nearly every case, the volume of traffic created by the modern toll road has generated traffic—and revenues—enough to stagger the imagination of the most conservative banker.

I have only to point to our own Pennsylvania Turnpike—the original, the grand daddy of all modern turnpikes. Since its early success—in the depression years, when the anticipated traffic counts and the sales of automobiles were a mere 12 per cent of the nearly 8 million automobiles produced and sold in 1955—the Pennsylvania Turnpike has stood as collateral—or as a darned good example—for every superhighway built in the past 10 years.

#### THE TRAFFIC COUNT FACTOR

I am told the Turnpike Commission has before it information that the Turnpike may be feasible at present up to Route 322, just below Meadville. That seems quite logical; but it stands as proof that an adequate highway—Route 322—is diverting much lake-bound traffic from the Port of Erie to the ports of Cleveland and Ashtabula.

#### THE FINANCIAL FACTOR

I am not satisfied that present traffic counts for the Erie Extension are a final factor in this matter.

Now I know the North-South movement of traffic in the U. S. has not been traditional. Our forefathers pushed westward; hence, the trails crossing the nation run east-west.

However, modern commercial development, more and more, are pointing to a north-south diversion of pleasure and commercial travel.

Applying this principal, the traffic counts must take into consideration the combined potential of ALL North-South roads that cross the tangents off Pittsburgh and Erie. Thus, the projection also must take into account traffic counts of certain existing Ohio highways.

I do not propose to dictate to the Commission in the matter of finances. I merely ask for clarification of the possibility that this Commission might pledge parts of its present revenues as collateral for the Erie Extension.

#### THE ECONOMIC FACTOR

Now, I have here a figure that does not disregard Mr. Grajciar's summary of factory shutdowns and partial shutdowns in Western Pennsylvania. It is a figure that deals with NEW industrial installations. I am informed by the Erie Chamber of Commerce that—in post-war expan-



sion—Northwestern Pennsylvania has lagged behind Northeastern Ohio—and the figures are startling.

In Northwestern Pennsylvania, post-war industrial expansion has amounted to only 20 to 25 million dollars. In Northeastern Ohio, post-war industrial expansion totals three and a half billion.

I do not imply that construction of the Erie Extension of the Pennsylvania Turnpike alone, will transpose these two figures.

But, I turn for recent proof, that Turnpikes mean increased industrial activity, to the New York State Thruway. In a recent summary, the Wall Street Journal says:

“New industries along the Thruway route are providing employment for 30,000 persons and the total estimated payroll is upwards of \$100 million annually,” says B. D. Tallamy, Chairman of the Thruway Authority. “The capital cost of these new and expanded enterprises is placed at \$150 million.”

“General Electric now has seven plants on the Thruway or close to it. William M. Baker, Manager of manufacturing for GE’s electronics division, Syracuse, enthuses: ‘The Thruway helps make economical a system of satellite plants.’

“GE’s operations are set up so the Thruway becomes a super connecting line between the plants, over which parts and assemblies are channeled.”

It is foolish to come before this Commission and declare that the Turnpike will inspire GE or Westinghouse or some other Company to do the same thing. At this long distance we can only act upon the accumulation of sound business acumen. In 1956, we know—as men from all phases of business life—that fast, efficient transportation facilities are an important catalyst to industrial development.

I need not recite for you men the importance of the added wealth that increased commerce will bring to Pennsylvania. You are familiar with the statistics that graphically outline what 100 new factory jobs mean in terms of added professional men, added storekeepers, added service help and so on.

Nor need I recite to you the importance of these additional wage-earning citizens in terms of tax revenues.

But the reference must be made here to help round out this report.

Moreover, the need for the Turnpike revolves around this economic factor.

We are not here today asking for a gleaming monument to which we can “point with pride.”

We are here as Western Pennsylvania businessmen, citizens and public officials. We are here to live up to the responsibilities our neighbors of Western Pennsylvania have placed in us.

For, as Mr. Grajciar has shown, and as the U. S. Department of Commerce statistics show, New Castle and Erie are among the nation’s “critical” unemployment areas.

This Turnpike—the mere decision to build the Turnpike—will result in a new selling feature for the industrial development program of Mr. Davlin, the Governor’s Secretary of Commerce.

#### THE PENINSULA STATE PARK FACTOR

I have talked with Mr. Maurice Goddard, the Governor’s Secretary of Parks and Waters, with regard to the Peninsula State Park in Erie. He has done more than show an interest in this “vacationland.” He is spending millions in the development of this park. Mr. Goddard’s men are up there now, turning the Peninsula into what he has aptly termed “the Jones Beach of Pennsylvania.” It is a remarkable concept. And it is even more remarkable to see the shallow, eroded beaches we knew in 1955 being shaped into sandy shoals, a quarter of a mile out into Lake Erie.

Thus Mr. Goddard is creating a resource that will be not only a recreational advantage to Pennsylvanians, it will—through the increased commerce it develops—immeasurably shore up the economy of Erie and the Erie area, through vastly increased tourist trade.

But, I am fearful now that Mr. Goddard’s lake-side paradise will be more easily approached by Ohioans and by New Yorkers than it is by the people of Pittsburgh and Western Pennsylvania. It is a practical matter that, on a clear, fast Turnpike, the trip from Pittsburgh could be made in less than two hours.

On a hot summer afternoon, with the highways crowded and traffic backed up for miles, the trip is a torturous four-to-five hour trial that is becoming more and more discouraging.

#### THE ST. LAWRENCE SEAWAY FACTOR

A fast, modern superhighway will most certainly be needed if Erie—and Pennsylvania—are to participate in the vast potential to be realized by the St. Lawrence Seaway.

As of now, Erie has no direct access, by rail, to the great industrial region of Pittsburgh.

And here is where Ohio is really outsmarting us. In behalf of the ports of Cleveland and Ash-tabula, Ohio is intent upon creating a highway that will drain off the commerce of Pennsylvania industries.

Once having beat Pennsylvania to the punch, by giving our own manufacturers quick, easy access to lake transport, Ohio will have nailed the coffin shut. That highway, with none competing on this side of the border, will condemn to the grave the industrial and commercial growth of a vital section of our own State of Pennsylvania.

#### WESTERN PENNSYLVANIA REGIONAL PLANNING ASSOCIATION

Dinner Meeting—Penn Harris Hotel—Jan. 23, 1956

##### Guest List

I. S. Sahli, President	Beaver County
Joseph A. Franek, Vice-President	Mercer County
Fred W. Bennett, 2nd Vice-President	
	Mercer County
Frank B. Speidel, Sec. and Treas.	Mercer County
Arthur J. Bray, Publicity Director	Beaver County

#### STATE OF PENNSYLVANIA

Hon. Roy E. Furman, Lieutenant Governor
Hon. John R. Torquato, Secretary, Dept. of Labor and Industry
Hon. William R. Davlin, Secretary, Department of Commerce
Hon. Genevieve Blatt, Secretary, Department of Internal Affairs
Hon. G. Franklin McSorley, Chairman, Penna. Turnpike Commission



## ALLEGHENY COUNTY

Hon. Joseph M. Barr, Senator—43rd District  
 Mr. L. D. McMichael, Staff Representative, Greater Pgh. Airport Dev.  
 Mr. J. Martin Boor, Director, Greater Pgh. Airport Dev. Asso.

## BEAVER COUNTY

Hon. John C. Miller, Senator—47th District  
 Hon. Robert K. Hamilton, Representative—1st District  
 Hon. William B. Smith, Representative—2nd District  
 Hon. Charles D. Stone, Representative—2nd District  
 Mr. Gordon Camp, Chairman, Board of County Commissioners  
 Mr. I. S. Sahli, Director, Beaver County Planning Commission  
 Mr. Arthur J. Bray, Executive Director, Beaver County Planning Comm.

## CRAWFORD COUNTY

Hon. Roland B. Mahaney, Senator—50th District  
 Hon. Robert R. Kent, Representative  
 Hon. R. A. Honeycut, Mayor of Meadville  
 Mr. F. L. Alexander, Sec. Crawford Co. Central Labor Union  
 Mr. William Bainbridge, Real Estate and Insurance Executive

## ERIE COUNTY

Hon. C. Arthur Blass, Senator—49th District  
 Hon. Joseph J. Brennan, Representative—1st District  
 Hon. Julian Polaski, Representative—2nd District  
 Hon. Stanley L. Blair, Representative—3rd District  
 Hon. Arthur J. Gardiner, Mayor of Erie  
 Richard R. Haratine, Adm. Assit. Mayor of Erie  
 Mr. L. H. Jenkins, Pres., C.I.O., Industrial Union Council  
 Mr. John Bowman, Ex. Vice-Pres.—Greater Erie Chamber of Commerce  
 Hon. Wilmer W. Waterhouse, Representative—3rd District

## GREENE COUNTY

Hon. William J. Lane, Senator—46th District  
 Hon. Stephen McCan, Representative  
 Mr. James Ely, Ex. Sec., Waynesburg Chamber of Commerce

## LAWRENCE COUNTY

Hon. John C. Miller, Senator—47th District  
 Hon. Dominick E. Cioffi, Representative—1st District  
 Hon. Clyde B. Houk, Representative—2nd District  
 Mr. James A. Rugh, Director, Greater New Castle Development Asso.  
 Mr. A. J. Mascaro, Vice-President, Federal Labor Union  
 Mr. Paul Dingley, Vice-President, Penna. Power Co.

## MERCER COUNTY

Hon. Roland B. Mahaney, Senator—50th District  
 Hon. Ralph J. Down, Representative—1st District  
 Hon. Edward M. Young, Representative—2nd District  
 Mr. John W. Grajciar, United Steel Worker—Director, Dist. 21  
 Mr. James Norman, United Steel Workers, District 21

Mr. Frank Spidel, Ex. Sec., Farrell Chamber of Commerce  
 Mr. Martin Cusick, Attorney  
 Mr. Gordon Ward, Businessman

## WARREN COUNTY

Hon. L. E. Chapman, Senator—48th District

## WASHINGTON COUNTY

Hon. William J. Lane, Senator—46th District  
 Hon. J. Dean Polen, Representative—1st District  
 Hon. Michael R. Flynn, Representative—1st District  
 Hon. C. O. Williams, Representatives—2nd District  
 Hon. A. V. Capano, Representative—2nd District  
 Mr. Ray C. Provost, Ex. Sec., Washington Chamber of Commerce  
 Mr. Charles S. Coen, Vice-Chairman, Wash. Co. Highways Committee  
 Mr. John D. Windle, Ex. Sec. Raccoon Valley Chamber of Commerce

## RESOLUTION

UNANIMOUSLY INDORSING N. S. PA. TURNPIKE, WEST OF PITTSBURGH, EXHIBIT "C" OF MINUTES OF A JOINT MEETING OF THE GREATER PITTSBURGH AIRPORT AREA DEVEL. ASSN. INC., THE WESTERN PENNSYLVANIA REGIONAL PLANNING ASSN. AND OTHERS, DECEMBER 13, 1955:

Whereas the Pennsylvania Turnpike Commission is presently seriously considering routes for the North Western Extension of the Turnpike from the vicinity of Erie southward to the present Turnpike, and

Whereas the Legislature of the Commonwealth of Pennsylvania has authorized the further extension of the Turnpike from the present Turnpike to the West Virginia State line, and

Whereas it is universally agreed that Turnpikes should be built on a basis of economic soundness, coupled with the maximum benefit to the greatest number of people; now therefore be it

Resolved, that we, the undersigned organizations, through our duly constituted representatives, whole-heartedly recommend that the route should extend from the vicinity of Erie in a southerly direction through the western tier of counties to the present Turnpike; and further be it

Resolved, that the route should continue uninterrupted in a southerly direction west of the City of Pittsburgh in the vicinity of the Greater Pgh. Airport and extend thence through Washington and Greene Counties to the West Virginia Border in such location as is economically most feasible; and be it further

Resolved, that the Pennsylvania Turnpike Commission be urged to vigorously prosecute its construction program in order to promote the economic development of the Commonwealth of Pennsylvania by gaining priority over potentially competitive transportation routes in adjoining states.

Approved December 13, 1955—Official record of initial indorsing organizations:

Beaver Co. Planning Commission

James H. March, Chairman

Greater New Castle Assoc., Inc.

M. S. Stephens, Exec. V-Pres.

Greene County Planning Assoc.

James H. Ely, President

Washington, Pa. Chamber of Commerce

C. W. Dillie, President

Cecil Twp. Industrial Devel. Corp.

Dr. Harry Morgan, Manager



Chartiers Valley Chamber of Commerce  
J. Martin Boor, President  
Western Pa. Regional Planning Commission  
I. S. Sahli, Chairman  
Greene Co. Industrial Devel. Council  
John J. Hook, Jr., Vice-Chairman  
Washington County Highway Committee  
James S. Lyon, Chairman  
Greater Pgh. Airport Area Devel. Assoc.  
Charles R. Keenan, President  
Raccoon Valley Chamber of Commerce  
John D. Windle, Executive Secretary

#### COUNTER INDORSEMENT:

We of Beaver County Planning Commission hereby join with the above organizations and others in the unanimous indorsement of the above resolution by action recorded in our minutes of Jan. 13, 1956.

Address:  
Beaver Falls, Pa.

Signed I. S. Sahli  
Title Chairman

Original to: The Greater Pittsburgh Airport Area Development Assn., Inc., Greater Pittsburgh Airport, Pgh., Pa. or to Western Pa. Regional Planning Assn., Court House, Beaver, Pa.

Submitted to the

Pennsylvania State Senate  
by Senator John Carl Miller,  
January 24, 1956.

#### CONSIDERATION OF EXECUTIVE NOMINATIONS

Mr. WOLFE asked and obtained unanimous consent for immediate consideration of the nominations reported at today's Session.

#### EXECUTIVE SESSION

A motion was made by Mr. WOLFE and Mr. PROPERT, That the Senate do now resolve itself into Executive Session, for the purpose of acting upon the nominations reported at today's Session.

Which was agreed to.

The nominations were read as follows:

#### MEMBERS OF CAMBRIA COUNTY BOARD OF ASSISTANCE

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, January 16, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as members of the Cambria County Board of Assistance:

Dr. S. J. Bondy (Dem.), 908 United States Bank Building, Johnstown, to serve until December 31, 1958, and until his successor is duly appointed and qualified. (Reappointment)

Charles W. Symons, Sr. (Rep.), 244 Union Street, Johnstown, to serve until December 31, 1958, and until his successor is duly appointed and qualified. (Reappointment)

Dr. Burrell K. Johnson (Rep.), 728 Menoher Boulevard, Johnstown, to serve until December 31, 1958, and until his successor is duly appointed and qualified, vice James G. Contakos, Johnstown, whose term expired.

GEORGE M. LEADER.

#### MEMBER OF SULLIVAN COUNTY BOARD OF ASSISTANCE

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, January 16, 1956.  
To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Robert H. Marquardt (Rep.), Muncy Valley, Sullivan County, for appointment as a member of the Sullivan County Board of Assistance, to serve until December 31, 1956, and until his successor is duly appointed and qualified, to fill a vacancy.

GEORGE M. LEADER.

#### MEMBER OF ALLEGHENY COUNTY BOARD OF ASSISTANCE

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, January 16, 1956.  
To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Thomas M. Watt (Rep.), 814 Larimer Avenue, McKeesport, Allegheny County Board of Assistance, to serve until December 31, 1956, and until his successor is duly appointed and qualified, vice Edward A. Feigenbaum, Pittsburgh, resigned.

GEORGE M. LEADER.

#### MEMBER OF HUNTINGDON COUNTY BOARD OF ASSISTANCE

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, January 16, 1956.  
To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Mrs. Mary Elsie Madden (Dem.), Star Route, Orbisonia, Huntingdon County, for appointment as a member of the Huntingdon County Board of Assistance, to serve until December 31, 1956, and until her successor is duly appointed and qualified, vice Mrs. Margaret H. Ewing, Shade Gap, resigned.

GEORGE M. LEADER.

#### MEMBER OF BLAIR COUNTY BOARD OF ASSISTANCE

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, January 16, 1956.  
To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Mrs. Mary Louise Wear (Dem.), Claysburg, Blair County, for appointment as a member of the Blair County Board of Assistance, to serve until December 31, 1958, and until her successor is duly appointed and qualified, vice Mrs. Jean Beyer, Claysburg, resigned.

GEORGE M. LEADER.

#### MEMBER OF BLAIR COUNTY BOARD OF ASSISTANCE

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, January 16, 1956.  
To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate L. J. Hanelly (Dem.), 5206 Highland Park Avenue, Altoona,



Blair County, for appointment as a member of the Blair County Board of Assistance, to serve until December 31, 1958, and until his successor is duly appointed and qualified, vice Ammon D. Mingle, Roaring Spring, whose term expired.

GEORGE M. LEADER.

#### MEMBERS OF JUNIATA COUNTY BOARD OF ASSISTANCE

Commonwealth of Pennsylvania,

Governor's Office, Harrisburg, January 16, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as members of the Juniata County Board of Assistance

D. Gray Switzer (Dem.), Mifflintown, to serve until December 31, 1958, and until his successor is duly appointed and qualified, vice Mrs. Bernice M. Copenhaver, Mifflintown, resigned.

Mrs. Margaret Welsh (Rep.), Mifflintown, to serve until December 31, 1958, and until her successor is duly appointed and qualified. (Reappointment)

Leo McNaught (Dem.), Mifflintown, to serve until December 31, 1958, and until his successor is duly appointed and qualified. (Reappointment)

GEORGE M. LEADER.

#### JUDGE OF THE COURT OF COMMON PLEAS OF THE FIFTH JUDICIAL DISTRICT

Commonwealth of Pennsylvania,

Governor's Office, Harrisburg, December 20, 1955.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Emanuel F. Schifano, 20 Ansonia Place, Pittsburgh, Allegheny County, for appointment as Judge of the Court of Common Pleas of the Fifth Judicial District of Pennsylvania, composed of the County of Allegheny, until the first Monday of January 1958, vice Hon. Premo J. Columbus, deceased.

GEORGE M. LEADER.

#### MEMBER OF THE STATE FOREST COMMISSION

Commonwealth of Pennsylvania,

Governor's Office, Harrisburg, June 20, 1955.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following person for appointment as member of the State Forest Commission, to serve until the third Tuesday of January 1959, and until his successor shall have been appointed and qualified:

Louis Krummacker, Carrolltown, Cambria County, vice Joseph F. Stauss, Benton, whose term expired.

GEORGE M. LEADER.

#### MEMBERS OF THE PENNSYLVANIA HISTORICAL AND MUSEUM COMMISSION

Commonwealth of Pennsylvania,

Governor's Office, Harrisburg, December 28, 1955.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as members of the Pennsylvania Historical and Museum Commission, to serve until the third Tuesday of January 1959, and until their successors shall have been appointed and qualified:

Frank W. Melvin, Esq., 3211 West Penn Street, Philadelphia, Philadelphia County, vice Maj. Charles J. Biddle, Andalusia, whose term expired.

Thomas Murphy, Scranton Times, 145 Penn Avenue, Scranton, Lackawanna County. (Reappointment)

Miss Frances Dorrance, 38 Church Street, Dallas, Luzerne County. (Reappointment)

Dr. John W. Oliver, 55 Hoolridge Drive, Mt. Lebanon, Allegheny County. (Reappointment)

J. Bennett Nolan, Esq., 432 Oley Street, Reading, Berks County, vice A. Atwater Kent, Jr., Armored, whose term expired.

Miss Grace Rankin, 706 Coal Street, Wilkesburg, Allegheny County, vice Hon. Charles G. Webb, Wellsboro, whose term expired.

Dr. Maurice Mook, Professor of Anthropology, Pennsylvania State University, University Park, Centre County, vice Richard N. Williams II, Wayne, whose term expired.

Mrs. Eleanor H. Smith, 3460 Schoolhouse Lane, Germantown, Philadelphia County, vice Hon. Lambert Cadwalader, Haverford, whose term expired.

GEORGE M. LEADER

#### COMMISSIONER OF DEEDS

Commonwealth of Pennsylvania,

Governor's Office, Harrisburg, January 16, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Robert Mullen Starkey, The Travelers Insurance Company, 700 Main Street, Hartford 15, Connecticut, for reappointment as Commissioner of Deeds for the Commonwealth of Pennsylvania, with residence in the State of Connecticut, for the term of five years, to compute from February 5, 1956.

GEORGE M. LEADER.

#### COMMISSIONER OF DEEDS

Commonwealth of Pennsylvania,

Governor's Office, Harrisburg, January 16, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Alan Sydney Lavine, Esq., 223 East Hanover Street, Trenton, New Jersey, for appointment as Commissioner of Deeds for the Commonwealth of Pennsylvania, with residence in the State of New Jersey, for the term of five years to compute from the date of confirmation.

GEORGE M. LEADER.

#### JUSTICE OF THE PEACE

Commonwealth of Pennsylvania,

Governor's Office, Harrisburg, December 19, 1955.



To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate William H. Kurtz, Donegal, Westmoreland County, for appointment as Justice of the Peace in and for the Township of Donegal, Westmoreland County, to serve until the first Monday of January 1958, vice Evelyn Kurtz, deceased.

GEORGE M. LEADER.

#### JUSTICE OF THE PEACE

Commonwealth of Pennsylvania,

Governor's Office, Harrisburg, January 16, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Edward J. Kessler, R. D. 1, Mohnton, Berks County, for appointment as Justice of the Peace in and for the Township of Robeson, Berks County, to serve until the first Monday of January 1958, vice William M. Jefferson, deceased.

GEORGE M. LEADER.

#### JUSTICE OF THE PEACE

Commonwealth of Pennsylvania,

Governor's Office, Harrisburg, January 16, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate John D. Evans, 820 North Juniata Street, Hollidaysburg, Blair County, for reappointment as Justice of the Peace in and for the Borough of Hollidaysburg, Blair County, to serve until the first Monday of January 1958.

GEORGE M. LEADER.

#### JUSTICE OF THE PEACE

Commonwealth of Pennsylvania,

Governor's Office, Harrisburg, December 28, 1955.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Robert J. Benven, Sr., 70 Cherry Street, Etna, Allegheny County, for appointment as Justice of the Peace in and for the Borough of Etna, Allegheny County, until the first Monday of January 1958, vice Joseph G. Benven, resigned.

GEORGE M. LEADER.

#### JUSTICE OF THE PEACE

Commonwealth of Pennsylvania,

Governor's Office, Harrisburg, January 16, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Cornelius de Groot, Revere, Bucks County, for reappointment as Justice of the Peace in and for the Township of

Nockamixon, Bucks County, to serve until the first Monday of January 1958.

GEORGE M. LEADER.

#### JUSTICE OF THE PEACE

Commonwealth of Pennsylvania,

Governor's Office, Harrisburg, January 16, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Peter J. Harkins, 628 Race Street, Bristol, Bucks County, for appointment as Justice of the Peace in and for the Borough of Bristol, Bucks County, to serve until the first Monday of January 1958, vice John J. Gallagher, deceased.

GEORGE M. LEADER.

#### JUSTICE OF THE PEACE

Commonwealth of Pennsylvania,

Governor's Office, Harrisburg, January 16, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Ellis E. Wambaugh, Emigsville, York County, for appointment as Justice of the Peace in and for the Township of Manchester, York County, to serve until the first Monday of January 1958, vice Mahlon E. Cassell, deceased.

GEORGE M. LEADER.

#### JUSTICE OF THE PEACE

Commonwealth of Pennsylvania,

Governor's Office, Harrisburg, December 28, 1955.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Ernest W. Hoffman, Washington Township, York County, P. O., R. D. 1, East Berlin, for reappointment as Justice of the Peace in and for the Township of Washington, York County, until the first Monday of January 1958, to compute from January 3, 1956.

GEORGE M. LEADER.

#### JUSTICE OF THE PEACE

Commonwealth of Pennsylvania,

Governor's Office, Harrisburg, January 16, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Melvin B. Hoffman, 4th and Mill Streets, Mifflinburg, Union County, for reappointment as Justice of the Peace in and for the Borough of Mifflinburg, Union County, to serve until the first Monday of January 1958.

GEORGE M. LEADER.

#### JUSTICE OF THE PEACE

Commonwealth of Pennsylvania,

Governor's Office, Harrisburg, January 23, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:



In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Kenneth E. Sheaffer, Box 57, Market Street, Freeburg, Snyder County, for appointment as Justice of the Peace in and for the Borough of Freeburg, Snyder County, until the first Monday of January 1958, to fill a vacancy.

GEORGE M. LEADER.

MEMBER OF PENNSYLVANIA LIQUOR CONTROL BOARD

Commonwealth of Pennsylvania,

Governor's Office, Harrisburg, December 28, 1955.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate A. D. Cohn, 210 Elmwood Boulevard, York, York County, for appointment as a member of the Pennsylvania Liquor Control Board, to serve until November 29, 1961, and until his successor shall have been appointed and qualified, vice Hon. John S. Rice, Gettysburg, whose term expired.

GEORGE M. LEADER.

A motion was made by Mr. WOLFE and Mr. PROPERT, That the Senate do advice and consent to said nominations.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—43

Barr,	Harney,	McMenamin,	Stevenson,
Berger,	Hays,	McPherson, Jr.	Stiefel,
Blass,	Kessler,	Miller,	Taylor,
Camel,	Koprivier, Jr.	Mullin,	Van Sant,
Chapman,	Lane,	Peelor,	Wade,
Dent,	Madigan,	Propert,	Wagner,
Diehm,	Mahany,	Ruth,	Watkins,
Donolow,	Mallery,	Schmidt,	Weiner,
Flack,	McCreesh,	Scott,	Whalley,
Fleming,	McGinnis,	Seyler,	Wolfe,
Haluska,		Silver,	Yosko,

NAYS—1

DISilverstro.

Two-thirds of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

EXECUTIVE SESSION RISES

Mr. WOLFE. Mr. President, I move that the Executive Session do now rise.

Mr. PROPERT. Mr. President, I second the motion.

The motion was agreed to.

CALENDAR

BILL ON CONCURRENCE IN HOUSE AMENDMENTS

BILL OVER IN ORDER

Mr. MAHANY. Mr. President, I ask unanimous consent that Senate Bill No. 780, Printer's No. 427, on concurrence in House amendments, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON FINAL PASSAGE

RECONSIDERATION OF HOUSE BILL No. 1129

Mr. LANE. Mr. President, I move that the Senate do now reconsider the vote by which House Bill No. 1129, entitled:

An Act amending the act of May 17, 1929, (P. L. 1798) entitled "An act providing a fixed charge payable by the Commonwealth on lands acquired by the State and the Federal Government for forest reserves" requiring the Commonwealth for a limited time to pay charges to counties on certain federal forest reserves.

passed third reading.

The PRESIDENT. How did the Senator vote?

Mr. LANE. Mr. President, I voted with the prevailing side.

Mr. RUTH. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. RUTH. Mr. President, I voted with the prevailing side.

The motion was agreed to.

And the question recurring,

Will the Senate agree to the bill on third reading?

AMENDMENT OFFERED

Mr. LANE. Mr. President, I ask unanimous consent to offer an amendment at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. LANE offered the following amendment:

Amend Section 1 (Section 1), page 3, lines 10 and 13, by inserting a bracket before "two" in line 10 and after "township" in line 13.

On the question,

Will the Senate agree to the amendment?

Mr. MAHANY. Mr. President, I rise to oppose this amendment.

MOTION TO ADOPT AMENDMENT

Mr. LANE. Mr. President and Members of the Senate, what the amendment actually does, on page 3, line 10, there is a bracket inserted before the word "two" and on line 13 there is a bracket inserted after the word "township." The amendments are necessary because of the cost factor.

The way the legislation will read now, if the amendments are adopted, it will provide that the counties will receive two and one-half cents per acre and the school districts and townships will not receive this two and one-half cents. Incidentally, these are Administration amendments, and I move their adoption and ask my colleagues to vote "yes."

Mr. BARR. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. MAHANY. Mr. President, I feel that if it is fair for us to give the two and one-half cents to the county, as provided in this bill, then it is also fair to give it to the township and to the school district. I think that the original intent, or the intent of the original legislation which set up this subsidy to these political subdivisions in which we have the State forests, was to allow them to have this except within the year in which they sold



a certain amount of timber off of these lands. The fact that the timber was sold in one year should not preclude them from getting this subsidy in subsequent years.

Therefore, Mr. President, I feel that all we are doing by this legislation is to legislate the intent of the Legislature in the year in which the legislation was offered which is now on the books.

Mr. President, I ask my colleagues to vote against these amendments.

And the question recurring,

Will the Senate agree to the motion?

Mr. LANE. I ask for a roll call, Mr. President.

Mr. BARR. I ask for a roll call, Mr. President.

The yeas and nays were required by Mr. LANE and Mr. BARR, and were as follows, viz:

#### YEAS—20

Barr,	Haluska,	McMenamin,	Seyler,
Camiel,	Hays,	Miller,	Silvert,
Dent,	Lane,	Mullin,	Stiefel,
DiSilvestro,	McCreesh,	Ruth,	Weiner,
Donolow,	McGinnis,	Schmidt,	Yosko,

#### NAYS—24

Berger,	Harney,	McPherson, Jr.	Van Sant,
Blass,	Kessler,	Peelor,	Wade,
Chapman,	Koprivier, Jr.	Propert,	Wagner,
Diehm,	Madigan,	Scott,	Watkins,
Flack,	Mahany,	Stevenson,	Whalley,
Fleming,	Mallery,	Taylor,	Wolfe,

So the question was determined in the negative.

And the question recurring,

Will the Senate agree to the bill on third reading?

#### BILL OVER IN ORDER

Mr. LANE. Mr. President, in view of the fact that all of the Members are not here, I ask unanimous consent that House Bill No. 1129, Printer's No. 1154, on third reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

#### PERSONAL PRIVILEGE

Mr. DiSILVESTRO. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The gentleman from Philadelphia, Mr. DiSilvestro, will state his question of personal privilege.

Mr. DiSILVESTRO. Mr. President, a short while ago, I voted against a member of the Liquor Board. I want it clearly understood that my vote was not placed in opposition to his confirmation for any personal reasons. My reasons are that I have lack of confidence in the board as it is constituted today and my feeling is that as long as I am here, I will always vote against any member of the Liquor Board, whether he be the errand boy or a member of the Commission.

#### THIRD READING CALENDAR

#### BILL ON THIRD READING AND FINAL PASSAGE, RECALLED FROM THE GOVERNOR

Agreeably to order,

The Senate resumed the third reading and consideration of Senate Bill No. 722, as follows:

An Act amending the act of May 1 1929 (P. L. 905) entitled "An act for the protection of the public safety

regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" regulating issuance of registration plates to newspaper newsreel or television photographers.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 501 act of May 1 1929 (P. L. 905) known as "The Vehicle Code" is amended by adding after subsection (e) a new subsection to read

Section 501 Registration Plates to be Furnished by Department

\* \* \*

(f) Upon application of any owner residing in Pennsylvania who is regularly employed or engaged as a bona fide newspaper newsreel or on film television photographer or cameraman the department shall issue for any motor vehicle two registration plates of the type prescribed by this section on which shall be inscribed the letters "PP" as the first two characters in addition to the registration number and other markings or identification otherwise prescribed by law The department shall not issue more than one set of such plates to any applicant during any registration year

The applicant shall comply with all laws pertaining to registration and licensing of motor vehicles and the application for registration prescribed by this section shall be accompanied by proof of regular employment as a bona fide newspaper newsreel or on film television photographer or cameraman and the sum of five (\$5) dollars in addition to the fees otherwise prescribed by law for annual registration of motor vehicles

For the 1957 Motor Vehicle Registration year and subsequent years the department shall issue registration plates beginning with the "PP" characters only to persons who meet the requirements of this subsection

And said bill having been read at length the third time, and agreed to.

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

#### YEAS—44

Barr,	Haluska,	McMenamin,	Stevenson,
Berger,	Harney,	McPherson, Jr.	Stiefel,
Blass,	Hays,	Miller,	Taylor,
Camiel,	Kessler,	Mullin,	Van Sant,
Chapman,	Koprivier, Jr.	Peelor,	Wade,
Dent,	Lane,	Propert,	Wagner,
Diehm,	Madigan,	Ruth,	Watkins,
DiSilvestro,	Mahany,	Schmidt,	Weiner,
Donolow,	Mallery,	Scott,	Whalley,
Flack,	McCreesh,	Seyler,	Wolfe,
Fleming,	McGinnis,	Silvert,	Yosko,

#### NAYS—0



A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendment in which the concurrence of the House is requested.

### BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 53, as follows:

An Act amending the act of May one one thousand nine hundred twenty-nine (P. L. 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" prohibiting throwing of certain material from motor vehicles

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The act of May one one thousand nine hundred twenty-nine (P. L. 905) known as "The Vehicle Code" is amended by adding after section 1023 a new section to read

Section 1023.1 Throwing Material from Motor Vehicle No person shall throw or permit to be thrown from a motor vehicle any garbage bottles cans rubbish wire glass or cardboard or wood cartons or boxes

Penalty Any person violating any of the provisions of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of twenty-five (\$25) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than ten (10) days

And said bill having been read at length the third time, and agreed to.

And the amendments made thereto having been printed as required by the Constitution.

On the question,

Shall the bill pass finally?

Mr. LANE. Mr. President, I personally wish to be recorded as voting against this bill.

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—43

Barr,	Haluska,	McMenamin,	Stevenson,
Berger,	Harney,	McPherson, Jr.,	Stiefel,
Blass,	Hays,	Miller,	Taylor,
Camiel,	Kessler,	Mullin,	Van Sant,
Chapman,	Koprivier, Jr.,	Peelor,	Wade,
Dent,	Madigan,	Propert,	Wagner,

Diehlm,  
DiSilvestro,  
Donolow,  
Flack,  
Fleming,

Mahany,  
Mallery,  
McCreesh,  
McGinnis,

Ruth,  
Schmidt,  
Scott,  
Seyler,  
Silvert,

Watkins,  
Weiner,  
Whalley,  
Wolfe,  
Yosko,

NAYS—1

Lane,

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 446, as follows:

An Act providing for examination by the Workmen's Compensation Board of persons prior to appointment or reappointment as workmen's compensation referees

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1 Each person prior to appointment as a workmen's compensation referee and each workmen's compensation referee within the Department of Labor and Industry shall prior to appointment or reappointment be subject to a biennial examination to be given by the Workmen's Compensation Board for the purpose of determining the qualification and fitness of the examinee to perform the duties of a referee There shall be included in the examination a sufficient number of questions pertaining to the Pennsylvania law governing Workmen's Compensation to show the examinee's knowledge of the provisions of such law and any lawful interpretations thereof

Section 2 Such examinations shall be given at the place to be fixed by the board and shall be given once in each even numbered year at a time to be fixed by the board such time to be between the first day of January and the first day of April of such even numbered years

Section 3 All examinations given pursuant to the provisions of this act shall be written and the name of any person answering any set or group of examination questions shall not be made known to the board until all answers shall have been graded and the success or failure of all examinees to pass the examination shall have been determined

Section 4 Each examinee shall be assigned a number to be used for the purpose of identifying each sheet of paper used in the examination of such examinee A list of examinees and the numbers assigned them shall be kept in the custody of a person designated by the board until the success or failure of all examinees to pass the examination shall have been determined At such time the board shall correlate the names of the examinees and the numbers assigned them and shall notify each individual examinee of his or her success or failure to pass the examination Each examinee shall also be informed of his or her relative position in respect to all persons who shall have submitted to the same examination to which such examinee submitted

Section 5 The answer to each question shall be separately considered by each member of the board exclusive of the Secretary of Labor and Industry Each member shall designate each answer so considered as satisfactory or unsatisfactory Such designations shall be compiled and the final grade of each examinee shall consist of the ratio which the total of satisfactory designations bears to the total of all designations Examinees whose ratios are equal to a percentage of seventy or higher shall be deemed successful all others unsuccessful

Section 6 All appointments shall be made to any vacant posts as workmen's compensation referees from successful examinees as determined by the board pursuant to this act Preference in appointment shall be given to the examinee who shall have received the highest grade in



such examinations In addition to such grade a majority of members of the board shall be satisfied as to the qualifications of the examinee for the post for which examined Any referee who shall have been unsuccessful in a biennial examination shall not be reappointed as a workmen's compensation referee until he shall have successfully passed a special examination given by the board for the purpose of testing referees who shall have failed the biennial examination given pursuant to this act

Section 7 Any special examination given by the board pursuant to this section shall be given at a time to be fixed by the board such time to be between the first day of October and the thirtieth day of November of the even numbered years in which the biennial examinations are given Such special examinations shall be subject to all provisions of this act pertaining to biennial examinations except the provisions pertaining to the time of examination

The term of office of any referee successful in passing a special examination shall not be terminated due to failure to successfully pass the previous biennial examination Failure to pass a special examination shall terminate the term of office of any referee who has so failed at the end of the calendar year in which such failure has occurred unless the term of office of the referee so failing is sooner terminated for any other lawful reason

Section 8 The board shall file and keep all examination papers submitted to it pursuant to the provisions of this act for a period of ten (10) years from the date of examination Such papers shall be subject to inspection at any reasonable time by the Governor and by the Secretary of Labor and Industry or by any persons designated by them as agents for the purpose of inspecting such papers Each examinee shall be permitted at any reasonable time to inspect the papers submitted by him and the designations of such papers as either satisfactory or unsatisfactory

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill on third reading?

#### REQUEST THAT BILL GO OVER IN ORDER

Mr. LANE. Mr. President, I ask unanimous consent that Senate Bill No. 446, Printer's No. 376, on third reading, go over in its order.

The PRESIDENT. Is there objection?

Mr. MAHANY. Mr. President, this bill has been on the Calendar since November 29th and we have discussed it many times in our Caucus. I believe that most of the Republicans feel that it is good legislation. I notice that the Senator is the sponsor of the bill and he has been asking for it to go over everytime it comes up. I cannot quite understand why he does that because we here are ready to vote for this legislation.

I, personally, feel that it is good legislation. I compliment the sponsor, Senator Lane, on his ideas incorporated in this bill, and I would like to vote for it.

Therefore, Mr. President, I object at this time to the bill going over any longer.

Mr. LANE. Mr. President, I am glad to know that the Majority Leader is in favor of this legislation. As a matter of fact, I am, too. However, when I make an agreement, I keep it. I believe there are several Members who want to oppose the bill on the floor and they have so stated to me that they wish to. They are not present at this particular time and that is the reason I requested that the bill go over in order. However, if the Majority Leader objects to its going over in order,

I would like all my colleagues on this side of the Senate to support this legislation because I feel that it is good legislation. I do want to repeat, though, that there are certain Members who wish to oppose it. Therefore, Mr. President, I requested its going over in order.

Mr. MAHANY. Mr. President, I feel that if there are any Senators who are opposed to this bill, certainly we have had many Sessions at which they could have been present, and should have been present, and probably were present. I feel that there is no justification for passing this bill over any longer. I think it is legislation which we definitely need on the books of the State of Pennsylvania and I want to vote for it.

The PRESIDENT. There being objection to the bill going over in order, the question recurs.

And the question recurring,

Will the Senate agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

(During the calling of the roll, the following occurred:)

Mr. DiSILVESTRO. Mr. President, having voted under a misapprehension, I desire to be recorded as voting "no."

The PRESIDENT. The gentleman from Philadelphia will be so recorded.

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

#### YEAS—32

Berger,	Hays,	McGinnis,	Taylor,
Blass,	Kessler,	McPherson, Jr.	Van Sant,
Chapman,	Koprivier, Jr.	Miller,	Wade,
Diehm,	Lane,	Peelor,	Wagner,
Flack,	Madigan,	Propert,	Watkins,
Fleming,	Mahany,	Ruth,	Whalley,
Haluska,	Mallery,	Scott,	Wolfe,
Harney,	McCreesh,	Stiefel,	Yosko,

#### NAYS—6

Barr,	DiSilvestro,	McMenamin,	Mullin,
Camiel,	Donolow,		

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present the said bill to the House of Representatives for concurrence.

#### JUDGE AND MRS WILLIAM I. TROUTMAN PRESENTED TO SENATE

Mr. WOLFE. Mr. President, we are privileged to have with us this afternoon a former distinguished Member of this Senate, and at present a Judge of the Court of Common Pleas of Northumberland County, Judge William I. Troutman and Mrs. Troutman.

The PRESIDENT. The Chair, on behalf of the other Members of the Senate, welcomes the former Member of this Body here this afternoon, and also his charming wife, Mrs. Troutman.

#### THIRD READING CALENDAR

#### BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 730, as follows:



An Act providing for and regulating the licensing of poultry technicians by the Secretary of Agriculture for the drawing of blood from poultry to be used in pullorum testing programs

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The Secretary of Agriculture when he determines that there is a need for trained technicians to aid in drawing blood from poultry to be used in pullorum testing programs may license as many trained technicians as he deems necessary to aid the programs

Section 2 Every applicant for licensure as a poultry technician shall furnish evidence that he is at least twenty-one years of age a citizen of the United States or has legally declared his intention to become such is of good moral character has completed at least eight years of education in a public parochial or private school or its equivalent as evaluated by the Department of Public Instruction and has satisfactorily completed a course of training in poultry blood-testing as prescribed by the Department of Agriculture

Section 3 The course of training for a poultry technician shall be conducted by a person who is a graduate of an accredited school of veterinary medicine and shall include the harmless and painless manner of drawing blood from live poultry the proper handling and preservation of blood samples and any other related instruction which the Secretary of Agriculture deems essential to safely conduct such work

Section 4 No application for licensure as a poultry technician shall be considered unless accompanied by a fee of five dollars (\$5.00) Such licenses when issued shall be in force unless revoked for cause until January first of each year at which time they may be renewed upon payment of the five dollar (\$5.00) fee if renewal application is approved by the Department of Agriculture

Appeals from any action of the secretary of agriculture which results in a refusal to issue or renew or in a suspension or revocation of a license shall be taken in accordance with the provisions of the act of June 4, 1945 (P. L. 1388) known as the "Administrative Agency Law"

Section 5 All persons licensed as poultry technicians may engage for compensation in drawing blood from poultry to be used in pullorum testing without being licensed as a veterinarian The license shall not entitle him to perform any other function for which a veterinarian's license is required

Section 6 The Secretary of Agriculture may (1) adopt and promulgate rules and regulations Governing the activities methods and functions of all technicians licensed under the provisions of this act and (2) suspend or revoke the license of any licensee who is (I) incompetent (II) fails to comply with the provisions of this act or any rule or regulation of the secretary or (III) is intemperate in the use of stimulants narcotics or any other substance which impairs the performance of his duties

Section 7 Any person other than a licensed veterinarian or one licensed as a lay technician as provided in this act who engages in the practices of drawing blood samples to be used in pullorum testing shall upon conviction thereof in a summary proceeding be sentenced to pay a fine of one hundred dollars (\$100.00)

Section 8 A person licensed under the provisions of this act engaged to draw blood samples from poultry to be used in pullorum testing shall not be employed by the owner of the poultry

Section 9 The act of April 27, 1945 (P. L. 321) known as "The Veterinary Law" is repealed in so far as it is inconsistent with this act

Section 10 This act shall take effect immediately

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

#### YEAS—33

Barr,	Harney,	Miller,	Silvert,
Berger,	Hays,	Mullin,	Stevenson,
Camiel,	Lane,	Peelor,	Stiefel,
Dent,	Madigan,	Propert,	Taylor,
DiSilvestro,	Mahany,	Ruth,	Van Sant,
Donolow,	McCreesh,	Schmidt,	Wagner,
Flack,	McGinnis,	Scott,	Watkins,
Fleming,	McMenamin,	Seyler,	Weiner,
Haluska,			

#### NAYS—11

Blass,	Kessler,	McPherson, Jr.,	Wolfe,
Chapman	Koprivier, Jr.,	Wade,	Yosko,
Diehlm,	Mallery,	Whalley,	

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

#### BILLS OVER IN ORDER

Mr. MAHANY. Mr. President, I ask unanimous consent that House Bill No. 756, Printer's No. 1308, on third reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. MAHANY. Mr. President, I ask unanimous consent that the following bills, on third reading, go over in their order:

Senate Bill No. 802, Printer's No. 452;  
House Bill No. 856, Printer's No. 248;  
House Bill No. 857, Printer's No. 1309;  
Senate Bill No. 889, Printer's No. 404;  
Senate Bill No. 890, Printer's No. 405;  
Senate Bill No. 891, Printer's No. 406;  
Senate Bill No. 892, Printer's No. 414;  
Senate Bill No. 893, Printer's No. 407;  
Senate Bill No. 894, Printer's No. 408;  
Senate Bill No. 895, Printer's No. 409; and  
Senate Bill No. 896, Printer's No. 458.

The President. Is there objection? The Chair hears none.

#### BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 970, as follows:

An Act amending the Act of May 1 1929 P L 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles



and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" by changing requirements and penalties concerning lamps and illuminating devices

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 802 Act of May 1 1929 (P L 905) known as "The Vehicle Code" is amended by adding after subsection (c) thereof two (2) new subsections to read Section 802 Additional Permissible Lights and Devices

\* \* \*

(d) Warning Devices Any vehicle used exclusively for repair or emergency purposes may be equipped with not to exceed one (1) warning lamp of a type approved by the secretary to be used only in connection with repair or emergency work while the vehicle is stationary

(e) Flashing Emergency Lamps Any snow plow or cinder truck operated by or for the Department of Highways of this Commonwealth or operated by or for the highway department of any political subdivision may be equipped with not to exceed one (1) flashing emergency lamp of a type approved by the secretary for use in emergency only

Section 2 The penalty clause of section 802 of the act amended June 27, 1939 (P L 1135) is amended to read

Section 802 Additional Permissible Lights and Devices

\* \* \*

Penalty Any person violating any of the provisions of this section or any person who shall use a warning lamp of the type authorized by subsection (d) of this section while a vehicle is in motion shall upon summary conviction before a magistrate be sentenced to pay a fine of ten (\$10) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than five (5) days

Section 3 This act shall take effect immediately

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

#### YEAS—44

Barr,	Haluska,	McMenamin,	Stevenson,
Berger,	Harney,	McPherson, Jr.,	Stiefel,
Blass,	Hays,	Miller,	Taylor,
Camel,	Kessler,	Mullin,	Van Sant,
Chapman,	Koprivier, Jr.,	Peelor,	Wade,
Dent,	Lane,	Propert,	Wagner,
Diehm,	Madigan,	Ruth,	Watkins,
DiSilvestro,	Mahany,	Schmidt,	Weiner,
Donolow,	Mallery,	Scott,	Whalley,
Flack,	McCreesh,	Seyler,	Wolfe,
Fleming,	McGinnis,	Silvert,	Yosko,

#### NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representative with information that the Senate has passed the same without amendments.

#### BILLS OVER IN ORDER

Mr. MAHANY. Mr. President, I ask unanimous consent that the following bills, on third reading, go over in their order:

House Bill No. 1294, Printer's No. 1306; and House Bill No. 1795, Printer's No. 1086.

The PRESIDENT. Is there objection? The Chair hears none.

#### HOUSE BILL No. 1537 CALLED UP FROM THIRD READING POSTPONED CALENDAR

Mr. FLEMING. Mr. President, I call up from the Third Reading Postponed Calendar, House Bill No. 1537, for consideration at this time.

#### PARLIAMENTARY INQUIRY

Mr. FLEMING. Mr. President, I rise to a question of parliamentary inquiry.

The PRESIDENT. The gentleman from Allegheny, Mr. Fleming, will state his question of parliamentary inquiry.

Mr. FLEMING. Mr. President, is it possible, in one motion, to recommit more than one bill or is a separate motion necessary for each bill?

The PRESIDENT. It would require separate motions.

#### BILL RECOMMITTED

Mr. FLEMING. Mr. President, in view of the report made to this Body today, presented to the Senate by Senator Lane on behalf of the Investigating Committee at Morganza, and in following out one of the recommendations of that report, I want to move these bills back to committee.

Mr. President, I move that House Bill No. 1537, on third reading, entitled:

An Act authorizing Department of Property and Supplies with the approval of the Governor to sell and convey 50.6 acres more or less of land situate in Cecil Township Washington County.

be recommitted to the Committee on State Government.

Mr. LANE. Mr. President, I second the motion.

The motion was agreed to.

#### HOUSE BILL No. 1538 CALLED UP FROM THIRD READING POSTPONED CALENDAR

Mr. FLEMING. Mr. President, I call up from the Third Reading Postponed Calendar, House Bill No. 1538, for consideration at this time.

#### BILL RECOMMITTED

Mr. FLEMING. Mr. President, I move that House Bill No. 1538, on third reading, entitled:

An Act authorizing the Department of Property and Supplies with the approval of the Governor to sell and convey 90 acres more or less of land situate in North Strabane Township Washington County.

be recommitted to the Committee on State Government.

Mr. LANE. Mr. President, I second the motion.

The motion was agreed to.

#### HOUSE BILL No. 1539 CALLED UP FROM THIRD READING POSTPONED CALENDAR

Mr. FLEMING. Mr. President, I call up from the Third Reading Postponed Calendar, House Bill No. 1539, for consideration at this time.



**BILL RECOMMITTED**

Mr. FLEMING. Mr. President, I move that House Bill No. 1539, on third reading, entitled:

An Act authorizing the Department of Property and Supplies with the approval of the Governor to sell and convey 40 acres more or less of land situate in Cecil Township Washington County.

be recommitted to the Committee on State Government.

Mr. LANE. Mr. President, I second the motion.

The motion was agreed to.

**HOUSE BILL No. 1540 CALLED UP FROM THIRD  
READING POSTPONED CALENDAR**

Mr. FLEMING. Mr. President, I call up from the Third Reading Postponed Calendar, House Bill No. 1540, for consideration at this time.

**BILL RECOMMITTED**

Mr. FLEMING. Mr. President, I move that House Bill No. 1540, on third reading, entitled:

An Act authorizing the Department of Property and Supplies with the approval of the Governor to sell and convey 40 acres more or less of land situate in Cecil Township Washington County.

be recommitted to the Committee on State Government.

Mr. LANE. Mr. President, I second the motion.

The motion was agreed to.

**HOUSE BILL No. 1541 CALLED UP FROM THIRD  
READING POSTPONED CALENDAR**

Mr. FLEMING. Mr. President, I call up from the Third Reading Postponed Calendar, House Bill No. 1541, for consideration at this time.

**BILL RECOMMITTED**

Mr. FLEMING. Mr. President, I move that House Bill No. 1541, on third reading, entitled:

An Act authorizing the Department of Property and Supplies with the approval of the Governor to sell and convey 117 acres more or less of land situate in Cecil Township Washington County.

be recommitted to the Committee on State Government.

Mr. LANE. Mr. President, I second the motion.

The motion was agreed to.

**SECOND READING CALENDAR****BILL OVER IN ORDER**

Mr. FLEMING. Mr. President, I ask unanimous consent that House Bill No. 173, Printer's No. 1247, on second reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

**BILL ON SECOND READING**

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 317, entitled:

An Act fixing the salaries and compensation of the Chief Justice and judges of the Supreme Court the President

Judge and judges of the Superior Court the judges of the courts of common pleas the judges of the orphans' courts the judges of the Municipal Court of Philadelphia and the judges of the County Court and Juvenile Court of Allegheny County certain associate judges not learned in the law and repealing certain inconsistent acts.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

**BILL ON SECOND READING AMENDED**

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 318, entitled:

An Act pertaining to the resignation and retirement of judges under certain conditions fixing their compensation upon resignation or retirement and imposing duties on certain State officers

The first, second, third and fourth sections were read and agreed to.

The fifth section was read.

On the question,

Will the Senate agree to the section?

Mr. FLEMING offered the following amendment:

Amend Sec. 5, page 6, line 13, by inserting after "shall"; "not exceed eighty per centum of the salary received by him during the last twelve months of service as a judge and shall."

It was agreed to.

The section was agreed to as amended.

The sixth, seventh and eighth sections and title were read and agreed to.

And said bill having been read at length the second time, and agreed to as amended.

Ordered, To be transcribed for a third reading.

**BILL OVER IN ORDER**

Mr. LANE. Mr. President, I ask unanimous consent that Senate Bill No. 382, Printer's No. 472, on second reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

**BILL ON SECOND READING AMENDED**

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 420, entitled:

An Act amending the act of May 1, 1929 (P. L. 905) entitled "The Vehicle Code" providing additional enforcement procedures on traffic violations in first and second class cities

The first section was read.

On the question,

Will the Senate agree to the section?

**REQUEST THAT BILL GO OVER IN ORDER**

Mr. FLEMING. Mr. President, I ask unanimous consent that this bill go over in its order.

The PRESIDENT. Is there objection?



Mr. McMENAMIN. Mr. President, I desire to interrogate the gentleman from Allegheny, Senator Fleming.

The PRESIDENT. Will the gentleman from Allegheny, Mr. Fleming, permit himself to be interrogated

Mr. FLEMING. I will, Mr. President.

Mr. McMENAMIN. I would like to add amendments to Senate Bill No. 420, which would have the effect of including Scranton along with Philadelphia and Pittsburgh. Would you have any objection if I offered them at this time?

#### REQUEST THAT BILL GO OVER IN ORDER WITHDRAWN

Mr. FLEMING. Mr. President, I withdraw my request to have the bill go over in order. I have no objection to the amendments being offered.

And the question recurring,

Will the Senate agree to the section?

Mr. McMENAMIN offered the following amendments:

Amend Sec. 1 (Sec. 1202.1) page 3, line 4 by inserting after "first": "second"; Amend Sec. 1 (Sec. 1202.1) page 3, line 4 by inserting after "class": "A"; Amend Sec. 1 (Sec. 1202.2) page 3, line 15 by inserting after "first": "second"; Amend Sec. 1 (Sec. 1202.2) page 3, line 15 by inserting after "class": "A"; Amend Sec. 1 (Sec. 1202.2) page 3, line 19 by striking out "class" and inserting in lieu thereof: "and second class A"; Amend Sec. 1 (Sec. 1202.2) page 4, line 6 by inserting after "first": "second"; Amend Sec. 1 (Sec. 1202.2) page 4, line 6 by inserting after "class": "A"; Amend Sec. 1 (Sec. 1202.2) page 4, line 14 by inserting after "first": "second"; Amend Sec. 1 (Sec. 1202-2) page 4, line 15 by inserting after "class": "A"; Amend Sec. 1 (Sec. 1202-2) page 4, line 17 by inserting after "first": "second"; Amend Sec. 1 (Sec. 1202-2) page 4, line 17 by inserting after "class": "A."

They were agreed to.

The section was agreed to as amended.

The second section was read and agreed to.

The title was read.

On the question,

Will the Senate agree to the title?

Mr. McMENAMIN offered the following amendments:

Amend Title, page 2, next to last line of Title, by inserting after "first": "second"; Amend Title, page 2, last line of Title, by inserting after "class": "A."

They were agreed to.

The title was agreed to as amended.

And said bill having been read at length the second time, as amended.

On the question,

Will the Senate agree to the bill on second reading, as amended?

#### BILLS OVER IN ORDER

Mr. McMENAMIN. Mr. President, I ask unanimous consent that Senate Bill No. 420, Printer's No. 451, on second reading, go over in its order as amended.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. FLEMING. Mr. President, I ask unanimous consent that the following bills, on second reading, go over in their order:

House Bill No. 655, Printer's No. 258; and

Senate Bill No. 857, Printer's No. 383.

The PRESIDENT. Is there objection? The Chair hears none.

#### BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 866, entitled:

An Act to further amend section nine hundred two of the act approved the first day of May one thousand nine hundred twenty-nine (P. L. 905) entitled "The Vehicle Code" by changing the total maximum length of certain vehicles

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 1330, entitled:

An Act amending the act of May 17, 1921 (P. L. 682) entitled "The Insurance Company Law of 1921" further regulating reserves with respect to certain domestic mutual insurance companies

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

#### BILLS OVER IN ORDER

Mr. FLEMING. Mr. President, I ask unanimous consent that the following bills, on second reading, go over in their order:

House Bill No. 1417, Printer's No. 722; and

House Bill No. 1773, Printer's No. 1079.

The PRESIDENT. Is there objections? The Chair hears none.

#### BILLS ON FIRST READING

Mr. FLEMING. Mr. President, I move that the Senate do now proceed to the first reading of all bills reported from committees for the first time at today's session.

Mr. CAMIEL. Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 26, entitled:

An Act authorizing the Department of Highways, with the approval of the Governor, to erect and construct a toll bridge over the Monongahela River connecting the State highway system in Washington County with the system of State highways in Fayette County, and to provide the necessary approaches and connections with such State highways; empowering counties to pay certain damages; providing for the collection of tolls; and making an appropriation.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 151, entitled:



An Act amending the act of March ten one thousand nine hundred forty-nine (P. L. 30) entitled "Public School Code of 1949," increasing mileage rate and daily expense allowance of directors and mileage rate of members of joint school boards and of joint school committees.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 160, entitled:

An Act amending the act of March ten one thousand nine hundred forty-nine (P. L. 30) entitled "Public School Code of 1949," extending the area in which school directors may attend out of State meetings and increasing mileage rate and daily expense allowance therefor.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 333, entitled:

An Act amending the act of January 18, 1952 (P. L. 2111), entitled "An act to provide for minimum compensation and increments for administrators and members of the faculty of State Teachers Colleges; \* \* \*" increasing the minimum compensation and increment.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 407, entitled:

An Act amending the act of August 10, 1951 (P. L. 1182) entitled "Chiropractic Registration Act of 1951," extending the period for application for limited examination clarifying certain provisions thereof establishing further standards of educational conferences and requiring board approval thereof providing for branch office certificates and prohibiting branch office practice without such certificate.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 590, entitled:

An Act amending the act of March 10, 1949 (P. L. 30), entitled "Public School Code of 1949" authorizing school directors of districts in a jointure to vote at county convention meetings in the county where the joint school is located.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 623, entitled:

An Act amending the act of March 10, 1949 (P. L. 30), entitled "Public School Code of 1949" providing for payment by the Commonwealth to school districts for the acceptance of non-resident inmates of children's institutions into its schools.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 651, entitled:

An Act amending the act of March 10, 1949 (P. L. 30), entitled "Public School Code of 1949" changing the number and value of scholarships.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 832, entitled:

An Act amending the act of May 3, 1915 (P. L. 226), entitled "An act to establish and regulate the fees to be received and charged by the prothonotary of the courts of common pleas of this Commonwealth . . ." changing and further fixing the fees to be charged by the prothonotary.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 833, entitled:

An Act amending the act of June 12, 1919 (P. L. 476), entitled, as amended, "An act to regulate and establish the fees to be charged and collected by the recorder of deeds in counties of the second class" increasing amount of fees to be charged and collected by recorders in counties of the second class.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 843, entitled:

An Act amending the act of June 1, 1933 (P. L. 1172), entitled "Borough Rural State Highway Law" adding a new route in the Borough of Coudersport.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 851, entitled:

An Act amending the act of March 10, 1949 (P. L. 30), entitled "Public School Code of 1949" requiring approval of the electors of the school districts before entering into any lease with the State Public School Building Authority or any municipality authority or nonprofit corporation; and providing for elections thereon.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 864, entitled:

An Act directing the Highway & Bridge Authority in cooperation with the City of Harrisburg, and at the expense of the Commonwealth, to construct a by-pass through the northeast corner of Capitol Park.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,



The Senate proceeded to the first reading and consideration of Senate Bill No. 905, entitled:

An Act authorizing the Department of Property and Supplies, to acquire by gift ninety-three acres more or less, of land with buildings thereon in the City of Pittsburgh, Allegheny County, for maintenance by the Department of Health as a sanatorium or hospital for the reception and treatment of indigent persons affected with tuberculosis; and making an appropriation.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 916, entitled:

An Act authorizing the Pennsylvania Historical and Museum Commission to make a study of appropriate ways and methods for developing and promoting the historical interest of Philadelphia and vicinity and specifically for developing a "colonial compound" in Germantown.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 949, entitled:

An Act amending the act of March 10, 1949 (P. L. 30), entitled "Public School Code of 1949," providing for courses of study in first aid and Home Nursing to be included during the last four years of any complete high school program.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 1021, entitled:

An Act amending the act of March 10, 1949 (P. L. 30), entitled "Public School Code of 1949," granting the right to a hearing and appeal before the State Council of Education on the creation or change of a third or fourth class school district.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 1221, entitled:

An Act amending the act of March 10, 1949 (P. L. 30), entitled "Public School Code of 1949," limiting the period for approval of one-room one-teacher schools.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 1224, entitled:

An Act amending the act of April 3, 1947 (P. L. 55), entitled "An act authorizing cities boroughs towns and townships to regulate parking lots within their boundaries and to collect license or permit fees and require bonds from the operators thereof" authorizing certain political subdivisions to regulate motor vehicles parking garages.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 1248, entitled:

An Act amending the act of March 10, 1949, (P. L. 30), entitled "Public School Code of 1949" extending the time within which school taxes shall be levied and assessed by the board of school directors in school districts of the second third and fourth class.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 1340, entitled:

An Act amending the act of March 10, 1949, (P. L. 30), entitled "Public School Code of 1949" further providing for payments to school districts on account of pupil transportation.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 1397, entitled:

An Act amending the act of June 21, 1939 (P. L. 566), entitled "The Pennsylvania Occupational Disease Act," changing provisions relating to liability of employers and benefits and persons entitled thereto changing certain rules of evidence and regulating practice and procedure authorizing commutation of certain awards providing for certain subrogation rights and the fixing of certain fees prescribing penalties making an appropriation and generally clarifying and changing the provisions of the act.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 1398, entitled:

An Act amending the act of June 2, 1915 (P. L. 736), entitled "The Pennsylvania Workmen's Compensation Act," changing provisions relating to liability of employers and benefits and persons entitled thereto changing certain rules of evidence and regulating practice and procedure authorizing commutation of certain awards providing for certain subrogation rights and the fixing of certain fees prescribing penalties making appropriations and generally clarifying and changing the provisions of the act.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 1526, entitled:

An Act amending the act of March 7, 1901 (P. L. 20), entitled "An act for the government of cities of the second class" requiring reimbursement to cities of second class for costs incurred in the collection of certain fines.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 1566, entitled:



An Act amending the act of March 10, 1949, (P. L. 30), entitled "Public School Code of 1949" regulating the acceptance of nonresident school children.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order.

The Senate proceeded to the first reading and consideration of House Bill No. 1567, entitled:

An Act amending the act of March 10, 1949 (P. L. 30) entitled "Public School Code of 1949" providing for payments on account of nonresident pupil transportation.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order.

The Senate proceeded to the first reading and consideration of House Bill No. 1579, entitled:

An Act amending the act of March 10, 1949 (P. L. 30) entitled "Public School Code of 1949" providing for pupil transportation in institutions and providing for reimbursements.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order.

The Senate proceeded to the first reading and consideration of House Bill No. 1777, entitled:

An Act to further amend the act approved the ninth day of April one thousand nine hundred twenty-nine (P. L. 177) entitled "The Administrative Code of 1929" by further defining the powers of the Department of Property and Supplies relating to automobiles.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order.

The Senate proceeded to the first reading and consideration of House Bill No. 1786, entitled:

An Act providing for cooperation by the Commonwealth of Pennsylvania in conjunction with the State of New Jersey with the United States of America in the improvement and maintenance of the Delaware River between Allegheny Avenue Philadelphia Pennsylvania and Trenton Marine Terminal Trenton New Jersey and making an appropriation.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order.

The Senate proceeded to the first reading and consideration of House Bill No. 1838, entitled:

An Act amending the act of March 10, 1949 (P. L. 30) entitled "Public School Code of 1949," further regulating the admission of beginners to the public schools.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

### SENATE RESOLUTION

BIRTHDAY FELICITATIONS EXTENDED TO THE  
HONORABLE JOHN CARL MILLER

Mr. BARR. Mr. President, I ask unanimous consent to offer a resolution at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. BARR offered the following resolution which was twice read, considered and agreed to:

In the Senate, January 24, 1956.

In past years many distinguished men have served as members of the Pennsylvania State Senate. It is with a feeling of joy and satisfaction that we congratulate one such distinguished member, the Honorable John Carl Miller, upon the thirty-sixth anniversary of his birthday, which falls on the twenty-seventh day of January, 1956.

Senator Miller, though young in years, has actively pursued and attained many goals in a relatively short span of years. The son of Dr. and Mrs. John L. Miller, and the husband of Mildred Jean (nee Jeffrey) Miller, he is well known in Western Pennsylvania for his numerous activities in civic and fraternal affairs.

A veteran of World War II, he served our State and country faithfully. He has always shown a sincere interest in and extended a helping hand to his fellowmen, regardless of race, creed or color.

Before coming to the Senate he rendered distinguished service to the Commonwealth of Pennsylvania as a member of the House of Representatives; therefore be it

Resolved, That the Senate of Pennsylvania hereby congratulates the Honorable John Carl Miller on the celebration of his thirty-sixth birthday, and extends its best wishes for abundant health and happiness in the years ahead.

The PRESIDENT. The Senate will be at ease, awaiting communication from the House of Representatives.

(The Senate was at ease.)

The PRESIDENT pro tempore (M. Harvey Taylor) in the Chair.

### HOUSE MESSAGE

#### HOUSE CONCURS IN SENATE CONCURRENT RESOLUTION

The Clerk of the House of Representatives being introduced, informed the Senate that the House has concurred in resolution from the Senate as follows:

#### TIME OF NEXT MEETING

In the Senate, January 24, 1956.

Resolved (the House of Representatives concurring), That when the Senate adjourns this week, it reconvene on Monday, January 30, 1956, at one o'clock, p.m., E.S.T., and when the House of Representatives adjourns this week, it reconvene on Monday, January 30, 1956, at a time to be fixed by the House of Representatives.

### ADJOURNMENT

Mr. VAN SANT. Mr. President, I move that the Senate do now adjourn until Monday, January 30, 1956, at 1:00 o'clock, p.m., Eastern Standard Time.

Mr. DiSILVESTRO. Mr. President, I second the motion. The motion was agreed to.

The Senate adjourned at 6:54 o'clock, p.m., Eastern Standard Time, until Monday, January 30, 1956, at 1:00 o'clock, p.m., Eastern Standard Time.



## HOUSE OF REPRESENTATIVES

TUESDAY, January 24, 1956

The House met at 1:00 p. m.

The SPEAKER (Hiram G. Andrews) in the Chair.

## PRAYER

The Chaplain, Reverend Harold J. Crouse, Pastor of Trinity Lutheran Church, York, offered the following prayer:

Lord God Jehovah, Almighty Ruler and Governor of the Universe, before whose throne the nations must all bow, grant that they may bow there with sacred joy, for Thou art God alone; Thou canst create, Thou canst destroy.

We beseech Thee to make us a nation of humble God-fearing people. Continue to bless our land, its institutions, its governors, its people.

O Lord blot out our transgressions, heal the evil of our past ignorance. Lift up by Thy gracious favor these Representatives to new love, to new energy and devotion so that they may go forth in Thy strength through success and failure, through good report and evil report, even to the very end. Raise them up to a lively hope and trust in Thy presence and mercy, through Jesus Christ our Lord. Amen.

The SPEAKER. The Chair requests the gentleman from Cambria, Mr. Lopresti, to preside temporarily.

Mr. LOPRESTI IN THE CHAIR

## JOURNAL APPROVAL POSTPONED

The SPEAKER pro tempore. If there is no objection, the approval of the Journal for Monday, January 23, 1956 will be postponed until printed. The Chair hears none.

## BILLS INTRODUCED AND REFERRED

The Speaker pro tempore. The Speaker has referred the following bills:

By Mr. STANK HOUSE BILL No. 1985

An Act amending the "Liquor Code" approved April 12, 1951, P. L. 90, authorizing the giving of notice by certified mail.

Referred to the Committee on Judiciary.

By Mr. MEHOLCHICK HOUSE BILL No. 1986

An Act amending "The Game Law," approved June 3, 1937 (P. L. 1225), prohibiting the carrying of firearms in certain cases by hunters after they have killed a legal big game animal.

Referred to the Committee on Conservation and Wild Life.

By Messrs. BRETH, KORNICK and ROVANSEK HOUSE BILL No. 1987

An Act amending "The Fish Law of 1925," approved May 2, 1925 (P. L. 448), authorizing in certain cases fishing in farm ponds without licenses, and regulating the transportation of fish taken from such ponds during closed seasons.

Referred to the Committee on Fisheries.

By Messrs. ROVANSEK and CAPANO

HOUSE BILL No. 1988

An Act to further amend clause seven of section two thousand four hundred one of the act, approved the tenth day of March, one thousand nine hundred forty-nine (Pamphlet Laws 30), entitled "An act relating to the public school system, including certain provisions applicable as well to private and parochial schools; amending, revising, consolidating and changing the laws relating thereto," by further regulating the appointment of auditors in union school districts.

Referred to the Committee on Education.

By Messrs. ANDREWS, READINGER, WOOD and JOHNSON HOUSE BILL No. 1989

An Act adopting an interpleader compact for the complete and expeditious adjudication of adverse claims to property in the hands of a stakeholder where one or more claimants are in different jurisdictions and entering into the compact with other states, territories and possessions of the United States and the District of Columbia that adopt the compact and are acceptable to this Commonwealth for the purposes of the compact.

Referred to the Committee on Judiciary.

By Messrs. ANDREWS, READINGER, WOOD and JOHNSON HOUSE BILL No. 1990

An Act authorizing and directing the Governor on behalf of the Commonwealth of Pennsylvania to execute an interstate compact concerning mental health and for related purposes.

Referred to the Committee on Welfare.

By Messrs. VAUGHAN and SARRAF HOUSE BILL No. 1991

An Act amending "The Administrative Code of 1929," approved April 9, 1929, P. L. 177, providing subsistence allowance for married members of the State Police Force.

Referred to the Committee on State Government.

By Messrs. LOPRESTI and KENT. HOUSE BILL No. 1992

An Act amending the "Fiduciaries Act of 1949," approved April 18, 1949 (P. L. 512), authorizing conveyance of specifically devised real property.

Referred to the Committee on Judiciary.

## RESOLUTION INTRODUCED AND REFERRED

The SPEAKER pro tempore. The Speaker has referred the following resolution:

By Mr. WORLEY. (Concurrent) RESOLUTION No. 145.

In the House of Representatives, January 23, 1956.

Resolved (the Senate concurring), That the Senate and the House of Representatives shall convene on Mondays and shall adjourn by 5:00 o'clock P. M. and remain adjourned until 9:00 o'clock A. M. on the following day. All other sessions shall be held between the hours of 9:00 A. M. and 12:00 o'clock noon and 1:00 o'clock P. M. and 5:00 o'clock P. M. When an evening session is necessary, the hours therefor shall be between 6:00 o'clock P. M. and 9:00 o'clock P. M. At no time shall the clock of the Senate or the clock of the House of Representatives be stopped, turned back or advanced as a means of defeating this resolution.

Referred to the Committee on Rules.



## REPORT OF JOINT COMMITTEE TO INVESTIGATE CONDITIONS AT PENNSYLVANIA TRAINING SCHOOL AT MORGANZA

The SPEAKER laid before the House the report of the Joint Committee of the Senate and House of Representatives appointed pursuant to Resolution No. 113 to investigate conditions at the Pennsylvania Training School at Morganza, which was read by the Clerk as follows:

To the Honorable, the Members of the Senate and House of Representatives, Commonwealth of Pennsylvania, Harrisburg, Pennsylvania.

The Joint Committee of the Senate and House of Representatives appointed pursuant to Resolution No. 113 of the 141st Session of the General Assembly of the Commonwealth of Pennsylvania relating to conditions at The Pennsylvania Training School at Morganza respectfully reports:

1. An inspection of The Pennsylvania Training School at Morganza was made personally by the Members of the Joint House-Senate Investigating Committee.

2. Public hearings were held by the Committee at which many witnesses were heard, 1135 pages of testimony taken and transcribed and many exhibits displayed and documents received.

3. In reply to the specific directive of the Resolution that the Investigating Committee report to the respective branches of the General Assembly as to the truthfulness of charges that The Pennsylvania Training School at Morganza is purportedly reminiscent of ancient and generally outmoded practices in its treatment of female trainees; and further that the female trainees at the training school are confined in cells with inadequate heating, clothing, no proper diet and no sanitary facilities, we find as a fact that such is the case and that there was produced at the hearings testimony and evidence to substantiate the accusations as stated in the Resolution.

4. The testimony, as heard by the Investigating Committee, disclosed that on certain occasions, known or that should have been known to the Superintendent and the Board of Trustees, events occurred at the Training School which the entire Committee agrees bordered on brutality. These included the beating of female trainees with a man's belt; the confinement of female trainees in isolation cells for periods upwards of three months without sanitary facilities or proper sleeping equipment, or even the solace of a religious representative.

5. Inspection of the premises at the Training School showed inadequate quarters for inmates, unbelievably poor sanitary facilities, unsound nutrition, outmoded school books, shacks for school buildings and an inadequate school program.

6. The Committee found that there was a lack of coordination in the chain of command and that proper supervision was not exercised. One male trainee was seriously injured, his injuries confining him to a hospital for many days, because no responsible person was present when another male trainee clubbed the first mentioned trainee senseless.

7. The Committee condemns the present merit system at the Training School.

8. The Committee found during its hearings

through testimony that the fact is definitely established the Superintendent of the Training School had knowledge of conditions existing at the Training School as early as November, 1954.

9. Finally, since specifically authorized to do so by the terms of the Resolution, the Joint Investigating Committee would like to make certain recommendations to the Legislature and to the Secretary of Welfare concerning The Pennsylvania Training School at Morganza. The Committee feels that these recommendations, if adopted, will elevate The Pennsylvania Training School at Morganza to a higher standard than it now possesses. The recommendations are as follows:

A newsman quickly asked the Governor at the earliest possible time, The Pennsylvania Training School at Morganza be made an all male school and that a separate similar school for females be established.

B. When the terms of the present Board of Trustees expire, the Committee recommends that replacements be appointed to include three Juvenile Court Judges, two members of the General Assembly, only one of whom shall be from the same political party, and four members at large.

C. The Committee recommends that rehabilitation be conducted on an individual classification and that an incentive system be established at the Training School.

D. The Committee recommends that no person shall be permitted to prescribe or administer medication to trainees at the Training School without the proper license from the Commonwealth of Pennsylvania.

E. The Committee recommends that the education system at the Training School be accredited by the Department of Public Instruction.

F. It is recommended that an all-Faith Chapel be established at the Training School.

G. The Committee recommends that the Training School have isolation cells which are properly and sanitarily equipped. That a trainee in solitary confinement should have proper clothing and diet and that no trainees in solitary confinement should be deprived of religious counsel. Indestructible bedding and equipment should be installed in isolation cells and there should be at least one attendant to every ten occupied isolation cells at all times.

H. Specifically needed is access to medical care at all hours. The Committee recommends an improved communication system between the several buildings making up the Training School.

I. The Committee recommends that parents of any trainee, seriously injured or hospitalized, be notified immediately.

J. The Committee recommends that an on the job training program, which shall include farming and animal husbandry, be established at the Training School, and that an over-all athletic program be established under the supervision of a competent athletic director.

K. A resident Cottage Parent for each trainee cottage is recommended by the Committee and sole responsibility for trainees should be lodged in that Resident Cottage Parent, subject, of course, to the over-all supervision of the Superintendent.



L. The Committee recommends that the Superintendent, the staff, the Cottage Parents, and the Chaplains should make a quarterly report to the Board of Trustees, such report should include the status of those eligible for release and also the status of all other trainees.

M. The Committee respectfully recommends that the Board of Trustees invite the Chaplains of all faiths to attend their regular meetings.

N. The selling of the land comprising the water shed adjacent to the Training school is contemplated. The Committee strongly recommends that this land not be sold.

O. The Committee recommends that a copy of the testimony taken during the Committee hearings be turned over to the Attorney General of the Commonwealth of Pennsylvania. The Committee respectfully calls to the attention of the Attorney General, for his careful consideration, the testimony concerning Judy Blanque, James Moore, Robert Price, John J. Tribell, and also the testimony pertaining to the death of James O'Dell.

P. Mentally retarded children do not belong at The Pennsylvania Training School at Morgantown. These trainees should not be mixed with delinquents. A classification center is needed. The center should be located centrally in the Commonwealth. The Juvenile Courts should commit children to the center where they would receive the needed examination which will determine to which type of correctional institution the trainee should be committed.

The Committee is cognizant of the financial needs of the Training School and every consideration should be given for the proper rehabilitation of the Training School by the General Assembly.

The Committee would like to go on record as commending the Chamber of Commerce, the Junior Chamber of Commerce, other civic groups, and Episcopal Dean Moore, of Pittsburgh, for their fine work in the rehabilitation field at the Training School. Also that the two State Police Officers, Detectives T. W. Bell and W. H. Johnston, be commended. The Committee extends its grateful appreciation to the Attorney General for the use of the services of special counsel P. K. Jones.

All of which is respectively submitted by the following:

Senate Members, William J. Lane, Co-Chairman; Robert D. Fleming, Co-Chairman; John J. Haluska, Elmer J. Holland, William Z. Scott.

House Members, Michael R. Flynn, J. Dean Polen, Edwin W. Tompkins, John J. Vaughan, C. O. Williams, Raymond E. Wilt.

The SPEAKER pro tempore. The report will be printed in the Legislative Journal and the testimony will be filed. Copies of the report have been placed in the mailing boxes of the Members for their information.

### RESOLUTIONS

#### RECALLING HOUSE BILL NO. 342 FROM THE GOVERNOR

Mr. READINGER offered a resolution which was read, considered and adopted as follows:

In the House of Representatives, January 19, 1956.  
Resolved (if the Senate concur), That House Bill No.

342, Printer's No. 1248, entitled "An act amending the act of May 1 1929 (P. L. 905) entitled 'An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds' exempting and limiting the number of motor vehicles of war amputees from the payment of title or registration fees," be recalled from the Governor for the purpose of further consideration.

Ordered, That the Clerk present the same to the Senate for concurrence.

#### RECALLING HOUSE BILL No. 844 FROM THE GOVERNOR

Mr. READINGER offered a resolution which was read, considered and adopted as follows:

In the House of Representatives, January 17, 1956.

Resolved (if the Senate Concur), That House Bill No. 844, Printer's No. 1129, entitled "An act amending the act of May 1 1929 (P. L. 905) entitled 'An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures and miscellaneous receipts making an appropriation and providing for refunds' authorizing use of warning figures commonly known as 'silent policemen' to be erected within school zones on highways and State highways by certain political subdivisions," be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk present the same to the Senate for concurrence.

#### RECALLING HOUSE BILL No. 1002 FROM THE GOVERNOR

Mr. READINGER offered a resolution which was read, considered and adopted as follows:



In the House of Representatives, January 17, 1956.

Resolved (if the Senate concur), That House Bill No. 1002, Printer's No. 1076, entitled "An act relating to conditional sales made prior to July 1 1954," be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk present the same to the Senate for concurrence.

#### RECALLING HOUSE BILL No. 1172 FROM THE GOVERNOR

Mr. READINGER offered a resolution which was read, considered and adopted as follows:

In the House of Representatives, January 17, 1956.

Resolved (if the Senate concur), That House Bill No. 1172, Printer's No. 1092, entitled "An act amending the act of June 14 1923 (P. L. 710) entitled 'An act allowing and regulating boxing sparring and wrestling matches and exhibitions establishing a State Athletic Commission making an appropriation therefor and appropriating moneys received for monument and memorial purposes and prescribing penalties' prohibiting the use of a fictitious or assumed name for the purpose of participating in any amateur boxing match or exhibition," be recalled from the Governor for the purpose of further consideration.

Ordered, That the Clerk present the same to the Senate for concurrence.

#### RECALLING HOUSE BILL No. 1174 FROM THE GOVERNOR

Mr. READINGER offered a resolution which was read, considered and adopted as follows:

In the House of Representatives, January 19, 1956.

Resolved (if the Senate concur), That House Bill No. 1174, Printer's No. 1244, entitled "An act amending the act of March 10 1949 (P. L. 30) entitled 'An act relating to the public school system including certain provisions applicable as well to private and parochial schools amending revising consolidating and changing the laws relating thereto' by providing for military leaves of absence for public school employees who are inducted for military service at any time," be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk present the same to the Senate for concurrence.

### SENATE MESSAGES

#### AMENDED SENATE BILLS CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives to Senate bills numbered and entitled as follows:

#### SENATE BILL NO. 284.

An Act amending the act of April 9 1929 (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant

Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" creating the State Board of Chiropractic Examiners as a departmental administrative board in the Department of Public Instruction.

#### SENATE BILL NO. 285.

An Act relating to the practice of chiropractic conferring powers and imposing duties on the State Board of Chiropractic Examiners and the Department of Public Instruction and providing penalties.

#### SENATE BILL NO. 442.

An Act amending the act of April 9, 1929 (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," abolishing the State Osteopathic Surgeons' Examining Board and changing the character of the membership of the State Board of Osteopathic examiners.

#### SENATE BILL No. 443.

An Act amending the act of March 19, 1909 (P. L. 46), entitled "An act to regulate the practice of osteopathy in the State of Pennsylvania; to provide for the establishment of a State Board of Osteopathic Examiners; to define the powers and duties of said Board of Osteopathic Examiners; to provide for the examining and licensing of osteopaths in this state; and to provide penalties for the violation of this act," redefining osteopathy, changing the provisions relating to qualifications and licensing of osteopathic physicians and surgeons and abolishing the State Osteopathic Surgeons' Examining Board.

### SENATE MESSAGES

#### HOUSE BILLS CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bills from the House of Representatives numbered and entitled as follows:

#### HOUSE BILL No. 499.

A Joint Resolution proposing an amendment to article eight of the Constitution of the Commonwealth of Pennsylvania enabling the Legislature to enact legislation providing for absentee voting

#### HOUSE BILL No. 874.

An Act amending the act of June 24 1931 (P. L. 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" increasing millage of annual tax for general township purposes



With the information that the Senate has passed the same without amendment.

### SENATE MESSAGES

#### AMENDED HOUSE BILLS RECALLED FROM GOVERNOR CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

##### HOUSE BILL No. 445.

An Act amending the act of May 1, 1929 (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," further regulating passing school buses and loading zones and eliminating school bus stop signs.

##### HOUSE BILL No. 1621.

An Act amending the act of August 9, 1955 (P. L. ) (Act No. 130) entitled "An act relating to counties of the third fourth fifth sixth seventh and eighth classes amending revising consolidating and changing the laws relating thereto" authorizing collection of data concerning deceased veterans of armed conflicts authorizing the erection of monuments for veterans of armed conflicts.

##### HOUSE BILL No. 1622.

An Act amending the act of August 9, 1955 (P. L. ) (Act No. 130) entitled "An act relating to counties of the third fourth fifth sixth seventh and eighth classes amending revising consolidating and changing the laws relating thereto" extending the definition of "deceased service persons" to include service personnel serving in an armed conflict

Said bills having been recalled from the Governor for the purpose of amendment, the vote had on final passage and third reading on said bills were reconsidered in the House and the bills amended, in which amendments the Senate has concurred.

### SENATE MESSAGE

#### AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

##### HOUSE BILL No. 1907.

An Act making an appropriation to the Senate and

House of Representatives of the General Assembly for the salaries of officers and employes and mileage of members and incidental expenses for the balance of the Legislative session of 1955.

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments. The Clerk read the amendments as follows:

Amend the Title, line 1, by inserting after the word "the" the words "Senate and"; line 3, by inserting after the word "members" the following: "and incidental expenses for the balance of the legislative session of 1955."

Amend Section 1, page 1, line 2, by inserting after the word "the" the words "Senate and"; page 2, line 3, by inserting after the word "purposes" the following:

#### TO THE SENATE

For the payment of the salaries of the officers and employes of the Senate session of one thousand nine hundred fifty-five also for the payment of the session and recess salaries of all officers and employes whose positions are now or may hereafter be created and for the payment of which provision is not otherwise made also for the payment of any increases which may now or hereafter be authorized in the recess and session salaries of the officers and employes of the Senate whose present salaries are provided for in this section the sum of one hundred thousand dollars (\$100,000)

For the payment of mileage of fifty Senators the sum of sixteen thousand dollars (\$16,000)

For the payment of incidental expenses of the Senate to be expended by the chief clerk the sum of ten thousand dollars (\$10,000)

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

#### YEAS—204

Adam,	Frost,	Markley,	Rubin,
Agnew,	Gaffney,	Maxwell,	Rudisill,
Amarando,	Garlock,	McCann,	Sarraff,
Anderson, M. S.,	Gelfand,	McCormack,	Scarcell,
Anderson, S. A.,	George,	McGee,	Schuster,
Ashton,	Gibb,	McInroy,	Sherman,
Auker,	Gibson,	McKeever,	Sigman,
Banker,	Goldstein,	McLaughlin,	Smith, C. C.,
Barnatovich,	Gramlich,	McWherter,	Smith, Wm. B.,
Bazin,	Greenwood,	Meholchick,	Snider,
Bell,	Guss,	Metz,	Stank,
Blair,	Hamilton, R. K.,	Mihm,	Stebbins,
Boles,	Hass,	Mikula,	Steckel,
Bonner,	Haudenshield,	Miller,	Stephens,
Boory,	Heavey,	Mills,	Stevenson,
Bower,	Helm,	Monroe,	Stone,
Branca,	Henzel,	Moody,	Stoner,
Breisch,	Hewitt,	Moran,	Strausser,
Brennan, A. P.,	Hocker,	Moscrip,	Stroup,
Brennan, J. J.,	Holt,	Muldowney,	Swartz,
Brenninger,	Horst,	Mullen,	Taylor,
Breth,	Houk,	Munley,	Thomas,
Brown,	Isaacs,	Murphy,	Thompson,
Bucchin,	Jenkins,	Murray, H. P.,	Toll,
Bullen,	Johnson,	Murray, J. J.,	Tompkins,
Capano,	Jones, G. E.,	Murray, P. G.,	Toomey,
Cianfrani,	Jones, T. H. W.,	Musto,	Varallo,
Cloffi,	Jump,	Naugle,	Varnier,
Cochran,	Kamyk,	Needham,	Vernona,
Comer,	Kehler,	Ogilvie,	Vaughan,
Connelly,	Keller,	Olsen,	Wall,
Cooper,	Kent,	O'Neil,	Wallace,
Curwood,	Kline,	Paeckhoff,	Walsh,
Davis,	Knecht,	Parry,	Wargo,
Donahus,	Kolankiewicz,	Pashley,	Waterhouse,
Donaldson,	Kooker,	Paulhamus,	Weldner,
Dougherty,	Kornick,	Petrosky,	Welsh,
Down,	Kromer,	Pettigrew,	Wescott,
Ehrgood,		Polaski,	Wheeler,



Ellberg,	Lafore,	Polen,	Whitenight,
Erb,	Lawyer,	Pomeroy,	Willaredt,
Eshleman,	Leiby,	Price,	Williams,
Ewing,	Lelsey,	Pursley,	Wilt,
Farabaugh,	Leonard,	Readinger,	Wood,
Filo,	Leven,	Reibman,	Worley,
Fineman,	Light,	Reidenbach,	Yetter,
Flint,	Limper,	Renwick,	Young,
Floyd,	Lippincott,	Rigby,	Ziegler,
Flynn,	Lopresti,	Rosen,	Andrews,
Frank,	Lovett,	Rovansek,	Speaker
Frascella,	Magtee,	Lutty,	
	Mahan,	Royer,	

NAYS—0

NOT VOTING—3

Foster, Guthrie, Kratz,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

### BILLS SIGNED BY SPEAKER

The SPEAKER pro tempore. The Speaker signed the following bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

#### HOUSE BILL No. 445.

An Act amending the act of May 1 1929 (P. L. 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" further regulating passing school buses and loading zones and eliminating school bus stop signs

#### HOUSE BILL No. 499.

A Joint Resolution proposing an amendment to article eight of the Constitution of the Commonwealth of Pennsylvania enabling the Legislature to enact legislation providing for absentee voting.

#### HOUSE BILL No. 874.

An Act amending the act of June 24, 1931 (P. L. 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" increasing millage of annual tax for general township purposes

#### HOUSE BILL No. 1621.

An Act amending the act of August 9, 1955 (P. L. ) (Act No. 130) entitled "An act relating to counties of the third fourth fifth sixth seventh and eighth classes amending revising consolidating and changing the laws relating thereto" authorizing collection of data concern-

ing deceased veterans of armed conflicts authorizing the erection of monuments for veterans of armed conflicts.

#### HOUSE BILL No. 1622.

An Act amending the act of August 9, 1955 (P. L. ) (Act No. 130) entitled "An act relating to counties of the third fourth fifth sixth seventh and eighth classes amending revising consolidating and changing the laws relating thereto" extending the definition of "deceased service persons" to include service personnel serving in an armed conflict.

#### HOUSE BILL No. 1907.

An Act making an appropriation to the Senate and House of Representatives of the General Assembly for the salaries of officers and employes and mileage of members and incidental expenses for the balance of the Legislative session of 1955.

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

### QUESTION OF PERSONAL PRIVILEGE

Mrs. DONOHUE. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER pro tempore. The lady will state it.

Mrs. DONOHUE. Mr. Speaker, in the Journal of Monday, December 12th, I find I was recorded as "not voting" on six bills, I am also recorded as voting on five bills interspersed.

On page 5026 on Senate Bill 773 I am recorded as "not voting" and on page 5027 House Bill 1073 I am recorded as "not voting." I know I was in my seat especially to vote on 1073, as that was the bill whereby the Department of Welfare would set up the conservation camps for juvenile delinquents in which I was very much interested.

Another reason I know I was in the Hall of the House, I have not missed any regular sessions and I have made it a point to be in my seat and answer to roll calls.

Then on page 5032 I am recorded as "not voting" on House Bill 1874; on page 5033 I am recorded as "not voting" on House Bill 1875; on page 5033 I am recorded as "not voting" on House Bill 1881, and on page 5035 I am recorded as "not voting" on Senate Bill 520.

I wish this would be corrected in the Journal.

The SPEAKER pro tempore. The remarks of the lady from Clinton, Mrs. Donohue, will be spread in full on the Legislative Journal.

### PERMISSION GRANTED COMMITTEES TO MEET DURING SESSION

Mr. AMARANDO asked an obtained permission for the Committee on Motor Vehicles to meet during the session of the House.

Mr. WILLIAMS asked and obtained permission for the Committee on Mines and Mining to meet during the session of the House.

### QUESTION OF PERSONAL PRIVILEGE

Mr. TOMPKINS. I rise to a question of personal privilege.

The SPEAKER pro tempore. The gentleman will state it.

Mr. TOMPKINS. Mr. Speaker, before I arrived this afternoon I understood the Morganza report was filed.

The SPEAKER pro tempore. The gentleman is correct.



Mr. TOMPKINS. Mr. Speaker, in tonight's issue of the Harrisburg Evening News in their coverage of that report they have as follows:

Representative Edwin W. Tompkins bolted from the Committee on the last day of public hearings last October on the contention that "politics has crept into the hearings."

For the purposes of the record I want it to show I did not bolt that meeting. That bolt was by Senator Koprivier.

The SPEAKER pro tempore. The remarks of the gentleman under the question of personal privilege will be spread in full on the Legislative Journal of the House.

### PERMISSION TO ADDRESS HOUSE

Mr. TOMPKINS asked and obtained unanimous consent to address the House.

Mr. Speaker, there was an editorial in last night's Harrisburg Evening News as follows, it is headed "Speak Up, Governor."

In the course of his press conference last week, Governor Leader had this to say:

"The Republicans are trying to work out a beautiful scheme. They are trying to work out a beautiful scheme where they would saddle the Democratic Party with a Republican sales tax.

"And I must say that some elements of the press have not been totally uncooperative with them to pull off this diabolical scheme."

It is the last paragraph of this quotation that we would like to discuss.

A newsman quickly asked the Governor at the press conference if he was differing with the right of newspapers to advocate the sales tax and oppose the Governor's tax plans on their editorial pages.

The Governor would not elaborate on the bare bones of his broadside charge.

Other newsmen the next day brought the matter up again, asking the Governor's office for clarification.

Put in on the record, they asked.

Was the Governor referring to newspapers slanting their news stories? Was he referring to their editorials?

The Governor's office stood on his press conference declaration. It wouldn't elaborate.

It wasn't too long ago that the Governor, other Americans and many newspapers, including this one, were deploring broadside "treason" charges levelled by some Republican orators against the Democratic Party.

The Governor didn't go that far in this instance.

He limited his accusation to "some elements," not all newspapers. And he didn't challenge their patriotism. But he did question their integrity. And he left his serious charge hanging over every newspaper in Pennsylvania.

In all fairness, he should spell out exactly what "some elements" of the press have done that he considers so dishonest.

And, in all fairness, he should name names.

Does the Governor deplore broadside mudslinging only when someone else does it?

What the Governor just has done—when he charges a "diabolical scheme" and vaguely links newspapers with it—is what he and so many of the rest of us blew the whistle on when it was called "McCarthyism."

By what ever name it is called, it is one of the sleaziest tricks in politics.

Harrisburg Evening News, Monday, January 23, 1956.

Now, Mr. Speaker, it so happens that under date of January 13, 1956, there was circulated out of the Governor's office a confidential list of newspapers which were accredited for state advertising in the state of Pennsylvania, a copy of which I have here.

According to this report there are 247 newspapers in the state approved for advertising.

According to the official list as shown in the 1953-54 Pennsylvania Manual, there are 503 newspapers published in the state, not to say anything about the foreign language and professional and trade newspapers.

Based upon this information there are 256 newspapers published in the state who are barred from any state advertising.

Does this 256, Governor, represent "some elements of the press (who) have not been totally uncooperative \*\*\* to pull off this diabolical scheme?"

Among the 256 newspapers who have been blacklisted are:

Here is the record—let it speak for itself.

#### Missing—

Beaver Valley Times	21,001
Easton Express	45,572
York Dispatch	30,426
Ashland News	3,192
Bristol Daily Courier	11,420
Carbondale Daily News	4,872
Charleroi Mail	5,014
Chester Times	38,027
Corry Evening Journal	3,781
Doylestown Intelligencer	7,425
Jeannette News-Dispatch	8,936
Kane Republican	3,506
Latrobe Bulletin	9,766
Lansdale North Penn Reporter	7,544
Lehigh Leader	2,933
Lancaster New Era	44,331
Levittown Times	5,335
Mahanoy City Record American	6,779
Mechanicsburg Local News	1,996
Monessen Independent	6,914
New Kensington Daily Dispatch	13,138
Pittston Gazette	5,372
Quakertown Free Press	5,617
Scranton Tribune	41,845
Shenandoah Herald	7,655
Tamaqua Courier	5,273
Vandergrift News	3,500
Wilkes-Barre Record	28,457
Williamsport Sun-Gazette	30,851
Pittsburgh Courier	149,000

#### CONFIDENTIAL

#### ADVERTISING—NEWSPAPERS

(All newspapers listed in order of preference)  
(Asterisks indicate weekly papers)

January 13, 1956.

#### ADAMS COUNTY

Gettysburg Times, Gettysburg, Pa.  
\*New Oxford Item, c/o Times and News Publishing Company, Gettysburg, Pa.



- \*The York Springs News and East Berlin Comet, c/o Times and News Publishing Company, Gettysburg, Pa.

## ALLEGHENY COUNTY

- Pittsburgh Post-Gazette, Pittsburgh, Pa.
- Pittsburgh Press, Pittsburgh, a.
- Pittsburgh Sun-Telegraph, Pittsburgh, Pa.
- \*Valley Journal, Millvale, Pa.
- \*Township Times, Millvale, Pa.
- McKeesport News, McKeesport, Pa.
- Tarentum Valley News, Tarentum, Pa.
- Homestead Daily Messenger, Homestead, Pa.
- \*The Jewish Criterion, Pittsburgh, Pa.
- \*L'Unione, 71 Elm Street, Pittsburgh, Pa.

## ARMSTRONG COUNTY

- Simpsons' Leader Times, Kittanning, Pa.

## BEAVER COUNTY

- The Citizen, Ambridge, Pa.
- The News Tribune, Beaver Falls, Pa.

## BEDFORD COUNTY

- Bedford Gazette, Bedford, Pa.
- \*Inquirer Printing Company, Bedford, Pa.
- \*Everett Press, Everett, Pa.
- \*Everett Republican, Everett, Pa.
- \*Broad Top Bulletin, Saxton, Pa.

## BERKS COUNTY

- The Reading Eagle-Times, Reading, Pa.
- \*The Kutztown Patriot, Kutztown, Pa.
- \*The Boyertown Times, Boyertown, Pa.
- New Era, Reading, Pa.
- \*The Hamburg Item, Hamburg, Pa.

## BLAIR COUNTY

- Altoona Tribune, Altoona, Pa.
- Altoona Mirror, Altoona, Pa.
- Tyrone Herald, Tyrone, Pa.
- \*Hollidaysburg Register, Hollidaysburg, Pa.
- \*Cove News, Roaring Springs, Pa.
- \*Williamsburg Journal, Williamsburg, Pa.
- \*Morrison's Cove Herald, Martinsburg, Pa.

## BRADFORD COUNTY

- \*The Bradco Advertiser, Wyalusing, Pa.
- Towanda Daily Review, Towanda, Pa.
- Sayre Evening Times, Sayre, Pa.
- \*Canton Independent-Sentinel, Canton, Pa.
- \*The Gazette-Register, Troy, Pa.
- \*Wyalusing Rocket, Wyalusing, Pa.

## BUCKS COUNTY

- \*News-Herald, Perkasié, Pa.
- \*Delaware Valley Advance, Langhorne, Pa.
- Evening Press, Levittown, Pa.

## BUTLER COUNTY

- The Butler Eagle, Butler, Pa.
- \*The Butler County News-Record, Zelienople, Pa.
- \*The Slippery Rock Signal, Slippery Rock, Pa.

## CAMBRIA COUNTY

- \*Nanty Glo Journal, Nanty Glo, Pa.
- \*Highlander Press, Johnstown, Pa.
- \*Union Press-Courier, Patton, Pa.
- Johnstown Observer, Johnstown, Pa.
- Johnstown Tribune Democrat, Johnstown, Pa.
- \*Portage Dispatch, Portage, Pa.
- \*Cresson-Gallitzin Mainliner, Cresson, Pa.
- \*Barnesboro Star, Barnesboro, Pa.

## CAMERON COUNTY

- \*The Press Independent, Emporium, Pa.

## CARBON COUNTY

- The Evening Record, Lansford, Pa.
- The Times-News, Jim Thorpe, Pa.

## CENTRE COUNTY

- \*The Centre Democrat, Bellefonte, Pa.
- The Centre Daily Times, State College, Pa.
- The Philipsburg Journal, Philipsburg, Pa.
- \*The Millheim Journal, Millheim, Pa.

## CHESTER COUNTY

- West Chester Local News, West Chester, Pa.
- The Coatesville Record, Coatesville, Pa.
- Phoenixville Republican, Phoenixville, Pa.
- \*News and Advertiser, Kennett Square, Pa.
- \*Upper Main Line News, Paoli, Pa.
- \*The Archive, Downingtown, Pa.

## CLARION COUNTY

- \*The Clarion Democrat, Clarion, Pa.
- \*New Bethlehem Leader-Vindicator, New Bethlehem, Pa.
- Clarion Republican, Clarion, Pa.
- \*East Brady Review, East Brady, Pa.
- \*Rimersburg Record, Rimersburg, Pa.

## CLEARFIELD COUNTY

- Clearfield Progress, Clearfield, Pa.
- \*Citizen-Standard, Houtzdale, Pa.
- Courier-Express, DuBois, Pa.

## CLINTON COUNTY

- Lock Haven Express, Lock Haven, Pa.
- \*Clinton County Times, Lock Haven, Pa.
- The Renovo Record, Renovo, Pa.

## COLUMBIA COUNTY

- \*The Argus, Benton, Pa.
- The Morning, Press, Bloomsburg, Pa.

## CRAWFORD COUNTY

- The Tribune-Republican, Meadville, Pa.
- The Titusville Herald, Titusville, Pa.
- \*(Semi) Enterprise-News, Cambridge Springs, Pa.
- \*Cochranon Times, Cochranon, Pa.
- \*The Conneautville Courier, Conneautville, Pa.
- \*Conneaut Lake Breeze, Conneaut Lake, Pa.
- \*Linesville Herald, Linesville, Pa.
- \*Saegertown News and Review, Saegertown, Pa.

## CUMBERLAND COUNTY

- \*West Shore Times, Lemoyne, Pa.
- The Sentinel, Carlisle, Pa.

## DAUPHIN COUNTY

- The Patriot and Evening News, Harrisburg, Pa.
- \*Middletown Journal, Middletown, Pa.
- \*The Williamstown Times, Williamstown, Pa.
- \*Pennsylvania Labor News, Harrisburg, Pa.
- Hummelstown Daily Sun, Hummelstown, Pa.
- \*Lykens Standard, Lykens, Pa.
- \*(Semi-monthly) The Hershey Labor News, Hershey, Pa.
- \*The Home Star, Telegraph Bldg., Harrisburg, Pa.

## DELAWARE COUNTY

- \*Upper Darby News, Upper Darby, Pa.
- \*Interboro News, Prospect Park, Pa.
- \*The Rockdale Herald, Rockdale, Pa.

## ELK COUNTY

- Ridgway Record, Ridgway, Pa.



Daily Press, St. Marys, Pa.  
 \*Johnsonburg Press, Johnsonburg, Pa.  
 \*Bennett's Valley News, Weedville, Pa.

#### ERIE COUNTY

Erie Dispatch, Erie, Pa.  
 Erie Daily Times, Erie, Pa.  
 \*North East Breeze, North East, Pa.  
 \*Albion News, Albion, Pa.  
 \*Cosmopolite Herald, Girard, Pa.  
 \*Edinboro Independent, Edinboro, Pa.  
 \*(Semi) Times-Enterprise, Union City, Pa.

#### FAYETTE COUNTY

The Morning Herald, Uniontown, Pa.  
 The Connellsville Courier, Connellsville, Pa.  
 The Brownsville Telegraph, Brownsville, Pa.  
 \*The Independent, Uniontown, Pa.  
 \*Fayette City Journal, Fayette City, Pa.

#### FOREST COUNTY

\*The Forest Press, Tionesta, Pa.

#### FRANKLIN COUNTY

Waynesboro Record Herald, Waynesboro, Pa.  
 \*The Echo-Pilot, Greencastle, Pa.  
 \*Mercersburg Journal, Mercersburg, Pa.  
 Public Opinion, Chambersburg, Pa.

#### FULTON COUNTY

\*Fulton Democrat, McConnellsburg, Pa.

#### GREENE COUNTY

Democrat-Messenger, Waynesburg, Pa.  
 The Waynesburg Republican, Waynesburg, Pa.

#### HUNTINGDON COUNTY

The Daily News, Huntingdon, Pa.

#### INDIANA COUNTY

\*(Semi) Blairsville Dispatch, Blairsville, Pa.  
 The Indiana Evening Gazette, Indiana, Pa.  
 \*Saltsburg Press, Saltsburg, Pa.

#### JEFFERSON COUNTY

\*Jeffersonian Democrat, Brookville, Pa.  
 \*Reynoldsville Star, Reynoldsville, Pa.  
 \*Sykesville Post-Dispatch, Sykesville, Pa.  
 \*Brockway Record, Brockway, Pa.  
 \*Brookville American, Brookville, Pa.  
 Punxsutawney Spirit, Punxsutawney, Pa.

#### JUNIATA COUNTY

\*The Juniata Globe, Thompsett, Pa.  
 \*The Port Royal Times, Port Royal, Pa.  
 \*The Juniata Sentinel and Republican, Mifflintown, Pa.  
 \*The Juniata Tribune, Mifflintown, Pa.

#### LACKAWANNA COUNTY

The Scranton Times, Scranton, Pa.  
 \*Olyphant Gazette, Olyphant, Pa.  
 \*The Slovenska Obrana, Scranton, Pa.  
 \*Dende Press, Scranton, Pa.

#### LANCASTER COUNTY

Lancaster Intelligencer-Journal, Lancaster, Pa.  
 Columbia News, Columbia, Pa.  
 \*Ephrata Review, Ephrata, Pa.

#### LAWRENCE COUNTY

New Castle News, New Castle, Pa.  
 Ellwood City Ledger, Ellwood City, Pa.  
 \*New Wilmington Globe, New Wilmington, Pa.

#### LEBANON COUNTY

Lebanon Daily News, Lebanon, Pa.  
 Lebanon Semi-Weekly News, Lebanon, Pa.

#### LEHIGH COUNTY

The Morning Call, Allentown, Pa.  
 Evening Chronicle, Allentown, Pa.  
 \*Catasauqua Dispatch, Catasauqua, Pa.  
 \*Slatington News, Slatington, Pa.

#### LUZERNE COUNTY

\*Pittston Sunday Dispatch, Pittston, Pa.  
 Times-Leader News, Wilkes-Barre, Pa.  
 Plain Speaker Standard-Sentinel, Hazleton, Pa.

#### LYCOMING COUNTY

\*The Williamsport Examiner, Williamsport, Pa.  
 Jersey Shore Herald, Jersey Shore, Pa.  
 \*The Grit, Williamsport, Pa.

#### McKEAN COUNTY

\*McKean County Democrat, Smethport, Pa.  
 \*The Union, Bradford, Pa.  
 The Bradford Era, Bradford, Pa.

#### MERCER COUNTY

Sharon Herald, Sharon, Pa.  
 The Record-Argus, Greenville, Pa.  
 \*(Semi) The Reporter-Herald, Grove City, Pa.

#### MIFFLIN COUNTY

Lewistown Sentinel, Lewistown, Pa.  
 \*Belleville Times, Belleville, Pa.

#### MONROE COUNTY

The Daily Record, Stroudsburg, Pa.

#### MONTGOMERY COUNTY

Pottstown Mercury, Pottstown, Pa.  
 Norristown Times Herald, Norristown, Pa.  
 \*Times-Chronicle, Jenkintown, Pa.

#### MONTOUR COUNTY

The Morning News, Danville, Pa.

#### NORTHAMPTON COUNTY

The Globe-Times, Bethlehem, Pa.  
 \*Bethlehem Bulletin, Bethlehem, Pa.  
 Bangor Daily News, Bangor, Pa.  
 \*Nazareth Item, Nazareth, Pa.  
 Easton Herald, Easton, Pa.

#### NORTHUMBERLAND COUNTY

Mount Carmel Item, Mount Carmel, Pa.  
 Shamokin News-Dispatch, Shamokin, Pa.  
 \*Shamokin Citizen, Shamokin, Pa.  
 Milton Standard, Milton, Pa.  
 Sunbury Item, Sunbury, Pa.

#### PERRY COUNTY

\*Duncannon Record, Duncannon, Pa.  
 \*Perry County Times, New Bloomfield, Pa.  
 \*News-Sun, Newport, Pa.

#### PHILADELPHIA COUNTY

The Daily News, Philadelphia, Pa.  
 The Evening Bulletin, Philadelphia, Pa.  
 Philadelphia Inquirer, Philadelphia, Pa.  
 \*Libera Parola, Philadelphia, Pa.  
 \*Times Newspaper, Inc., Philadelphia, Pa.  
 \*(Semi) Philadelphia Tribune, Philadelphia, Pa.  
 \*Philadelphia Observer, Philadelphia, Pa.



- \*Kensington Guide, Philadelphia, Pa.
- \*Il Progresso-L'Opinione, Philadelphia, Pa.
- Il Popolo Italiano, Philadelphia, Pa.
- \*Philadelphia Jewish Times, Philadelphia, Pa.
- \*Philadelphia Times-Herald, Philadelphia, Pa.
- \*South Philadelphia Review, Philadelphia, Pa.
- \*Philadelphia Dispatch, Philadelphia, Pa.

#### PIKE COUNTY

- \*Dispatch-Press, Milford, Pa.

#### POTTER COUNTY

- \*The Leader-Dispatch, Galetton, Pa.
- \*Potter County Journal, Coudersport, Pa.

#### SCHUYLKILL COUNTY

- The Republican, Pottsville, Pa.
- \*Coaldale Observer, Coaldale, Pa.
- \*West Schuylkill Press, Tremont, Pa.

#### SNYDER COUNTY

- \*The Plain Dealer, McClure, Pa.
- \*The Middleburg Post, Middleburg, Pa.
- \*The Times-Tribune, Selinsgrove, Pa.

#### SOMERSET COUNTY

- \*Somerset County Time, Somerset, Pa.
- \*Windber Era, Windber, Pa.
- \*Boswell News, Boswell, Pa.
- \*Meyersdale Republican, Meyersdale, Pa.
- The Daily American, Somerset, Pa.

#### SULLIVAN COUNTY

- \*Sullivan Review, Dushore, Pa.

#### SUSQUEHANNA COUNTY

- \*Montrose Independent, Montrose, Pa.
- \*Susquehanna County Press, Montrose, Pa.
- \*Forest City News, Forest City, Pa.
- Evening Transcript, Susquehanna, Pa.
- \*Weekly Ledger, Susquehanna, Pa.

#### TIOGA COUNTY

- \*Wellsboro Agitator, Wellsboro, Pa.
- \*Elkland Journal, Elkland, Pa.
- \*Free Press-Courier, Westfield, Pa.
- \*Wellsboro Gazette, Wellsboro, Pa.
- \*Mansfield Advertiser, Mansfield, Pa.

#### UNION COUNTY

- \*The Union County Standard Journal, Lewisburg, Pa.
- \*The Mifflinburg Telegraph, Mifflinburg, Pa.

#### VENANGO COUNTY

- The Derrick, Oil City, Pa.
- The Blizzard, Oil City, Pa.
- The News-Herald, Franklin, Pa.
- \*The News, Emlenton, Pa.

#### WARREN COUNTY

- Warren Times-Mirror, Warren, Pa.
- \*Warren Observer, Warren, Pa.
- \*Sheffield Observer, Sheffield, Pa.
- \*Tidioute Observer, Tidioute, Pa.

#### WASHINGTON COUNTY

- The Canonsburg Daily Notes, Canonsburg, Pa.
- The Daily Republican, Monongahela, Pa.
- The Herald-American, Donora, Pa.
- The Washington Observer and Reporter, Washington, Pa.

#### WAYNE COUNTY

- Citizen-Times, Honesdale, Pa.

#### WESTMORELAND COUNTY

- \*The Times-Observer, Irwin, Pa.
- \*Mount Pleasant Journal, Mount Pleasant, Pa.
- \*Jeannette Journal, Jeannette, Pa.
- Greensburg Review, Greensburg, Pa.
- Greensburg Tribune, Greensburg, Pa.

#### WYOMING COUNTY

- \*Republican and New Age, Tunkhannock, Pa.
- \*The Nicholson Examiner, Nicholson, Pa.

#### YORK COUNTY

- Gazette and Daily, York, Pa.
- Hanover Evening Sun, Hanover, Pa.

#### PERMISSION GRANTED COMMITTEES TO MEET DURING SESSION

Mr. LEONARD asked and obtained permission for the Committee on Judiciary Special to meet during the session of the House.

Mr. MORAN asked and obtained permission for the Committee on Labor Relations to meet during the session of the House.

#### PERMISSION TO ADDRESS HOUSE

Mr. FILO asked and obtained unanimous consent to address the House.

Mr. Speaker, I would like to bring to the attention of the gentleman from Cambria, Mr. Tompkins, a newspaper item in the Evening News of January 23rd, the second section, which reads, "Ziegler Chooses City Traffic Expert." The statement reads:

"Eugene L. Simms of New Haven, Conn."—not Pennsylvania, Conn.—"will become Harrisburg's first traffic engineer February 20th."

Mr. Tompkins, I think, should interrogate the Mayor of the City of Harrisburg.

#### PERMISSION TO ADDRESS HOUSE

Mr. Bell asked and obtained unanimous consent to address the House.

Mr. Speaker, I have sat in this House today very quietly listening to the Representative from Cameron, Mr. Tompkins, announce that Delaware County's only daily newspaper is no longer qualified to print state advertising.

I condemn this. This newspaper is the only newspaper in our county with Associated Press coverage. It is a large paper. With its being taken from the approved list, a large segment of my district will not be able to read state advertisements. I condemn this. I charge it is politics and I say it is retaliation. It is a blow at the free Press of Pennsylvania.

#### REPORTS FROM COMMITTEE

Mr. McKEEVER from the Committee on Labor Relations, reported as committed, House Bill No. 231, entitled:

An Act permitting any person entitled to vote to absent himself from any service or employment in which he is then engaged or employed for a period of two hours in certain cases, without deduction in salary or wages.

Mr. AUKER from the Committee on Judiciary, reported as amended, House Bill No. 460, entitled:

An Act amending the act of May 22, 1933 (P. L. 851),



entitled "An act fixing the pay and mileage of jurors and witnesses," prescribing daily mileage rates and allowances.

Mr. LEVEN from the Committee on Public Utilities, reported as committed, House Bill No. 496, entitled:

An Act amending the "Public Utility Law" approved May 28, 1937 (P. L. 1053), requiring hearings to be held within the county where any increase in rate by a public utility is to be effective.

Mr. McKEEVER from the Committee on Labor Relations, reported as committed, House Bill No. 821, entitled:

An Act amending the act of May 18 1937 (P. L. 654), entitled, as amended, "An act to provide for the safety and to protect the health and morals of persons while employed; \* \* \*," requiring nurses to be on duty in certain establishments.

Mr. FINEMAN from the Committee on Judiciary, reported as amended, House Bill No. 1176, entitled:

An Act defining and relating to installment land contracts and providing for and regulating the rights and obligations between parties to such contracts under certain terms and conditions.

Mr. SCHUSTER, from the Committee on Labor Relations, reported as committed, House Bill No. 1232, entitled:

An Act to further amend clauses (f) and (g) of Section 448 and Section 450 of the act, approved the ninth day of April, one thousand nine hundred twenty-nine (P. L. 177), entitled "Administrative Code of 1929," by providing that upon each, The Advisory Health Board, the State Welfare Commission, and the State Board of Public Assistance, there shall be one representative of organized labor.

Mr. MAGEE, from the Committee on Labor Relations, reported as committed, House Bill No. 1332, entitled:

An Act amending the "Vocational Rehabilitation Act of one thousand nine hundred forty-five," approved May 22, 1945 (P. L. 849), extending vocational rehabilitation to disabled persons who have sustained injuries or incurred occupational diseases in the course of their employment.

Mr. BONNER, from the Committee on Labor Relations, reported as committed, House Bill No. 1385, entitled:

An Act amending the act of May 22, 1933 (P. L. 851), entitled "An Act fixing the pay and mileage of jurors and witnesses" requiring employers to make certain payments to employees when on jury duty.

Mr. ROVANSEK, from the Committee on Labor Relations, reported as amended, House Bill No. 1802, entitled:

An Act relating to public works contracts; providing for prevailing wages; imposing duties upon the Secretary of Labor and Industry; providing penalties; and repealing existing laws.

Mr. ERB, from the Committee on Appropriations, reported as amended, House Bill No. 1856, entitled:

An Act making an appropriation to the Department of Welfare for the maintenance of certain hospitals.

Mr. ERB, from the Committee on Appropriations, reported as committed, House Bill No. 1866, entitled:

An Act amending the "State Employees' Retirement Law" approved June 27, 1923 (P. L. 852) further regulating the rights of employees of county health departments.

Mr. BELL, from the Committee on Public Utilities, reported as committed, House Bill No. 1870, entitled:

An Act amending the "Public Utility Law," approved May 28, 1937 (P. L. 1053) exempting from the provisions thereof transportation of school children of private, church and parochial schools in certain cases.

Mr. LOVETT, from the Committee on Appropriations, reported as committed, House Bill No. 1892, entitled:

An Act amending "The Administrative Code of 1929," approved April 9, 1929 (P. L. 177) increasing compensation of members of the State Civil Service Commission.

Mr. GIBSON, from the Committee on Public Utilities, reported as amended, House Bill No. 1899, entitled:

An Act to amend section three hundred eight of the "Public Utility Law" \*\*\*\*\* by changing the duties of public utilities and the powers and duties of Pennsylvania Public Utility Commission as to tariffs which make changes from existing rates; changing the time of effectiveness of certain of such tariffs, and requiring that existing rates continue in force in certain cases.

Mr. ROBERT K. HAMILTON, from the Committee on State Government, reported as committed, House Bill No. 1931, entitled:

An Act authorizing the Department of Property and Supplies to exchange land located in Union Township, Bedford County, Pennsylvania, necessary for improved administration of Blue Knob State Park.

Mr. LAFORE, from the Committee on Military Affairs, reported as committed, House Bill No. 1932, entitled:

An Act amending the act of July 12, 1935 (P. L. 677) entitled "An act to fix the status of officers and employees of the Commonwealth and political subdivisions thereof while in training with the armed forces of the United States," including members of the United States Air Corps.

Mr. LEISEY, from the Committee on Appropriations, reported as committed, House Bill No. 1955, entitled:

An Act amending the act of Sept. 3, 1955 (Appropriation Act No. 17-A), entitled "An act making an appropriation to the Council of Civil Defense for disaster relief in connection with the hurricane and flood damage of August, one thousand nine hundred fifty-five," making the moneys appropriated available for flood damage of October, 1955.

Mr. HEWITT, from the Committee on Mines and Mining, reported as committed, House Bill No. 1962, entitled:

An Act amending the "Bituminous Coal Mining Law," approved June 9, 1911 (P. L. 756) changing qualification requirements of candidates for the office of mine inspector and changing provisions concerning reappointment and certification of inspectors.

Mr. STANK, from the Committee on Mines and Mining, reported as committed, House Bill No. 1963, entitled:

An Act amending the act of July 1, 1937 (P. L. 2461) entitled "An act providing for the qualifications, examination, appointment, term of office and removal of Anthracite Mine Inspectors; \*\*\*" making certain mine inspectors eligible for reappointment without examination.

Mr. HELM, from the Committee on Judiciary Special, reported as committed, House Bill No. 1964, entitled:

An Act making the offices of constable and justice of the peace or alderman incompatible.



Mr. PETROSKY, from the Committee on Appropriations, reported as committed, House Bill No. 1974, entitled:

An Act making an appropriation to the Department of Public Instruction for the proper conduct of the work of the Pennsylvania State Board of Censors.

Mr. LAFORE, from the Committee on Motor Vehicles, reported as committed, Senate Bill No. 332, entitled:

An Act amending the "Vehicle Code" \*\*\*\*\* authorizing the issuance of duplicate registration cards at the option of the owner and fixing the fee therefor.

Mr. McCORMACK, from the Committee on Judiciary, reported as amended, Senate Bill No. 530, entitled:

An Act limiting the period within which petitions for the assessment of damages may be filed or actions for damages commenced for injury to or taking of private land property or material or any interest therein by political subdivisions or by authorities created by political subdivisions in the exercise of their power of eminent domain.

Mr. ERB, from the Committee on Counties, reported as committed, Senate Bill No. 776, entitled:

An Act amending the act of May 16, 1921 (P. L. 579) entitled as amended "An act providing for the better management of the jails or County prisons in the several counties of this Commonwealth of the third fourth and fifth classes by creating in such counties a board to be known by the name and style of inspectors of the jail or county prison with authority to appoint a warden of such prison and by vesting in said board and the officers appointed by it the safe-keeping discipline and employment of prisoners and the government and management of said jails or county prisons" giving wardens deputies and other appointees of the board powers of peace officers.

Mr. KELLER, from the Committee on Counties, reported as committed, Senate Bill No. 830, entitled:

An Act amending "The Fourth to Eighth Class County Assessment Law" \*\*\*\*\* requiring notice of certain changes in property valuations be given to political subdivisions in which the properties are located.

Mr. KELLER, from the Committee on Counties, reported as committed, Senate Bill No. 831, entitled:

An Act amending "The Fourth to Eighth Class County Assessment Law" \*\*\*\*\* requiring notice of certain changes in property valuations be given to political subdivisions in which the properties are located.

Mr. KELLER, from the Committee on Counties, reported as committed, Senate Bill No. 832, entitled:

An Act amending "The General County Assessment Law" approved May 22, 1932 (P. L. 853) \*\*\*\*\* requiring notice of certain changes in property valuations be given to political subdivisions in which the properties are located.

Mr. LAFORE, from the Committee on Liquor Control, reported as committed, Senate Bill No. 852, entitled:

An Act amending the "Liquor Code \*\*\*\*\*" permitting holders of bonded warehouses licenses issued by the Pennsylvania Liquor Control Board to receive in bond certain liquor and alcohol for storage in bond in this Commonwealth regulating the release of such liquor and alcohol for delivery.

Mr. TAYLOR, from the Committee on Liquor Control, reported as committed, Senate Bill No. 867, entitled:

An Act amending the "Liquor Code \*\*\*\*\*" permitting the sale and possession of wine in packages not bearing the official seal of the board.

Mr. ROYER, from the Committee on Judiciary Special, reported as committed, Senate Bill No. 881, entitled:

An Act declaring the public interest in certain historic sites and buildings and providing for certificates and markers.

Mr. DAVIS, from the Committee on Counties, reported as committed, Senate Bill No. 901, entitled:

An Act amending the act of August 9, 1955 Act No. 130) entitled "An act relating to counties of the third fourth fifth sixth seventh and eighth classes amending revising consolidating and changing the laws relating thereto" fixing the time for the annual report by the county auditors to the court of common pleas and changing the provisions relating to the appointment of depositories of county funds.

Mr. TAYLOR, from the Committee on Liquor Control, re-reported as committed, House Bill No. 217, entitled:

An Act amending the act of April fourteen one thousand eight hundred sixty-eight (P. L. 1083) entitled "A supplement to an act entitled 'An Act appropriating ground for public purposes in the city of Philadelphia' approved the twenty-sixth day of March Anno Domini one thousand eight hundred and sixty-seven" permitting sale of liquor at tables in Fairmount Park.

Mr. PETROSKY, from the Committee on Appropriations, re-reported as committed, House Bill No. 1545, entitled:

An Act amending "The Administrative Code of 1929 \*\*\*\*\*" establishing a Department of Recreation and defining its powers and duties.

Mr. PETROSKY, from the Committee on Appropriations, re-reported as amended, House Bill No. 1546, entitled:

An Act relating to and providing for the promotion and development of a State-wide recreation program in the Commonwealth conferring powers and duties upon the Department of Recreation.

Mr. KOLANKIEWICZ, from the Committee on Appropriations, re-reported as committed, House Bill No. 1782, entitled:

An Act relating to apprenticeship creating a State Apprenticeship Council in the Department of Labor and Industry to formulate an apprenticeship policy and program and defining its powers and duties and providing for administration.

Mr. KOLANKIEWICZ, from the Committee on Appropriations, re-reported as committed, Senate Bill No. 724,

An Act to further amend the "Public School Code of 1949 \*\*\*\*\*" by requiring the payment of money withheld from State appropriations to pay default in rent to a municipality authority or nonprofit corporation.

#### BILLS SIGNED BY SPEAKER

The SPEAKER pro tempore. The Speaker signed the following bills in the presence of the House:

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:



## SENATE BILL No. 284.

An Act amending the act of April 9, 1929 (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" creating the State Board of Chiropody Examiners as a departmental administrative board in the Department of Public Instruction.

## SENATE BILL No. 285.

An act relating to the practice of chiropody conferring powers and imposing duties on the State Board of Chiropody Examiners and the Department of Public Instruction and providing penalties.

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

## REPUBLICAN CAUCUS

Mr. CHARLES C. SMITH. Mr. Speaker, at this time, with the permission of the Chair, I would like to ask for a recess for probably half an hour for the purpose of holding a Republican caucus, if that meets with the approval of the Majority Leader.

Mr. READINGER. Mr. Speaker, we have no objection of their having a caucus at this time.

## RECESS

The SPEAKER pro tempore. Without objection, the Chair will declare a recess for thirty minutes for the purpose of holding a Republican caucus. The Chair hears none, and a recess is declared.

## AFTER RECESS

The time of recess having expired, the House was called to order.

Mr. LOPRESTI in the Chair.

## BILL INTRODUCED AND REFERRED

The SPEAKER pro tempore. The Speaker referred the following bill:

By Mr. CIOFFI.

HOUSE BILL No. 1993.

An Act for safeguarding persons and property and promoting the welfare of the public, empowering every county in the Commonwealth to create an electrical administrative board, and prescribing its duties and authority; establishing minimum standards for electrical equipment and its installation; providing for county-wide inspection of installations of electrical equipment; providing for the appointment of electrical inspectors for carrying out the provisions of this act, and prescribing their qualifications, duties, rights and authority; making it un-

lawful to undertake or perform the installation of electrical equipment without applying for inspection thereof except as otherwise provided; providing for the licensing by the electrical administrative board of persons, firms or corporations engaged in the business of electrical contracting and electrical journeymen employed by them in the work of installing, maintaining, altering or repairing electrical equipment; making it unlawful to undertake or perform the installation of electrical equipment without a license except as otherwise provided; providing for the collection of fees for permits to make installations, and fees for licenses granted; providing that cities, boroughs or townships which now or may hereafter regulate electrical installations, may continue such regulation if they comply with minimum standards set up by this act; providing penalties for the violation of this act; and repealing all statutes and parts of statutes in conflict with this act.

Referred to the Committee on Rules.

## REPORT FROM COMMITTEE

Mr. POLASKI from the Committee on State Government, reported as amended, House Bill No. 1965, entitled:

An Act authorizing the Department of Property and Supplies, with approval of the Governor, to acquire sixty-three acres, more or less, of land in Washington Township, Erie County, for use of Edinboro State Teachers' College; and making an appropriation.

## STUDENTS OF EDGAR FAHS SMITH JUNIOR HIGH SCHOOL WELCOMED

The SPEAKER pro tempore. The Chair welcomes to the Hall of the House a delegation of 9th Grade Civics Class students from the Edgar Fahs Smith Junior High School of York County under the supervision of their teachers, Mr. Richard Jacobs and Mrs. Francis Bush. They are the guests of the gentleman from York, Mr. Lawyer. Clarence Lawyer, 3rd, son of one of our Members, is with the delegation.

## PERMISSION TO ADDRESS HOUSE

Mr. JOHNSON asked and obtained unanimous consent to address the House.

Mr. Speaker, during the noon hour there was a broadcast over radio station KDKA concerning which I received a call. It was a message from the Assistant County Superintendent of Schools of Allegheny County which in effect reiterated the statewide impression that a terrific crisis is facing our schools and that it is the fault of the Legislature for not having provided the funds. I believe the message of the gentleman ended with an appeal to the people to contact their Representatives in the State Capitol to immediately end the stalemate to the end that the schools will get their money.

The remarks that I am about to make are along that very same line and the gist of my remarks is that it is not the Legislature's fault at this moment that the schools are not getting their money.

We charge that the fact that our school subsidies are not paid can be laid solely at the door of Governor Leader. As I have said before, there is money available now to pay our schools. It was available on October 14th; it was available on December 1st; it was available on December 22nd, 1955, when the Governor signed the School Appropriation Bill.

For instance, on December 1, 1955, the money available in the General Fund was as follows: Cash \$15.7 million,



U. S. Loans, that is, treasury notes, \$44.75 million, which makes a total of \$60.45, which in effect were cash assets on December 1, 1955.

Here is a statement of the General Fund as of yesterday, January 23, 1956: There was \$17 million cash in the General Fund and U. S. Loans totalling \$57 million. In other words, since December 1st the Commonwealth has loaned the Federal government from \$44.7 million to \$57 million, or an increase of approximately \$13 million in loans made by the state to the Federal government.

The total cash assets as of yesterday in the General Fund were \$74 million.

The Governor signed the School appropriation Bill on December 22, 1955, which was Senate Bill No. 875. Suppose the only money available was to loan \$30 million on tax anticipation notes? Did the Governor start the machinery in motion on December 22nd to loan the money? He did not. He started it on or about January 13, 1956, 22 days after the School Appropriation Bill was signed. Do you call that good faith?

The bids on the notes will be opened on February 15, 1956, and closed on February 24, 1956, over two months after the Governor signed the School Appropriation Bill.

What has happened to the three-point plan of December 20th as set out by Representative Polen to pay our schools? This plan called for:

1. Loaning the \$30 million on tax anticipation notes;
2. Borrowing from the Motor License Fund which has a balance of about \$60 million;
3. Using the General Fund assets, which then totaled \$60 million.

Last week Representative Polen said none of the money is available under any of the three plans at this time. Information that we have received from the State Treasurer's Office indicates that the checks to the schools can go out today, and could have gone out in December if the Governor would permit them to be mailed out. Why is this instruction withheld? The Governor will say, "We need the money to pay the soldier's World War II bonus bonds on February 29, 1956, which payment totals \$29 million." the answer to that is that the proceeds from the tax notes which will be available on February 24th can be used for this bond retirement.

Our answer is that the schools are not being paid because the Governor wants to present a false picture to the people—and this must stop at once. I have repeatedly said there is \$907 million in taxes on our books now. Whether or not we pass a tax program here today that sum will run our government until December of 1956, so actually with proper husbandry we are only called upon to raise taxes to run the state from December, 1956, to May 31, 1957.

Here is a startling fact. The Budget Office reports that \$41 million in taxes will come in during January, 1956, and \$39 million will come in in February. Those are facts that anyone of you can obtain from the Budget Office or from the State Treasurer's Office. That totals \$80 million in two months, revenue that has come into the coffers of this state from existing taxes.—Don't let anyone say that the state is broke with that kind of money on the books. The state has money to loan the Federal Government, but no money for our schools. Right now we have loaned the Federal Government out of the General Fund

the sum of \$57 million, or as I stated an increase of \$13 million since December 1, 1955. If you challenge those facts, you call the State Treasurer's Office and he will give you the balance on U. S. Treasury notes on December 1st and the balance right now on U. S. Treasury notes.

Mr. Lawler, the Secretary of Highways, in his statement the other day said the Motor License Fund has loaned the U. S. Government \$22.8 million, or a total of \$79.8 million which our state government has loaned the Federal Government and, I repeat, no money for our schools.

We are addressing ourselves to Governor Leader and we say that he should do the following immediately:

Stop this cruel hypocrisy which is being practiced on our schools.

Immediately direct the State Treasurer to sell these government bonds and with the cash on hand, all of which would total \$74 million in the General Fund, pay the money to our schools today or tomorrow. Then let us have the House Rules Committee release the bill from Committee which Representative Smith and myself introduced last week, which would permit borrowing by the General Fund from the Motor License Fund.

If this is done our schools will have their money within six days, as was promised by Representative Polen on December 20, 1955, when we passed the School Appropriation Bill.

Now is the time for action. If the Governor would move, just lift his telephone and call the State Treasurer and say, "Sell those treasury notes, sign the checks, mail them out tomorrow," our schools would have their money. We are getting sick and tired of being hammered over our heads back home by false propaganda that is coming out of Harrisburg saying that we do not have the money, we do not have the money, and it is that terrible Legislature, Democrats and Republicans, who are crippling our schools. I say that is false.

Representative McCann, I notice from the papers, made a speech last week: "Unless something is done, 22 schools are going to close," he understands.

I say that is all unnecessary. The money is available. The Governor should call the State Treasurer, issue those checks and our schools will be paid and then we can in a leisurely way here, the next week or so, pass a tax program that we on this side, if we are going to have to furnish the major part of the votes for it, will feel we can honestly vote for instead of having a Democratic bill rammed down our throats.

### PERMISSION TO ADDRESS HOUSE

Mr. POLEN asked and obtained unanimous consent to address the House.

Mr. Speaker, I have listened to the gentleman from McKean, and so far as his figures are concerned I do not believe I would dispute them, because I believe they are correct.

However, there are certain things which should be explained. He mentioned the three-point plan which I brought before this House in December, and I think the checks could have been sent out at an earlier date so far as the actual dollars and cents available were concerned.

I believe he used the sum of \$15 million cash balance



in the General Fund and \$44 million which he said was loaned to the Federal Government.

I might say that this is not money loaned to the Federal Government as we ordinarily speak of a loan, but these are temporary Treasury Notes bought for temporary investment so that the Commonwealth will receive an interest return and at the same time have the money available practically as cash.

The facts in the case are that we had approximately \$44 million due the fourth class school districts, which I wanted to see paid and I believe every Member of this House wanted to see paid. However, if we had liquidated the temporary cash investments and paid the school districts, it would have left the General Fund balance at approximately \$15 million.

Fiscal experts have said that a safe amount in the General Fund is around \$40 to \$50 million.

Now we will take up further the question of borrowing from the Motor License Fund. It is true that with proper legislation we can borrow from the Motor License Fund, but the point is that any money so borrowed must be repaid within the biennium in which it is borrowed and only one borrowing can be made during the biennium. If we had borrowed this money at this time, it would be necessary to repay it by the end of this biennium on May 31st. When we consider that we have sold \$60 million of tax anticipation notes and we are in the process of selling \$28 million more, that will be \$88 million which must be paid in cash by the end of the biennium. If we borrowed from the Motor License Fund at this time, it might have made an impossible situation unless we had a tax program.

We now have in process of selling these tax anticipation notes which the gentleman said, I think, would be on the 24th of February, and I believe he is correct.

But a further complication arose in connection with the payment of these school subsidies, and that was the fact that we have approximately \$30 million of debt service due by the 1st of March. It seemed unwise to pay these subsidies and reduce our cash balance to \$15 million, when we don't actually know we are going to get any bids on these \$28 million of tax anticipation notes, when we were faced with paying the ordinary running expenses of the Commonwealth in addition to the bond payments that would be due by the end of February.

As I understand it, this decision was not made by the Governor alone. It was made by the Governor, the Auditor General and the State Treasurer. I think they are the fiscal officers, the executive officers, charged with that responsibility.

I want to see the schools paid and I have long labored in their behalf to see that they get their money just as soon as possible, but we must take into consideration that when we speak of the taxes that are estimated to be received in January and the taxes that are estimated to be received in February, we cannot very well place in jeopardy the solvency and the financial standing of this Commonwealth by leaving the door open to a situation which might result in a definite default on the payment of bonds and interest.

I do not think the Governor at any time has ever thought, and I have heard him say many times to the contrary, that he wanted to delay the payments to the

schools or to anyone else for one minute. I am sure that no Member of this House wants to do that.

The financial situation is such though that prudence demanded that they take the steps that were taken. I felt that my plan was sound, I think it would have worked, but when we take into consideration what could have happened if the tax anticipation notes were not sold, if there were no bidders, if we take into consideration that the estimated yields of the taxes to come in in January and February were not received and we had liquidated our temporary cash investments, we would have been placed in an intolerable financial condition.

As much as I regret it the schools were not paid when we hoped they would be paid. I regret very much that it was not done, but I believe that the action taken by those charged with that responsibility was proper.

Mr. Speaker, I have been told by the Budget Office that the target date for the payment of the fourth class district school subsidies is February 10th, and if anything can be done to advance that date the Budget Director, Mr. Bradley, assured me it would be done.

As to the blame for this situation, I believe the real blame goes back to the fact that we do not have a tax program on our books. I am not going to apologize for the fact that I voted for two tax programs, and I am prepared to vote for another one today. I think it ill behooves those who have voted against a sound tax program whether they like it or not. I do not like some of the tax programs any better than possibly the gentleman from McKean does, perhaps I do not like the one we are going to vote on today, but I believe that the financial stability of this Commonwealth is paramount. I believe those on this side of the House who voted for these taxes have placed themselves in a sound position. I hope this House will resolve the tax problem and we will have financial stability in this Commonwealth.

I want to assure the gentleman from McKean that he is absolutely wrong when he said there is any plan or any motive on the part of the Governor to delay these payments one hour. I do not believe the Governor of this Commonwealth has the authority to call the State Treasurer and tell him to send these checks out. We operate under a system of the Department of Public Instruction sending the warrants to the Auditor General, they go to the State Treasurer, and I believe that is a matter of fiscal and auditors' policy and not one of the executive.

I also believe that the liquidation—I may be incorrect on this, but I believe I am correct—of the temporary investments of the Commonwealth is a matter that is also decided by the State Treasurer, the Auditor General and the Governor.

I want to assure the Members of this House that I will do everything in my power to see that the checks go out to the fourth class districts just as soon as they can. I have been pushing for that and I have been checking on it every day. I hope that we will resolve the tax problem and the checks for all of the school districts will roll as soon as possible.

Mr. JOHNSON. Mr. Speaker, I will forever defend the right of Mr. Polen to say what he has just said, but I do not believe that it is a sufficient answer to the people of Pennsylvania. I do not personally, and I am sure the Members on this side of the House do not buy his explanation. It does not hold water. You won't have any more



money on February 10th to pay the schools than you have right now. Our plan would be to sell those treasury bonds and use the cash to pay the schools and then when the tax anticipation notes money comes in on the 24th of February, use that to retire the bonds.

You realize that the next four months are the highest revenue producing months as far as the Commonwealth is concerned. The corporate net income tax payments are due at that time; the capitol stock payment is due; the gross receipts tax, as far as the utilities are concerned, is due. The coffers of the state will just literally burst, you might say, with tax money, in the next three or four months.

I say that now is no time for caution as far as the state is concerned. Just because someone says it is not good husbandry to deplete the State Treasury at this time to pay our schools, I say that is information that is a caution which the emergency does not call for at this time. There is no reason for it. Back on December 22nd, the Governor should have given the State Treasurer notice to sell those bonds and use the cash and pay the schools, and you won't have any more money on February 10th than you do right now to pay the schools with.

I would like to ask Mr. Polen, where are you going to get money on February 10th? This is the 24th of January, that is just a few days away, the money will not be in from the tax anticipation notes and you are going to need that to pay the bonds on February 29th, the World War II bonds. Therefore as I say, I think that the gentleman's answer is not adequate as far as the people are concerned, because we have the money, we have the resources and now is no time for being careful about whether there is money in the State Treasury for a lot of other things. I say the most important thing right now is to pay our school districts so that our schools will go on. Then we can pass, as I said, an adequate tax program here that will meet with the approval of the people of Pennsylvania instead of our being here day after day so that the schools can get their money.

And even if we pass a tax program today, it will not bring in a dime quickly. It will be months before any money will come in from that tax program, and they will end up selling those bonds and using available cash anyhow to pay our schools.

Mr. POLEN. Mr. Speaker, I believe that the financial situation on February 10th will be much better known as to the cash which we will have available than it would have been in December, or than it would have been at any time during this month.

If I heard the gentleman correctly, he told us of the greatly increased tax monies that were going to come in during the month of January. Well by that time we will have the benefit of knowing how much money we will have. We will be within a short period of when the tax anticipation notes can be sold. We will know whether we have sufficient funds available without that tax sale to pay for the bond payments of approximately \$30 million which will be due at the end of February.

I do not know whether Mr. Johnson, the gentleman from McKean, considers my answers adequate. I have tried to give him facts not fiction. I would say however, if there is any point on which I have not answered him correctly or sufficiently I will be very glad to be interrogated and in my limited knowledge try to enlighten him.

I do think, Mr. Speaker, as I said recently on the floor

of this House, that the payment of the money to the schools, I don't believe, should be a political issue. I regret that they have not been paid but I cannot agree with the gentleman from McKean that this is not a time for caution. I believe it is always sound practice, whether it is in government, whether it is in your personal affairs, or whether it is in business, that you always provide for the moneys to take care of obligations that you have made to pay on a certain date. I believe that is wise.

I do not think that the Governor, I reiterate, has the authority to call the State Treasurer and tell him to do certain things. His is an independent office and I believe in my conversation with the State Treasurer, he definitely told me that a safe operating balance was \$40 to \$50 million. Certainly when we reduce it to \$15 million, we are getting a little on the shaky side, I am afraid.

### PERMISSION TO ADDRESS HOUSE

Mr. McCANN asked and obtained unanimous consent to address the House.

Mr. Speaker, a moment ago the gentleman from McKean, Mr. Johnson stated that he understood I had made a statement that twenty or twenty-two schools were closing in this Commonwealth. I, of course, am only in the western part of the state and normally only read the papers in the western part of Pennsylvania, the Pittsburgh papers and my own local papers.

The statement I made was that I had received resolutions from twenty school districts which intended to take action, two of which had set a closing date. One was from Union County and one from Bedford County, which had set the closing date of their schools as February 1st, 1956.

The other resolutions stated that they would not be able in their opinion to pay or operate past that date. I am sure there are many other school districts in the same category, because I think in my neighboring county of Fayette, in Redstone Township, I believe they have not paid any school teachers since October of last year, but I received no resolution from that school district.

I would like to clarify for the purposes of the record the statement that I made in a convention speech in Waynesburg last Friday, for which I give credit to the Pittsburgh papers which carried it in the right way, just as I expressed it, rather than what Mr. Johnson may have heard from some other paper or news program across the state.

The statement I made, I repeat again, I received two resolutions with a closing date, one from Bedford County one from Union County. The others did not have any closing date but felt they could not under any conditions pay past the first of February.

### HOUSE BILLS NOS. 779 AND 780 MADE SPECIAL ORDER

Mr. READINGER. Mr. Speaker, I move that House Bills Nos. 779 and 780 be made a special order of business, in that order, immediately.

The motion was agreed to.

The SPEAKER pro tempore. The Chair lays before the House the special order of business fixed for this time, being House Bill No. 779.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 779, as follows:



An Act providing revenue by imposing tax on retail sales of tangible personal property to consumers requiring sellers to register and file returns providing for the assessment collection and lien of the tax imposing duties on prothonotaries prescribing penalties and providing for the use of proceeds of the tax for public school purposes

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

### Article I

#### Short Title and Definitions

Section 101 Short Title This act shall be known and may be cited as the "Consumers Sales Tax Act"

Section 102 Definitions The following words terms and phrases when used in this act shall have the meaning ascribed to them in this section except where the context clearly indicates a different meaning

(1) "Business" Any and all activities engaged in or caused to be engaged in with the object of gain or economic benefit direct or indirect

(2) "Department" The Department of Revenue of this Commonwealth

(3) "Sale Price" The amount received in money credits or intangible property from sales at retail without deduction on account of the cost of property sold amounts paid for interest discounts losses or any other expenses or burdens In computing sale price there may be deducted any credit actually given or refund actually paid for goods returned but no deduction shall be made for credit actually given or allowances actually made for any tangible personal property actually taken in trade or exchange for the whole or any part of the sale price of the property sold

(4) "Person" Any natural person firm partnership association corporation fiduciary or other entity carrying on business Whenever used in any provision of this act which prescribes or imposes a fine or imprisonment or both the term "person" as applied to a firm partnership or association shall include the members thereof and as applied to a corporation the officers thereof A firm partnership association or a corporation may be subjected as an entity however to the payment of a fine

(5) "Purchaser" Any person who purchases tangible personal property in any transaction taxable under this act

(6) "Seller" Any person engaged in the business of selling tangible personal property at retail and it shall be immaterial whether the goods sold are or are not manufactured or produced by the seller

(7) "Sale at Retail" Any transaction by which the ownership of tangible personal property is transferred for a consideration when such transfer is made to the transferee for consumption or use The term "sale at retail" includes any rental bailment lease conditional sale and any other transaction under whatever name or form where title being retained for security is ultimately to pass to the purchaser or where possession is transferred in lieu of a transfer of title

The term "sale at retail" does not include

(a) Sales for the purpose of resale of tangible personal property in its original form

(b) Any isolated sale of tangible personal property other than motor vehicles trailers and semi-trailers by one not a seller and not made in the ordinary course of the transferor's business

(c) Any isolated sale of tangible personal property other than motor vehicles trailers and semi-trailers by one who though a seller is not such a seller with respect to the article sold but all sales by a seller shall be presumed to be sales at retail

(d) Sales of intoxicating liquors including malt and brewed beverages except sales for consumption on the premises of the seller

(e) Sales of cigarettes

(f) Sales of gasoline and other motor fuels sales of newspapers magazines and other periodicals

(g) Sales of utility services the gross receipts from which are taxed by the Commonwealth

(h) Sales to the Commonwealth or any of its agencies or political subdivisions or to authorities created by or pursuant to law

(i) Sales to the United States or any of its agencies

(j) Sales in interstate and foreign commerce but only in the instances and to the extent that the Commonwealth is prohibited from taxing such sales by the Constitution of the United States

(k) The performance of personal service

(l) Sales of tangible personal property to religious charitable and educational organizations

(m) Sales of water by water companies political subdivisions or authorities

(n) Sales of bakery products milk groceries and meat as food products for human consumption except sales made by a caterer and sales made for consumption on the premises of a seller other than a hospital or school For the purposes of this clause (i) "milk" shall mean raw milk products from domestic animals or such milk when processed or canned (ii) "groceries" shall mean all food products and all food ingredients for human consumption or for use in the preparation thereof for human consumption ordinarily sold in grocery stores except candies confections soft drinks tobacco or tobacco products (iii) "meat" shall include the flesh of animals fish sea food poultry and game

(o) Sales of tangible personal property (i) which is to be used in fabricating compounding or manufacturing tangible personal property other than industrial machinery or in producing public utility service to be sold ultimately at retail or (ii) which is to be used in the process of farming agriculture or horticulture and which in either event becomes an ingredient or component part of the fabricated compounded or manufactured tangible personal property or public utility product or of the product of farming agriculture or horticulture or is consumed in the process of fabrication compounding manufacturing or producing or in the process of farming agriculture or horticulture or (iii) which is to be used in the production or delivery of public utility service

(p) Sales of manufactured tangible personal property by any taxpayer bound by a contract entered into prior to the date of approval of this act to sell such property at a specific price which price is not subject to adjustment or modification by reason of the tax imposed by this act in such case the tax imposed by this act shall be payable by the first purchaser thereof who is not required under a contract entered into prior to the date of approval of this act to sell such property at a specified price which price is not subject to adjustment or modification by reason of the tax imposed by this act the provisions of this paragraph shall apply with respect to the sale of manufactured tangible personal property purchased or to be purchased for incorporation into or attachment to real estate in the performance of a contract for the construction of a building or improvements thereto or the sale of said real estate entered into prior to the date of approval of this act under which the purchaser of said manufactured tangible personal property is required to sell the said building make such improvements or sell such real estate at a price not subject to adjustment by reason of the tax hereby imposed provided however that unless notice of such contract is given by the taxpayer to the department within forty-five (45) days after the effective date of this act the exclusion allowed by this paragraph shall not apply

(q) Sales of medicine on prescription sales of crutches wheelchairs for the use of cripples and invalids and when designed to be worn on the person of the purchaser or user artificial limbs artificial eyes and artificial hearing devices sales of false teeth by a dentist and the materials used by a dentist in dental treatment sales of eyeglasses when especially designed or prescribed by an ophthalmologist oculist or optometrist for the personal use of the owner or purchaser and sales of artificial braces and supports designed solely for the use of crippled persons

(8) "Tangible Personal Property" Corporeal personal property including but not restricted to goods wares and merchandise The term "tangible personal property" does not include money deposits in banks shares of stock bonds



notes credits or evidence of an interest in property or evidence of debt

(9) "Tax" Any tax interest or penalty imposed or levied under the provisions of this act

(10) "Taxpayer" Any retail dealer or any person making sales taxable under this act

(11) "Ultimate Consumer" As referring to any tangible personal property any person who uses or consumes such tangible personal property

(12) "Wholesale Dealer" Any person engaged in the business of selling tangible personal property to retail dealers for resale only and not for personal use or consumption

## Article II

### Imposition and Collection of Tax

Section 201 Imposition A tax is imposed upon each separate sale at retail within this Commonwealth and shall be collected by the seller from the purchaser and paid over to the Commonwealth as herein provided In the case of a sale at retail of motor vehicles trailers or semi-trailers by one not a seller the tax shall be paid by the ultimate consumer to the department upon application to the department for the issuance of a certificate of title The department shall not issue a certificate of title until the tax has been paid or evidence satisfactory to the department has been given to show that no tax is due

Section 202 Amount of Tax (a) The rate of tax shall be three per centum of the sale price of each separate sale at retail

(b) The tax shall be computed as follows

(1) If the purchase price is ten cents (10¢) or less no tax shall be collected

(2) If the purchase price is eleven cents (11¢) or more but less than forty-one cents (41¢) one cent shall be collected

(3) If the purchase price is forty-one cents (41¢) or more but less than seventy-one cents (71¢) two cents (2¢) shall be collected

(4) If the purchase price is seventy-one cents (71¢) or more but less than one dollar and one cent (\$1.01) three cents (3¢) shall be collected

(5) If the purchase price is more than one dollars (\$1.00) three per centum of each dollar of purchase plus the above bracket charges upon any fractional part of a dollar in excess of even dollars shall be collected

Section 203 Purchaser to Pay Accounting by Sellers The seller shall in each case demand the tax from the purchaser and the purchaser shall pay the same to the seller The seller shall keep the amount of all of the taxes paid to him by all purchasers in a fund separate and apart from the proceeds of the sales and from all his other funds unless the department otherwise directs If the department shall authorize any seller to commingle the proceeds of the tax with the proceeds of sale the claim of the Commonwealth for the tax shall be enforceable against and shall take precedence over all other claims against the commingled fund Each seller shall as hereinafter provided account to the Commonwealth for the entire amount of all taxes collected from purchasers

Section 204 Total Amount Collected to be Remitted No profit other than the compensation provided for in section 212 shall accrue to a seller or other persons from the collection of any tax imposed by this act Any person collecting the tax shall return and remit the total amount thereof to the department as hereinafter provided If the total amount of taxes collected in any period shall be in excess of three per centum of the sale price of the sales by the person collecting the taxes during the period the person shall remit to the department the total amount of taxes collected without deducting the amount by which the taxes collected exceed three per centum of the sale price of his sales during the period and without making any other deduction other than the compensation allowed by section 212 of this act

Section 205 Sales Presumed to be at Retail Every sale of tangible personal property shall be presumed to be at retail and to be taxable The seller may require any

purchaser claiming that a sale is not taxable to give him a written statement signed by the purchaser and giving his address certifying that the tangible personal property the subject of the sale is purchased for a purpose not included in the definition of "sale at retail" The certificate shall in the absence of actual fraud on the part of the seller justify him in failing to collect the tax If he fails to collect a tax on any sale where he does not obtain a written statement from the purchaser the seller shall be liable for the tax as hereinafter provided unless he shall sustain the burden of proving that the sale was not at retail

Section 206 Tax to be Paid by Ultimate Consumer It is the legislative intent that the tax imposed shall be paid by the ultimate consumer The amount of the tax shall be added to the sale price and shall constitute a part of that price (though a separate item as hereinbefore provided) and shall be collectible as such

Section 207 Seller Shall Not Pay Tax Penalty (a) No person engaged in a business as a retail dealer shall advertise or represent to the public in any manner directly or indirectly that he will absorb the tax or any part thereof or that the full tax on each sale will not be considered an element of the price and be added to the price otherwise ascertained Nor shall any person knowingly absorb the tax on any sale nor fail to add the full amount of the tax to the sale price otherwise ascertained and collect the tax as part of the sale price otherwise ascertained and collect the tax as part of the sale price

(b) Any person who violates any of the provisions of subsection (a) of this section shall be guilty of a misdemeanor and shall upon conviction thereof be sentenced to pay a fine not exceeding one thousand dollars (\$1000) and costs of prosecution or to undergo imprisonment for not more than one year or both at the discretion of the court

Section 208 Agreements and Regulations as to Methods of Adding the Tax (a) To provide uniform methods of adding the average equivalent of the tax imposed by this act to the sale price in each sale subject to the tax appropriate rules and regulations may be adopted subject to the approval of the department by competing taxpayers or associations of taxpayers The rules and regulations shall provide that the tax shall in each instance be computed and collected on the basis of the total transaction without regard to the value or price of the separate items making up the total amount of a single sales transaction The rules and regulations shall not if complying with the foregoing provisions and not involving price-fixing be deemed illegal as in restraint of trade or commerce or otherwise The department may cooperate in formulating rules and regulations and shall approve any rules and regulations which it finds to be in compliance with this act

(b) In the event appropriate rules and regulations governing any class of business are not submitted to the department for approval within the time as the department prescribes which shall be not earlier than thirty days after the effective date of this act the department shall as soon as reasonably possible formulate and promulgate rules and regulations to effectuate the purpose of this section

Section 209 Collection of Tax on Credit Sales If any sale subject to the tax is wholly or partly on credit the taxpayer shall require the purchaser to pay in cash at the time the sale is made or within thirty days thereafter the full tax due on the basis of the entire sale price

Section 210 Records of Sales Any person engaged in business as a retail dealer who is at the same time engaged in another business or businesses which does not involve the making of sales taxable under this act shall keep separate books or records of his business as a seller so as to show the sales taxable under this act separately from his transactions not taxable If any person fails to keep the separate books or records he shall be liable to tax at the rate designated in section 202 upon the entire sale price of both or all of his businesses

Section 211 Sale between Affiliated Interests etc In determining sale price of taxable sales where because of affiliation of interests between the seller and buyer



or for any other reason the sale price from a sale are not indicative of the true value of the article sold or the fair price thereof the department shall prescribe uniform and equitable rules for determining the amount of constructive sales prices upon the basis of which the tax shall be levied. The rules shall provide for a constructive amount of a sales price for each sale which shall equal a price for the article which would naturally and fairly be charged in an arms-length transaction in which the element of common interests between buyer and seller or any other element causing a distortion of the price is absent.

**Section 212 Compensation to Seller for Collection and Return** For the purpose of compensating sellers for the keeping of prescribed records and the proper accounting and remitting of taxes by them the sellers shall be allowed a commission of three per centum of the amount of the tax due and accounted for and remitted to the department which commission shall be allowed in the form of a deduction in submitting the report of the seller and the payment of the amount due by him. The compensation commission or allowance shall not be granted nor shall any deduction be permitted with respect to any taxes not paid on or before the due date or where there is a manifest failure to maintain proper records or make proper prescribed reports.

**Section 213 Registration of Sellers** Each person desiring to continue to engage or begin to engage in the business of seller as herein defined shall on or before the effective date of this act or prior to the beginning business make application to the department for a certificate of registration upon a form prescribed by it. Upon receipt of the application the department shall promptly issue to each applicant a certificate with duplicates thereof for each additional place of business of the applicant within this Commonwealth. Each certificate or duplicate shall in addition to the seller's name and principal place of business state the place of business to which it is applicable and shall be prominently displayed at the place of business. A seller who has no regular place of business shall display his certificate upon his cart stand truck or other merchandising device. Certificates of registration and duplicates thereof shall be non-assignable and non-transferable and shall be surrendered to the department immediately upon the seller's ceasing to do business at the place stated therein. Any seller who shall wilfully fail to obtain and display a certificate of registration or duplicates thereof at his places of business shall upon conviction therefor in a summary proceeding be sentenced to pay a fine of not more than one hundred dollars (\$100) and costs of prosecution and in default of payment thereof shall be imprisoned for a period not exceeding thirty days. The failure of any seller to procure the certificate of registration as herein required shall not relieve him from the duty of collecting and remitting the tax as required by this act.

### Article III

#### Returns and Payment

**Section 301 Returns and Payment** (a) The taxes imposed by this act shall be due and payable on or before the twentieth day of November February May and August for the periods ending the last day of October January April and July respectively during which the sales at retail subject to the tax were made.

(b) Each taxpayer shall on or before the twentieth day of November February May and August make out and sign a return for the preceding tax period. The return shall be mailed to the department in time so that it will reach the department in the ordinary course of the mails on or before the twentieth day of the month succeeding the period with respect to which the return is made.

(c) The return shall be on a form prescribed by the department. The department shall distribute return forms to taxpayers but no taxpayer shall be excused from liability for failure to file a return or pay the tax because he has failed to receive a form.

Each such return shall show

(1) The total gross proceeds of the business of the tax-

payer for the period with respect to which the return is filed.

(2) The amount of sales at retail of the business with respect to which the tax is computed.

(3) The amount of tax due.

(4) All other information with respect to the business the amount of sales at retail or related matters as the department may reasonably require.

Any return may be signed by a duly authorized agent of the taxpayer with the same effect as if signed by the taxpayer himself.

Any person making a false return shall be guilty of perjury to the same extent as though the return had been sworn to.

(d) A remittance for the amount of the tax shall accompany each quarterly return.

**Section 302 Other Times for Returns and Payment** The department may upon written request authorize a taxpayer whose books and records are not kept on a calendar basis to file returns at other times than those specified in this act and in lieu of the returns. In no event shall the taxpayer be permitted to make less than one return during a three-month period. Except as to the time of filing and the period covered all the provisions as to returns required by sections 301 and 304 shall be applicable to returns made under this section and a remittance for the tax shall accompany any return made under this section.

**Section 303 Consolidation of Use Tax Returns** Any sellers liable for the collection or payment of the taxes imposed by the Use and Storage Tax Act of 1955 may elect under regulations promulgated by the department to report and pay the taxes due under said act at the same time as they file returns and pay the taxes due under this act.

**Section 304 Annual Returns** (a) On or before the last day of February in each year every taxpayer shall file with the department in the manner specified for quarterly returns an annual return covering the entire preceding calendar year or such part thereof as the taxpayer was engaged in a business as a retail dealer. The return shall be in addition to and not in lieu of returns required to be filed under the provisions of sections 301 or 302.

(b) Each annual return shall include all items required for returns in section 301 for the entire calendar year with respect to which it is made and shall be signed by the taxpayer or his authorized agent. Any person making a false return shall be guilty of perjury to the same extent as though the return had been sworn to.

(c) If the amount of tax due for the preceding year as shown by the annual return of any taxpayer is greater than the amount already paid by him in connection with his quarterly or other returns he shall send with such annual return a remittance for the unpaid amount of tax for the year.

### Procedure

#### Article IV

**Section 401 Department of Revenue to Administer** The Department of Revenue shall administer and enforce this act and collect the tax hereby imposed.

**Section 402 Examination of Returns Assessment of Tax Credits** (a) As soon as practicable after any return is filed the department shall examine it and if the return shows a greater tax due than the amount of the remittance sent with the return the department shall assess the difference. The difference shall be paid to the department within ten days after notice of its assessment. If paid there shall be no interest or penalty if not paid there shall be added to the amount five per centum and in addition interest at the rate of one-half of one per centum per month for each month or fraction thereof from the date of the notice to the date of payment. No taxpayer shall have any right of appeal from the assessment.

(b) If the department determines that any return or returns of any taxpayer understates the amount of tax due the department shall assess the proper amount and shall determine the difference between the amount of tax shown in the return and the amount assessed the difference being hereafter sometimes referred to as the



"deficiency" The deficiency shall be paid to the department within ten days after a notice of the assessment shall be mailed to the taxpayer by the department. If the understatement of the tax in the return or returns was made in good faith there shall be no interest or penalty because of the understatement. Provided That the deficiency be paid or notice of an intention to file a petition for a reassessment or to appear and be heard as herein provided shall be given within ten days after notice of the assessment of the deficiency be mailed to the taxpayer. If the payment is not made within ten days and if no notice of an intention to file a petition for a reassessment or to appear and be heard is given to the department within ten days there shall be added to the amount of the deficiency five per centum thereof and in addition interest at the rate of one-half of one per centum per month for each month or fraction thereof from the date of the notice to the date of payment. If any understatement in any of the returns is false or fraudulent with intent to evade the tax the deficiency resulting from the understatement shall be doubled and in addition thereto an additional one-half of one per centum of the doubled deficiency shall be added for each month or fraction of a month from the date the tax was originally due to the date of payment.

(c) If the amount of the tax as assessed by the department shall be less than the amount already paid by the taxpayer the department shall so notify the taxpayer and the amount so overpaid may be taken by the taxpayer as a credit on the tax shown as due in any subsequent return or returns filed in accordance with the provisions of this act.

Section 403 Estimated Assessments (a) If any person believed by the department to be liable for tax under the provisions of this act shall have failed to file a return in accordance with and within the time prescribed by this act and if the department shall deem it more conducive to the public interest because of the supposed smallness of the tax or for any other reason not to proceed to compel the exhibition of the accounts of the person it may make an estimated assessment of the probable amount of tax owing by the person but in every such case the department shall add to the estimated assessment a penalty of fifty per centum thereof and the department shall proceed to collect the estimated tax and penalty as in other cases if the amount is not paid when due.

(b) The estimated assessment thus determined together with the penalty of fifty per centum specified above and interest at the rate of one-half of one per centum per month or fractional part thereof until paid shall be due and payable ten days after notice of the settlement shall have been mailed by the department to the person against whom the estimated assessment has been made.

Section 404 Limitation of Assessment (a) Any additional assessment or estimated assessment shall be made by the Department within five years of the date when the annual return required by section 304 hereof should have been filed as prescribed in this act whether the date originally prescribed or pursuant to any extensions of the time for filing the return duly granted by the department and not after. Any additional assessment or estimated assessment may be made at any time during the period notwithstanding that the department may have made one or more previous additional assessments or estimated assessments or both against the taxpayer for the year in question or for any part of such year. In any such case no credit shall be given for any penalty previously assessed or paid.

(b) If the taxpayer shall have died any taxes interest and penalties due under this act for years prior to his death or for the year of his death and whether based on original assessments additional or estimated assessments or otherwise may be presented by the department at audit of his estate in the orphans' court. The court shall give full effect to the priorities and equitable interest given to the Commonwealth by this act.

Section 405 Reassessment Review Appeal Refund (a) Any taxpayer against whom an additional or estimated assessment is made may petition the department for a reassessment. Notice of an intention to file a petition or to

appear and be heard shall be given to the department prior to the time the additional or estimated assessment becomes due and payable. The department shall hold hearings as may be necessary for the purpose at times and places as it may determine and each taxpayer who has duly notified the department of an intention to file a petition for reassessment or to appear and be heard shall be notified by the department of the time when and the place where the hearing in his case will be held. A petition for reassessment if filed shall set forth explicitly and in detail the grounds upon which the taxpayer claims that the additional or estimated assessment is erroneous or unlawful in whole or in part and shall be accompanied by an affidavit under oath or affirmation certifying to the facts stated in the petition. If no petition for reassessment has been filed with the department but the taxpayer has given due notice of an intention to appear and be heard the taxpayer may appear at the hearing and present his petition orally in which event all statements of fact at the hearing shall be made under oath or affirmation.

(b) Within sixty days after the date of mailing of notice by the department of the action taken on any petition for reassessment filed with it the person against whom the assessment was made may by petition request the Board of Finance and Revenue to review the action. Every petition for review shall state specifically the reasons on which the petitioner relies or shall incorporate by reference the petition for reassessment in which the reasons are stated. The petition shall be supported by affidavit that it is not made for the purpose of delay and that the facts therein set forth are true. The Board of Finance and Revenue shall act finally in disposing of petition filed with it within six months after they have been received. In the event of the failure of the board to dispose of any petition within six months the action taken by the department upon the petition for reassessment shall be sustained. The Board of Finance and Revenue may sustain the action taken on the petition for reassessment or it may reassess the tax due on such basis as it deems according to law and equity. The board shall give notice of its action by mail to the department and to the petitioner.

(c) Any person or the Commonwealth aggrieved by the decision of the Board of Finance and Revenue or by the board's failure to act upon a petition for review within six months may within sixty days appeal to the Court of Common Pleas of Dauphin County from the decision of the board or from the decision of the department as the case may be in the manner now or hereafter provided by law for appeals in the case of tax settlements.

(d) Refunds of taxes paid under this act shall be made under the provisions of section 503 of the act approved April 9, 1929 (P. L. 343) known as "The Fiscal Code" and its amendments.

Section 406 Rules and Regulations Inquisitorial Powers of the Department (a) The department shall have the authority to prescribe adopt promulgate and enforce rules and regulations in conformity with this act and relating to any matter or thing pertaining to the administration of taxes imposed by this act. The department may from time to time alter or amend the rules and regulations in any manner it considers advisable.

(b) The department or any of its authorized agents is hereby authorized to examine the books papers and records of any taxpayer or supposed taxpayer including his bank accounts or similar items in order to verify the accuracy and completeness of any return made or if no return was made to ascertain and assess the tax imposed by this act. The department may require the preservation of all books papers and records for any period deemed proper by it not to exceed however six years from the end of the calendar year to which the records relate. Every taxpayer is hereby required to give to the department or its agents the means facilities and opportunity for the examination and investigation. The department is authorized to examine any person under oath concerning taxable sales by any taxpayer or concerning any other matter relating to the enforcement or administration of this act and to this end may compel the production of



books papers and records and the attendance of all persons whether as parties or witnesses whom it believes to have knowledge of such matters. The procedure for the hearings or examinations shall be the same as that provided by The Fiscal Code relating to inquisitorial powers of fiscal officers.

(c) Any information gained by the department as a result of any return investigation hearing or verification required or authorized by this act shall be confidential except for official purposes and except in accordance with proper judicial order or as otherwise provided by law and any person unlawfully divulging such information shall be deemed guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not in excess of one thousand dollars (\$1000) and costs of prosecution or to undergo imprisonment for not more than one year or both in the discretion of the court.

The department may permit the Commissioner of Internal Revenue of the United States or the proper officer of any other state now or hereafter imposing a tax upon sales of tangible personal property or classes of such property or the authorized representative of the commissioner or officer to inspect any returns or reports of investigations filed or made under the provisions of this act or may furnish to the commissioner or officer or his authorized representative an abstract of any return or supply him with information concerning any items contained in any return or report but the permission shall be granted or the information furnished to the commissioner or officer only if the statutes of the United States or of another state as the case may be grant equal privileges to the officers of this Commonwealth charged with the administration of this act.

Section 407 Records of Non-Residents (a) A non-resident person including a foreign corporation who is engaged in one or more businesses in this Commonwealth as a retail dealer shall keep adequate records of the business or businesses and of the taxes due with respect thereto which records shall at all times be retained within this Commonwealth. No taxes collected from purchasers shall be sent outside the Commonwealth without the written consent of and in accordance with conditions prescribed by the department.

(b) Any person who shall violate or assist in the violation of the provisions of this section shall be guilty of a misdemeanor and upon conviction shall be sentenced to pay a fine not exceeding one thousand dollars (\$1000) and costs of prosecution or to undergo imprisonment not exceeding one year or both in the discretion of the court.

Section 408 Tax Held in Trust for Commonwealth. All taxes collected by any retail dealer from purchases in accordance with this act shall constitute a trust fund for the Commonwealth and the trust shall be enforceable against the taxpayer his representatives and any person receiving any part of the fund without consideration or knowing that the taxpayer is committing a breach of trust. Provided however That any person receiving payment of a lawful obligation of the taxpayer from the fund shall be presumed to have received the same in good faith and without knowledge of the breach of trust. Any person other than a taxpayer against whom the department makes any claim under this section shall have the same rights to petition and appeal as are given taxpayers by any provisions of this article.

Section 409 Priority of Tax. In the distribution voluntary or compulsory in receivership bankruptcy or otherwise of the property or estate of any person all taxes imposed by this act which are due and unpaid and are not collectible under the provisions of section 408 hereof shall be paid from the first money available for distribution in priority to all other claims and liens except in so far as the laws of the United States may give a prior claim to the Federal government. Any person charged with the administration or distribution of any property or estate who shall violate the provisions of this section shall be personally liable for any taxes imposed by this act which are accrued and unpaid and are chargeable against the person whose property or estate is being administered or distributed.

Section 410 Lieu of Taxes. All taxes imposed by this

act together with all penalties and interest shall be considered a public account after being assessed in the manner provided in this act and shall be a lien upon all real estate within the Commonwealth of any taxpayer resident or non-resident but only after the lien has been entered and docketed of record by the prothonotary of the county where the real estate is situated as hereafter provided.

The department may at any time transmit to the prothonotaries of the respective counties certified copies of all liens for taxes imposed by this act and penalties and interest. It shall be the duty of each prothonotary receiving the lien to enter and docket the same of record in his office which lien shall be indexed as judgments are now indexed. All the liens shall have priority to and be fully paid and satisfied out of the judicial sale of the real estate before any other obligation judgment claim lien or estate with which the real estate may subsequently become charged or for which it may subsequently become liable subject however to mortgage or other liens existing and duly recorded at the time tax lien is recorded save and except the cost of sale and of the writ upon which it is made and real estate taxes imposed or assessed upon the property. The lien of taxes interest and penalties shall continue for five years from the date of entry and may be revived and continued in the manner now or hereafter provided for renewal of judgments and it shall be lawful for a writ of scire facias to issue and be prosecuted to judgment in the manner in which such written writs are ordinarily employed.

Any wilful failure of any prothonotary to carry out any duty imposed upon him by this section shall be a misdemeanor and upon conviction he shall be sentenced to pay a fine not exceeding one thousand dollars (\$1000) and costs of prosecution or to undergo imprisonment not exceeding one year or both in the discretion of the court.

## Article V

### Violation and Penalties

Section 501 Penalty for Fraudulent Annual Return. Any person who shall wilfully make or cause to be made the annual return required by section 304 of this act which is false and fraudulent shall be guilty of wilful and corrupt perjury and upon conviction thereof shall be subject to punishment as provided by law. The penalty shall be in addition to all other penalties imposed by any of the preceding provisions of this act.

Section 502 Other Penalties. Except as otherwise provided by section 501 any person who shall wilfully fail neglect or refuse to file any return or report required by this act or any taxpayer who shall refuse to pay any tax penalty or interest imposed or provided for by this act or who shall wilfully fail to preserve his books papers and records as directed by the department in accordance with section 406 or any person who shall refuse to permit the department or any of its authorized agents to examine his books records or papers or who shall knowingly make any incomplete false or fraudulent return or report or who shall do or attempt to do any thing to prevent the full disclosure of the amount or character of taxable sales made by himself or any other person shall be guilty of a misdemeanor and upon conviction shall be sentenced to pay a fine not exceeding one thousand dollars (\$1000) and costs of prosecution or undergo imprisonment not exceeding one year or both in the discretion of the court. The penalties imposed by this section shall be in addition to any penalties imposed by any provision of this act other than section 501.

## Article VI

### Disposition of Tax Penalties Interest

Section 601 Disposition of Proceeds. All taxes collected under the provisions of this act together with any penalties and interest thereon shall be used for public school purposes in so far as permitted by the requirements of the Constitution of Pennsylvania.

## Article VII



## Miscellaneous

Section 701 Saving Clause Nothing contained in this act shall be construed to repeal any other law of this Commonwealth imposing any tax for any purpose

Section 702 Effective Date This act shall take effect immediately

On the question,

Will the House agree to the bill on third reading?

Mr. CHARLES C. SMITH. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

Amend Title, page 1, lines 2 and 3 of Title, by striking out "requiring sellers to register and file returns" and inserting in lieu thereof "imposing duties upon vendors and consumers and providing for the licensing of vendors."

Amend Title, page 1, line 4 of Title, by inserting after "imposing" "powers and."

Amend Title, page 1, line 4 of Title, by striking out "prothonotaries" and inserting in lieu thereof "certain State and county officers."

Amend Sec. 102, page 9, by inserting after line 19

(13) "Prepaid Tax Receipts." The prepaid tax receipts prescribed by this act and prepaid sales tax cards which shall be prescribed under rules and regulations of the secretary. The secretary shall prescribe the manner of canceling such cards and in prescribing the use of such prepaid sales tax cards shall so design and prescribe the form of such cards that they can be used only in the establishment of the vendor issuing the same.

Amend Art. II, page 12, lines 3 to 20, page 13, lines 1 to 19, page 14, lines 1 to 20, page 15, lines 1 to 20, page 16, lines 1 to 20, page 17, lines 1 to 19 and page 18, lines 1 to 16, by striking out all of said lines.

Amend Art. III, page 18, lines 17 to 20, page 19, lines 1 to 20, page 20, lines 1 to 20, page 21, lines 1 to 19 and page 22, lines 1 and 2, by striking out all of said lines and inserting in lieu thereof

## Article III

## Collection

Section 301. Consumer to Pay Tax; Prepaid Tax Receipts; Certificate of Exemption. Except as provided in section 303, the tax imposed by this act shall be paid by the consumer to the vendor and each vendor shall collect from the consumer the full and exact amount of the tax payable on each taxable sale and shall evidence the payment of the tax by canceling prepaid tax receipts, equal in face value to the amount of the tax in the manner and at the times provided as follows:

(1) If the price is at or prior to the delivery of possession of the thing sold to the consumer, paid in currency, passed from hand to hand by the consumer or his agent to the vendor or his agent, the vendor or his agent shall (i) collect the tax with and at the same time as the price, (ii) immediately cancel in the presence of the buyer by immediately tearing into two parts prepaid tax receipts of the proper face value, deliver one part of each such canceled prepaid tax receipt to the consumer or his agent and retain the other part.

(2) If the price is otherwise paid or to be paid, the vendor or his agent shall at or prior to the delivery of possession of the thing sold to the consumer cancel, by tearing into two parts, prepaid tax receipts, equal in face value to the amount of the tax imposed by this act. The amount of the tax on such sale, payment of which to the Commonwealth is evidenced by such cancellation, shall become a legal charge in favor of the vendor and against the consumer, which shall be collected by the vendor as provided by this section in addition to the price, and at or immediately after such collection, the vendor shall deliver one part of each canceled prepaid tax receipt to the consumer and retain the other part.

If the tax does not apply to a sale, the consumer must furnish to the vendor and the vendor must obtain from the consumer a certificate indicating that the sale is not

legally subject to the tax. The certificate shall be in such form as the secretary shall be regulation prescribe, and if no certificate is furnished or obtained within the period for filing the vendor's return for the semi-annual period in which such sale is consummated, the tax shall apply.

No certificates need be obtained or furnished where the item of tangible personal property sold is never subject to the tax imposed, regardless of use.

Section 302. Issuance and Design of Prepaid Tax Receipts. Prepaid tax receipts shall be issued by the secretary in such denominations as he deems necessary. They shall be printed on durable paper, shall be of different design and distinctly different coloring for each denomination and shall bear plainly on their face the denominations represented thereby.

Section 303. Powers and Duties of the Secretary of Revenue; Prepayment of Tax. The secretary shall design and procure prepaid tax receipts. The secretary shall enforce and administer this act and he may adopt and promulgate such rules and regulations as he deems necessary to carry out the provisions thereof. The secretary may:

(1) Prescribe the form and manner of canceling prepaid tax receipts.

(2) Authorize a vendor to prepay the tax levied by this act upon sales of things produced or distributed by such vendor and waive the collection of the tax from the consumer in the manner otherwise provided in this act, but no such authority shall be granted or exercised except upon application to the secretary and unless the secretary after a hearing, advance notice of which must be given by the secretary to all vendors in the same general classification as the applicant finds that the conditions of the applicant's business are such as to render impracticable the collection of the tax in the manner provided by this act and upon the applicant furnishing bond, payable to the Commonwealth, in such amount as the secretary determines to be sufficient to secure the prepayment of the taxes levied by this act, in the manner desired, with surety to the satisfaction of the State Treasurer, with whom the bond shall be filed, nor shall the authority granted be exercised, nor the vendors actually selling the products be exempted from the other provisions of this act unless the person to whom the authority is granted prints plainly upon the product sold or offered for sale a statement that the tax has been paid in advance.

The secretary shall, for the audit of vendors' sales tax accounts and records, employ a sufficient number of auditors, not less than one auditor for each one thousand vendors' certificates outstanding.

Section 304. Powers and Duties of State Treasurer and County Treasurers, Agents. All prepaid tax receipts procured by the secretary shall be immediately delivered to the State Treasurer, who shall execute duplicate receipts, therefor showing the number and aggregate face value of each denomination received by him and deliver such receipt to the secretary and a duplicate to the Auditor General. The State Treasurer shall be accountable for all prepaid tax receipts received and unsold by him. He may appoint agents for the sale of prepaid tax receipts at places he deems expedient and require of every agent, except county treasurers, such bond or other security as he deems necessary. All county treasurers shall be agents for the sale of prepaid tax receipts and shall give bond with sufficient surety in favor of the Commonwealth in the manner prescribed by law for the discharge of all duties enjoined upon them by law, on behalf of the Commonwealth. Each agent shall receive an amount not to exceed one per cent of the proceeds of his sales. The State Treasurer shall deliver to each county treasurer and other agents the number and denominations of prepaid tax receipts, as in his judgment may be required for sale in each county and may prescribe such regulations and forms of receipts and reports as he deems necessary for the business of selling the prepaid tax receipts. On the fifth day of each month, the State Treasurer shall make a report, in duplicate, showing all sales of prepaid tax receipts made during the preceding month with the names of the purchasers, the aggregate face value purchased by each, and the office from which sold and shall deliver one copy to the secretary and the other to the Auditor General.



Each county treasurer and other agents shall pay on the first business day of each week to the State Treasurer all money arising from the sale of prepaid tax receipts by him during the preceding week, together with a report showing all sales, the names of the purchasers and the aggregate face value purchased by each, which the State Treasurer shall include in his monthly report. Each county treasurer shall retain for the use of the general fund of the county an amount equal to one per cent of the proceeds of his sales.

Section 305. Sale of Prepaid Tax Receipts and Cards; Redemption; Sales Tax Rotary Fund. The State Treasurer and his agents, including county treasurers, shall sell prepaid tax receipts only to licensed vendors. All prepaid tax receipts shall be sold and accounted for at a discount of not to exceed two per cent of the face value as a commission for handling and canceling the prepaid tax receipts. The secretary shall, by regulation certified to the State Treasurer, fix, within the limitations prescribed by this section, the rate of discount applicable to the sale of prepaid tax receipts to such classes of licensed vendors as he establishes. The State Treasurer shall redeem and pay for any unused or spoiled tax receipts at their net value and he shall refund to vendors the amount of taxes paid illegally or erroneously or paid on any illegal or erroneous assessment where the vendor has not reimbursed himself from the consumer. When an illegal or erroneous payment or assessment was not paid to the vendor, but was paid by the consumer, directly to the State Treasurer or an agent, he shall refund the amount thereof to the consumer. An application for refund shall be filed with the secretary on the form prescribed by him within ninety days from the date the tax receipts are spoiled or from the date it is ascertained that the assessment or payment was illegal or erroneous. The application for refund must be filed with the secretary within four years from the date of the illegal or erroneous payment of the tax. On filing of the application, the secretary shall determine the amount of refund due and certify the amount to the Auditor General. The Auditor General shall draw a warrant for the certified amount on the State Treasurer to the person claiming the refund. To pay refunds, the State Treasurer shall place ten thousand dollars (\$10,000) collected in a special fund, to be known as the "Sales Tax Rotary Fund," and as required by the depletion thereof, place to the credit of the rotary fund, an amount sufficient to make the total of the fund at the time of each credit amount to ten thousand dollars (\$10,000).

All prepaid sales tax cards shall be sold and accounted for in the same manner and at the same discount as prepaid tax receipts, but there shall be added to their price the actual cost of such cards to the Commonwealth as is certified to the State Treasurer by the secretary, and all money received from such sales, including such added amounts, shall be considered as revenue arising from the tax imposed by this act.

Section 306. Licensed Vendors to purchase Receipts from State Treasurer or Agents. Each vendor making taxable sales shall purchase and have on hand at all times prepaid tax receipts in suitable denominations and in amount sufficient to supply the normal requirements of his business. A licensed vendor shall procure prepaid tax receipts only from the State Treasurer or agents authorized to sell the receipts or the county treasurer of the county in which he is licensed.

Section 307. Returns and Refunds; Official Credit Memorandum. If prepaid purchases are returned to the vendor by the consumer after the tax imposed by this act has been collected or charged to the account of the consumer, the vendor shall be entitled to reimbursement of the amount of the tax so collected or charged by him, either through the cancellation of prepaid tax receipts paid for by the consumer or through the canceling of prepaid tax receipts paid for by the vendor and charged to the account of the consumer in the manner provided by this act. Upon receipt of a sworn statement by the vendor as to the gross amount of refunds during the period covered by the sworn statement, which period shall not be longer than sixty days, the secretary shall issue to the vendor an official credit memorandum equal to the net amount paid by the

vendor for the canceled prepaid tax receipts. The memorandum shall be accepted by the State Treasurer or an agent at full face value from the vendor to whom it is issued in the purchase of prepaid tax receipts.

The applications for refunds, made pursuant to this section must be made within ninety days after the prepaid purchases have been returned by the consumer.

Amend Sec. 702, page 36, line 8, by striking out "Sep-".

The SPEAKER. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question.

Will the House agree to the amendments?

Mr. CHARLES C. SMITH. Mr. Speaker, for the benefit of the House the amendments that have just been offered pertain to the Ohio state stamp collection plan which we on this side of the House have advocated and said that it would be necessary to be a part of any sales tax. That was our caucus' decision in this matter.

Yesterday, we tried to offer amendments. We offered amendments on clothing and trade-ins. Those amendments would have been offered yesterday but they are so lengthy that the Legislative Reference Bureau was unable to draw them up.

I would like to explain for the benefit of the Members of the House and those who do not know, some of the things we on this side of the House think the Ohio stamp collection plan would do.

There are a lot of arguments against the so-called Ohio stamp plan for collecting the sales tax. The arguments for this plan definitely outweigh those against them.

First of all we think, and it has been proven, that prepaid tax receipts cut down considerably on any chiseling. When a person pays a tax and gets a receipt given to him by the storekeeper he knows the tax has been paid and will reach the state. There could be no fraud with prepaid tax receipts. The receipt itself prevents that.

Just to elaborate on that, what happens is that the storekeeper will go to the place where they are selling stamps and pay \$50 dollars, \$25 or whatever it is, and buy so many stamps. When goods are purchased he gives the receiver of those goods a stamp with a number on it to prove to him that he has paid the tax.

Secondly, it helps our present fiscal situation, and I hope that the Majority will listen to this. In spite of the fact that it is going to take longer to draw up and put a receipt plan into effect, because of the printing problem, we do not deny that, it will mean that the state will receive millions of dollars more in revenue in this biennium. First of all, vendors will be required to buy their tax receipts in advance before they make their sales. In most cases the merchant will have on hand a supply to at least last them for probably thirty days. Many stores will even purchase more. This means that the state will get the tax money for next May and next June of 1957, at least we are bound to get that and probably a lot more for the period beyond. So, instead of giving you what you would get under the ordinary plan a possible fifteen or fourteen months, you will get sixteen to seventeen months' revenue in this biennium and that is when you need it.

On the basis of what the Majority Leader has estimated this bill will bring in in the next fourteen months. We estimate that the Ohio tax plan will provide \$30 to \$40 million more in revenue in this biennium, which



would make it possible to eliminate the tax on clothing without reducing the revenue.

In the third place, the money for this will go to charitable and other organizations. Let me explain that for the benefit of those in the East who don't know the Ohio stamp plan. Charitable organizations, beneficial organizations, veterans' organizations, and we have included in our bill volunteer firemen's organizations, collect these stamps. They in turn turn in so many thousands of dollars into the state—the Veterans' organizations are in this also—they are practically the collectors of the tax. Those stamps in turn are redeemed at a certain percentage. I am picking this figure out of the air, but supposing they turned in a thousand dollars worth of stamps. They in turn probably get maybe a hundred dollars in return. That hundred dollars goes to their organization. So, you see it is going to help a lot of organizations in collecting the stamps and it is going to help avoid a lot of chiseling. The people will know at least that the money is going to be used for worthy causes because it is going to go to worthy organizations, and that the money will not be wasted on political jobholders, tax collectors collecting the money.

This money which will amount to approximately, we say, one, two or three per cent, depending entirely on what we make it, of the gross collections, and the tax will certainly not be lost.

We are told that the stamp plan will be expensive. Well, my answer to that is this: that for every dollar that is paid out because of the stamp plan, it will bring in at least two dollars in increased collections by the elimination of chiseling. There won't be cases like we heard of under the old sales tax of pennies going into somebody's pocket instead of to the state.

Every customer who pays the tax and receives a tax stamp will police this tax himself. And it won't be necessary to hire a horde of political jobholders to do it.

Now, if you are sincere on the other side of the House about keeping expenses down and keeping the costs of government down, I do believe that you people in the western part of the state know, and I believe your Majority Leader has admitted this, they have very few tax auditors and very few post-audits because they don't need them.

Again if you think there is chiseling being done under a tax plan, there is nothing in the world to keep you from putting more auditors on to do the job. But the people themselves will do the job for you. The people themselves will benefit by it, that is, their organizations will benefit by it, and I do admit, members you will not have a political organization doing the work and profiting by it, but the people will be doing it and they will have economies, and that is what I believe they are interested in in any tax plan whatsoever.

I would certainly ask that the Members on both sides of the House duly consider this and support it because it is a very efficient, and it is a very fair method of collecting the taxes.

We would like a roll call, Mr. Speaker, after the gentleman from Berks finishes speaking.

Mr. READINGER. Mr. Speaker, the gentleman made a very plausible argument, but I don't know where he got his information, or who furnished him with the arguments he has just made in support of these amendments.

I am rising to oppose the adoption of these amendments and I would like to state at the outset that just this morning I had a lengthy conversation with Dr. Albert Buehler, who was the Chairman of the Tax Study Committee appointed by Governor Fine several years ago, which Committee made several reports to this House.

I was informed by Dr. Buehler, among other things, that he has talked recently with the Ohio State Tax Commissioner Stanley Bower who has written several pamphlets and prepared material after making studies of their own plan indicating that it is not a good plan, and he has recommended to the State of Ohio that Ohio abandon its own stamp tax plan.

I read in the paper some weeks ago that Governor Lausche of Ohio has been trying for the past two years to have the State Legislature of Ohio eliminate the stamp tax plan on the ground that it does not stop chiseling and that it has proven to be very, very costly.

There have been states in this Union since 1933 or '34 which have had state sales taxes and Ohio is the only one which has found the stamp plan acceptable, and which has used it up until the present time.

To me that indicates that the other States examined the plan carefully, found it to be defective and too costly, and therefore, rejected it.

Now it might be true what the gentleman from Philadelphia said that for a very short period of time in this biennium, we might get some millions of dollars paid under the prepayment plan which would not come in under the system which we were using before of collecting these sales taxes. But I certainly don't think that we would be wise in adopting a plan which all of the other states using sales taxes have rejected and which Ohio will probably reject itself one of these days.

I have written a letter to the Commissioner of Ohio, asking him to send us any and all material he has concerning this plan. If it comes in due time, as I expect it will, if, as, and when this bill goes to the Senate, they will have the benefit of that gentleman's viewpoint on it, and can if they so desire, amend this law to provide for the Ohio plan of collection.

I say today it would be extremely unwise for us to adopt these amendments based on the arguments of the gentleman from Philadelphia, with no more facts than he has given us, in view of the position which has been taken by the Commissioner of the State which is using his plan.

I am asking the Members to vote these amendments down.

Mr. CHARLES C. SMITH. Mr. Speaker, I am amazed at the gentleman on the other side of the House that he lets himself be mousetrapped.

He is now comparing what other States do as to the popularity of a tax plan. If the gentleman is going to compare us with other States and what they are doing in regard to their tax plans, he should have put out a sales tax bill on the first of January, because it must be popular when 34 states have it. So, if we are using popularity contests, and that is what the gentleman seems to be doing, I think he is very foolish in his argument.

I think it is a poor argument that the gentleman is bringing up because as I said 34 states today have a sales tax plan. I noticed he was very particular in his language when he said Governor Lausche told him, and he has



a letter from Mr. Buehler saying that they were trying to pass legislation, and he used the word "trying" to pass legislation to eliminate the stamp tax plan. Well, Members, you are doggone right, they are trying to do it, but I don't care what the brass hats in Ohio want, if the Legislature and the people did not want it they wouldn't have any objection to taking the plan out. The people of Ohio are the ones who are interested out there, and they don't dare take the sales tax with the stamp plan out of Ohio, and you know it and so does everybody else know it. Even the Governor himself says they dare not take it out because it has helped the tax plan. So, when he says they are "trying" to take it out, that is the brass hats, and if it is so unpopular, let me say to you they would take it out, if the people of Ohio did not want the stamp collection plan. I can predict to him that Governor Lausche or his Legislature will never take it out as long as the people feel it is doing a job, that it is avoiding chiseling, that it is keeping a lot of political jobholders off the payroll and doing something for humanity and for their own charitable organizations.

Mr. READINGER. Mr. Speaker, I am glad to hear the gentleman speak so ably and well for the people of Ohio. I am afraid he is not speaking for the people of Pennsylvania though when he is making these arguments today.

When Governor Lausche, a Democratic Governor, advocates the elimination of it, I think he is speaking for a great segment of the people of Ohio. When the Tax Commissioner, who should know most about the subject, writes at length about why it is bad, then I think he is doing his duty by the very state employing him. He no doubt goes to great lengths in pointing out why it is not good for the State of Ohio. Any kind of a plan which takes from the people an unusual amount for collection is no good in my opinion, and it is not going to be good for Pennsylvania either.

Mr. McCORMACK. Mr. Speaker, I would like to make what I think is an interesting observation, especially in light of what the Minority Leader, Mr. Smith, said about the Ohio tax plan keeping politicians and jobholders off the payroll.

Last night I was having dinner and I ran into an old friend of mine whom I met up here last session. He was at that time employed as an administrative assistant to the then Majority Leader, Mr. Johnson, from McKean County. I casually asked him what kind of work he is doing now and he said, "I'm still with the Sales Tax Department." So you better be careful, in voting for this stamp plan you might be voting some of your own Republican Members out of a job.

Mr. CHARLES C. SMITH. Mr. Speaker, if we can keep these debates going, I am quite sure they on the other side are going to prove what I am saying is right. I believe a couple of weeks ago I told you you had laid very few off in the Sales Tax Department, you still had your jobholders sitting back there doing nothing—further proof offered by the Democrats.

On the question recurring,

Will the House agree to the amendments?

The yeas and nays were required by Messrs. CHARLES C. SMITH and JOHNSON and were as follows:

YEAS—92

Agnew,	Gibb,	Leisey,	Rubin,
Ashton,	Gibson,	Light,	Sigman,
Auker,	Goldstein,	Lippincott,	Smith, C. C.,
Banker,	Gramlich,	Magee,	Steckel,
Bell,	Haudenshield,	Mahan,	Stevenson,
Blair,	Helm,	Markley,	Stoner,
Bower,	McInroy,	McInroy,	Strausser,
Breisch,	Metz,	Metz,	Stroup,
Brenninger,	Mikula,	Mikula,	Thompson,
Brown,	Miller,	Miller,	Tompkins,
Bullen,	Moody,	Moody,	Toomey,
Connelly,	Moscip,	Moscip,	Varnier,
Cooper,	Murphy,	Murphy,	Vaughan,
Davis,	Murray, H. P.,	Murray, H. P.,	Wall,
Donahue,	Murray, P. G.,	Murray, P. G.,	Waterhouse,
Donaldson,	Naugle,	Naugle,	Weidner,
Down,	Ogilvie,	Ogilvie,	Wescott,
Ehrgood,	Parry,	Parry,	Willaredt,
Erb,	Pomeroy,	Pomeroy,	Wilt,
Eshleman,	Price,	Price,	Wood,
Ewing,	Pursley,	Pursley,	Worley,
Frost,	Rigby,	Rigby,	Young,
George,	Royer,	Royer,	Ziegler,
	Lafore,		

#### NAYS—101

Adam,	Frascella,	McWherter,	Rovansek,
Anderson, M. S.,	Gaffney,	Meholchick,	Rudisill,
Anderson, S. A.,	Garlock,	Mihm,	Sarraf,
Barnatovich,	Gelfand,	Mills,	Schuster,
Bazin,	Guss,	Monroe,	Sherman,
Bonner,	Hamilton, R. K.,	Moran,	Smith, Wm. B.,
Boory,	Hass,	Muldowney,	Snider,
Branca,	Heavey,	Mullen,	Stank,
Brennan, A. P.,	Holt,	Munley,	Stebbins,
Brennan, J. J.,	Jenkins,	Musto,	Stephens,
Breth,	Jones, G. E.,	Needham,	Stone,
Buchin,	Kamyk,	Olsen,	Swartz,
Capano,	Kolankiewicz,	O'Neill,	Taylor,
Clanfrani,	Kornick,	Pacchioli,	Toll,
Cloff,	Lawyer,	Pashley,	Varallo,
Cochran,	Leiby,	Paulhamus,	Verona,
Comer,	Leonard,	Petrosky,	Wallace,
Curwood,	Leven,	Pettigrew,	Wargo,
Dougherty,	Limper,	Polaski,	Welsh,
Eilberg,	Lopresti,	Polen,	Wheeler,
Farabaugh,	Lovett,	Readinger,	Whitenight,
Fineman,	Maxwell,	Reibman,	Yetter,
Flint,	McCann,	Reidenbach,	Yetter,
Floyd,	McCormack,	Renwick,	Andrews,
Flynn,	McKeever,	Rosen,	Speaker
Frank,	McLaughlin,		

#### NOT VOTING—14

Amarando,	Greenwood,	McGee,	Thomas,
Boles,	Guthrie,	Murray, J. J.,	Walsh,
Flio,	Kratz,	Scarcelll,	Williams,
Foster,	Lutty,		

So the question was determined in the negative and the amendments were not agreed to.

On the question recurring,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. READINGER. Mr. Speaker, this morning when I was eating breakfast I read the morning Patriot and was much amused by an item that appeared up in the left-hand corner of the first page which reads as follows:

"GOOD MORNING—If you can keep track of status of sales tax, you're a better man than most of us."

One of the objects, among others, of today's debate will be to try to clarify for ourselves as well as for the public the status of the sales tax.

If you Members of the House are as weary of listening to taxes as I am of talking about them, you are really



weary, and I suppose the public is just as weary reading about them.

Before I enter the discussion on this bill, I would like to read a short editorial which appeared in the Evening Bulletin on Thursday, January 19th. It is entitled

Forever Wrangle, The Current Legislature (chronic Legislature might be better) seems determined to distinguish itself beyond just setting a record for long distance sitting.

The statesmen assembled at Harrisburg seem to be out for the title of most contentious, haggling, politically-conscious Legislature in Pennsylvania's history—and that would really be a championship.

Every one of these representatives of the people knows that Pennsylvania has got to have new taxes or cut back—and that they are not going to do much cutting back. In the 13th month of debate (an overly-dignified word for it), they have at last gotten over their biggest hurdle. Both Democrats and Republicans now seem ready to make it a sales tax.

One might think that now there would be easy sailing. Not at Harrisburg. Having agreed that much, the wrangling goes on over what exemptions? what rate? whose bill?

Zealous protection of the Commonwealth and its ordinary citizens is the theoretical reason for this, but not the true one. There is a desire on the part of some of the wranglers to protect certain groups of Pennsylvanians. The over-riding consideration, though, is to protect the dear old Republican and Democratic parties.

Each of the contentious statesmen apparently is naive enough to think that a sales tax can be trimmed and bent so that the other party will get all the blame for it. Few voters are quite that simple-minded. A sales tax emerging at a stiffer rate because of months of petty advantage-seeking is going to be blamed on all parties concerned.

Neither side is going to come out of this long tax mess looking heroic. The legislators might as well face it, and get the job over with.

I certainly do not agree with all of the statements made by the writer of that editorial, and I am sure you don't either. But I read it in order that we might keep in mind the background and the feelings as expressed in that editorial, at least of many people in this state.

I think the people of Pennsylvania are tired of waiting to see what kind of a tax will be enacted, and I think we are tired of being here trying to solve this problem. So we have come today to the point where we are going to vote on a sales tax. A lot of people would have liked to put off this day longer than this. Perhaps they would like never to see the day come when there would be a vote on the sales tax, but the day has come and this is it.

At the risk of repeating some of the things which were said yesterday during the debate on amendments offered and put into this bill, I am going to briefly review some of the events which led up to today and the vote on this bill.

The Democratic party in 1953 took a position that the sales tax was the wrong type of tax to finance the state of Pennsylvania. Your membership in this House, now in the minority, voted for it and the tax was imposed and it was put into effect. In the campaign of 1954 the Democratic party still maintained the position that the

sales tax was the wrong kind of a tax to raise the necessary money for the Commonwealth. They campaigned against it, and the Democrats were elected as a majority of this House and a Democratic Governor was elected.

When the Session of 1955 began, much thought was given not only to what the Commonwealth would need for the biennium, but what type of tax should be enacted in order to raise that money. We knew that a graduated income tax was unconstitutional, the courts had so decided, and despite the fact that during the 1953 session this House passed a resolution over to the Senate seeking to amend the Constitution some day, which resolution died in the Senate, our party was still of the opinion that the taxes should be levied upon the basis of ability to pay.

The first tax program which was evolved by this administration and voted for by this House, at least by the Democratic Members, was the classified income tax. It was our conception of the closest type of a tax to a graduated income tax. You men on the other side ridiculed it, you fought against it and even though it passed the House it died a prompt death in the Senate of Pennsylvania. You men, just as we are, are entitled to your viewpoint as to whether a bill is good or bad. You stated your viewpoint, we stated ours, and nevertheless it did not become law because the Senate killed it.

Later on we proposed and passed in this House the manufacturers excise tax believing it to be a proper way to raise the amount of money necessary. That too died in the Senate.

During all of this time many statements were made indicating that the Republican party of Pennsylvania believed the sales tax was the only fair and equitable broad-base tax which should be enacted to raise this money.

We spent months going over the budget submitted by the Governor to try to determine the amount of money needed to finance the rest of this biennium. As stated yesterday, the figure that is apparently the most supportable at the present time is that we need \$465 million if we are going to finance the appropriations that we think we should make during this biennium. I say much time has been spent on that budget, and I think when all the facts are known and when all of the arguments are over we will still be using a figure close to \$465 million.

Now what has developed since the day in November, I guess it was, when we passed the manufacturers excise tax? First, the Senate of Pennsylvania saw fit to kill it, then it revived it, and that is House Bill 1879 which happens to bear my name. After the Senate revived it, it amended it, and amended it and amended it some more.

Prior to the time this was done, which was only a couple of weeks ago, there had been meetings between the Republican and Democratic Senators and the leadership of both the Republican and Democratic parties in the House, at which time certain proposals were made, one of which involved the use of an income tax. The Senate after caucusing with its leaders, the Senate Republicans I should say, came back to the leadership of this House with a flat "no" on the use of any income tax.

The decision was then made to bring out the sales tax and see how every person wanted to vote on a sales tax as a means of raising the money. After that meeting in



which the Senate decided that we would have nothing, no means by which to finance our needs, except the sales tax, the Senate proceeds to amend House Bill 1879 and to turn it into a consumers use tax—just fancy words for a retail sales tax. The bill was, as I say, amended practically to death and that was done over the opposition of the Democratic Senators.

The point I am trying to make at the moment is that the bill as finally amended and which received only 23 Republican votes, because that is all that were present, the bill as amended would have raised the magnificent sum of about \$225 million.

I would like to give you a short breakdown on that \$225 million figure. The Senate was estimating that the bill which they proposed to pass would raise \$305 million. That statement, I believe, was in the public Press made by Senator Kessler as the Chairman of the Finance Committee. As far as I can find out, the way they computed the \$305 million was to take the eighth quarter of tax collections under the old sales tax which expired on August 31st of last year, which amount was \$17 million for the quarter, that was at one per cent. Increasing the rate to three per cent, as the Senate had done, the collections would then be raised to \$17 million per month instead of per quarter. They had an effective date in the bill of February 1st of this year and were therefore computing a collection period of 16 months. Multiplying the 17 by 16 months, you get approximately \$270 million, and to this they added \$35 million because they were including food and liquor for on-premise consumption. Adding those figures together you get \$305 million.

However, after that estimate was given as the amount the bill would raise, an amendment was put into that bill excluding from the tax all clothing. It was discovered that the last month of the biennium, May of next year, could not possibly be included in any estimate, so that was another \$20 million the figures were out of line.

They then proceeded to insert an exclusion for residential property, single dwellings, and the estimated revenue loss on that would be \$16 million. They then exempted all drugs, another \$2 million to be taken off. They then exempted coal, coke and wood, with another estimated loss of \$8 million.

They then excluded sales by public utilities which sell gas which was taxed under the old act, another \$10.5 million out.

They put some further exemptions in relating to manufacturing machinery and equipment in farming, another \$15 million out of it.

As the bill was drawn the use tax paid by manufacturers under the old Act would have been excluded too, which was another \$5 million. These exemptions totaled \$81,500,000 as the estimated deduction or revenue loss from the original \$305 million estimated, or roughly \$225 million as the revenue which could be expected under House Bill 1879 had it been passed and sent over here and passed by us.

So it brings us to where we are today. The Senate of Pennsylvania was not able to pass an inadequate sales tax bill which it had so amended that it was obviously inadequate, and we would have had to raise over \$200 million by some other tax bills.

I am not going to belabor this matter today. I think we have discussed sales taxes generally for the last six

or seven months. Every time we discussed some other tax we would also discuss sales taxes. Our party position has been very clear against this bill. We have not wanted it and I doubt whether too many of us want it today. Nobody need tell any of us how serious the situation has become and how close to an actual state of bankruptcy the state of Pennsylvania has come.

I stated last week on the floor of this House that you would be given an opportunity at an early date to vote on a sales tax bill. Yesterday we spent a great deal of time debating whether it should be two per cent or three per cent and what the reasonably expected yield would be of a sales tax bill with certain exemptions and certain things included.

I find myself in a most peculiar position today in that while I am going to ask the Members of the House to vote for this bill, I am compelled by my own conscience and my own reason to make the arguments against the adoption of this bill. I am going to ask the Members of this House to vote for it because at the moment it seems to be the only alternative to state bankruptcy.

We listened for a half hour preceding this discussion to a debate concerning the crisis in the schools. All of us know that the hospitals have not received the money that they are entitled to under our laws, and there will be other institutions not receiving money when it is due unless we solve this problem, but there are many arguments against the rightness or wrongness of raising this kind of money through a sales tax.

I was a Member of the Tax Study Committee appointed by Governor Fine and we spent many hours and many days discussing different taxes and the pros and cons concerning the use of a sales tax.

When you raise approximately \$400 million through the use of a sales tax, you must necessarily include things such as clothing, restaurant meals, and many other items that people must buy practically daily. If you exclude those things, you simply do not get the revenue or you have an exorbitant rate on the remaining items.

These various tax studies that have been made over the years use the word regressivity of a tax, meaning the fact that when certain things are included such as clothing, restaurant meals, and other items of that kind, the burden of paying that tax falls more heavily on the lower income groups. It is true and nobody can dispute the fact that every time you put an additional tax on something that the so-called lower economic class person must buy, you are putting more and more of the tax burden on him.

I do not know what percentage of a person's income which he has left after paying Federal taxes is used to buy items which would be taxable under this bill. I have not prepared any charts and have not had the time to have any prepared to show what percentage of the burden would fall on different groups. I dare say it would not take very long or it would not be very difficult to take the tax study report which was submitted to us in 1953 and again in 1955 and figure out what the burden will be under a tax of this kind.

If we want to maintain our policy of taxation according to ability to pay, I think definitely it is wrong to impose this kind of a tax on the people of Pennsylvania. I think so mainly because a study of Federal tax returns indicates that all the people in Pennsylvania who have



a net tax liability for Federal purposes of \$15,000 or more receive a taxable income of roughly \$1,600 million. I am not singling out that group of people because I don't like them. I love them. I hope everybody some day can make more than \$15,000 a year or have that as his net taxable income. But I am going to make the point that when we impose this type of sales tax on our people to raise \$400 million we are going to let go by the board over \$1,500 million worth of income, part of it at least, which would be taxed under an income tax, but will not be reached by this sales tax.

You can say I am right or I am wrong when I say that a lot of people whose incomes are in excess of \$15,000 save some of that money. We know they do, we hope they do, it is essential that they do, but the money that is saved or the money that is reinvested is not used to buy any kind of a taxable item and therefore will contribute nothing under this sales tax.

It is true, of course, that people with incomes of considerable size buy more automobiles, they buy more equipment for their homes, they live better than other people, and so they should, but they still have a lot of disposable income which never is used to buy any taxable item under a sales tax. That is one of the reasons why I say that to me it is morally not right to raise this kind of money with a sales tax. It should be partly by a sales tax and partly by an income tax. That was one of the proposals which we made some weeks ago to the Republican State Senate and on which we were summarily rejected.

I have heard the argument made in connection with a sales tax that it is the most fair and equitable because people may decide for themselves whether they will buy anything. I say to you when we have a sales tax on clothing, on restaurant meals and on some of these other items that are now included people do not have much choice. They have to live, and in order to live they have to eat and they have to buy clothes and they are going to be paying this sales tax.

Even though people could defer purchases I wonder how many do. From my observation it seems to me that many people borrow into the future in order to buy the things they want today. That is common knowledge. To the extent that people do that they might even be paying sales taxes on amounts way beyond their own income and they will not be able to defer the payment of those taxes though into the future. They will simply be getting deeper and deeper into debt when we lay this additional burden on the people who are going to do the buying.

I say I find this to be a most peculiar position because when I argue in favor of something I like to have real good reasons to do so. In this instance I find that the only reason I can ask the membership of this House to vote for this bill is because it is the alternative to state bankruptcy. The public is tired of waiting for us to do something and we are tired of being here. I would like to see the Members vote on this bill today so the public knows exactly where each Member stands and we either get a tax program at this time or we don't get one.

Mr. CHARLES C. SMITH. Mr. Speaker, I didn't have any intention of debating this bill at all today but I just have to answer some of the things the Majority Leader has said.

I am going to go just a bit further than he went, and I am going to agree 100 per cent with the editorial he read. I believe the people are getting tired. I know we are getting tired. I don't blame the people for getting tired because they sent us here to represent them. I don't think some of us are.

I think the gentleman should remember one thing when he quotes from the record or quotes facts. There was a famous Democrat whom I admire very much, who used to wear a brown derby. He was a very practical individual and he used to say, "Let's look at the record!"

Well now, if the gentleman wants to look at the record, let's look at it. It was his Governor who went across the state of Pennsylvania campaigning on the fact that he would eliminate the sales tax. I don't think he could deny that. It was also his Governor who went across the state of Pennsylvania saying that he would make the \$100 million up by economies. I don't think he can deny that. If he denies it, I have a record of his platform here. It was his Governor who said that about \$100 million, not our Governor and not a Republican that said it.

The gentleman talks about being here for 13 long months, and I agree they are 13 long months, but until this week we never even got a chance to vote for a sales tax or any other tax that we wanted, and he knows that. I think they are facts and I think that is a matter of record.

Today when we are getting an opportunity to vote on a sales tax, I might remind him that it is not our sales tax; it is a sales tax they see fit to give us. He talks about clothing. Again I might remind him that it is your people on your side of the House who want to tax the clothing of the working man, it is not our side. You voted the amendment down yesterday. It wasn't our side. So let's keep that record straight.

Then he talks about the tax programs they sent over to the Senate. Well, I don't condemn the Senate and I don't think he should condemn the Senate for voting down either the excise tax or the classified income tax. He knows and I know that never were any two taxes ever tried to be imposed in Pennsylvania that caused such a tremendous uproar of the citizens. The classified income tax caused the worst uproar we have ever had, and we were swamped up here when the excise tax came up. And he knows that as well as I do.

He also knows there is a gentleman on his side of the House who had a poll made out in Allegheny County, and I don't say and I am not kidding myself that any tax is popular, I am not that naive, but I know one thing, when he asked what they wanted in preference to a classified income tax he was swamped with letters that they wanted a sales tax. I don't think he has to go too far, if he would be truthful about the mail that he receives, whether people say "give us a sales tax instead or an excise tax or a classified income tax." I am quite sure if he reads the papers, he will find that it is a sales tax that the people want, if they have to be taxed.

Again let me remind you that they were elected on one thing—to get rid of the sales tax and to make economies. I would like sometime as a matter of record, if the gentleman on your side of the House would tell us some of the economies—I am sure the Press would like to know and I am quite sure they would like to report to the people because people love economies, Mr.



Majority Leader, and I think you would be doing yourself and your party a great service if you would sometime itemize such economies. In fact, you could do it today. I am sure, since the Governor has made his statement of all the money that he has been saving, that now because of this immense bookkeeping system, and it's a very accurate one I understand and very modern, that he can give us figures just by pushing a button on the IBM machines. I admire him for that. I am sure it shouldn't take too long to just tell us the economies that have been made.

While I am on that subject, ten days ago I sent a letter to the Governor asking him if he could tell us what the cash balance was in bank as of a certain date. There were about a half dozen very simple questions, and with a modern bookkeeping system, I believed the Governor would be able to give us an answer at least in two or three days. Well, I did get an answer ten days after, that he was going to refer my letter to someone else to give me the answers. I guess we will have to call their attention to the fact that with all the systems they are spending the money on the Governor himself has to pass it on, and ten days later, he deems to answer me.

I know I am only the Minority Leader, but sometimes I do like to report to the people. So while we are doing this reporting, Mr. Majority Leader, I would suggest that you give us a chance sometime at this sales tax today to vote for a sales tax that you really think Republicans would like to vote for, a sales tax that we are willing to put on our shoulders and go out of here with this tremendous load and say, "We are responsible for this." But we are not going to be responsible, some of us, to pass a tax program that you wrote, a tax program that you want, a tax program that you amended to suit yourselves.

I don't think it is quite fair to criticize the Senate when they brought up a sales tax bill and it failed, because possibly the sales tax that you are going to bring up today might fail, I don't know. You did criticize the Senate for the amendments that they put in. You say you tried to amend it in the Senate. Well, we tried to amend this bill, and they are trying to saddle us now with a bill that has clothing in it. Don't complain about clothing, Mr. Majority Leader, because it was your idea, it was not our idea. We don't want to tax the working man's clothing. We don't want to tax the working man's shoes. We don't want to tax any of those things. We don't want to tax trade-ins. We want to give the people a fair and honest and equitable sales tax—the kind of a sales tax they think they want, and the kind of a sales tax they expect, but they don't expect to be knocked over the head with your bill.

So long as we are keeping the record straight, I just thought I would bring that out. I would like to again suggest that if the gentleman would like to impress all of us and the people of the Commonwealth, he should list sometime the economies that have been made and see how close we are to \$100 million that the Governor so blithely promised as he paraded around the state.

Mr. READINGER. Mr. Speaker, we know full well that the Minority doesn't want to tax clothes, and we know they don't want to tax some other things that are in this bill, but we can't write the bill to suit them.

I dare say they would love to vote for a sales tax that

didn't impose much of a burden on anybody. But we pointed out to them yesterday that the type of sales tax bill they would like to vote on is just the type that won't raise more than half the money necessary.

When this was pointed out the other day we were told by the Minority Leader that we should worry with the Senate Majority about how to raise the balance of the money. We have worried about that. We have asked them. We have proposed certain things and they say "no." If I understand the English language, we have been told very emphatically by the whole Republican membership of the Senate "You are going to get a sales tax and you are not going to get anything else, except perhaps a CNP"—an increase in the corporate net income tax—which will raise about \$50 million. So what are we supposed to do? Pass the kind of a sales tax bill that the Minority Leader would like to have us pass, and wind up with half a budget, or half the amount of money we need? Or shall we get on the floor of the House and accept the responsibility that the people put in our laps when they elected us to office, and say, "Here we are, we are proposing something, let us see who is ready to vote for it."

If the gentleman has some solution which he would like to suggest as to how we will raise the balance of the money, if we accede to his wishes to give them a chance to vote on a sales tax such as he has talked about, the kind he would like to have, we would be happy to have that suggestion.

Up to this time the only answer we have gotten is "That's your problem." There has been a lot of talk in the newspapers about the proposal made by the Governor that we get together on a 50-50 proposition, that we give the Republicans in the Senate enough votes to pass—or rather the Republicans in the House give us enough votes to pass whatever kind of a program we want for half the money, and we will give them enough so that they can pass whatever they want. Ah, no. The next day I picked up the paper and I saw one of the most influential Senators on the Republican side say he will have nothing to do with a 50-50 proposal. I don't know whether that gentleman runs the state Senate or not, but the state Senate seems to be following him very closely, and as long as that attitude persists, I don't know how we are going to get anywhere unless we can either pass this tax bill, which will raise enough money, or find some solution which is not now visible or available to us.

It is all right to get on the floor and talk about how people in certain areas when they were sent postcards, stated they wanted a sales tax. We are here today to find out whether the representatives of the people will vote for an adequate sales tax or not. Maybe the people do want a sales tax. Maybe my party is all wrong in saying there shouldn't be a sales tax for any part of the money, or even half of it. Maybe the people do really want a sales tax. We do represent the people of Pennsylvania in the Legislature. We are the only ones who do, including the Senators. So we are going to vote today on the big question, are we going to pass an adequate sales tax or are we not. If we don't, then I would like to know what the State Senate will let us pass and give us votes for over there.

Nobody likes to come up here and vote for one tax bill after another, but that is what we have had to do. The Constitution puts on us the duty of originating tax bills.



Are we going to spend the next six months passing one tax bill after another over to the State Senate, and what is the purpose if we do it? They have told us it is going to be a sales tax or nothing.

I would like to hear some comment on that from the Minority Leader. I would like to know whether he has conferred with the leadership in the Senate and whether he knows what they will take if this bill should fail.

As far as I can learn, I don't believe the leadership in this House on the Republican side even talks to the leadership on the Republican side of the Senate. I pray the day will soon come when they do sit down and talk to each other. Perhaps they will find out they are pretty good fellows on this side and they have a lot of sense. Somebody has got to give in this matter. We are putting the thing right flatly before all of us and then we will know where we stand.

Mr. CHARLES C. SMITH. Mr. Speaker, I don't like to prolong this, but I would like to remind the gentleman of one thing when he says we are not ready to produce the money that is needed.

A two per cent sales tax, for the gentleman's information, with the economies promised by the Governor, and again they were his promises, would have solved this problem if it had been taken care of quite awhile ago. I do not believe that can be denied.

You know, the Governor reminds me of one thing. He reminds me of a credit manager who gave bad credit. He gave some product to a person who just didn't have good credit and was hard to collect from, and he sends a bill collector out to collect the bill and because the poor fellow can't collect the bill he is on his back and rides him, and rides him, and rides him to death.

Let me tell you the bill would not have been nearly as high if the Governor had not wasted the \$70 million when he left the one tax expire. I think that is true, that is a fact. The bill would not be nearly as high if he would have admitted his mistake long ago to the people of Pennsylvania and said to them, "All right, I made a mistake and I am willing to admit I made a mistake."

The people seem to want a sales tax and the Republicans want a sales tax. We will give them a two per cent sales tax and make the economies promised. It would have solved your problem. Because he is the one who has gotten us into this by leaving one tax expire and leaving us sit here for six or eight months without any tax except our permanent taxes, then he says to us, "Go out and solve our problems for us, you Republicans."

We did not get you into this hole. The Governor promised it. They were his promises. It was his stubbornness when he wouldn't give in in August. Last August when he knew he had no tax program, if he had come up and admitted he had made a mistake and said, "I will give you a two percent sales tax," we would not be in this hole today. He knows that is a positive fact. So the poor bill collector, the Republicans, we get the devil because the Governor just didn't know a bad credit risk when he had one.

Mr. READINGER. Mr. Speaker, I don't intend either to make this an interminable debate. I think practically all of us have our minds made up anyway as to what we are going to do.

But when he speaks about the Governor and his stubbornness, let me remind him that there are 111 Demo-

crats on this side and about 22 in the State Senate who also have deep-seated convictions about the rightness or wrongness of a sales tax.

When we put this bill out on the floor and asked you to vote on it and asked our own Members to vote on it, we did not do it because we like the bill. That has been the position of the Governor ever since he was elected. He does not like a sales tax. He has done everything he humanly can to come up with some kind of suggestions as to other means of raising this money. But we don't control the Senate, so what happens? The Senate says, "We won't pass the bills you pass over to us." So the Governor is stubborn.

The Governor took a strong position in this matter and because the Governor did not immediately capitulate when the old sales tax was about to expire and say, "Well, I will take it," the gentleman criticizes him.

I can just hear the gentleman and others in the next campaign with their oratory if the Governor had done as the gentleman suggests he do. I can hear him going up and down the state saying, "look at this. He promised, the whole Democratic party promised, and what happened. When the going got a little bit tough, he said, 'I will take a sales tax, I will sign it, and so forth.'"

I could make a beautiful campaign speech if I were a Republican. I would almost delight in doing it if what the gentleman suggests had happened.

We are not taking this position because of politics. We are taking it because we do not think the sales tax is the right way to do it. We did not think so then and we do not now, at least a lot of us do not.

We are asking you to vote on this because there is no alternative left.

Mr. WATERHOUSE. Mr. Speaker, the Majority Leader has stated he is pretty tired and he would like to get out of here. I take a little exception to that, I don't think he is, because if he were he would never have offered this bill in its present form.

Turning down the Ohio system proves that he definitely does not care to hurry the thing up because he has been told repeatedly that was the one plan the minority would take. Why he feels so badly about taking the Ohio system I don't know. Because the rebates that they talk about to the charitable institutions, and so on and so forth, seem to come in pretty handy out there. It relieves the burden on the state because they do not have to contribute to some of these organizations that get their money by the people saving their tax receipts.

I think we should know a little about what is in this bill. I doubt that the Majority Leader himself is much more familiar with it than I am, and if he is not he does not know too much about it. I know this, I know we are all talking about the farmer and his hardships, and rightfully so. I have a farm myself and I certainly know that it is mighty tough to stay in the black—in fact, I don't. It takes a guy that works around the clock and does not have to pay any help.

We propose under this bill to tax insecticides, machinery, machinery parts, tractors, trucks and equipment, tires and, as I understand, even if he wants to buy another cow he will have to pay a tax on it.

I would just like to ask the Majority Leader, I bought a couple of cows the other day and I got one that I don't think is much good. Now if I want to trade her for



a little extra money—probably I would have to pay a little boot—am I going to have to pay a tax on what the other cow is actually worth and get nothing for the cow that I have? Or am I going to pay any tax at all? I do not know and I would not want to be dishonest. Every time I go in the barn and look at this cow I know she does not belong there.

So we have then the question that came up yesterday of the trade-ins. That is definitely a pyramiding of taxes.

This bill that he is talking about raising 300 odd million dollars certainly will raise a lot more money than that. I think he knows it and I think the majority party knows it. I don't blame them for getting it if they can. I think the bill as it is now written will raise in a biennium in excess of \$600 million, I think they know that. We certainly do.

Then we are talking about wanting to do something for the small fellow, for the fellow with the low income. So what do we do? We tax his clothes, we tax his shoes, we tax the water that he uses in his home, we tax the gas that the housewife uses to cook with and the gas used to heat with. The fact is we tax everything along that line that is not covered under the gross receipts tax.

So we are doing just about everything we can to crucify the poor devil. Yet we are going around saying that we want to get it from those most able to pay.

I think these are all things that should be known. I doubt if everyone did know it. If we were to study the bill and learn of the impact, we would find there a lot more objectionable features to the bill.

I do not think that today's vote on this bill is going to be any indication of the degree of support that a good sales tax bill can get on the floor of this House. When I say a good sales tax bill, I will take this bill that you have on the calendar today with the amendments that were offered by the sponsor to the Committee Chairman and ask that they be incorporated in the bill. That bill with those amendments would have been a perfectly satisfactory bill, but without the amendments it is a perfectly obnoxious bill.

I further charge that the majority know this. I think it is political fakery. I think the bill is brought out to embarrass the minority party and the Senate because of the fact that they know we cannot vote for it and we will not vote for it. There are a few on this side who will, but mighty few. Then they will be able to say, "We offered them a sales tax bill and they wouldn't take it."

Brother, I don't think that is good politics. I don't think this is trying to take care of the schools, the hospitals and so forth, and I don't think that it is trying to settle our problem.

I think you are crucifying a lot of your own Members uselessly. You know if you were to pass this that it would not go through the Senate. There is no question about it. They wouldn't take it. So why make your Members crucify themselves in order to try to make us look bad. If that is what you want to do, it is all right with me.

I think that about winds it up, Mr. Speaker. I still think it is a bad bill and I will attend the services a little later on in the day, unless you have most of the votes.

Mr. FLOYD. Mr. Speaker, this House has been in session for more than a year now, yet we have been unable to enact any kind of tax program, not because of the

Members of the General Assembly, but because of twenty-six selfish men, if I may use that phrase, twenty-six selfish men and three millionaires, in the other branch of the Legislature.

I believe the Democratic Party should dedicate itself to the task of telling the people what has happened during this session of the Legislature. The Republican Party in the other branch of the Legislature is not representing the people who elected them. They not only do not represent the people, but they do not even have the courage to vote their own convictions. They seem only to be interested in the wishes of the owners of the Sun Oil Company, the Pennsylvania Manufacturers Association and the owners of the Pennsylvania Railroad. The income tax, in my opinion, that was presented to this Legislature by Governor Leader and the Democratic Party was a very good tax program, but the big business, being in control of that other branch of the Legislature, gave orders to kill the bill—not once, but they gave orders to revise the bill and kill it again.

These facts, I think, were very, very plainly revealed to every Member of this House in an open letter by the Speaker of this House. I think it was one of the best open letters that I have ever had the pleasure of reading as far as the facts are concerned. I am sure that it was.

Mr. Speaker, this House should point out to the people of Pennsylvania that the Speaker revealed to this House and pointed out that there were more than enough votes in the other branch of the Legislature to have passed one of those bills that we sent over to the other branch of the Legislature. Nevertheless, I understand there were more than enough votes in the other branch of the Legislature to pass one of those bills, but here again big business said "no." The vote for that bill I understand would have been about 27 or 28 in favor of the bill, but big business said, "No," we do not want any part of it." The people I think are responsible for it are the Sun Oil Company, the Pennsylvania Railroad and the Pennsylvania Manufacturers Association.

Governor Leader and the Democratic party since that time have presented a fair proposal, not a program but a proposal, a fifty-fifty tax proposal, allowing the Republican party, the opportunity of enacting fifty per cent of a tax program they think is best for the people and giving the Democratic party the privilege of enacting fifty per cent of a tax program they think is best for the people. But here again the twenty-six men, including the three millionaires said "no." I say it is time for someone to unmask the Republican party by telling the people of this Commonwealth of the Republican party and what it stands for.

I am sure most of the Members of this House can sum it up in two words, those two words are "Big Business." That is exactly what the Republican party represents in the other branch of this Legislature. I think we should go further than that, we should let the people know the Republican party is not representatives of them, and, as I said a few minutes ago, we should also let them know that they do not even have the courage to vote their own convictions.

However, as you say I also believe the newspapers and the news commentators of this Commonwealth are partly to blame for some of the situation. I realize the newspapers and the news commentators should criticize the



Republican party, or the Democratic party, or any other party, when they know they are not serving the best interests of the people of the Commonwealth. But the newspapers have failed to criticize the Republican party, they even failed to criticize them for not accepting the fifty-fifty tax program which was offered to them by the Governor in good faith.

It seems to me the newspapers are saying that the Republican party is above reproach, even though they are destroying the operating structure of our hospitals, schools and many other services of this Commonwealth.

I have expected and I was expecting the newspapers to question the Republicans, to question whether twenty-six men and three millionaires have the right to tell 210 Members of the General Assembly and a Democratic Governor, who was elected I understand by a majority of 270,000, with a majority in this House. That sounds like a mandate to me. I was expecting them to question whether the Republican party had the right to tell them that they are not even going to compromise, not even give us the fifty per cent of the tax program that we said that we would vote for.

I realize that every newspaper and every news commentator has the right to favor and to lean towards the Republican party, or any other party, if they wish to do so, but I figured it is dangerous. I think it is dangerous, to exclude any political party from constructive criticism.

I think that the Democratic party should be proud of Governor Leader. He has refused to accept the dictates of the Sun Oil Company, the Pennsylvania Railroad and the Pennsylvania Manufacturers Association.

I know they call him stubborn. I was listening to it today, they call him stubborn, they call him some other words too, but the more they, the Republican party and the newspapers, criticise Governor Leader, the more the Democratic party should support him.

They criticise Governor Leader for one reason, and you can believe this, their strategy is to try and knock him down. He is too strong for them; he is too popular. They criticise the Governor because they know that Governor Leader is dangerous to the Republican party of Pennsylvania. I believe if the Republican party would take the returns of the next election they will find that they have permitted Big Business to destroy the Republican party in Pennsylvania.

Mr. VARNER. Mr. Speaker, I am not rising to defend Big Business. Instead today I want to put on the record the reasons why I cannot vote for this sales tax.

So long as the administration continues to load the state payroll with political drones and does not live up to its 1954 promises of economy, I cannot vote for this tax.

Mr. Speaker, we hear today that clothing has to be included in this tax, and I say to you and to the people of Pennsylvania that this is an example of how inconsistent the Democratic politicians can be when they insist on putting clothing into this tax bill. At a rate of three per cent it will have a tremendous impact on the working people of the Commonwealth.

Mr. LOVETT. Mr. Speaker, I would like to interrogate the Minority Leader, Mr. Smith.

The SPEAKER pro tempore. Will the Minority Leader permit himself to be interrogated?

Mr. CHARLES C. SMITH. I shall, Mr. Speaker.

Mr. LOVETT. Mr. Speaker I would like to ask the gentleman a very few questions.

The first one: Are the Smiths from Germantown in Philadelphia any relation to the Smiths from the sidewalks of New York?

Mr. CHARLES C. SMITH. They are not, Mr. Speaker, but I would be very proud to be related that way.

Mr. LOVETT. Mr. Speaker, I would further like to ask the gentleman, since he advocates the Ohio plan very strongly today on this sales tax, why he did not use the Ohio plan when he enacted his sales tax under Governor Fine?

Mr. CHARLES C. SMITH. I might say, Mr. Speaker, in fairness that there was a strong movement at that time to go along with the Ohio Plan. There were some pros and cons in our caucus with respect to it. I believe at that time it had not been known quite as well. As the gentleman knows, we did not have a sales tax in this state and at that time we knew very little about a sales tax. If we had known more about it, I believe the bill that had been drawn up would have been a better bill.

I am perfectly willing to admit that we made mistakes in that, and I believe if we knew at that time as much as we do today about the Ohio Plan we would have probably—I can say we would have incorporated the Ohio Plan then, but we just did not know enough about a sales tax at that time.

Mr. LOVETT. Mr. Speaker, I would like to ask the gentleman one other question and then I would like to discuss the tax bill.

I would like to ask the gentleman, since we had a debate on the excise tax as to whether or not it was a sales tax, if he is perfectly sure that we are now voting on a sales tax?

Mr. CHARLES C. SMITH. Mr. Speaker, your Governor said it is a sales tax, and I am willing to take his word, as I did on the excise tax. He said it was not a sales tax, the excise tax.

Mr. LOVETT. Mr. Speaker, I might say to the membership of the House that we must go back and look up the record, as Al Smith said, to find out why we are in the position in the State of Pennsylvania that we are in today.

For many years I have tried to have legislation enacted to amend the Constitution of this state of Pennsylvania to make it a progressive state like the states we hear being mentioned as having a sales tax, a progressive state like the state of New York.

During the last session of the Legislature we passed a resolution to amend the Constitution in Pennsylvania to allow the Legislature to meet every year instead of every two years. The Senate of Pennsylvania passed that resolution, the House passed that resolution.

We again in the House passed that same resolution in the beginning of this session, it went to the Senate of Pennsylvania, and I might say that the Senate in Pennsylvania changed very little in the two-year period. The biggest part of the change, if there was a change, was in favor of the Democrats, so we find the very men, who agreed that we should at least give the people the right to vote on whether or not we should change the Constitution in Pennsylvania and have a session of the Legislature every year, changed their minds during this session of the Legislature, because the resolution is buried somewhere in the Senate of Pennsylvania.



I might say it means we have to go back over the years in Pennsylvania. For the neighborhood of eighty to ninety years in Pennsylvania, with the exception of two years, this state has been controlled by what is the minority party in this House today. So you see the Democrats did not have much chance to make any changes in the Constitution of Pennsylvania to correct the evils in order to bring this great state into the ranks of the liberal states in the United States.

I say, let's be fair with the Governor of Pennsylvania, let's be fair with you Members on the other side of this House, let's be fair with the Members on this side, let's be fair with the Senators, in order to make the corrections that are needed to have a correct tax program in Pennsylvania. You must move to change the Constitution in Pennsylvania, that is the only way in which we are going to eventually bring this great state of Pennsylvania in line with the other liberal states in this union.

So, my friends, I hesitated to vote against the excise tax in Pennsylvania, because I know it was a sales tax and you knew it. It was only proof to you that the sales tax is not the proper tax in Pennsylvania. I don't care where you put it, but it is not the correct tax in Pennsylvania. Those are the things that must be done if you are going to give the Legislature the right to enact the right kind of tax and make those best able to pay pay their share of the tax in Pennsylvania. I could not conscientiously vote for a sales tax in Pennsylvania when I know that the burden of that tax goes on the backs of those less able to pay, and I ask the Members not to vote for this tax in Pennsylvania.

Mr. AGNEW. Mr. Speaker, I am one of those who favor a three per cent sales tax as the solution, the broad-base tax solution to the fiscal problems of the Commonwealth.

I cannot, however, vote for this three per cent sales tax, and I am perfectly willing and ready, if not able, to give my reasons why.

Before I do, however, I would like to reply to the gentleman from Philadelphia who unmasked the Republican party in kind, by unmasking the Democratic party.

For many, many years the Democratic orators have raged back and forth across this Commonwealth, indeed across the whole country, calling the Republicans the party of special interests and big business, maintaining that they were the party that represented the "common man." You have done it very successfully, I must admit. But getting back to Pennsylvania, during 16 years of Republican administration big business and little business, business generally in Pennsylvania, has paid the highest state tax of any of the 48 states in this country, under Republican administrations, and right now the Republicans are advocating a 20 per cent increase in the highest business tax in the 48 states.

At the same time, during these Republican administrations Pennsylvania citizens per capita paid taxes to the state that rank Pennsylvania 47th out of the 48 states. The facts belie the Democratic demagogue who calls the Republican party the party of big business and the Democrat party the party of the common man.

There are some things, Mr. Majority Leader, you must remember also. We minority Members of this House campaigned in 1954 in defense of the one per cent sales tax with liberal exemptions. At that time we told the people that if additional revenues were necessary because of

mandated educational appropriation increases by prior legislatures, we would be willing and we would have the courage to vote for a two per cent sales tax. We lost that election by over 280 thousand votes in this Commonwealth to a Democratic gubernatorial candidate who campaigned on a platform of eliminating this one per cent sales tax with liberal exemptions and making up the difference by good old fashioned democratic economy.

I would remind the gentleman from Philadelphia if he thinks his Governor is still popular, to go back and talk to his people. He might get an earfull. In my opinion and from what my constituents tell me your Governor, sir, campaigned on false promises and has practiced hypocrisy.

This is January 1956, and even though we lost the election, even though we are minority Members of the House, we are now called upon to vote for a three per cent sales tax, and many of us are willing to do it, including me, but not for this tax. We didn't have the opportunity to vote for our two per cent sales tax at the beginning of the biennium, and if three per cent would do it now, two per cent would do it then. We didn't have that opportunity to vote for it then because of the arrogance, the contrariness, the stubbornness and the political immaturity of your Governor.

In spite of all that, and under all of the circumstances, many of us in this House, including me, will vote for a three per cent sales tax bill, but you have got to let us write the bill. You know, and you are very happy about this, and we know it and we are not happy about it, that in the public mind as soon as the sales tax hits the people, no matter what kind of a sales tax it is, it is a Republican tax. We will take that responsibility as part of our obligation to this Commonwealth, but in taking that responsibility we want to write the bill.

If you can understand that, and agree that perhaps we have a point there, Mr. Majority Leader, there is one other alternative to this tax bill, and that is, let us write our own. We'll give you a three per cent—most of us will—a three per cent sales tax that will bring in in the neighborhood of \$325 million. If you need more money, if you have to have more money, you get it any way you can but you won't get it with my vote.

Mr. READINGER. Mr. Speaker, I can't let that generous offer go by without making some comment.

Yesterday, on the floor of this House, everybody had an opportunity to offer amendments to the bill which is now before us. If my ears didn't deceive me, I heard the gentleman who just spoke voting in favor of reducing the rate to two per cent, and he also voted to take out clothing.

I don't know what kind of a bill he would like to vote for at three per cent, if he wrote it himself, but I would like to remind him that if the old sales tax were re-enacted at two per cent when it expired it could have been expected to raise about \$250 million. I believe that it raised \$120 million at one per cent for the full biennium and if you multiply that by two you get \$240 million, and allowing some additional amounts for better collection and so forth, he might have gotten to \$250 million. But I would still like to know where he figures he is going to get enough money under the old plan at two per cent or under the new plan, as I suspect he would like to write it at three per cent.



Miss LEIBY. Mr. Speaker, this bill is not the type of legislation with which I would ordinarily choose to raise the income which is so necessary to finance our schools, hospitals, mental institutions and other obligations of the state, but I do know that we must raise this money, and I for one am willing to compromise my beliefs by voting for this bill if it will help my state to continue to do those things which have made Pennsylvania, with all its faults, a wonderful state in which to live.

There is one thing I would like to say in answer to my friend across the way. It makes me tired when I hear so much about economy and that the Governor promised economy. Of course, I am a Democrat and I like our Governor. I think his honor and his integrity is just as fine as his looks are.

I don't know too much about financial affairs, but I know that everybody tells me that if I want to save on fuel I will have to invest some money to insulate my house and then I am going to save on fuel. I won't save the year that I invest the money but I will save in future years. I know that all the manufacturers of the United States will discard machinery which is apparently good, in order to get some new type of machine which in future years is going to reduce their expenses. How they can expect the Governor to show his economiss when he has only been in a few months and had to fight for everything he wanted, I don't know. If you want to find out whether he has given us an economical government, you wait until he has been in three or four years. That is the time to see whether he has made economies.

As for increased expenses and increased necessities, everything has increased. Just remember that we are paying very large debts for obligations which were not incurred by us Democrats, but which were incurred before we came in.

I just sat in on a hospital board where they asked for increases and they proved they need it, all these things have increased expenses in these years and naturally the Governor's expenses are the expenses for our state and have naturally increased.

Mr. EHRGOOD. Mr. Speaker, I arise today to state that I will be voting in favor of the three per cent sales tax bill. Not that I desire it as the perfect bill, but under the circumstances the best bill that is available to us at this time.

You know in politics it seems to me it is a give and take business, and I for one as a Republican, not only hope to take, I have to give a little bit, and I certainly don't like to stand up here and agree with the Majority Leader. However, I believe at this time we should. In other words, I believe the people of Pennsylvania are somewhat tired of mere politics and would like to get down to the old Greek meaning of politics, namely the art of government.

For the benefit of the state of Pennsylvania, I think that we should all vote for this bill. Certainly I would prefer to see the Ohio state collection tax plan in effect. I would also like to see clothing exempted. On the other hand I don't want to see the people of Pennsylvania saddled with another broad base tax, and I believe that we, therefore, better take the next best thing offered to us by the Democrats.

Mr. HOCKER. Mr. Speaker, I am going to try to use a little different tactics than the rest of the gentlemen

and ladies. I am not going to criticize anyone. Because, to tell you the truth, I ain't mad at nobody.

I arise in defense of this bill, and if I were able I would like to take the position of Billy Sunday and try to convert a few of you people.

To start with, we have been in a major battle; we have been in a big time fight; we have gone over the ten round stage; we are at the thirteenth right now. I think the people of this Commonwealth, the people that sent us here, are tired of our saying "we won't go for this" and "we won't go for that" and "I won't do this" and "I won't do that because so and so isn't doing this and isn't doing that."

I think it is the wrong philosophy to take. I well remember thirteen months ago when we stood here and took our oaths, and I have taken it a few times, it was not my first trip. We raised our hands and we said that we would defend and uphold the Constitution and take care of the needs of the Commonwealth of Pennsylvania. Are we going to meet that head on today or are we going to duck and dodge?

We need the money to operate this state, irrespective of who puts it out or how they put it out. We have to greet our own people, and I speak of many Republicans in the upper branch of the service, and we need \$400 million to overcome this burden.

In my opinion I think this tax will raise that much money. I in my opinion think there will be no need to inflict an income tax along with another tax on my people in the second Legislative District of Dauphin County. That is all that I am interested in to a great degree, because of the fact that I am not and will not be a state-wide candidate. I only have to deal with the people in my district.

I have a district advantage over you gentlemen. I was at my home last night, which you are not able to be. I live in a small town and I go down to the post office in the morning. I meet a lot of the people in that town. This morning I made it my business to be there when the crowd was there to see the reaction of my name in the paper being in favor of a three per cent sales tax.

I looked that crowd over very carefully and some of them were some of my worst critics. Some of them were people that never voted for me and told me that they had not. This morning they told me that they were perfectly willing to do so, and that I was doing the right thing in trying to pay the bills, that they thought I was right by not going for a 50-50 deal.

I am not a mathematician, my friends, you know that, but it doesn't take very much sense to figure out the difference between a three per cent sales tax and a two per cent sales tax and a two per cent income tax. It does not take a master mind to figure out how bad your people are going to be hurt.

Today is a wonderful opportunity for you people who have gone through thirteen months here in this House. You went through a lot of bad legislation for the want of something on a calendar. A lot of good legislation was passed but we certainly put up with a lot of bad legislation in that time. For the want of a calendar, for the want of sending something to the Printer, for the want of keeping employees on the pay roll. I am not in favor of that.

So I say to you, my friends, and I have a few in this



House, I hope, I am saying to you this is your opportunity to meet this thing head on, to solve the problems of our Commonwealth, and to get out of here and renew in the minds of the people that we are still a great body capable of doing our job.

Mrs. KOOKER. Mr. Speaker, I rise to make a few comments on this bill. I was fully prepared to vote for a sales tax because I believe a sales tax is a fair and equitable tax, but I cannot vote for this tax as it is presented today because of the fact that it does not exclude clothing. Clothing to my way of thinking is a very major factor in any family budget. Food, shoes and clothing take the greater part of any man's earning capacity, and I do not feel that it is fair, even though I am very cognizant of the revenues that are needed for our great Commonwealth.

In view of that I do not feel that even then two wrongs make a right, by placing the burden of taxation on clothing, that is ordained by a creator, and by the laws of man against indecency in order that we be clothed to meet our fellow workmen in society and in our places of business and in our factories.

Had this amendment been put into this bill I would have been very happy to have gone along with it. But as it now stands, I can be no part of laying that burden on every family's doorstep in the Commonwealth of Pennsylvania.

I hope I can make my stand clear that that is my reason at this time, even though I am a proponent of a sales tax, I cannot support this particular measure today.

Mr. AUKER. Mr. Speaker, I do not intend to debate the bill. I am rising simply because I feel it is incumbent upon me to say something in regard to my vote upon the bill when we come to a vote.

I was the first Member on this side of the House, and probably in both Houses, to publicly state that I was for a two per cent sales tax to adequately finance all the necessary services of the Commonwealth. That was said last June, nearly three months before the old sales tax expired.

At that time I reviewed very carefully and I think very thoroughly why I was taking that particular stand on a sales tax. To review briefly they were these.

Pennsylvania by reason of increased educational and welfare expenditures over the past eight or ten years previous to 1953 has reached the point where it is necessary that we should have some kind of a broad base tax in Pennsylvania.

We were fast in reaching the point and we are still at that point, Mr. Speaker, and I am going to say this because I come from one of the so-called distressed labor areas in Pennsylvania. Industry as a whole throughout Pennsylvania has reached a very, very bad position, comparatively speaking, with the industry in other large industrial states, such as ours, New York State, Illinois, Ohio, California and other states, probably Michigan, too, all of which had broad base taxes.

I believe I stated at that time that business in Pennsylvania and corporations in Pennsylvania were taxed the highest, the highest, mind you, in first place, of any state in this union. That condition still exists today.

No one can deny that taxes on business and corporations are an integral part of the cost of the product which that particular corporation or business manufactures and

sells to the people, an integral part of the cost for which it must be sold.

We are in a worse position today, comparatively speaking, as compared to other states, than we ever have been. We are finding it practically impossible to attract any number of new industries into Pennsylvania because of our corporate tax structure. That, my friends, and Mr. Speaker, is certainly not helping the employment situation in Pennsylvania. It is not helping the laboring class of people in Pennsylvania, so called, it is making it much worse for them.

Take New Jersey for instance. We rejoice in this state, we cry to high heavens and wave the flag when we get one or two new industries in Pennsylvania. Why, bless your hearts, Mercer County in New Jersey, in one year got over two hundred new industries, in one county alone. Look at their corporate tax structure, if you will, please, and compare it.

I said at that time that I would vote for a two per cent sales tax, because a two per cent sales tax based on the same exemptions as the one per cent sales tax, and based on the Ohio plan of stamp collection, and I was for that in 1953 and I am sorry it was not enacted at that time, would have solved all the fiscal problems of this Commonwealth. It would have paid off the deficit that the Democratic administration says they have inherited from the Republican administration. It would have provided for greatly increased needed salary increased for the teachers of our state and for increased salaries for experienced teachers of our state, which is very sorely needed. It would have provided extra appropriations for hospitals which they need because of the extra care they are giving to the indigent of the state. It would have given the Democratic administration possibly \$100 million to play footsie with if they so desire.

Those figures are correct. So here we come today and I find myself confronted with a sales tax. But it is one of the most obnoxious sales taxes that any sales tax could possibly be. If the Democratic administration had re-enacted the sales tax previous to its expiration, they would have gained possibly at least \$50 million over a two year period, or possibly more on big contracts which they could not gain by reason of the lapsing of the sales contract.

The sales tax, remember, expired of itself. Nobody killed it.

So therefore, when you try to say to me that I should vote for a three per cent tax that is going to tax clothing when that is not necessary and would not have been necessary except for the mistakes and errors of the Democratic administration, I simply am not going to swallow it.

I am voting the way I feel. The majority of the people of Altoona, my district, want me to vote regardless of party affiliations, and I am saying that sincerely.

I further could not vote for this tax because of the trade-in amendment which was voted down yesterday. That to my mind is one of the most obnoxious features of this bill.

So, therefore, Mr. Speaker, I just wanted to make my stand clear. I am still willing to vote for a two per cent sales tax and let that raise the amount of money that it will raise over the next fourteen months. Where the



rest of the money comes from, is not our responsibility. It is the Democratic administration's responsibility.

Mr. STROUP. Mr. Speaker, if I might have your attention for just a few moments I assure you I shall not dwell long upon the subject at hand or weary you to any great extent. I know you are tired of debate. You have heard plenty upon the subject, and you are ready to give your vote, and nothing I may say will in any way alter your opinion at this late moment, and very likely nothing that I might have said heretofore would have changed your position as to how you are going to vote. I am well aware of that. For that reason I am going to cut the several pages of notes that I have to a very brief modicum and talk for just a moment or so.

I have been aware in this House during the past year of what I consider to be a fundamental misconception of tax philosophy, and I would like to consider that point with you for just a moment.

I have heard on the floor of this House today some criticism of the sales tax as a principle insofar as the philosophy of taxation to raise revenue is concerned in our Commonwealth. I have heard the phrase frequently bandied about the House that taxes should be imposed and assessed in accordance with ability to pay.

I wish to point out that in any proper tax program one must consider the utility purchase value of the dollar that is in the hands of that purchaser. From that standpoint then either an income tax or a sales tax can be progressive in character. A sales tax per se may have regressive characteristics, but a sales tax with exemptions on the necessities and essentials of life becomes progressive in characteristics.

There is no fundamental, solid, substantial reason for the Democratic party or for the Republican party to oppose a sales tax in principle. All it needs to do in order to tax ability to pay is to bring the proper exemptions into that bill, thereby letting the man who needs his dollar for the essentials of life, have that dollar before an income tax. That is the purpose essentially of any good sales tax plan. It is the purpose of any income tax plan.

Here today before us we have a bill which has in it one certain feature which makes it completely regressive in character, and that feature is the tax on clothes which are an essential of life. We cannot afford, therefore, to fly in the face of modern tax philosophy and pass a bill which does not exclude clothing, particularly when we have no definite facts presented to us that we need to do so in order to raise the funds to meet our budget.

For that reason and that reason only, I am opposed to this particular bill as it is presently constituted. I favor a proper tax measure. If I vote for a three per cent sales tax I will vote entirely as my people desire, if you will give us the necessary exemptions to make it a progressive piece of tax legislation.

Mr. McINROY. Mr. Speaker, I am going to throw away most of my speech because I realize you are getting tired, but I just want to say just a couple things.

I sat back here and looked at this motto overhead. Can you see what it says up here in the ceiling, all of you? It says, "Ye shall know the truth and the truth shall make you free." Now, how many of the newspaper editors sitting around here, and how many of the people of Pennsylvania that read the headlines tomorrow are going to know the truth.

One of our good fellows on this side quoted something about Billy Sunday being a great Evangelist. Perhaps you wondered last night why I took the stand I did and talked against that 2 a. m. closing. I, too, am a Minister, perhaps the only one in this group, I don't know. I am a Methodist Minister and I am proud of it. I speak not only in the Methodist Church but in the Episcopal and Baptist, and wherever I am called. That is why I said what I said last night. And I will continually say that.

You know this debate reminds me of one thing this afternoon, and I think I will just try it out. I would like to just ask one question of the Majority Leader over there.

The SPEAKER pro tempore. Will the Majority Leader permit himself to be interrogated?

Mr. READINGER. I shall, Mr. Speaker, for just one question.

Mr. McINROY. Mr. Majority Leader, have you stopped beating your wife?

Mr. READINGER. You might ask my wife. She is sitting in the gallery.

Mr. McINROY. Mr. Speaker, this is exactly the place the gentleman has tried to put us Republicans in this afternoon. We are damned if we say "yes"; we are damned if we say "no." You have got us right across the barrel. You have accomplished just what you tried to accomplish. I am glad you agree with me. You have a couple of fellows here that got up and said this was a good tax.

Now, let me remind you of this. We are for a sales tax, but this is not our sales tax; this is your sales tax. You refused to go along with our amendments and you were told by the Minority Leader a week ago today that we would go for the sales tax if you would let us have our sales tax of two per cent. It is rank hypocrisy to bring out the bill that you have brought today. You know it won't pass. You know you are doing it just to put us on the spot.

I want to tell you right now you are not going to catch me. I am going to tell you right now how I am going to vote, and I ask every Republican on this side to vote "no" on this bill. It is a big smoke screen, pure and simple. All you are doing is delaying us another week, and I am losing money by not being home and so are you. You know it isn't going to pass.

We offered to compromise with you last week. Our leader, Mr. Smith, offered that, and he had the majority of our Republican caucus with him. Why won't they take us at our word? Now, you will get a few scattered votes over here because they feel they have to vote for it. You have lost in the Senate. You have put in the papers all over Pennsylvania that the Republicans won't stand for a sales tax. That is true, we won't stand for a vicious sales tax like this. We are not quite so dumb as you think we are.

Over in the Senate the leader of your Senate group—I won't tell you his name, you know it—says if we get a sales tax in Pennsylvania, and he went on and called it a so-and-so sales tax, we will carry it out to the voters, just like you carried out our little rabbit of a tax, as I said a week ago yesterday. You stood over that rabbit of a tax with a ball club and you clubbed it to death before it even got out of this Assembly. Now you think you have got us today where you want us, so you are



twisting, but you aren't going to twist some of us. We are going to stand steadfast and we are standing for just what we told you last week. I hope you won't get many votes on this side for your tax. It is your tax; it isn't our tax.

The SPEAKER pro tempore. The Chair would ask the Members to be patient. We have only a few more Members to recognize and we trust that you will maintain the same temper that you have had up until now. Shortly we should be coming to a final vote.

Mrs. MARKLEY. Mr. Speaker, I have been mindful of the crisis which is confronting our schools and our mental hospitals, but unfortunately until now I have only had the opportunity to vote for the Governor's unfair classified income tax and excise tax. I am convinced through the numerous telephone calls, through the numerous letters I have received, that the great majority of my constituents feel the sales tax is by far the most equitable of all taxes.

Therefore, there is no hesitancy on my part to assume my responsibility as their representative in voting for this measure.

I campaigned for a sales tax at a time when Governor Leader and my opponents stated there was no need for a sales tax, and there was no need for a substitute tax. At that time I said he was wrong and my stand has been proven by the record breaking budget which he has submitted to the Legislature of Pennsylvania.

This bill which has been released by a Democratic controlled Committee for a vote, is not in the form which is most desirous. I voted yesterday for amendments to permit this bill to be put in the kind of form which would be acceptable to most of the Members of this House. I voted for the exemption of clothing and shoes. I also voted against removing the credit for trade-ins from appliances and automobiles. Today I voted for the amendment which would institute the method of collection patterned after the Ohio stamp plan. I have done my best to make this a good tax bill.

The Democratic majority solidly has voted against these amendments. I, therefore, am compelled to vote for it in its present status.

Mr. LEONARD. Mr. Speaker, it is common to use the term, "I'm confused," after listening to the speeches that were made here this afternoon for and against this tax bill.

In the first place, I have already voted for two tax bills emanating from the majority side. I'm confused, because if those were bad bills why didn't the Republicans pass one of those bills and eliminate the Democratic Party, because that is the sore spot, and you can't deny it.

The Democratic Party represents the people of Pennsylvania and the Republican Party represents big business. To prove that, all you have to do is follow the editorials in the Pennsylvania newspapers. The Chamber of Commerce, the Manufacturers Association and all its affiliates kept telling the people of Pennsylvania that the only tax that would be fair would be the sales tax.

Do you know what the sales tax does to the average Pennsylvanian? I am talking about the people who produce in Pennsylvania and are responsible for making the millionaires we have in Pennsylvania who are not willing to pay their way in the greatest state in this union. They

refuse, and the Republican party has proven by its actions that it is taking orders from them.

Why didn't the newspapers tell the people just what the story was? Why didn't the Pennsylvania newspapers get back of the bill we produced and then permit the changes which they would want. I don't know that any of them in the Democratic party would have helped to eliminate the Democratic party.

On the other hand, it has been said on the minority side so many times in the last year that the present Governor, who I think eventually is going to be the best Governor the state ever had, campaigned on the question of economy.

I don't know whether this is true or not, whether Governor Leader prior to the campaign investigated our state institutions. You ought to holler and cry and applaud on this question. There are more than 50,000 people living in the state institutions, and I use the ugly words "are living like animals." You voted for a resolution that created a non-partisan committee from both Houses to investigate the conditions that existed in Morganza and today you got the report. Did you read it? Who brought those conditions on? The four last Republican Governors. They wouldn't raise any taxes because they were afraid the people would wake up and elect Democrats, which they finally did. That is the position the Republican minority is in today.

On the Republican side in the Senate you have 25 Republican Senators. I don't know what you call that twenty-sixth man. He says "no," and that's it. He says "yes," and that's it. The other 25 Republican Senators go right along with the orders. That is the position the people of Pennsylvania are confronted with at the present time.

I for one, based on my experience in life, will never vote for a sales tax because I do not believe in placing the man who is making three, or four, or five thousand dollars a year, with a wife and three or four children, in the same category as our millionaires.

How do you like it, boys?

Mr. KENT. Mr. Speaker, I sat and waited in this House for the past thirteen months hoping I would have an opportunity to vote in favor of a fair sales tax, a sales tax which would be acceptable to the people of Pennsylvania as well as the people of my county.

I am weary with having been here so long, as we all are and as the people of the Commonwealth are. I want to assure you, the Speaker, Members of this House and the people of the Commonwealth that there is no one any more aware of the desperate situation we are in financially right now than I am.

I had thought very seriously, and I had a genuine hope many months ago that the Governor would recede from his persistent, stubborn resistance to a sales tax of any kind in Pennsylvania. It has only been very recently and with qualifications that he has seen fit to do that. I am sure if the Governor had followed the will of the great majority of people in Pennsylvania five and six months ago, he would have receded from that position. We could have passed a two per cent sales tax, a fair and equitable one which would have been acceptable, our obligations would have been met and we would not be here at a very serious time as we are today.

I now find myself confronted with a sales tax which has been molded and fashioned by the majority party, the Democratic party, in this House. It is now being called



for a vote simply, I am sure with a great deal of political shrewdness, for political purposes, when we should all of us be considering most sincerely and seriously the financial situation of this great Commonwealth. We should be more concerned, not with politics but with sincere ways and means in which to finance our obligations and the obligations of this Commonwealth.

I am not concerned so much with the rate of this tax, but I am seriously concerned with some of the things it taxes. I want to say, Mr. Speaker, that I cannot and I will not vote for a tax which includes clothing, for the same reasons which have been mentioned many times before today on the floor of this House. If the Democratic Members of this House want to include clothing and tax the clothing of the workingman, shoes for children, and all of the clothing for children and the workingman, then they can do it, but I will not vote for any tax which has that provision in it, and I voted in favor of that proposition yesterday.

Nor will I vote for a tax which does not allow the credit which is given when the people of this Commonwealth trade in their refrigerators for new ones, their washing machines, their expensive home appliances, on which in most cases they are allowed a credit for the used one, and for automobiles. Nor, Mr. Speaker, will I vote for a sales tax, and again I want to say I am not so concerned about the rate, which does not include and provide for a collection system very much like they have in Ohio.

I want to say that I come from Crawford County, which borders the State of Ohio, and my home in Meadville is about twenty-five miles from the Ohio line. I have had an opportunity to talk to people in Ohio, and the ones I have talked to, do not object to the Ohio system of collection. In fact they are very much in favor of it. As our leader pointed out, there is a great deal of doubt in my mind also that they will ever be able to repeal it or change it in Ohio.

My people in Crawford County, and I am sure this is true in Western Pennsylvania, who are very familiar with the Ohio system of collection, are very much in favor of it. I can say with all truthfulness that the only objection I have ever received as a Member of this House to the sales tax which was in operation in Pennsylvania up until August 31st, the only objection that was ever conveyed to me in any way, was about our system of collection. All of the people who contacted me about it expressed most strenuously their desire that we should adopt the Ohio system along with a sales tax, which they believe was the fairest and most equitable tax we could have and which would meet our needs and our situation in Pennsylvania.

Therefore, representing the people I do and feeling that I know something about the wishes and the wants of the people of Pennsylvania generally, not only limiting my opinion to Crawford County, I cannot in all good conscience vote for this tax which we are now considering.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Berks, Mr. Readinger, for the purpose of closing the debate.

Mr. READINGER. Mr. Speaker, I have no desire to shut off debate, but I would like to close if I may after the gentleman has been recognized.

The SPEAKER pro tempore. Will the gentleman from

Berks yield to the gentleman from Philadelphia, Mr. McCormack.

Mr. READINGER. The gentleman from Berks yields.

Mr. McCORMACK. Mr. Speaker, I just want to say a few words. I would very much like to say at this time in reply to the gentleman from Dauphin, the Reverend Billy Sunday Hocker, that he has got a convert, but at this particular time, I want to paraphrase the words of another very prominent Member of the Republican party that "I am on the brink."

Certain facts to me are not disputed, I think no one can dispute them. One is that the Democratic party, the Majority Party in this Commonwealth today, passed, sponsored and sent over to the Senate two tax bills and whether or not they were fair is beside the point.

The second is that this particular tax bill No. 779 is a Republican bill. It was sponsored by the gentleman from Indiana who is a Republican, Representative Hewitt.

I think the time has come when we should rise above party politics. The Majority Leader has mentioned that we have no alternative to bankruptcy. I say to you that we have already reached moral bankruptcy in this Commonwealth because of certain factors that exists, and I won't discuss them. We are now facing financial bankruptcy.

Since this is without dispute a Republican tax, I think you should carry the ball, Mr. Minority Leader, and get your delegation to vote solidly in favor of it, regardless of whether the rate is two per cent or three per cent. If I sitting here today find that there is unanimity among the Minority Members then I will add my vote to help to pass this Republican tax.

The SPEAKER pro tempore. Does the gentleman from Berks desire to yield the floor to the gentleman from Luzerne, Mr. Wallace?

Mr. READINGER. If the gentleman desires the floor, I do.

Mr. WALLACE. Mr. Speaker, I would like to make a few brief comments as to why I oppose this bill.

I do not have any conflict with the Republican party, I do not have any conflict with my brothers on this side. But I do say right is right and wrong is wrong. If I recall back in 1952 we elected our President of the United States and when the House and Senate convened the Members of Congress were Democrats and the Senate was Republican, but I do recall they said "we are not going to be obstructionists." Now, we have heard that word here quite a lot and I think it has been proven that either somebody on this side or somebody on the other side is jockeying for position.

As I have read parts of this bill I found inequities and as it was pointed out yesterday where people were over paying and were being taxed on the sales tax, the one we let expire, there were no provisions made in the bill to give the particular person or persons a rebate. Up to this date there are no provisions in this bill to give a person a rebate. For example, they would say, "Well now, there are no provisions"—and I have data and letters from various people in my brief case stating that after they had written the department they would say,—there are no provisions in the tax bill. We can not give you your money back because of some mistake that has been made where a man overpaid it.

Furthermore, I would like to state this. Mr. Auker



has stated that he comes from Altoona and that he comes from a depressed area. I do not know how many idle people he has in his county but I will say this, that back in Luzerne County I think we have one of the deepest depressed areas, people being idle to the number of about 38 thousand. I might also say that some of the people retired from the mines, receive \$50 a month, some of them are able even at sixty to work, and here is what you are going to do with that sales tax.

You will give them relief but you will take it back with the sales tax. That is what you are going to do.

I know a lot of these people that are getting relief. Some of them have their budget so closely watched that some of them cannot even go to church. Some of them go to church for the reason that they will sacrifice food on the table. How could these poor people on relief afford this three per cent sales tax or a two per cent sales tax?

The SPEAKER pro tempore. Does the gentleman from Berks wish to yield to the Minority Leader?

Mr. READINGER. I do.

Mr. CHARLES C. SMITH. Mr. Speaker, I had certainly no intention of speaking again but I cannot let the gentleman from Philadelphia hide behind the skirts of a phony.

I do not think it is going to make a lot of difference what he says. I do not think it is going to make a lot of difference what I say. I feel the Press will report the bill honestly as they have in the past. He knows that it is not a Republican bill even though it has a Republican sponsor. We were not able to control the bill, we were not able to amend the bill the way we want it. Let me say to him and to this House that if we ever have the opportunity of giving you a Republican bill regardless of rate, there will be a lot more Republican votes than you are going to get today. It is not a Republican bill, it is a Democratic bill by the Majority Leader's own admission. They put the bill in the shape they wanted it and it is not in the shape that we want it. For the matter of record I had to make that statement at this time.

Mr. READINGER. Mr. Speaker, first, I would like to compliment the Membership on the contributions they have made to the debate on this subject. I think they were vigorous, well stated and I think we have covered the subject quite thoroughly.

As to whether it is a Republican bill or a Democratic bill, I guess at this point it does not matter too much. I might state something that probably will meet with the approval of the Minority Leader in this respect, that this is a Republican sponsored bill, as rewritten by the Democratic membership of this House, for the reason stated before that we cannot write it any other way at this time.

Maybe we ought to put the matter to rest as to whether it is a Democratic bill or a Republican bill. The fact still remains that the sales tax method, that idea of raising the money we need, is still a Republican sponsored idea, and I defy the gentleman to argue himself out of that fact.

The lady from Bucks, Mrs. Kooker and the gentleman from Bedford, Mr. Stroup, and several others have stated the very reason why probably a lot of Democratic Members are going to vote against this bill today. They stated that it includes clothing and, therefore, they find themselves unable to vote for it.

Perhaps many other Republicans will vote against this bill today because it includes clothing. Perhaps some will vote against it because it taxes meals that people will eat away from home. Perhaps they will vote against it because they too do not like a sales tax of three per cent.

I would like to point out in concluding this argument today, that two facts seem to be outstanding in all this debate; first, nobody has disputed the amount of revenue that will be collected under this legislation, and nobody as far as I have been able to hear today, has suggested any other way of raising about \$200 million.

When Mr. Hocker was speaking I think he made the statement that he will not inflict on his constituents any income tax. He spoke about the two per cent and two per cent proposal which was discussed before, the two per cent income tax and two per cent sales tax. I believe he said it does not take a master mind to figure out that two and two is worse than a three per cent sales tax. What he is overlooking, and perhaps a lot of others are overlooking, is the fact that if we did have an income tax such as we proposed to raise part of the money, some \$210 millions, you could have written this sales tax in any way you wanted to practically, because you would only need about \$165 million from a sales tax.

So I say we conclude this argument today by hearing some of your Members, some of our Members saying "We cannot possibly vote for this because it includes clothing." Still you say nothing about how we are supposed to raise the rest of the money.

I have been asking the Members to vote for this as the alternative to state bankruptcy, but I am not surprised to see a lot of your Members vote against it as I won't be surprised to see a lot of our Members vote against it. But nobody up to this time except our party has proposed another way of raising this money. You say "no" in effect to an income tax, the Senate has said "no," and if you think you can go back home and say "I voted against this tax because it included clothing," I hope you have an answer to your people back home as to how the rest of the money is supposed to be raised when you control the votes in the Senate, and you say nothing but "this."

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

A verification of the roll was requested by Messrs. READINGER, MAXWELL and STANK.

The roll was called and was as follows:

#### YEAS—38

Cochran,	Helm,	Ogilvie,	Snider,
Cooper,	Hewitt,	Olsen,	Steckel,
Down,	Hocker,	O'Neill,	Stephens,
Ehrgood,	Leiby,	Paulhamus,	Swartz,
Eshleman,	Markley,	Petrosky,	Thompson,
Ewing,	Maxwell,	Polen,	Wheeler,
Flynn,	McCann,	Readinger,	Wood,
Goldstein,	McWhorter,	Royer,	Young,
Gramlich,	Moody,	Sarra,	Ziegler,
Haudenschild,	Murray, P. G.,		

#### NAYS—158

Adam,	Frank,	Lamper,	Rosen,
Agnew,	Frascella,	Lopresti,	Rovansek,
Amarando,	Frost,	Lovett,	Rubin,



Anderson, M. S.,	Gaffney,	Magee,	Rudisill,
Anderson, S. A.,	Garlock,	Mahan,	Schuster,
Ashton,	Gelfand,	McCormack,	Sherman,
Auker,	George,	McGee,	Sigman,
Banker,	Gibb,	McInroy,	Smith, C. C.,
Barnatovich,	Gibson,	McKeever,	Smith, Wm. B.,
Bazin,	Greenwood,	McLaughlin,	Stank,
Bell,	Guss,	Meholchick,	Stebbins,
Blair,	Hamilton, R. K.,	Metz,	Stevenson,
Bonner,	Hass,	Mihm,	Stone,
Boory,	Heavey,	Mikula,	Stoner,
Bower,	Henzel,	Miller,	Strausser,
Branca,	Holt,	Mills,	Stroup,
Brelsob,	Horst,	Monroe,	Taylor,
Brennan, A. P.,	Houk,	Moran,	Toll,
Brennan, J. J.,	Isaacs,	Moscrip,	Tompkins,
Brenninger,	Jenkins,	Muldowney,	Toomey,
Breth,	Johnson,	Mullen,	Varallo,
Brown,	Jones, G. E.,	Munley,	Varner,
Bucchin,	Jones, T. H. W.,	Murphy,	Vaughan,
Bullen,	Jump,	Murray, H. P.,	Verona,
Capano,	Kamyk,	Musto,	Wall,
Cianfrani,	Kehler,	Naugle,	Wallace,
Cioffi,	Keller,	Needham,	Wargo,
Comer,	Kent,	Pacchioli,	Waterhouse,
Connelly,	Kline,	Parry,	Weidner,
Curwood,	Knecht,	Pashley,	Welsh,
Davis,	Kolankiewicz,	Pettigrew,	Wescott,
Donahue,	Kooker,	Polaski,	Whitenight,
Donaldson,	Kornick,	Pomeroy,	Willaredt,
Dougherty,	Kromer,	Price,	Williams,
Ellberg,	Lafore,	Pursley,	Wilt,
Erb,	Lawyer,	Reibman,	Worley,
Farabaugh,	Lelsey,	Reidenbach,	Yetter,
Fineman,	Leonard,	Renwick,	Yetzer,
Flint,	Leven,	Rigby,	Andrews,
Floyd,	Light,		Speaker

## NOT VOTING—11

Boies,	Guthrie,	Lutty,	Thomas,
Filo,	Kratz,	Murray, J. J.,	Walsh,
Foster,	Lippincott,	Scarcell,	

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the bill falls.

## REASON FOR VOTE

Mr. BANKER. Mr. Speaker, Re House Bill 779. I know the people of Huntingdon County want to see a Sales Tax enacted. I am equally certain that they do not wish to be crucified by such a bill as this.

There is no doubt in my mind that this misbegotten bill as set up by the Democratic Party will produce closer to \$600 million than \$365. This is simply highwaymen tactics.

I am voting against it because I think I am doing what my folks would want me to do.

I might add that even if it is passed here today it will never reach the Governor's desk. If I am wrong, I will soon find out when I return to my home.

## REASONS FOR VOTE

Mr. DAVIS. Mr. Speaker, I request consent of the House to file a statement on my reasons for voting against the sales tax measure before the House today.

Mr. Speaker, I regret that in good conscience I have no other course than to vote no on this bill, House Bill No. 779, as well as House Bill No. 780.

I will wholeheartedly support a sales tax bill up to 3 per cent which includes

(1) the Ohio stamp plan in substantially its entirety, and

(2) the same exemptions which were in the lapsed 1953 one per cent sales tax.

Such a bill, I believe, is acceptable to my constituents.

Any bill which falls short of these exemptions, and of the Ohio plan concept for collections, in my opinion, does not measure up to what the people of Forest County have a right to expect in the way of taxes.

Moreover, Mr. Speaker, I refuse to be stampeded into voting for so unacceptable a set of tax measures as the two bills before the House this day, by the public relations efforts of the Governor's Office. The public relations staff are endeavoring to tie the tag of pure obstructionism to those who vote "no." Despite an impending fiscal crisis, still I refuse to be stampeded into a course which I believe to be an unfair burden upon my constituents.

Briefly and finally, my position is this: I will not vote for a sales tax which bears harshly upon those of low incomes. But I shall vote for a sales tax bill which does ease the burden upon those of low income. And the measure I shall support will include the Ohio plan.

## REASONS FOR VOTE

Mr. GRAMLICH. Mr. Speaker, I desire to file my comments on House Bill 779 and 780, better known as the Sales and Use Tax Bills.

I intend to vote for these bills with reluctance—I have always favored a sales tax as the best method of financing our educational system, however, I feel that a two per cent tax would be sufficient, but now as ninety per cent or more of the schools in my district are in dire need of funds and at the late date in the present biennium, I feel that three per cent tax will be necessary for the balance of this biennium. However, I recommend that take home food, clothing and prescription medicines, and all trade-in articles be exempted.

Also I recommend that if this tax is approved that the method of collection be patterned after the Ohio Plan with the use of stamps or coupons and the latter to be written in the measure.

## REASONS FOR VOTE

Mr. HELM. Mr. Speaker, with the hope that the Senate will exempt clothing from taxation and permit trade-ins as a deduction from the retail price before tax is added and that the Ohio stamp plan will be written into the bills, I cast my vote in favor of the above bills. About ninety-six per cent of the school districts in Armstrong County are in dire need of financial aid now and I must cast my vote to raise these needed funds.

## PERMISSION TO ADDRESS HOUSE

Mr. CHARLES C. SMITH asked and obtained unanimous consent to address the House.

The result of the vote on this tax bill, Mr. Speaker, certainly is what everyone has been expecting. We knew and you knew that a three per cent sales tax written on Democratic lines, with clothing, trade-ins and non-acceptance of the Ohio plan, could never get 100 per cent support from this side of the House, that it could only be passed if you yourselves provided the majority of the votes for the bill that you so amended.

We have stood all along for a sales tax, and I want to be very emphatic about this, we still are for a sales tax at the proper rate and with the proper exemptions. The tax bill that the majority of our caucus said they would support, and which I told you on the floor of this



House, is one with a two per cent rate and exempting clothes and trade-ins.

I believe we could go so far as to say today that our caucus, if we were allowed to write the bill in our way, would go for a three per cent rate with the proper exemptions and the proper handling and the proper collection of the tax.

Such a tax will produce \$200 million minimum and it could possibly go, if it is three per cent rate, to \$300 or \$350 million. That is under one supposition, that we act and act at once and quit playing politics and trying to kid the public.

This will meet a great part of the requirements of our schools and hospitals if it is two per cent. If it is three per cent, it will probably cover all of them. If it had been enacted last year, when it should have been enacted, it would have met all of the requirements, as I said before, of our state budget coupled with the Governor's economies that he promised, but so far has not produced.

Then you are going to say to me, if it is two per cent, what about the rest of the money? I say to you, if we can only produce enough votes for a two per cent tax, we are in the minority, as you know, and we are going to provide for a two per cent tax a major portion of the votes for a tax bill that will produce sixty per cent of what is needed in your budget. If that is all we can produce, you will have to come up with the other forty per cent. We can't be expected to do that.

If you let us write our bill and amend our bill the way we want to amend it—let's play ball fairly—if we give you a three per cent tax, it will provide most of the money and you can say you didn't pass any taxes if you want to do that. That is the way we feel today. I am not saying to you what the tax will be, if it is going to be two per cent or what it is going to be or what is going to be used as a matching fund with it.

I am not saying what the Senate will agree to pass. I cannot speak for the Senate and I do not presume to speak for them. What we are willing to do and what we are speaking of is the kind of sales tax we can vote for, and we on this side will do everything humanly possible to pass it.

When that sales tax is passed, if the Governor sees fit to sign it—he has not yet said that he would sign it, or sign any sales tax—the major portion of what is needed to balance the budget at two per cent will be provided, I am sure. We cannot see why we should be held responsible for the fact that \$70 million in revenue has already been lost in this biennium by the Governor's refusal to consent to the sales tax.

If you do feel that we should be held responsible for the Governor's attitude in this, a three per cent tax may possibly solve it. We do not feel that we should be responsible for providing money for the Governor's pet projects and for his untried programs which the people of Pennsylvania do not seem to want and the Governor is the only one trying to initiate them.

The first thing to do here, it seems to us, is to find money for the things the state needs, the things the state is already committed to, instead of trying to find better ways and newer ways of spending money.

I might again say to the Governor, if we are only able to produce votes for a two per cent tax of the kind you gentlemen don't seem to want, perhaps it might be well

to remind him that half a loaf is better than none. If the school teachers and the schools are paid on time in the next two months, or in the next month, it would be better for us to do that than for all of us to sit here and not attempt anything.

I only pass that on to you on the two per cent rate. There seems to be a feeling on this side of the House that if we write the bill and it is our bill, maybe we can get you enough votes for three per cent with some help from your side.

It is back in your hands. When you make up your minds what you will let us do with the bill, let us know. You are trying to hang it on our shoulders. We are willing to let it hang there, but we are going to have it hang in our fashion and not in yours.

### PERMISSION TO ADDRESS HOUSE

Mr. READINGER asked and obtained unanimous consent to address the House.

Mr. Speaker, I think the membership of the House should be assured that the defeat of this bill is not going to stop any activity on our part to try to solve this problem. Whether the solution will be in line with what the gentleman suggests or not, I do not know and neither does he, but we are certainly going to keep on making efforts, one after another, to get this thing solved. He says it must be solved, we say it must, and we all know it must.

If the day ever comes when we are going to be forced to take half a loaf and run a couple hundred million dollars deficit in this biennium, he will find that the people on this side are willing to vote for anything they can get by way of raising money so our schools do not close.

That day has not come, and I say we are going to make every effort to go on from this point and try to get this solved in some sensible way. There will be no delay. I have been seeking conferences with the gentleman and with anyone who in some way might be of help to solve this problem. That will continue.

The SPEAKER pro tempore. The Chair is pleased at this time to return the gavel to the Speaker.

### The SPEAKER (Hiram G. Andrews) IN THE CHAIR

The SPEAKER. The Chair resumes the gavel for the purpose of making a statement as Speaker, a statement as a Speaker who presides over a parliament composed of the representatives of two parties.

I hope we all realize the gravity of the situation at which we have arrived. We are confronted with a situation, not a theory, a situation which will not permit all of us to treasure our particular ideologies or to continue in complete devotion to our particular philosophies.

I want to say to the new Members, some of whom I have no doubt, regarded me as a bit of a partisan devil. I have always been a party man, but during my career here no one ever heard me personally abuse a Republican Governor. No one. I have earned my right to speak to the Members of this House. There may have been greater parliamentarians as Speakers, there may have been more eloquent orators, but I do not believe the oldest Member of this House can recall a Speaker who has been more consistently devoted to the interest of this House.

When you came back you got a \$500 check. Do you think you got that because the people arose and de-



manded it, because you were so pretty, because you were so diligent in your job? No. You got it because a few Members of this House, Adam Bower, the gentleman from Lancaster, gentlemen over on our side, went out on a limb and demanded that you get it. The Speaker was one of the hinges upon which those series of checks turned. Once in a while when you cash them in the days to come, just think of the Speaker, because he may not be around then.

We are going to pass a pension bill and it is going to become a law. Do you think that comes about because you are so pretty, because you have all been so diligent in your tasks, because you never have been absent without leave, because the public admires you so? No. It is an anchor cast to windward so that in the days to come this House may have greater stature and greater dignity, and I believe the Republican Members of this House, the older Members, will concede that the Speaker is one of the hinges upon which that bill will turn.

I am simply saying this to fortify my right to speak. What measures we will take in the future I do not think is within the province of the Speaker to comment upon, but I have listened to the debate today and I have listened to the recent comments of the Minority Leader and the Majority Leader. We cannot solve the problem that faces us by glaring at each other in anger across the middle aisle. It can't be done.

Neither party at this time can muster the votes for an adequate financial program. We might as well face the fact. I do not believe any financial genius can frame a program that will have 106 votes on the Democratic side or that will have a full amount of support for a complete program on the Republican side. So we must needs establish some means of non-partisan communication, consideration, conference and compromise.

Another thing, we must become increasingly conscious, and all the factors on this Hill must become increasingly conscious, of the dignities and the responsibilities of this House by virtue of statute and by virtue of the Constitution. We are the custodians of the responsibility of framing the fiscal policies of this Commonwealth. We surrender our prerogatives and we stand on our dignity and our responsibility, and we are defeated before we start if we say we can't do this because perhaps the other Chamber will not go along. If we are to take that attitude, we might as well decamp from the Hill and place sole responsibility on that other Chamber.

I notice that the faces long familiar in the Senate that were honoring us with their presence this afternoon, upon the termination of a discussion concerning taxes have decamped from our midst.

The Senate of Pennsylvania perhaps consistently can refuse to support a tax program that comes to that body if it is a program which all the Democrats voted for and all the Republicans voted against. I do not know if I were a Republican Senator and I were faced with that sort of a division, whether I would likely repudiate the judgment of all of the Republican Members of the House. But no coordinate parliamentary body can refuse to honor a fiscal program that comes before it backed by a majority of the Republicans in this House and backed by a majority of the Democrats in this House and comes to it stamped with the hallmark of bipartisan endeavor.

To these newer and more enthusiastic Members, I would say you can not pass a tax program just by kicking the Governor around. To my Democratic friends I say that when you have a majority in both Houses it is frequently amusing and worthwhile to kick the Republicans around because of past sins.

For our purposes we stand in an entirely new day. If we enter this new day burdned by party animosities, the new day will be just a day like the days that have gone since January 1st.

You know there are some curious things—and I think the Speaker has a right to comment—when we sent the first tax bill over to the Senate there was a plea for three Republican votes. They decided that three Senators were indispensable and could not be sacrificed. But when the situation arose in the House, and there were ninety-some Republicans to be sacrificed who were dispensable, there was all kinds of pressure, all kinds of pressure, that they line up. Talk about clubbing Democrats. I hope some of the Republican Members are feeling their heads to determine the extent of the bruises.

I am suggesting that beginning as of this hour the Majority Leader, with such advisers as he may elect to select, and the Minority Leader, with such advisers as he may elect to select, enter into conference for the purpose, for the purpose, of reaching an initial agreement upon a program which can be submitted to this House meeting in Committee of the Whole. The Minority Leader says he is going to make no bargains behind closed doors. The Majority Leader says he is going to make no bargains behind closed doors. There is no possible parliamentary way that we can ascertain our situation regarding the strength we have in both parties for a bona fide bipartisan tax program than to devise such a program and consider it in Committee of the Whole.

Of course, if in that Committee we are conscious only on the Democratic side of past Republican error and Republicans are conscious only of fancied or real Democratic dereliction we can't get anywhere. Most certainly, we will never get anywhere by abusing each other across the center aisle. We must recognize the fact that no party won the last election—no party won. When there is a Republican Senate and a Democratic House, it stands a draw, but we cannot win this battle, we cannot win this tax battle, if we surrender to the other Chamber before we even begin to think. It is intolerable, it is politically indecent, that the leaders in any parliamentary group should assume the attitude of overlords and presume that we in this House are children to be told, "Now get busy, boys. Here's what we insist you do."

I say the will of this House concerning tax legislation is an imperial will, and instead of the other Chamber saying, "Do this," I favor a bipartisan program to be sent to the other Chamber with the word that this is it. Changes in draftsmanship we will accept, error we will permit to be remedied, but here in those measures is represented the sovereign will of this House and we are prepared to insist before all the world that that will prevail.

The Chair now returns the gavel to the gentleman from Cambria, Mr. Lopresti.

Mr. LOPRESTI IN THE CHAIR



### PERMISSION TO ADDRESS HOUSE

Mr. READINGER asked and obtained unanimous consent to address the House.

Mr. Speaker, In view or the — — —

Mr. CHARLES C. SMITH. Mr. Speaker, — — —

The SPEAKER pro tempore. Does the gentleman desire to yield to the gentleman from Philadelphia, Mr. Smith?

Mr. READINGER. I will yield. I think he wants to make a motion to recommit a bill.

Mr. CHARLES C. SMITH. I thank the gentleman.

Mr. Speaker, I would like to suggest to the majority side at this time, if they are as sincere in their desire to solve this difficulty as we seem to be, that they go along with us right now on a motion to place the sales tax bill which just failed, on the final passage postponed calendar so that we on this side of the House can work on it and help solve their problems. We will give some support to that motion if they will.

Mr. READINGER. To reconsider the vote and put the bill on the final passage postponed calendar?

The SPEAKER pro tempore. The Chair would suggest that under the motion to make House Bills Nos. 779 and 780 a special order of business, the Chair must lay before the House at this time the second special order of business, which is House Bill 780, Printer's No. 1314.

Mr. CHARLES C. SMITH. Mr. Speaker, I was not going to make a motion, I was asking at the time whether they would help with a motion at this time.

The SPEAKER pro tempore. Will the gentleman yield?

Mr. CHARLES C. SMITH. I yield for the purpose of the next order of business on 780.

I would also suggest, if it meets the gentleman's approval and he does not want to consider our other suggestion, that we recommit 780. That would probably tell us how he feels on the other motion.

Mr. READINGER. Mr. Speaker, I had risen for the purpose of moving that House Bill 780 be recommitted to the Committee on Ways and Means in view of the defeat of 779.

The SPEAKER pro tempore. Will the gentleman yield for a moment?

Does the gentleman wish to make any further remarks before we proceed to that order?

Mr. READINGER. I do, Mr. Speaker.

In line with the request just made, I realize the importance of time as much as the gentleman does, but I certainly think one day's delay in making a decision as to whether to put 779 on the postponed calendar or to recommit it to Committee will not unduly delay this House. I expect he would not object to my requesting one day in order to make the decision that he has requested.

A motion to reconsider the vote by which the bill was defeated can be made tomorrow as well as it can be made today. I am asking him to withdraw his request for immediate action, otherwise I will have to oppose it.

The SPEAKER pro tempore. The gentleman has not made a formal motion. it was in the form of a suggestion and there is nothing to withdraw.

### SPECIAL ORDER ON HOUSE BILL NO. 780

The SPEAKER pro tempore. The Chair lays before

the House the next bill on the special order of business fixed for this time, being House Bill No. 780.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 780, entitled:

An Act providing revenue by imposing a tax on the use and storage of tangible personal property within the Commonwealth providing for the assessment collection and lien of the tax imposing duties on prothonotaries requiring sellers maintaining a place of business in this Commonwealth to register make returns and collect the tax prescribing penalties and providing for the use of the proceeds of such tax for public school purposes

On the question,

Will the House agree to the bill on third reading?

### BILL RECOMMITTED

Mr. READINGER. Mr. Speaker, I move that this bill be recommitted to the Committee on Ways and Means.

The motion was agreed to.

### PERMISSION TO ADDRESS HOUSE

Mr. RIGBY asked and obtained unanimous consent to address the House.

I was going to speak very briefly on the letter that we received yesterday from our Speaker. If the mockery is over that we witnessed today I recommend that the suggestion made by the Speaker be adopted and that we get down to business and get together so we can all agree on a tax.

The only thing, I would like to go a little bit further. I would like to suggest that the Governor and the President pro tempore take a brief vacation so that we can sensibly solve our problems. I do not think it will have to be a lengthy one.

### SENATE MESSAGE

#### TIME OF NEXT MEETING

The Clerk of the Senate being introduced presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, January 24, 1956.

Resolved, (the House of Representatives concurring), That when the Senate adjourns this week, it reconvene on Monday, January 30, 1956, at one o'clock P. M., E. S. T. and when the House of Representatives adjourns this week, it reconvene on Monday, January 30, 1956, at a time to be fixed by the House of Representatives.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

On the question,

Will the House concur in the resolution of the Senate?

It was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

### RESOLUTION

#### CONGRATULATIONS

The SPEAKER pro tempore. There is a very special privileged Resolution to come before the House at this time. The Resolution refers to the Dean of the House,



and the Chair would like to have silence and attention during the consideration of this Resolution.

Messrs. ROYER, PAUL G. MURRAY and ESHLEMAN offered a resolution which was read, considered and unanimously adopted as follows:

In the House of Representatives, January 24, 1956.

The Honorable Norman Wood, representative of the second legislative district of Lancaster County, celebrates his second birthday anniversary to occur during this session of the General Assembly, on Tuesday, January 24, 1956. This event is significant, as it is a token of his double-barreled efforts to further the inception and advancement of well-considered legislation.

Mr. Wood has served in this legislative body without interruption since his original election in 1922. During his long years of dedication to public service, he has served on the Local Government Commission, the Pennsylvania Historical and Museum Commission, the Governor's Advisory Farm Labor Committee, and as Chairman of the Commission on Interstate Cooperation.

Mr. Wood's outstanding record has much to commend it in the way of keen analysis of legislative affairs and honest and well-founded concepts of public problems. These concepts have been of great worth in the evaluation of the various tasks confronting this body during his many years of service; therefore, be it

Resolved, That the members of this House of Representatives extend their individual good wishes and congratulations to the Honorable Norman Wood on his birthday anniversary, and wish him health and happiness for many years to come.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Lancaster, Mr. Wood.

Mr. WOOD. Mr. Speaker, I wish to thank my colleagues for this Resolution. There are not many people that can have two birthdays in one session. I hope this session will soon be over so I will not have to serve a third one here.

## RESOLUTION

### CONDOLENCE

Mr. TOOMEY offered a resolution which was read, considered and adopted as follows:

In the House of Representatives, January 24, 1956.

Amos Long Gelnett of Newport, Perry County, Pennsylvania, died at the age of sixty-seven on January 16, 1956 at a hospital in Harrisburg after an illness of several weeks.

Born in Juniata County, Mr. Gelnett came to Newport in 1910 to become one of the founders of the Gelnett Bros. Ford Agency, a business which terminated in 1952. Since then, he had been Director of the Bureau of Public Assistance in the State Treasury Department in Harrisburg.

Gelnett was very active in social, political, charitable, civic, fraternal and religious organizations. He represented Perry County with distinction in the House of Representatives for three terms, was a delegate to the Republican National Convention in 1948, served many years as State committeeman and belonged to the Republican County Committee.

He was noted for his deep devotion to civic affairs of the community at large. He was acting president of the Newport Cemetery Association, past master and trustee of the Newport Lodge No. 381 of the Masons, a member of Newport Royal Arch Chapter, past grand steward of the Masonic Lodge of Pennsylvania, member of Harrisburg Consistory and of Zembo Temple since 1917, member of the Perry-Juniata Shrine Club and the Tall Cedars of Lebanon, Juniata Valley Forest, charter member and past president of the Newport Lions Club, and charter member of the Newport Fire Company.

Gelnett was a pious man. He was a member of St. Paul's Lutheran Church of Newport, served on the church council for more than thirty years, was president part of the time and was a member of the Brotherhood Bible Class.

At the time of his death, he was president of the First National Bank of Newport. Mr. Gelnett is survived by his wife, Nelle Kough Gelnett and a daughter, Mrs. Amos L. Seldomridge.

The life of Amos Long Gelnett was a model of diligence, humility and self-sacrifice. His wise and valuable counsel was sought by his associates in all walks of life. His generosity and kindness to others was evidenced by his extensive and relentless efforts to help his fellow citizens and the community on every possible occasion; therefore be it

Resolved, That this House of Representatives hereby extends its heartfelt sympathy and condolences to Mrs. Nelle Kough Gelnett and her family; and be it further

Resolved, That a copy of this resolution be sent to the bereaved widow.

## RESOLUTION

### CONDOLENCE

Mr. WARGO, Mrs. MUNLEY and Mr. REIDENBACH offered a resolution which was read, considered and adopted as follows:

In the House of Representatives, January 24, 1956.

Mrs. Catherine T. Needham of 324 South Hyde Park Avenue, Scranton, Penna., mother of Representative Michael J. Needham, died on December 24, 1955 in St. Mary's Hospital where she had been a patient for approximately two weeks.

Mrs. Needham was born in County Mayo, Ireland and resided in West Scranton for 50 years. She was the widow of Daniel Needham and daughter of the late Thomas and Sarah Swift McLaughlin.

Mrs. Needham was active in religious, civic, political and war veterans' affairs. She was a member of St. Patrick's Church, its Altar and Rosary Society, Convent Guild, the War Mothers and Auxiliary of Koch-Conley Post, American Legion, was active in Scranton Chapter, American Red Cross, Community Chest and women's organizations of the Democratic Party.

Also surviving are a daughter, Mary and five other sons, Daniel, Martin, Patrick, Eugene and Joseph, all of Scranton; three grandchildren and several nieces and nephews, among them Rev. James McLaughlin, M.M.; therefore be it.

Resolved, That the members of the House of Representatives extend their sincerest sympathy to her son, Representative Michael J. Needham, in his hour of loss and bid him take solace in the knowledge that his dear mother has fulfilled her destiny and has received the promised reward for a life well lived; and be it further

Resolved, That a copy of this resolution be forwarded to Honorable Michael J. Needham.

## REPORTS FROM COMMITTEES

Mr. READINGER from the Committee on Rules, reported as amended, House Bill No. 1908, entitled:

An Act authorizing abatement of real estate taxes because of destruction or damage of property by flood, or the refund or credit of the amount of such taxes against future taxes by certain political subdivisions.

Mr. TOLL from the Committee on Judiciary, re-reported as amended, Senate Bill No. 655, entitled:

An Act amending "The Realty Transfer Tax Act" of December 27 1951 (P. L. 1742) \* \* \* exempting from the tax certain trustee and correctional deeds certain straw transactions and certain transfers to the United States, the



Commonwealth or their agencies, instrumentalities or political subdivisions

## REPORT OF COMMITTEE OF CONFERENCE ON HOUSE BILL NO. 728

Mr. TOLL. Mr. Speaker, I present the report of the Committee of Conference on House Bill No. 728.

The SPEAKER. The report will lie over for printing under the Rules.

## SENATE MESSAGES

### CONCURRENCE IN HOUSE RESOLUTION

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives as follows:

In the House of Representatives, January 17, 1956.

Resolved (if the Senate concur), that House Bill No. 844, Printer's No. 1129, entitled "An act amending the act of May 1, 1929 (P. L. 905) entitled 'An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds' authorizing use of warning figures commonly known as 'silent policemen' to be erected within school zones on highways and State highways by certain political subdivisions," be recalled from the Governor for the purpose of amendment.

### CONCURRENCE IN HOUSE RESOLUTION

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives as follows:

In the House of Representatives, January 17, 1956.

Resolved (if the Senate concur), that House Bill No. 1002, Printer's No. 1076, entitled "An act relating to conditional sales made prior to July 1, 1954," be recalled from the Governor for the purpose of amendment.

### CONCURRENCE IN HOUSE RESOLUTION

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives as follows:

In the House of Representatives, January 17, 1956.

Resolved, (if the Senate concur), that House Bill No. 1172, Printer's No. 1092, entitled "An act amending the act of June 14, 1923 (P. L. 710) entitled 'An act allowing and regulating boxing sparring and wrestling matches and exhibitions establishing a State Athletic Commission making an appropriation therefor and appropriating moneys received for monument and memorial purposes and prescribing penalties' prohibiting the use of a fictitious or assumed name for the purpose of participating in any

amateur boxing match or exhibition," be recalled from the Governor for the purpose of further consideration.

### CONCURRENCE IN HOUSE RESOLUTION

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives as follows:

In the House of Representatives, January 19, 1956.

Resolved (if the Senate concur) that House Bill No. 1174, Printer's No. 1244, entitled "An act amending the act of March 10, 1949 (P. L. 30) entitled 'An act relating to the public school system including certain provisions applicable as well to private and parochial schools amending revising consolidating and changing the laws relating thereto' by providing for military leaves of absence for public school employees who are inducted for military service at any time," be recalled from the Governor for the purpose of amendment.

### CONCURRENCE IN HOUSE RESOLUTION

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives as follows:

In the House of Representatives, January 19, 1956.

Resolved (if the Senate concur), that House Bill No. 342 Printer's No. 1248, entitled "An act amending the act of May 1, 1929 (P. L. 905) entitled 'An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds' exempting and limiting the number of motor vehicles of war amputees from the payment of title or registration fees," be recalled from the Governor for the purpose of further consideration.

## BILL ON FINAL PASSAGE RECALLED FROM GOVERNOR

### BILL PASSED OVER

There being no objection

House Bill No. 1623, Printer's No. 1277 was passed over at the request of the SPEAKER pro tempore.

## BILLS ON FINAL PASSAGE

### BILLS PASSED OVER

There being no objection

House Bill No. 68, Printer's No. 1302,  
House Bill No. 322, Printer's No. 1301,  
House Bill No. 667, Printer's No. 1256,  
House Bill No. 796, Printer's No. 1283 and  
Senate Bill No. 467, Printer's No. 464,



were passed over at the request of the SPEAKER pro tempore.

### BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 110, as follows:

An Act amending the act of April nine one thousand nine hundred twenty-nine (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" designating the days on which State employes shall be paid and repealing inconsistent legislation.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Article II act of April nine one thousand nine hundred twenty-nine (P. L. 177) known as "The Administrative Code of one thousand nine hundred twenty-nine" is amended by adding at the end thereof a new section to read

Section 223 Payday Each employe of an administrative department of an independent administrative board of commission of a departmental administrative board or commission shall be paid his regular salary every other week.

Section 2 The act of June one one thousand nine hundred fifteen (P. L. 701) entitled "An act regulating the payment of persons in the employ of the Commonwealth" is repealed

Section 3 All other acts and parts of acts are repealed in so far as they are inconsistent herewith

Section 4 This act shall take effect June one one thousand nine hundred fifty-six

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

### YEAS—204

Adam,  
Agnew,  
Amarando,  
Anderson, M. S.,  
Anderson, S. A.,  
Ashton,  
Auker,  
Banker,  
Barnatovich,  
Bazlin,  
Bell,  
Blair,  
Boles,  
Bonner,  
Boory,  
Bower,  
Branca,  
Brelschi,  
Brennan, A. P.,

Frost,  
Gaffney,  
Garlock,  
Gelfand,  
George,  
Gibb,  
Gibson,  
Goldstein,  
Gramlich,  
Greenwood,  
Guss,  
Hamilton, R. K.,  
Hass,  
Haudenschild,  
Heavey,  
Helm,  
Henzel,  
Hewitt,  
Hocker,

Mahan,  
Markley,  
Maxwell,  
McCann,  
McCormack,  
McGee,  
McInroy,  
McKeever,  
McLaughlin,  
McWherter,  
Meholchick,  
Metz,  
Mihm,  
Mikula,  
Miller,  
Mills,  
Monroe,  
Moody,  
Moran,

Royer,  
Rubin,  
Rudlall,  
Sarraf,  
Scarcelll,  
Schuster,  
Sherman,  
Sigman,  
Smith, C. C.,  
Smith, Wm. B.,  
Snider,  
Stank,  
Stebbins,  
Steckel,  
Stephens,  
Stevenson,  
Stone,  
Stoner,  
Strausser,

Brennan, J. J.,  
Brenninger,  
Breth,  
Brown,  
Buechin,  
Bullen,  
Capano,  
Cianfrani,  
Cioffi,  
Cochran,  
Comer,  
Connelly,  
Cooper,  
Curwood,  
Davis,  
Donahue,  
Donaldson,  
Dougherty,  
Down,  
Ehrgood,  
Ellberg,  
Erb,  
Eshleman,  
Ewing,  
Farabaugh,  
Filo,  
Fineman,  
Flint,  
Floyd,  
Flynn,  
Frank,  
Frascella,

Holt,  
Horst,  
Houk,  
Isaacs,  
Jenkins,  
Johnson,  
Jones, G. E.,  
Jones, T. H. W.,  
Jump,  
Kamyk,  
Kehler,  
Keller,  
Kent,  
Kline,  
Knecht,  
Kolankiewicz,  
Kooker,  
Kornick,  
Kromer,  
Lafore,  
Lawyer,  
Leiby,  
Leisey,  
Leonard,  
Leven,  
Light,  
Limper,  
Lippincott,  
Lopresti,  
Lovett,  
Lutty,  
Magee,

Moscip,  
Muldowney,  
Mullen,  
Munley,  
Murphy,  
Murray, H. P.,  
Murray, J. J.,  
Murray, P. G.,  
Musto,  
Naugle,  
Needham,  
Ogilvie,  
Olsen,  
O'Neil,  
Pacchioli,  
Parry,  
Pashley,  
Paulhamus,  
Petrosky,  
Pettigrew,  
Polaski,  
Polen,  
Pomeroy,  
Price,  
Pursley,  
Readinger,  
Reibman,  
Reidenbach,  
Renwick,  
Rigby,  
Rosen,  
Rovanssek,

Stroup,  
Swartz,  
Taylor,  
Thomas,  
Thompson,  
Toll,  
Tompkins,  
Toomey,  
Varallo,  
Varner,  
Vaughan,  
Verona,  
Wall,  
Wallace,  
Walsh,  
Wargo,  
Waterhouse,  
Weidner,  
Welsh,  
Wescott,  
Wheeler,  
Whitenight,  
Willaredt,  
Williams,  
Wilt,  
Wood,  
Worley,  
Yetter,  
Yetzer,  
Young,  
Ziegler,  
Andrews,  
Speaker

### NAYS—0

### NOT VOTING—3

Foster,

Guthrie,

Kratz,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

### BILLS PASSED OVER

There being no objection,

House Bill No. 118, Printer's No. 1215,

House Bill No. 119, Printer's No. 1216,

House Bill No. 1644, Printer's No. 1198,

House Bill No. 1827, Printer's No. 1201,

House Bill No. 1828, Printer's No. 1202 and

House Bill No. 1829, Printer's No. 1203,

were passed over at the request of the SPEAKER pro tempore.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1857, as follows:

An Act amending the act of May 2, 1925 (P. L. 448) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" authorizing refunds of fees fines and other moneys erroneously or unjustly collected The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 283 act of May 2, 1925 (P. L. 448) known as "The Fish Law of 1925" added May 25, 1937 (P. L. 801) is amended to read

Section 283 Return of [Fine] Fees Fines or Other Moneys Erroneously or Unjustly Paid into Treasury Whenever the [board] commission is satisfied that any fee fine or any other money paid into the State Treasury under any of the provisions of this act was erroneously or unjustly collected and deposited the [board] commission within six [months] years after such deposit may by resolution direct the [commissioner] Executive Director to draw a requisition upon the [fund into which fund such fine was deposited]



Fish Fund for the amount involved Upon the receipt of such requisition and an extract of the minutes of the [board] commission the Auditor General shall draw his warrant upon the State Treasurer in favor of the person from whom such fee fine or other money was erroneously or unjustly collected

Section 2 Section 285 of the act amended June 20, 1947 (P. L. 657) is amended to read

Section 285 Fish License Fund Established All fees fines penalties and other moneys paid received recovered and collected (a) under the provisions of any law repealed and replaced by this act and now held in the State Treasury as a fund or any part of a fund separate and apart from the various purposes designated by law or (b) that may be hereafter paid recovered received and collected under the provisions of any act repealed and replaced by this act or (c) that may be paid received recovered and collected under the provisions of this act shall be placed in a separate fund by the State Treasurer to be known as "the fish fund" and shall be used solely for the payment of all expenses incurred by the Department of Revenue in procuring issuing or supervising the issuance of resident and non-resident fishing licenses and license buttons and under the direction of the [board] commission for the following purposes

(a) The payment of the salaries wages or other compensation of the [Commissioner of Fisheries] Executive Director such deputies directors superintendents bureau or division chiefs experts scientists engineers surveyors draftsmen accountants secretaries auditors inspectors examiners statisticians clerks stenographers bookkeepers messengers fish wardens laborers and other assistants and employees as may be required for the work of the [board] commission and such special deputy attorneys general assistant deputy attorneys general as may be assigned by the Attorney General to the [board] commission or for handling any legal business pertaining to its work

(b) The payment of the traveling and other expenses of the members officers and employees of the [Board of Fish Commissioners] Pennsylvania Fish Commission

(c) The purchase through the Department of Property and Supplies as purchasing agency of such furniture furnishings stationery supplies materials equipment fuel motor vehicles and printing and binding as may be necessary in the conduct of the work of the [board] commission and the payment of premiums on surety bonds for such officers or employees of the [board] commission as may be required to furnish them policies of Workmen's Compensation Insurance and policies of liability insurance covering the aforesaid motor vehicles and persons operating same which bonds or insurance policies shall have been contracted for by the Department of Property and Supplies as agent of the [board] commission

(d) The payment of postage telegrams telephone rentals telephone toll charges and rentals for patented leased office devices or machines

(e) Rentals for any offices outside of the Capitol Buildings or any other grounds buildings or quarters necessary for the work of the [board] commission

(f) The propagation protection and distribution of fish and the stocking of waters within this Commonwealth as provided by law

(g) Necessary repairs and improvements to fish hatcheries or other buildings offices or quarters used in the work of the [board] commission

(h) Field work gathering spawn and transferring fish

(i) The maintenance and operation of a boat on Lake Erie and the cruiser "Anna" at Torresdale on the Delaware River [and]

(j) Any contingent incidental or other expenses of any kind or description reasonably necessary in carrying on the work of the [board] commission

(k) With the consent of the Governor for the purchase of lands and waters and for the impounding of waters and to make the same available for use by the citizens of the Commonwealth for fishing hunting and forest purposes and said lands and waters so purchased shall be under the supervision direction and control of the [board] commission

(l) The purchase and acquisition of additional land and

water for State fish hatcheries the purchase acquisition and erection of buildings ponds and other extensions incidental to fish hatcheries and for the propagation and protection of fish and hatcheries and the stocking of waters within this Commonwealth

(m) For the refund [to county treasurers of fishing license] of fees fines or other moneys heretofore or hereafter erroneously or unjustly paid into the Fish Fund and

(n) The sum of twenty-five (25c) from each resident fishing license fee being one-half of the increase in fees provided by this amendment shall be used exclusively for (I) the acquisition in the name of the Commonwealth by purchase of land and fishing waters or warm water ponds or lands which because of their natural conditions can be converted into ponds dams or reservoirs anywhere in the Commonwealth or in any part thereof with such rights of ingress or egress to or from such waters as may be necessary to make the same available for use by the citizens of the Commonwealth for fishing and the maintenance thereof (II) the rebuilding of torn out dams and (III) the study of problems related to better fishing All moneys received under the provisions of this clause and all expenditures made from such moneys shall be shown in detail by the [board] commission in every annual report or annual statement rendered by it

All moneys in such separate fund from time to time are hereby specifically appropriated to the Department of Revenue and the [board] commission and may be expended for the purposes hereinbefore enumerated All printing buttons and other supplies or materials purchased by the Department of Revenue for the purpose of performing its duties under the provisions of this act shall be purchased through the Department of Property and Supplies as purchasing agency

Estimates of the amounts to be expended under this act from time to time by the Department of Revenue and the [Board of Fish Commissioners] Pennsylvania Fish Commission respectively shall be submitted to the Governor for his approval or disapproval as in the case of other appropriations made to administrative departments boards and commissions and it shall be unlawful for the Auditor General to honor any requisition for the expenditure of any moneys out of this appropriation by the Department of Revenue or by the [Board of Fish Commissioners] Pennsylvania Fish Commission in excess of the estimates approved by the Governor Subject to the foregoing provisions the Auditor General shall from time to time upon requisition of the Secretary of Revenue or of the [Commissioner] Executive Director draw his warrant on the State Treasurer for the amount specified in such requisition not exceeding however the amount in such fund available for the purposes for which such requisition was made at the time of making such requisition

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—204

Adam,	Frost,	Mahan,	Royer,
Agnew,	Gaffney,	Markley,	Rubin,
Amarando,	Garlock,	Maxwell,	Rudisill,
Anderson, M. S.,	Gelfand,	McCann,	Sarra,
Anderson, S. A.,	George,	McCormack,	Scarcell,
Ashton,	Gibb,	McGee,	Schuster,
Auker,	Gibson,	McInroy,	Sherman,
Banker,	Goldstein,	McKeever,	Sigman,
Barnatovich,	Gramlich,	McLaughlin,	Smith, C. O.,
Bazin,	Greenwood,	McWherter,	Smith, Wm. B.,
Bell,	Guss,	Meholchick,	Snider,
Blair,	Hamilton, R. K.,	Metz,	Stank,
Boles,	Hass,	Mihm,	Stebbins,
Bonner,	Haudensfield,	Mikula,	Steckel,
Boory,	Heavey,	Miller,	Stephens,
Bower,	Helm,	Mills,	Stevenson,
Branca,	Henzel,	Monroe,	Stone,
Brelschi,	Hewitt,	Moody,	Stoner,



Brennan, A. P.,	Hocker,	Moran,	Strausser,
Brennan, J. J.,	Holt,	Moscrip,	Stroup,
Brenninger,	Horst,	Muldowney,	Swartz,
Breth,	Houk,	Mullen,	Taylor,
Brown,	Isaacs,	Munley,	Thomas,
Bucchin,	Jenkins,	Murphy,	Thompson,
Bullen,	Johnson,	Murray, H. P.,	Toll,
Capano,	Jones, G. E.,	Murray, J. J.,	Tompkins,
Cianfrani,	Jones, T. H. W.,	Murray, P. G.,	Toomey,
Cioffi,	Jump,	Musto,	Varallo,
Cochran,	Kamyk,	Naugle,	Varner,
Comer,	Kehler,	Needham,	Vaughan,
Connelly,	Keller,	Ogilvie,	Verona,
Cooper,	Kent,	Olsen,	Wall,
Curwood,	Kline,	O'Neill,	Wallace,
Davis,	Knecht,	Pacchioli,	Walsh,
Donahue,	Kolankiewicz,	Parry,	Wargo,
Donaldson,	Kooker,	Pashley,	Waterhouse,
Dougherty,	Kornick,	Paulhamus,	Weidner,
Down,	Kromer,	Petrosky,	Welsh,
Ehrgood,	Lafore,	Pettigrew,	Wescott,
Ellberg,	Lawyer,	Polaski,	Wheeler,
Erb,	Leiby,	Polen,	Whitenight,
Eshleman,	Lelsey,	Pomeroy,	Willaredt,
Ewing,	Leonard,	Price,	Williams,
Farabaugh,	Leven,	Pursley,	Wilt,
Filo,	Light,	Readinger,	Wood,
Fineman,	Limper,	Reibman,	Worley,
Flint,	Lippincott,	Reidenbach,	Yetter,
Floyd,	Lopresti,	Renwick,	Yetzer,
Flynn,	Lovett,	Rigby,	Young,
Frank,	Lutty,	Rosen,	Ziegler,
Frascolla,	Magee,	Rovansek,	Andrews,

Speaker

## NAYS—0

## NOT VOTING—3

Foster, Guthrie, Kratz,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

## BILL PASSED OVER

There being no objection,

House Bill No. 1864, Printer's No. 1125, was passed over at the request of the SPEAKER pro tempore.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1871, as follows:

An Act amending the act of June 3, 1937 (P. L. 1225) entitled "An act concerning game and other wild birds and wild animals and amending revising consolidating and changing the law relating thereto" regulating refund of fees fines or other moneys erroneously or unjustly collected and deposited and appropriating moneys from the Game Fund for the refund of fees fines or other moneys unjustly collected

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 1212 act of June 3, 1937 (P. L. 1225) known as "The Game Law" amended July 27, 1955 (Act No 103) is amended to read

Section 1212 Return of Fees Fines or other Moneys Erroneously or Unjustly Paid into Treasury Whenever the commission is satisfied that any fee fine or any other moneys paid into the State Treasury under any of the provisions of this act or any act superseded by it were erroneously or unjustly collected and deposited the commission within [twelve months] six years after such deposit may by resolution authorize the director to draw a requisition upon the Game Fund for the amount involved Upon receipt of such requisition and an extract of the minutes of the commission the Auditor General shall draw his warrant upon the State Treasurer in favor of the

person from whom such fee fine or other money was erroneously or unjustly collected

[The twelve month limitation period hereinbefore prescribed shall not apply to moneys erroneously or unjustly paid into the State Treasury for hunting license fees by former county treasurers subsequent to the thirty-first day of December one thousand nine hundred thirty-four if the return of such fees was requested of the Commonwealth within six months after their payment into the State Treasury]

Section 2 Clause (q) of section 1401 of the act amended to read

Section 1401 Continuance of Game Fund Appropriation All license fees fines permit fees and other moneys received and collected (a) under the provisions of any law repealed and replaced by this act and now held in the State Treasury as the Game Fund or (b) that may be hereafter paid into the State Treasury under the provisions of any act so repealed or replaced or (c) that may be paid into the State Treasury under the provisions of this act shall be placed in the separate fund known as "The Game Fund" and shall be held separately and apart solely for the following purposes

(q) For the refund of fees fines or other moneys erroneously or unjustly collected and deposited

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

## YEAS—204

Adam,	Frost,	Mahan,	Boyer,
Agnew,	Gaffney,	Markley,	Rubin,
Amarando,	Garlock,	Maxwell,	Rudisill,
Anderson, M. S.,	Gelfand,	McCann,	Sarraf,
Anderson, S. A.,	George,	McCormack,	Scarcelli,
Ashton,	Gibb,	McGee,	Schuster,
Auker,	Gibson,	McInroy,	Sherman,
Banker,	Goldstein,	McKeever,	Sigman,
Barnatovich,	Gramlich,	McLaughlin,	Smith, C. C.,
Bazin,	Greenwood,	McWherter,	Smith, Wm. B.,
Bell,	Guss,	Meholchick,	Snider,
Blair,	Hamilton, R. K.,	Metz,	Stank,
Boles,	Hass,	Mihm,	Stebbins,
Bonner,	Haudenshield,	Mikula,	Steckel,
Boory,	Heavey,	Miller,	Stephens,
Bower,	Helm,	Mills,	Stevenson,
Branca,	Henzel,	Monroe,	Stone,
Brelsach,	Hewitt,	Moody,	Stoner,
Brennan, A. P.,	Hocker,	Moran,	Strausser,
Brennan, J. J.,	Holt,	Moscrip,	Stroup,
Brenninger,	Horst,	Muldowney,	Swartz,
Breth,	Houk,	Mullen,	Taylor,
Brown,	Isaacs,	Munley,	Thomas,
Bucchin,	Jenkins,	Murphy,	Thompson,
Bullen,	Johnson,	Murray, H. P.,	Toll,
Capano,	Jones, G. E.,	Murray, J. J.,	Tompkins,
Cianfrani,	Jones, T. H. W.,	Murray, P. G.,	Toomey,
Cioffi,	Jump,	Musto,	Varallo,
Cochran,	Kamyk,	Naugle,	Varner,
Comer,	Kehler,	Needham,	Vaughan,
Connelly,	Keller,	Ogilvie,	Verona,
Cooper,	Kent,	Olsen,	Wall,
Curwood,	Kline,	O'Neill,	Wallace,
Davis,	Knecht,	Pacchioli,	Walsh,
Donahue,	Kolankiewicz,	Parry,	Wargo,
Donaldson,	Kooker,	Pashley,	Waterhouse,
Dougherty,	Kornick,	Paulhamus,	Weidner,
Down,	Kromer,	Petrosky,	Welsh,
Ehrgood,	Lafore,	Pettigrew,	Wescott,
Ellberg,	Lawyer,	Polaski,	Wheeler,
Erb,	Leiby,	Polen,	Whitenight,
Eshleman,	Lelsey,	Pomeroy,	Willaredt,
Ewing,	Leonard,	Price,	Williams,
Farabaugh,	Leven,	Pursley,	Wilt,
Filo,	Light,	Readinger,	Wood,
Fineman,	Limper,	Reibman,	Worley,
Flint,	Lippincott,	Reidenbach,	Yetter,
Floyd,	Lopresti,	Renwick,	Yetzer,



Flynn,  
Frank,  
Frascella,

Lovett,  
Lutty,  
Magee,

Rigby,  
Rosen,  
Rovansek,

Young,  
Ziegler,  
Andrews,  
Speaker

## NOT VOTING—3

Foster, Guthrie, Kratz,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

## BILL PASSED OVER

There being no objection,

House Bill No. 1894, Printer's No. 1232, was passed over at the request of the SPEAKER pro tempore.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1914, as follows:

An Act authorizing the Department of Property and Supplies with the approval of the Governor to sell and convey one acre and eighteen square perches more or less of land situate in Buckingham Township Bucks County. The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The Department of Property and Supplies with the approval of the Governor is hereby authorized on behalf of the Commonwealth of Pennsylvania to sell at public sale to the highest bidder the following described tract of land situate in the Township of Buckingham County of Bucks Commonwealth of Pennsylvania bounded and described as follows

Beginning at a bolt in rock in center of Old York Road thence along land of Edwin P Taylor South fifty-one degrees forty-five minutes East eighty-eight feet to a point thence along land of John A Diemand Jr. South twenty-nine degrees West two hundred ninety-eight and sixty-five hundredths feet to a point thence along the Easterly side of a twelve foot wide land and land of Mary Day Scarborough North twenty-eight degrees West forty-four and fifty-five hundredths feet to a point thence still along the Easterly side of said land North thirty-two degrees forty-five minutes West one hundred fifteen and five-tenths feet to a point in the center line of York Road a corner thence along the center line of said road North forty-two degrees East two hundred forty-two and fifty-five hundredths feet

Containing one Acre and eighteen square perches of land more or less and being a part of the same land conveyed to the Commonwealth of Pennsylvania by deed of Buckingham and Doylestown Turnpike Road Company dated May 17, 1917 and recorded in Bucks County Deed Book 403 at page 637

The conveyance shall be made under any subject to all easements servitudes and rights of others including but not confined to streets roadways and rights of any telephone telegraph water electric gas or pipe line companies as well as under and subject to any estates or tenancies vested in third persons whether or not appearing of record for any portion of the land or improvements erected thereon.

Section 2 The deed of conveyance shall be approved by the Department of Justice and shall be executed by the Secretary of Property and Supplies in the name of the Commonwealth of Pennsylvania

Section 3 All moneys received from the sale of the land shall be deposited in the General Fund

Section 4 This act shall take effect immediately

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

## YEAS—204

Adam,	Frost,	Mahan,	Royer,
Agnew,	Gaffney,	Markley,	Rubin,
Amarando,	Garlock,	Marwell,	Rudisill,
Anderson, M. S.,	Gelfand,	McCann,	Sarraf,
Anderson, S. A.,	George,	McCormack,	Scarcelli,
Ashton,	Gibb,	McGee,	Schuster,
Auker,	Gibson,	McInroy,	Sherman,
Banker,	Goldstein,	McKeever,	Sigman,
Barnatovich,	Gramlich,	McLaughlin,	Smith, C. C.,
Bazin,	Greenwood,	McWhorter,	Smith, Wm. B.,
Bell,	Guss,	Meholchick,	Snider,
Blair,	Hamilton, R. K.,	Metz,	Stank,
Boles,	Hass,	Mihm,	Stebbins,
Bonner,	Haudenaheld,	Mikula,	Steckel,
Boory,	Heavey,	Miller,	Stephens,
Bower,	Helm,	Mills,	Stevenson,
Branca,	Henzel,	Monroe,	Stone,
Breisch,	Hewitt,	Moody,	Stoner,
Brennan, A. P.,	Hocker,	Moran,	Strausser,
Brennan, J. J.,	Holt,	Moscrip,	Stroup,
Brenninger,	Horst,	Muldoney,	Swartz,
Breth,	Houk,	Mullen,	Taylor,
Brown,	Isaac,	Munley,	Thomas,
Bucchin,	Jenkins,	Murphy,	Thompson,
Bullen,	Johnson,	Murray, H. P.,	Toll,
Capano,	Jones, G. E.,	Murray, J. J.,	Tompkins,
Cianfrani,	Jones, T. H. W.,	Murray, P. G.,	Toomey,
Cloff,	Jump,	Musto,	Varallo,
Cochran,	Kamyk,	Naugle,	Vanner,
Comer,	Kehler,	Needham,	Vaughan,
Connelly,	Keller,	Ogilvie,	Verona,
Cooper,	Kent,	Olsen,	Wall,
Curwood,	Kilne,	O'Neill,	Wallace,
Davis,	Knecht,	Pacchioli,	Walsh,
Donahue,	Kolankiewicz,	Parry,	Wargo,
Donaldson,	Kooker,	Pashley,	Waterhouse,
Dougherty,	Kornick,	Paulhamus,	Weidner,
Down,	Kromer,	Petrosky,	Welsh,
Ehrgood,	Lafore,	Pettigrew,	Wescott,
Elberg,	Lawyer,	Polaski,	Wheeler,
Erb,	Leiby,	Polen,	Whitenight,
Eshleman,	Leisey,	Pomeroy,	Willaredt,
Ewing,	Leonard,	Price,	Williams,
Farabaugh,	Leven,	Pursley,	Wilt,
Filo,	Light,	Readinger,	Wood,
Fineman,	Limper,	Reidman,	Worley,
Flint,	Lippincott,	Reidenbach,	Yetter,
Floyd,	Lopresti,	Renwick,	Yetzer,
Flynn,	Lovett,	Rigby,	Young,
Frank,	Lutty,	Rosen,	Ziegler,
Frascella,	Magee,	Rovansek,	Andrews,

Speaker

## NAYS—0

## NOT VOTING—3

Foster, Guthrie, Kratz,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

## BILL PASSED OVER

There being no objection,

House Bill No. 1925, Printer's No. 1292, was passed over at the request of the SPEAKER pro tempore.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1926, as follows:

An Act amending the act of March 10, 1949 (P. L. 30) entitled "An act relating to the public school system including certain provisions applicable as well to private and parochial schools amending revising con-



solidating and changing the laws relating thereto" authorizing the reassessment of certain property in school districts of the third and fourth class in certain cases and imposing liability for school taxes upon the owners thereof

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 677.1 act of March 10, 1949 (P. L. 30) known as the "Public School Code of 1949" added January 14, 1952 (P. L. 1944) is amended to read

Section 677.1 Additions and Revisions to Duplicates Whenever in third and fourth class school districts there is any construction of a building or buildings [after September first of] in any year and such building is not included in the tax duplicate of the school district the authority responsible for assessments in the city borough township or county shall upon the request of the board of school directors direct the assessor in the district to inspect and reassess subject to the right of appeal and adjustment provided by the act of Assembly under which assessments are made all taxable property in the district to which major improvements have been made [after September first] during the year and to give notice of such reassessments within ten days to the authority responsible for assessments the school district and the property owner Such property shall then be added to the duplicate and shall be taxable for school purposes at the reassessed valuation for that proportionate part of the fiscal year of the school district remaining after the property was improved Any improvement made during the month shall be computed as having been made on the first of the month A certified copy of the additions or revisions to the duplicate shall be furnished by the board of school directors to the tax collector for the district and within ten days thereafter the tax collector shall notify the owner of the property of the taxes due the school district

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—204

Adam,	Frost,	Mahan,	Boyer,
Agnew,	Gaffney,	Markley,	Rubin,
Amarando,	Garlock,	Marxwell,	Rudisill,
Anderson, M. S.,	Gelfand,	McCann,	Sarrat,
Anderson, S. A.,	George,	McCormack,	Scarcelli,
Ashton,	Gibb,	McGee,	Schuster,
Auker,	Gibson,	McInroy,	Sherman,
Banker,	Goldstein,	McKeever,	Sigman,
Barnatovich,	Gramlich,	McLaughlin,	Smith, C. O.,
Bazin,	Greenwood,	McWherter,	Smith, Wm. B.,
Bell,	Guss,	Meholchick,	Snider,
Blair,	Hamilton, R. K.,	Metz,	Stank,
Boles,	Hass,	Mihm,	Stebbins,
Bonner,	Haudenshield,	Mikula,	Steckel,
Boory,	Heaveny,	Miller,	Stephens,
Bower,	Helm,	Mills,	Stevenson,
Branca,	Henzel,	Monroe,	Stone,
Brelsch,	Hewitt,	Moody,	Stoner,
Brennan, A. P.,	Hocker,	Moran,	Strausser,
Brennan, J. J.,	Holt,	Moscrip,	Stroup,
Brenninger,	Horst,	Muldowney,	Swartz,
Breth,	Houk,	Mullen,	Taylor,
Brown,	Isaacs,	Munley,	Thomas,
Bucchin,	Jenkins,	Murphy,	Thompson,
Bullen,	Johnson,	Murray, H. F.,	Toll,
Capano,	Jones, G. E.,	Murray, J. J.,	Tompkins,
Cianfrani,	Jones, T. H. W.,	Murray, P. G.,	Toomey,
Cioffi,	Jump,	Musto,	Varallo,
Cochran,	Kamyk,	Naugle,	Varner,
Comer,	Kehler,	Needham,	Vaughan,
Connelly,	Keller,	Ogilvie,	Verona,
Cooper,	Kent,	Olsen,	Wall,
Curwood,	Kline,	O'Neill,	Wallace,
Davis,	Knecht,	Pacchioli,	Walsh,
Donahue,	Kolackiewicz,	Parry,	Wargo,
Donaldson,	Kooker,	Pashley,	Waterhouse.

Dougherty,	Kornick,	Paulhamus,	Weidner,
Down,	Kromer,	Petrosky,	Welsh,
Ehrgood,	Lafore,	Pettigrew,	Wescott,
Ellberg,	Lawyer,	Polaski,	Wheeler,
Erb,	Leiby,	Polen,	Whitenight,
Eshleman,	Lelsey,	Pomeroy,	Willaredt,
Ewing,	Leonard,	Price,	Williams,
Farabaugh,	Leven,	Pursley,	Wilt,
Filo,	Light,	Reedinger,	Wood,
Fineman,	Lamper,	Reibman,	Worley,
Flint,	Lippincott,	Reidenbach,	Yetter,
Floyd,	Lopresti,	Ranwick,	Yetter,
Flynn,	Lovett,	Rigby,	Young,
Frank,	Lutty,	Rosen,	Ziegler,
Frascella,	Magee,	Rovanssek,	Andrews,

Speaker

NAYS—0

NOT VOTING—3

Foster,	Guthrie,	Kratz,
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The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered. That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1933, as follows:

An Act amending the act of April 9, 1929 (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employees in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employees of certain departments boards and commission shall be determined" clarifying institutions for the deaf subject to the supervision and inspection of the State Council of Education

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Clause (k) of section 1307 of the act of April 9, 1929 (P. L. 177) known as "The Administrative Code of 1929" added March 17, 1949 (P. L. 309) is amended to read

Section 1307 State Council of Education The State Council of Education shall have the power and its duty shall be

\* \* \*

(k) To supervise and inspect to adopt standards for and to require reports financial or otherwise from schools and institutions wholly or partly supported by the State which are not supervised by the public school authorities including schools and institutions for the blind and the deaf [and dumb] To make recommendations to the Governor and the General Assembly of the amount of appropriations to be made to or for the use of any such school or institution and to supervise the expenditure thereof A copy of the report of the inspection of any such institution which may be made to the State Council of Education shall be sent to the head of such institution The powers conferred by this section shall be vested solely in the State Council of Education and shall not be exercised by any other department or State agency



And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

## YEAS—204

Adam,	Frost,	Mahan,	Royer,
Agnew,	Gaffney,	Markley,	Rubin,
Amarando,	Garlock,	Maxwell,	Rudisill,
Anderson, M. S.,	Gelfand,	McCann,	Sarra,
Anderson, S. A.,	George,	McCormack,	Scarcelli,
Ashton,	Gibb,	McGee,	Schuster,
Auker,	Gibson,	McInroy,	Sherman,
Banker,	Goldstein,	McKeever,	Sigman,
Barnatovich,	Gramlich,	McLaughlin,	Smith, C. C.,
Bazin,	Greenwood,	McWherter,	Smith, Wm. B.,
Bell,	Guss,	Meholchick,	Snider,
Blair,	Hamilton, R. K.,	Metz,	Stank,
Boles,	Hass,	Mihm,	Stebbins,
Bonner,	Haudenshield,	Mikula,	Steckel,
Boory,	Heavey,	Miller,	Stephens,
Bower,	Helm,	Mills,	Stevenson,
Branca,	Henzel,	Monroe,	Stone,
Brelsch,	Hewitt,	Moody,	Stoner,
Brennan, A. P.,	Hocker,	Moran,	Strausser,
Brennan, J. J.,	Holt,	Moscrip,	Stroup,
Brenninger,	Horst,	Muldowney,	Swartz,
Breth,	Houk,	Mullen,	Taylor,
Brown,	Isaacs,	Munley,	Thomas,
Bucchin,	Jenkins,	Murphy,	Thompson,
Bullen,	Johnson,	Murray, H. P.,	Toll,
Capano,	Jones, G. E.,	Murray, J. J.,	Tompkins,
Cianfrani,	Jones, T. H. W.,	Murray, P. G.,	Toomey,
Cioffi,	Jump,	Musto,	Varallo,
Cochran,	Kamyk,	Naugle,	Varnier,
Comer,	Kehler,	Needham,	Vaughan,
Connelly,	Keller,	Ogilvie,	Verona,
Cooper,	Kent,	Olsen,	Wall,
Curwood,	Kline,	O'Neill,	Wallace,
Davis,	Knecht,	Pacchioli,	Walsh,
Donahue,	Kolankiewicz,	Farry,	Wargo,
Donaldson,	Kooker,	Pashley,	Waterhouse,
Dougherty,	Kornick,	Paulhamus,	Weldner,
Down,	Kromer,	Petrosky,	Welsh,
Ehrgood,	Lafore,	Pettigrew,	Wescott,
Ellberg,	Lawyer,	Polaski,	Wheeler,
Erb,	Leiby,	Polen,	Whitenight,
Eshleman,	Lelsey,	Pomeroy,	Willaredt,
Ewing,	Leonard,	Price,	Williams,
Farabaugh,	Light,	Pursley,	Wilt,
Filo,	Limper,	Readinger,	Wood,
Fineman,	Lippincott,	Reibman,	Worley,
Flint,	Lopresti,	Reidenbach,	Yetter,
Floyd,	Lovett,	Renwick,	Yetzer,
Flynn,	Lutty,	Rigby,	Young,
Frank,	Magee,	Rosen,	Ziegler,
Frascella,		Rovaneck,	Andrews,
			Speaker

## NAYS—0

## NOT VOTING—3

Foster, Guthrie, Kratz,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

## BILLS PASSED OVER

There being no objection

House Bill No. 1939, Printer's No. 1266 and

House Bill No. 1940, Printer's No. 1267

were passed over at the request of the SPEAKER pro tempore.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1944 as follows:

An Act to amend the act approved the nineteenth day of March one thousand nine hundred fifty-one (1951-1952 P. L. 28) entitled "An act relating to the civil defense of this State and its coordination with national defense providing for the establishment of a State Council of Civil Defense local and district councils of civil defense Mobile Support Units prescribing the powers duties and immunities thereof and of their personnel authorizing mutual aid compacts and providing penalties" by authorizing the State Council of Civil Defense to make rules and regulations

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section four of the act approved the nineteenth day of March one thousand nine hundred fifty-one (1951-1952 P. L. 28) entitled "An act relating to the civil defense of this State and its coordination with national defense providing for the establishment of a State Council of Civil Defense local and district councils of civil defense Mobile Support Units prescribing the powers duties and immunities thereof and of their personnel authorizing mutual aid compacts and providing penalties" as last amended by the act approved the third day of September one thousand nine hundred fifty-five (P. L. ) (Act No. 135) is hereby amended by adding at the end thereof a new subsection to read as follows

Section 4 Powers and Duties The Council shall have the following powers and duties

\* \* \*

(n) To promulgate adopt and enforce such rules regulations and orders relating to the protection of life and property and to the maintenance of health and safety as may be deemed necessary to carry out the provisions of this act The State Council of Civil Defense shall cause such rules regulations and orders to be published and disseminated in the Commonwealth in such manner and to such extent as it shall deem necessary and advisable Such rules regulations and orders adopted by the State Council of Civil Defense shall have the same force as if they formed a part of this act

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

## YEAS—204

Adam,	Frost,	Magee,	Royer,
Agnew,	Gaffney,	Mahan,	Rubin,
Amarando,	Garlock,	Markley,	Rudisill,
Anderson, M. S.,	Gelfand,	Maxwell,	Sarra,
Anderson, S. A.,	George,	McCann,	Scarcelli,
Ashton,	Gibb,	McCormack,	Schuster,
Auker,	Gibson,	McGee,	Sherman,
Banker,	Goldstein,	McInroy,	Sigman,
Barnatovich,	Gramlich,	McKeever,	Smith, C. C.,
Bazin,	Greenwood,	McLaughlin,	Smith, Wm. B.,
Bell,	Guss,	McWherter,	Snider,
Blair,	Hamilton, R. K.,	Meholchick,	Stank,
Boles,	Hass,	Metz,	Stebbins,
Bonner,	Haudenshield,	Mihm,	Steckel,
Boory,	Heavey,	Mikula,	Stephens,
Bower,	Helm,	Miller,	Stevenson,
Branca,	Henzel,	Mills,	Stone,
Brelsch,	Hewitt,	Monroe,	Stoner,
Brennan, A. P.,	Hocker,	Moody,	Strausser,
Brennan, J. J.,	Holt,	Moran,	Stroup,
Brenninger,	Horst,	Moscrip,	Swartz,
Breth,	Houk,	Muldowney,	Taylor,
Brown,	Isaacs,	Mullen,	Thomas,
Bucchin,	Jenkins,	Munley,	Thompson,
Bullen,	Johnson,	Murphy,	Toll,
Capano,	Jones, G. E.,	Murray, H. P.,	Tompkins,
Cianfrani,	Jones, T. H. W.,	Murray, J. J.,	Toomey,
Cioffi,	Jump,	Murray, P. G.,	Varallo,
Cochran,	Kamyk,	Musto,	Varnier,
		Naugle,	Vaughan,



Comer,	Kehler,	Needham,	Verona,
Connelly,	Keller,	Ogilvie,	Wall,
Cooper,	Kent,	Olsen,	Wallace,
Courwood,	Kline,	O'Neill,	Walsh,
Davis,	Knecht,	Pacchioli,	Wargo,
Donahue,	Kolankiewicz,	Parry,	Waterhouse,
Donaldson,	Kooker,	Pashley,	Weidner,
Dougherty,	Kornick,	Paulhamus,	Welsh,
Down,	Kromer,	Petrosky,	Wescott,
Ehrgood,	Lafore,	Pettigrew,	Wheeler,
Ellberg,	Lawyer,	Polaski,	Whitnight,
Erb,	Leiby,	Polen,	Willaredt,
Eshleman,	Leisey,	Pomeroy,	Williams,
Ewing,	Leonard,	Price,	Wilt,
Farabaugh,	Leven,	Pursley,	Wood,
Filo,	Light,	Readinger,	Wooley,
Fineman,	Limper,	Reibman,	Yetter,
Flint,	Lippincott,	Reidenbach,	Yetter,
Floyd,	Lopresti,	Renwick,	Young,
Flynn,	Lovett,	Rigby,	Ziegler,
Frank,	Lutty,	Rosen,	Andrews,
Frascella,		Rovansek,	Speaker

## NAYS—0

## NOT VOTING—3

Foster, Guthrie, Kratz,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1953 as follows:

An Act to further amend section four hundred fifteen of the act approved the first day of May one thousand nine hundred twenty-nine (P. L. 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars and trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" by permitting the Secretary of Revenue to provide for the sale by subscription or otherwise of lists of learner's permits as issued

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section four hundred fifteen of the act approved the first day of May one thousand nine hundred twenty-nine (P. L. 905) entitled "An act for the protection of the public safety regulating the use of highways and the operations of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the

Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" as amended by the act approved the twenty-fifth day of May one thousand nine hundred thirty-three (P. L. 1062) is hereby further amended to read as follows

Section 415 Sale of Copy of Registration Learner's Permits or Statistics

(a) The secretary is authorized to dispose of after advertisement and competitive bidding to the highest bidder and official copy of vehicle registrations [learner's permits as issued] and such other statistics relating to the titling and registration of motor vehicles except the amount of encumbrance and name of encumbrance holder as he shall deem advisable No other copy of said registrations [learner's permits] or statistics shall be disposed of by the secretary except as herein provided

(b) The purchaser of the official copy of vehicle registrations [learner's permits] or statistics is authorized to reprint and use the same for commercial purposes

(c) The Secretary is authorized to provide by rule and regulation for the sale by subscription or otherwise of lists of learner's permits as issued at a price not to exceed ten cents (\$.10) per name The list of any particular county shall be available to all persons who desire to subscribe or purchase such list on equal terms without limit as to number of subscribers or purchasers for the same list

A unit of sale or subscription shall consist of all applications for permits within a particular county within a fixed time period and the price for such county list shall be determined by the Secretary of Revenue on the basis of the number of applicants for licenses in each particular county for which a list is sold the cost of processing such data and the maximum possible yield to the Commonwealth considering the probable number of persons who would subscribe or purchase the list of a particular county at a particular price

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

## YEAS—204

Adam,	Frost,	Mahan,	Royer,
Agnew,	Gaffney,	Markley,	Rubin,
Amarando,	Garlock,	Maxwell,	Rudisill,
Anderson, M. S.,	Gelfand,	McCann,	Sarra,
Anderson, S. A.,	George,	McCormack,	Scarcell,
Ashton,	Gibb,	McGee,	Schuster,
Auker,	Gibson,	McInroy,	Sherman,
Banker,	Goldstein,	McKeever,	Sigman,
Barnatovich,	Gramlich,	McLaughlin,	Smith, C. C.,
Bazin,	Greenwood,	McWherter,	Smith, Wm. B.,
Bell,	Guss,	Meholchick,	Snider,
Blair,	Hamilton, R. K.,	Metz,	Stank,
Boles,	Hass,	Mihm,	Stebbins,
Bonner,	Haudenshield,	Mikula,	Steckel,
Boory,	Heavey,	Miller,	Stephens,
Bower,	Helm,	Mills,	Stevenson,
Branca,	Henzel,	Monroe,	Stone,
Brelsch,	Hewitt,	Moody,	Stoner,
Brennan, A. P.,	Hocker,	Moran,	Strausser,
Brennan, J. J.,	Holt,	Moscrip,	Stroup,
Brenninger,	Horst,	Muldowney,	Swartz,
Breth,	Houk,	Mullen,	Taylor,
Brown,	Isaacs,	Munley,	Thomas,
Bucchin,	Jenkins,	Murphy,	Thompson,
Bullen,	Johnson,	Murray, H. P.,	Toll,
Capano,	Jones, G. E.,	Murray, J. J.,	Tompkins,



Cianfrani, Cioffi, Cochran, Comer, Connelly, Cooper, Curwood, Davis, Donahue, Donaldson, Dougherty, Down, Ehrgood, Ellberg, Erb, Eshleman, Ewing, Farabaugh, Filo, Fineman, Flint, Floyd, Flynn, Frank, Frascella,	Jones, T. H. W., Jump, Kamyk, Kehler, Keller, Kent, Kline, Kubacki, Kolankiewicz, Kooker, Kornick, Kromer, Lafore, Lawyer, Leiby, Lelsey, Leonard, Leven, Light, Limper, Lippincott, Lopresti, Lovett, Lutty, Magee,	Murray, P. G., Musto, Naugle, Needham, Ogilvie, Olsen, O'Neill, Pacchioli, Parry, Pashley, Paulhamus, Petrosky, Pettigrew, Polaski, Polen, Pomeroy, Price, Pursley, Readinger, Reibman, Reidenbach, Renwick, Rigby, Rosen, Rovaneck,	Toomey, Varallo, Varner, Vaughan, Verona, Wall, Wallace, Walsh, Wargo, Waterhouse, Weldner, Welsh, Wescott, Wheeler, Whitenight, Willaredt, Williams, Wilt, Wood, Worley, Yetter, Yetzer, Young, Ziegler, Andrews,
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Speaker

NAYS—0

NOT VOTING—3

Foster, Guthrie, Kratz,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL PASSED OVER

There being no objection

House Bill No. 1957, Printer's No. 1281 was passed over at the request of the SPEAKER pro tempore.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1958 as follows:

An Act amending the act of June 2, 1915 (P. L. 762) entitled "An act providing for the creation and administration of a State Fund for the insurance of compensation for injuries to employees of subscribers thereto declaring false oaths by the subscribers to be misdemeanors and providing penalties for the violation thereof" extending insurance coverage provisions for policemen and firemen authorizing the board to fix premiums and to contract for supplying additional hospital and other services

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Sections 3 6 and 13 act of June 2, 1915 (P. L. 762) entitled "An act providing for the creation and administration of a State Fund for the insurance of compensation for injuries to employees of subscribers thereto declaring false oaths by the subscribers to be misdemeanors and providing penalties for the violation thereof" are amended to read

Section 3 Certain sum to be paid by employers as hereinafter provided are hereby constituted a Fund to be known as The State Workmen's Insurance Fund for the purpose of insuring such employers against liability under article three of the Workmen's Compensation Act of 1915 and against liability under the provisions of the act of June 28, 1935 (P. L. 477) entitled as amended "An act providing for the payment of the salary medical and hospital expenses of policemen firemen and park guards by counties cities boroughs towns and townships who are injured in the performance of their duty and providing that absence during such injury shall not reduce any usual sick leave period" and its amendments and supplements and of assuring the payment of the compensation therein provided

Such Fund shall be administered by the Board without liability on the part of the State except as hereinafter provided beyond the amount thereof and shall be applied to the payment of such compensation

\* \* \*

Section 6 The said Board shall determine the amount of premiums which the subscribers to the Fund shall pay and shall fix the premiums for insurance in accordance with the nature of their business and of the various employments of their employees and the probable risk of injury to their employees therein And they shall fix the premiums at such an amount as shall be adequate to enable them to pay all sums which may become due and payable to the employees of such subscribers under the provisions of article three of the Workmen's Compensation Act of 1915 and under the provisions of the act of June 28, 1935 (P. L. 477) entitled as amended "An act providing for the payment of the salary medical and hospital expenses of policemen firemen and park guards by counties cities boroughs towns and townships who are injured in the performance of their duty and providing that absence during such injury shall not reduce any usual sick leave period" and its amendments and supplements and to create and maintain the surplus provided in section nine of this act and to provide an adequate reserve sufficient to carry all policies and claims to maturity In fixing the premiums payable by any subscriber the Board may take into account the condition of the plant work-room shop farm mine quarry operation and all other property or premises of such subscriber in respect to the safety of those employed therein as shown by the report of any inspectors appointed by the Board or by the Department of Labor and Industry and they may from time to time change the amount of premiums payable by any of the subscribers as circumstances may require and the condition of the plant work-room shop farm mine quarry operation or other property or premises of such subscribers in respect to the safety of their employees may justify and they may increase the premiums of any subscriber neglecting to provide safety devices required by law or disobeying the rules or regulations made by the Board in accordance with the provisions of section fifteen of this act The insurance of any subscriber shall not be effective until he shall have paid in full the premium so fixed and determined

\* \* \*

Section 13 The said Board shall have the power to make all contracts necessary for supplying medical hospital and surgical services [as provided in section three hundred and six subsection (e) article three] medicines and supplies and orthopedic appliances and prostheses with respect to employees the employers of whom are insured against liability under the provisions of the Workmen's Compensation Act of 1915

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—204

Adam, Agnew, Amarando, Anderson, M. S., Anderson, S. A., Ashton, Auker, Banker, Barnatovich, Bazin, Bell, Blair, Boles, Bonner, Boory, Bower, Branca, Brelsach, Brennan, A. P.,	Frost, Gaffney, Garlock, Gelfand, George, Gibb, Gibson, Goldstein, Gramlich, Greenwood, Guss, Hamilton, R. K., Hass, Haudenshield, Heavey, Helm, Henzel, Hewitt, Hocker,	Mahan, Markley, Maxwell, McCann, McCormack, McGee, McInroy, McKeever, McLaughlin, McWherter, Meholchick, Metz, Mihm, Mikula, Miller, Mills, Monroe, Moody, Moran,	Royer, Rubin, Rudisill, Sarraf, Scarcelll, Schuster, Sherman, Sigman, Smith, O. C., Smith, Wm. B., Snider, Stank, Stebbins, Steckel, Stephens, Stevenson, Stone, Stoner, Strausser,
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Brennan, J. J.,	Holt,	Moscip,	Stroup,
Brenninger,	Horst,	Muldowney,	Swartz,
Breth,	Houk,	Mullen,	Taylor,
Brown,	Isaacs,	Munley,	Thomas,
Bucchin,	Jenkins,	Murphy,	Thompson,
Bullen,	Johnson,	Murray, H. P.,	Toll,
Capano,	Jones, G. E.,	Murray, J. J.,	Tompkins,
Cianfrani,	Jones, T. H. W.,	Murray, P. G.,	Toomey,
Cioffi,	Jump,	Musto,	Varallo,
Cochran,	Kamyk,	Naugle,	Varner,
Comer,	Kehler,	Needham,	Vaughan,
Connelly,	Keller,	Ogilvie,	Verona,
Cooper,	Kent,	Olsen,	Wall,
Curwood,	Kline,	O'Neill,	Wallace,
Davis,	Knecht,	Pacchioli,	Walsh,
Donahue,	Kolankiewicz,	Parry,	Wargo,
Donaldson,	Kooker,	Pashley,	Waterhouse,
Dougherty,	Kornick,	Paulhamus,	Weidner,
Down,	Kromer,	Petrosky,	Welsh,
Ehrsgood,	Lafore,	Pettigrew,	Wescott,
Eilberg,	Lawyer,	Polaski,	Wheeler,
Erb,	Leiby,	Polen,	Whitenight,
Eshleman,	Lelsey,	Pomeroy,	Willaredt,
Ewing,	Leonard,	Price,	Williams,
Farabaugh,	Leven,	Pursley,	Wilt,
Filo,	Light,	Readinger,	Wood,
Fineman,	Lamper,	Reibman,	Worley,
Flint,	Lippincott,	Reidenbach,	Yetter,
Floyd,	Lopresti,	Renwick,	Yetzer,
Flynn,	Lovett,	Rigby,	Young,
Frank,	Lutty,	Rosen,	Ziegler,
Frascella,	Magee,	Rovansek,	Andrews,

Speaker

NAYS—0

NOT VOTING—3

Foster, Guthrie, Kratz,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

## BILL PASSED OVER

There being no objection

House Bill No. 1960, Printer's No. 1279

was passed over at the request of the SPEAKER pro tempore.

Agreeably to order,

The House proceeded to the third reading and consideration of Senate Bill No. 215, as follows:

An Act amending the act of March 10, 1949 (P. L. 30) entitled "An act relating to the public school system including certain provisions applicable as well to private and parochial schools amending revising consolidating and changing the laws relating thereto" changing the basis for reimbursement on account of rentals payable to the State Public School Building Authority municipality authorities and nonprofit corporations and the conditions therefor and limitations on approval of projects for reimbursement purposes and providing for reimbursement on account of sinking fund charges on indebtedness for school buildings hereafter constructed and making an appropriation

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The last paragraph of section 790 added August 26, 1953 (P. L. 1471) and section 2511.1 act of March 10, 1949 (P. L. 30) known as the "Public School Code of 1949" and its amendments are repealed

Section 2 Article XXV of the act is amended by adding at the end a new subdivision to read

(f) School Building Rentals and Sinking Fund Charges

Section 2571 Standard Reimbursement Fraction for School Building Rentals and sinking fund charges (a) For the purpose of reimbursement on account of all public school building rentals and sinking fund charges a school

district's standard reimbursement fraction shall be computed

For projects heretofore or hereafter constructed by subtracting from four thousand five hundred dollars (\$4500) an amount determined by multiplying the school district's valuation per district teaching unit by four-one thousandths (.004) and dividing the difference so obtained by four thousand five hundred dollars (\$4500)

(b) The school district's valuation is the valuation placed upon its taxable real property by the State Tax Equalization Board The Department of Public Instruction shall compute the standard reimbursement fraction of each school district entitled to payments on account of public school buildings annually in the month of December

Section 2572 State Public School Building Authority Leases Heretofore Approved (a) The Commonwealth shall pay annually to each school district erecting or sharing in the erection of a building or buildings or providing educational equipment under the provisions of the State Public School Building Authority Act for every lease or contract entered into or approved by the Superintendent of Public Instruction prior to August 26, 1953 an amount to be determined (1) by multiplying the school district's standard reimbursement fraction for school building rentals by fifty one-hundredth (50/100) and by the annual rental charge as fixed by the State Public School Building Authority or (2) if the district's standard reimbursement fraction for school building rentals is greater than five thousand nine hundred ninety-nine ten-thousandths (.5999) by multiplying the standard reimbursement fraction for school building rentals by itself and by the portion of the annual rental charge fixed by the State Public School Building Authority

(b) The Commonwealth shall pay annually to each school district erecting or sharing in the erection of a building or buildings under the provisions of the State Public School Building Authority Act for every lease approved by the Department of Public Instruction on or after August 26, 1953 but prior to the effective date of this amendment act an amount to be determined (1) by multiplying the school district's standard reimbursement fraction for school building rentals by fifty one-hundredths (50/100) and by that portion of the annual rental charge sufficient during the period of the lease to pay the cost of acquiring or constructing the school buildings the cost of acquiring the land upon which the school buildings and situate and the interest on such cost or (2) if the district's standard reimbursement fraction for school building rentals is greater than five thousand nine hundred ninety-nine ten-thousandths (.5999) by multiplying the standard reimbursement fraction for school building rentals by itself and by the portion of the annual rental charge stated above

Section 2573 Municipality Authority and Nonprofit Corporation Leases Heretofore Approved (a) The Commonwealth shall also pay annually to each school district which shall have entered into a lease approved by the Department of Public Instruction prior to August 26, 1953 with a municipality authority or with a nonprofit corporation for the rental of a school building or buildings or providing education equipment an amount to be determined (1) by multiplying the school district's standard reimbursement fraction for school building rentals by fifty one-hundredths (50/100) and by the annual rental or share thereof provided for under its lease with such municipality authority or nonprofit corporation or (2) if the district's standard reimbursement fraction for school building rentals is greater than five thousand nine hundred ninety-nine ten-thousandths (.5999) by multiplying the standard reimbursement fraction for school building rentals by itself and by the annual rental or share thereof provided for under its lease with such municipality authority or nonprofit corporation

(b) The Commonwealth shall also pay annually to each school district which shall have entered into a lease approved by the Department of Public Instruction on or after August 26, 1953 but prior to the effective date of this amending act with a municipality authority or with a nonprofit corporation for the rental of a school building or buildings an amount to be determined (1) by multi-



plying the school district's standard reimbursement fraction for school building rentals by fifty one hundredths (50/100) and by that portion of the annual rental or share thereof provided for under its lease with such municipality authority or nonprofit corporation sufficient during the period of the lease to pay the cost of acquiring or constructing the school buildings the cost of acquiring land upon which the school buildings are situate and the interest on such costs or (2) if the district's standard reimbursement fraction for school building rentals is greater than five thousand nine hundred ninety-nine ten-thousandths (.5999) by multiplying the standard reimbursement fraction for school building rentals by itself and by the portion stated above of the annual rental or share thereof provided for under its lease with such municipality authority or nonprofit corporation

Section 2574 Approved Reimbursable Rental for leases hereafter approved and approved reimbursable sinking fund charges on indebtedness (a) For school building projects for which the general construction contract is awarded subsequent to the effective date of this amending act and for approved school building projects for which the general construction contract was awarded but for which a lease was not approved by the Department of Public Instruction prior to the effective date of this amending act the Department of Public Instruction shall calculate an approved reimbursable rental or approved reimbursable sinking fund charges Approved reimbursable rental or sinking fund charge shall consist of that part of the annual rental or sinking fund charge attributable to

(1) The cost of acquiring the land upon which the school buildings are situate to the extent that the cost is deemed reasonable by the Department of Public Instruction and the interest on such cost of acquisition and

(2) The approved building construction cost and the interest on such construction cost

(b) For new school buildings the approved building construction cost shall be the lesser of

(1) The cost of constructing the school buildings including the cost of essential fixtures and equipment but excluding architect's fees in excess of six per cent (6%) of the contract price or

(2) The product of the rated pupil capacity as determined by the Department of Public Instruction at the time the project is approved and (i) one thousand one hundred dollars (\$1100) in the case of elementary schools (ii) one thousand seven hundred dollars (\$1700) in the case of secondary schools (iii) an amount in the case of combined elementary-secondary schools obtained by multiplying the rated elementary pupil capacity by one thousand one hundred dollars (\$1100) and the rated secondary pupil capacity by one thousand seven hundred dollars (\$1700) and dividing the sum by the total rated pupil capacity

(c) For additions or alterations to existing buildings approved building construction cost shall be the lesser of

(1) The cost of constructing the additions or alterations including the cost of essential fixtures and equipment but excluding architect's fees in excess of six per cent (6%) of the contract price or

(2) The difference obtained by subtracting the appraisal value of the existing building from the product of rated pupil capacity of the altered or expanded building as determined by the Department of Public Instruction at the time the project is approved and (i) one thousand one hundred dollars (\$1100) in the case of elementary schools (ii) one thousand seven hundred dollars (\$1700) in the case of secondary schools (iii) an amount in the case of combined elementary-secondary schools obtained by multiplying the rated elementary pupil capacity of the altered or expanded building by one thousand one hundred dollars (\$1100) and the rated secondary pupil capacity of the altered or expanded building by one thousand seven hundred dollars (\$1700) and dividing the sum by the total rated pupil capacity of the altered or expanded building

Appraisal value shall be the valuation made immediately before the additions or alterations are begun by three competent appraisers one appointed by the school

authorities one by the Superintendent of Public Instruction and the third by the other two

(d) For purposes of calculating the amount of rental reimbursement the approved reimbursable rental for a school project constructed for two or more school districts shall annually be apportioned among the participating districts on the basis of the proportion which the valuation of each district as certified by the state tax equalization board during the preceding school year bears to the total valuation of all participating districts

Section 2575 Payments on Account of leases hereafter approved and on account of sinking fund charges on indebtedness for school buildings hereafter constructed The Commonwealth shall pay annually to each school district erecting or sharing in the erection of a building or buildings under the provisions of the Public School Building Authority Act the Municipality Authority Act or section 758 of the Public School Code of 1949 on account of buildings for which the lease is approved subsequent to the effective date of the amending act or through the incurring of indebtedness by the issuance of general obligation bonds on account of buildings for which the general construction contract is awarded subsequent to the effective date of this amending act an amount to be determined

(1) By multiplying the district's standard reimbursement fraction by itself and by fifty one hundredths (50/100) and adding the product to the districts standard reimbursement fraction multiplied by twenty-five one hundredths (25/100) and multiplying the sum by the approved reimbursable rental or approved reimbursable sinking fund charge or

(2) If the district's standard reimbursement fraction is greater than four thousand nine hundred ninety-nine ten-thousandths (.4999) by multiplying the district's standard reimbursement fraction by itself and by the approved reimbursable rental or approved reimbursable sinking fund charge Standard reimbursement fraction referred to herein is that provided by section 2571 for the purpose of reimbursement on account of public school building rentals and sinking fund charges

Section 2576 Approval of Department of Public Instruction (a) No payment shall be made to any school district on account of any lease entered into with the State Public School Building Authority or any municipality authority or nonprofit corporation or on account of sinking fund charges on indebtedness for school buildings unless such lease or sinking fund charge is approved by the Department of Public Instruction Except as hereinafter provided the Department of Public Instruction may give its approval to any lease heretofore or hereafter entered into and to any payments on account of sinking fund charges on indebtedness for school buildings if it shall find that the leased project or the project for which the indebtedness is incurred in conformance with county-wide plans prepared by the county board of school directors and approved by the State Council of Education for the orderly development of improved attendance areas and administrative units and for the improved housing of public schools in the Commonwealth that the school building will conform with standards and regulations prescribed by the department with respect to educational and architectural design building materials fixtures and equipment location usefulness for community activities safety comfort and convenience and that the school district or school districts which incur the indebtedness or to which the project is to be leased will have the ability to meet from current revenues the rental or sinking fund charge or their respective shares of rental or sinking fund charge and to defray the cost of their respective shares of the cost of operation and maintenance of the project

(b) The department shall have the right to disapprove or approve with reservation a lease because of any failure or the part of the authority or school district to comply with the provisions of the laws of the Commonwealth relating to such authority or school district only to such extent as will prevent the school district from paying a greater sum as rental because of such noncompliance with law For that purpose the department may require a modification of the lease if not at that time executed or



may approve the lease with the reservation that the department will pay the reimbursement on that amount only which would have been determined by reason of the lower rental

(c) The Department of Public Instruction shall not approve any project for which Commonwealth reimbursement is sought unless an inspection has been made by the department of the location and adequacy of existing school facilities and the determination made that existing facilities are inadequate in terms of prevailing educational standards

Section 2577 Limitations on approval of projects for reimbursement purposes (a) The superintendent of Public Instruction shall not give his approval for reimbursement purposes to any phase of any project or any project to be undertaken by the state public school building authority or by any municipality authority or nonprofit corporation or by any school district that would cause the approved reimbursable costs of projects to exceed six hundred and twenty-five million dollars (\$625,000,000) during the school year 1955-1956 seven hundred and twenty-five million dollars (\$725,000,000) during the school year 1956-1957 eight hundred and twenty-five million dollars (\$825,000,000) during the school year 1957-1958 and nine hundred and twenty-five million dollars (\$925,000,000) during the school year 1958-1959 in the aggregate for all the authorities nonprofit corporations and sinking fund charges combined for projects already undertaken and to be undertaken

(b) The Department of Public Instruction shall determine reimbursement eligibility of all projects including projects submitted for approval prior to the effective date of this act in the order of date of filing of applications for project approval with the department if a delay in departmental processing of any application on file is occasioned by the applying school district the department shall proceed to determine reimbursement eligibility of projects next in order

(c) Unless the general construction contract for any project is awarded within ten months subsequent to the date of approval by the department approval shall be withdrawn except that when a district shows to the satisfaction of the department that the contract has not been let for reasons beyond its control or that withdrawal of approval would work undue hardship the department may grant extensions beyond the ten-months period for two periods of sixty days each before approval is withdrawn a project for which approval is withdrawn may be resubmitted to the Department as a new project

Section 2578 Payments (a) Payments to a school district shall be determined and approved by the Department of Public Instruction The amount so approved shall be included in and be payable from any future appropriations made to the Department of Public Instruction

(b) All payments due school districts by the Commonwealth on account of obligations to the State Public School Building Authority sinking fund charges or rentals under leases with municipality authorities for building or educational equipment for area technical schools shall be paid to the county board of school directors operating the school districts not originally parties to an agreement with the State Public School Building Authority or a lease with a municipality authority for buildings or educational equipment for an area technical school but later electing to participate in the operation of the school and agreeing to pay a part of the annual payments due under the agreement or lease shall be entitled to payments by the Commonwealth to the same extent as though they had originally been parties to the agreement or lease The amount thereof shall be paid to the county board of school directors No payments shall be made on account of obligations or rentals for buildings or educational equipment for area technical schools unless the schools conform to county-wide plans prepared by the county board of school directors and approved by the state board for vocational education

Section 2579 Inspection of Projects by Department of Public Instruction The Department of Public Instruction shall inspect during construction the work performed by or under contract with a municipality authority nonprofit

corporation or school district on all projects for the rental or sinking fund charge of which the Commonwealth will make reimbursement and shall compel compliance with approved plans

Section 2580 Changes in the amount of lease rentals reimbursements to school districts on account of rental payments in excess of the amount specified in the lease between the school districts and the state public school building authority or any municipality authority or nonprofit corporation or in the case of refinancing on account of rental payments provided by a renegotiated lease shall be calculated in the same manner as the specified lease rental

Section 3 The sum of four hundred five thousand dollars (\$405,000) or as much thereof as is necessary is appropriated to the Department of Public Instruction for the two fiscal years ending May 31, 1957 to carry out the provisions of this act

Section 4 This act shall take effect immediately

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

#### YEAS—204

Adam,	Frost,	Mahan,	Royer,
Agnew,	Gaffney,	Markley,	Rubin,
Amarando,	Garlock,	Maxwell,	Rudisill,
Anderson, M. S.,	Gelfand,	McCann,	Sarraf,
Anderson, S. A.,	George,	McCormack,	Scarcelli,
Ashton,	Gibb,	McGee,	Schuster,
Auker,	Gibson,	McInroy,	Sherman,
Banker,	Goldstein,	McKeever,	Sigman,
Barnatovich,	Gramlich,	McLaughlin,	Smith, C. O.,
Bazin,	Greenwood,	McWhorter,	Smith, Wm. B.,
Bell,	Guss,	Meholchick,	Snider,
Blair,	Hamilton, R. K.,	Metz,	Stank,
Boles,	Hass,	Mihm,	Stebbins,
Bonner,	Haudenschild,	Mikula,	Steckel,
Boory,	Heavey,	Miller,	Stephens,
Bower,	Helm,	Mills,	Stevenson,
Branca,	Henzel,	Monroe,	Stone,
Brelsch,	Hewitt,	Moody,	Stoner,
Brennan, A. P.,	Hocker,	Moran,	Strausser,
Brennan, J. J.,	Holt,	Moscrip,	Stroup,
Brenninger,	Horst,	Muldowney,	Swartz,
Breth,	Houk,	Mullen,	Taylor,
Brown,	Isaacs,	Munley,	Thomas,
Bucchin,	Jenkins,	Murphy,	Thompson,
Bullen,	Johnson,	Murray, H. P.,	Toll,
Capano,	Jones, G. E.,	Murray, J. J.,	Tompkins,
Cianfrani,	Jones, T. H. W.,	Murray, P. G.,	Toomey,
Cioffi,	Jump,	Varallo,	Torrallo,
Cochran,	Kamyk,	Naugle,	Varner,
Comer,	Kehler,	Needham,	Vaughan,
Connelly,	Keller,	Ogilvie,	Verona,
Cooper,	Kent,	Olsen,	Wall,
Curwood,	Kline,	O'Neill,	Wallace,
Davis,	Knecht,	Pacchioni,	Walsh,
Donahue,	Kolankiewicz,	Parry,	Wargo,
Donaldson,	Kooker,	Pashley,	Waterhouse,
Dougherty,	Kornick,	Paulhamus,	Weidner,
Down,	Kromer,	Petrosky,	Welsh,
Ehrgood,	Lafors,	Pettigrew,	Wescott,
Elbers,	Lawyer,	Polaaki,	Wheeler,
Erb,	Leiby,	Polen,	Whitenight,
Eshleman,	Lelsey,	Pomeroy,	Willaredt,
Ewing,	Leonard,	Price,	Williams,
Farabaugh,	Leven,	Pursley,	Wilt,
Filo,	Light,	Readinger,	Wood,
Fineman,	Lamper,	Reibman,	Worley,
Flint,	Lippincott,	Reidenbach,	Yetter,
Floyd,	Lopresti,	Renwick,	Yetzer,
Flynn,	Lovett,	Rigby,	Young,
Frank,	Lutty,	Rosen,	Ziegler,
Frascella,	Magee,	Rovensek,	Andrews,

Speaker

#### NAYS—0

#### NOT VOTING—3

Foster,	Guthrie,	Kratz,
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The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed the same with amendments in which the concurrence of the Senate is requested.

#### BILL PASSED OVER

There being no objection

Senate Bill No. 257, Printer's No. 328  
was passed over at the request of the SPEAKER pro tempore.

Agreeably to order,

The House proceeded to the third reading and consideration of Senate Bill No. 274, as follows:

An Act amending the act of June 3, 1937 (P. L. 1333) entitled "An act concerning elections including general municipal special and primary elections the nomination of candidates primary and election expenses and election contests creating and defining membership of county boards of elections imposing duties upon the Secretary of the Commonwealth courts county boards of elections county commissioners imposing penalties for violations of the act and codifying revising and consolidating the laws relating thereto and repealing certain acts and parts of acts relating to elections" increasing the terms of office of judges and inspectors of elections  
The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 401 act of June 3, 1937 (P. L. 1333) known as the "Pennsylvania Election Code" reenacted May 9, 1947 (P. L. 186) is amended to read

Section 401 District Election Boards Election All primaries and elections shall be conducted in each election district by a district election board consisting of a judge of election a majority inspector of election and a minority inspector of election assisted by clerks and machine inspectors in certain cases as hereinafter provided The judge and inspectors of election of each election district shall be elected by the electors thereof at the municipal election and shall hold office for a term of [two] four years from the first Monday of January next succeeding their election Each elector may vote for one person as judge and for one person as inspector and the person receiving the highest number of votes for judge shall be declared elected judge of election the person receiving the highest number of votes for inspector shall be declared elected majority inspector of election and the person receiving the second highest number of votes for inspector shall be declared elected minority inspector of election

Section 2 This act shall take effect on the Tuesday next following the first Monday of November 1957

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

#### YEAS—204

Adam,	Frost,	Magee,	Royer,
Agnew,	Gaffney,	Mahan,	Rubin,
Amarando,	Garlock,	Markley,	Ruddell,
Anderson, M. S.,	Gelfand,	Maxwell,	Sarrat,
Anderson, S. A.,	George,	McCann,	Scarcelli,
Ashton,	Gibb,	McCormack,	Schuster,
Auker,	Gibson,	McGee,	Sherman,
Banker,	Goldstein,	McInroy,	Sigman,
Barnatovich,	Gramlich,	McKeever,	Smith, C. C.,
Bazin,	Greenwood,	McLaughlin,	Smith, Wm. B.,
Bell,	Guss,	McWhorter,	Slider,
Blair,	Hamilton, R. K.,	Meholchick,	Stank,
Boies,	Hass,	Metz,	Stebbins,

Bonner,	Haudenshield,	Mihm,	Steckel,
Boory,	Heavey,	Mikula,	Stephens,
Bower,	Helm,	Miller,	Stevenson,
Branca,	Henzel,	Mills,	Stone,
Breisch,	Hewitt,	Monroe,	Stoner,
Brennan, A. P.,	Hocker,	Moody,	Strusser,
Brennan, J. J.,	Holt,	Moran,	Stroup,
Brenninger,	Horst,	Moscrip,	Swartz,
Breth,	Houk,	Muldowney,	Taylor,
Brown,	Isaacs,	Mullen,	Thomas,
Bucchin,	Jenkins,	Munley,	Thompson,
Bullen,	Johnson,	Murphy,	Toll,
Capano,	Jones, G. E.,	Murray, H. P.,	Tompkins,
Clanfrani,	Jones, T. H. W.,	Murray, J. J.,	Toomey,
Cloff,	Jump,	Murray, P. G.,	Varallo,
Cochran,	Kamyk,	Musto,	Varnier,
Comer,	Kehler,	Naugle,	Verona,
Connelly,	Keller,	Needham,	Vaughan,
Cooper,	Kent,	Ogilvie,	Wall,
Curwood,	Kline,	Olsen,	Wallace,
Davis,	Knecht,	O'Neil,	Walsh,
Donahue,	Kolankiewicz,	Pacchioni,	Wargo,
Donaldson,	Kooker,	Parry,	Waterhouse,
Dougherty,	Kornick,	Pashley,	Weidner,
Down,	Kromer,	Paulhamus,	Welsh,
Ehrgood,	Lafore,	Petrosky,	Wescott,
Ellberg,	Lawyer,	Pettigrew,	Wheeler,
Erb,	Leiby,	Polaski,	Whitenight,
Eshleman,	Leisey,	Polen,	Willaredt,
Ewing,	Leonard,	Pomeroy,	Williams,
Farabaugh,	Leven,	Price,	Wilt,
Filo,	Light,	Pursley,	Wood,
Fineman,	Limper,	Readinger,	Worley,
Flint,	Lippincott,	Reibman,	Yetter,
Floyd,	Lopresti,	Reidenbach,	Yetzer,
Flynn,	Lovett,	Renwick,	Young,
Frank,	Lutty,	Rigby,	Ziegler,
Frascella,		Rosen,	Andrews,
		Rovansek,	Speaker

#### NAYS—0

#### NOT VOTING—3

Foster, Guthrie, Kratz,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House of Representatives has passed the same without amendment.

#### BILLS PASSED OVER

There being no objection

Senate Bill No. 524, Printer's No. 339, and

Senate Bill No. 543, Printer's No. 231

were passed over at the request of the SPEAKER pro tempore.

Agreeably to order,

The House proceeded to the third reading and consideration of Senate Bill No. 685, as follows:

An Act amending the act of June 24, 1939 (P. L. 685) entitled "An act designating certain life insurance companies as limited life insurance companies and further describing the powers thereof" further regulating the powers of limited life insurance companies  
The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 2 act of June 24, 1939 (P. L. 685) entitled "An act designating certain life insurance companies as limited life insurance companies and further describing the powers thereof" amended May 25, 1951 (P. L. 414) is amended to read

Section 2 Powers All limited life insurance companies are hereby specifically empowered to issue policies agreeing to pay not more than [twenty dollars (\$20.00)] fifty dollars (\$50.00) per week in the event of disablement from sickness [nor more than double that amount in the event of disability from] or accident nor more than [five



hundred dollars (\$500.00)] one thousand dollars (\$1,000.00) in the event of death from natural [or accidental] causes nor more than two thousand dollars (\$2,000.00) in the event of death from accidental causes and to issue policies of endowment insurance subject to the condition hereinafter provided notwithstanding any limitation to the contrary established by the act of Assembly pursuant to which such corporation shall have been incorporated or reincorporated or by any other act of Assembly or by the provisions of its charter

Any such company may issue policies agreeing to pay [in excess of five hundred dollars (\$500.00) but not exceeding one thousand dollars (\$1,000.00)] not more than one thousand five hundred dollars (\$1,500.00) in the event of death from natural [and accidental] causes nor more than double that amount in the event of death from accidental causes provided it has

(a) In the case of stock companies a capital of fifty thousand dollars (\$50,000.00) and in addition thereto has accumulated a surplus in the sum of at least twelve thousand five hundred dollars (\$12,500.00) or

(b) In the case of mutual companies accumulated a surplus in the sum of at least fifty thousand dollars (\$50,000.00)

Any such companies may issue policies of endowment insurance agreeing to pay not more than [one thousand dollars (\$1,000.00)] one thousand five hundred dollars (\$1,500.00) upon maturity thereof provided it has

(a) In the case of stock companies a capital of one hundred thousand dollars (\$100,000.00) and in addition thereto has accumulated a surplus in the sum of at least twenty-five thousand dollars (\$25,000.00) or

(b) In the case of mutual companies accumulated a surplus in the sum of at least one hundred thousand dollars (\$100,000.00)

Any such company may issue policies agreeing to pay in excess of the weekly limitations herein prescribed but not exceeding [fifty-five dollars (\$55)] one hundred five dollars (\$105.00) per week and agreeing to pay an additional benefit for hospital and medical expenses for any one sickness or accident not exceeding [one hundred fifty dollars (\$150)] three hundred dollars (\$300.00) in the event of disablement from sickness or accident provided such policies limit payment of benefits to periods during which insured shall have been admitted as a patient into and as such be necessarily wholly and continuously confined within a duly licensed and incorporated hospital provided it has

(a) In the case of stock companies additional capital of twenty-five thousand dollars (\$25,000.00) and has accumulated additional surplus in the sum of at least twenty-five thousand dollars (\$25,000.00) or

(b) In the case of mutual companies accumulated additional surplus in the sum of at least twenty-five thousand dollars (\$25,000.00)

Such additional capital and additional surplus as required by clauses (a) and (b) of this paragraph shall be deemed to be capital and surplus additional to that required by any of the previous paragraphs of this section or by the act under which such company was incorporated or reincorporated

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

#### YEAS—204

Adam,	Frost,	Mahan,	Royer,
Agnew,	Gaffney,	Markley,	Rubin,
Amarando,	Garlock,	Maxwell,	Rudisill,
Anderson, M. S.,	Gelfand,	McCann,	Sarra,
Anderson, S. A.,	George,	McCormack,	Scarcell,
Ashton,	Gibb,	McGee,	Schuster,
Auker,	Gibson,	McInroy,	Sherman,
Banker,	Goldstein,	McKeever,	Sigman,
Barnatovich,	Gramlich,	McLaughlin,	Smith, C. C.,

Bazin,	Greenwood,	McWherter,	Smith, Wm. B.,
Bell,	Guss,	Meholchick,	Snider,
Blair,	Hamilton, R. K.,	Metz,	Stank,
Boles,	Hass,	Mihm,	Stebbins,
Bonner,	Haudenshield,	Mikula,	Steckel,
Boory,	Heavey,	Miller,	Stephens,
Bower,	Helm,	Mills,	Stevenson,
Branca,	Henzel,	Monroe,	Stone,
Brelsch,	Hewitt,	Moody,	Stoner,
Brennan, A. P.,	Hocker,	Moran,	Strusser,
Brennan, J. J.,	Holt,	Moscrip,	Stroup,
Brenninger,	Horst,	Muldowney,	Swartz,
Breth,	Houk,	Mullen,	Taylor,
Brown,	Isaacs,	Munley,	Thomas,
Bucchin,	Jenkins,	Murphy,	Thompson,
Bullen,	Johnson,	Murray, H. P.,	Toll,
Capano,	Jones, G. E.,	Murray, J. J.,	Tompkins,
Cianfrani,	Jones, T. H. W.,	Murray, P. G.,	Toomey,
Cloff,	Jump,	Musto,	Varallo,
Cochran,	Kamyk,	Naugle,	Varner,
Comer,	Kehler,	Needham,	Vaughan,
Connelly,	Keller,	Ogilvie,	Verona,
Cooper,	Kent,	Olsen,	Wall,
Curwood,	Kilne,	O'Neill,	Wallace,
Davis,	Knecht,	Pacchioli,	Walsh,
Donahue,	Kolankiewicz,	Parry,	Wargo,
Donaldson,	Kooker,	Pashley,	Waterhouse,
Dougherty,	Kornick,	Paulhamus,	Weidner,
Down,	Kromer,	Pettigrew,	Welsh,
Ehrgood,	Lafore,	Petrosky,	Wescott,
Eilberg,	Lawyer,	Polaski,	Wheeler,
Erb,	Leiby,	Polen,	Whitenight,
Eshleman,	Lelsey,	Pomeroy,	Willaredt,
Ewing,	Leonard,	Price,	Williams,
Farabaugh,	Leven,	Pursley,	Wilt,
Filo,	Light,	Readinger,	Wood,
Fineman,	Lmper,	Reibman,	Worley,
Flint,	Lippincott,	Reidenbach,	Yetter,
Floyd,	Lopresti,	Renwick,	Yetzer,
Flynn,	Lovett,	Rigby,	Young,
Frank,	Lutty,	Rosen,	Ziegler,
Frascella,	Magee,	Rovansek,	Andrews,

Speaker

#### NAYS—0

#### NOT VOTING—3

Foster,	Guthrie,	Kratz,
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The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House of Representatives has passed the same without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of Senate Bill No. 686, as follows:

An Act amending the act of May 7, 1935 (P. L. 130) entitled "An act providing for the services of process in civil suits on nonresident operators or nonresident owners or a resident who becomes a nonresident and conceals his whereabouts of aircraft operated within or above the Commonwealth of Pennsylvania and making the operation of such an aircraft within or above the Commonwealth of Pennsylvania the equivalent of the appointment of the Secretary of Revenue of the Commonwealth of Pennsylvania as the agent of the said nonresident upon whom civil process may be served and providing for further notice to the defendant in any such suit" making the consent deemed to have been given by a nonresident operator or owner of an aircraft involved in an accident or collision within this Commonwealth for appointment of the Secretary of the Commonwealth as his agent for service of process irrevocable and binding upon his personal representative providing for service of process when the nonresident operator or owner has died prior to the commencement of an action and making changes to conform with existing laws

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows



Section 1 The title and sections 1 2 and 3 act of May 7, 1935 (P. L. 130) entitled "An act providing for the service of process in civil suits on nonresident operators or nonresident owners or a resident who becomes a nonresident and conceals his whereabouts of aircraft operated within or above the Commonwealth of Pennsylvania and making the operation of such an aircraft within or above the Commonwealth of Pennsylvania the equivalent of the appointment of the Secretary of Revenue of the Commonwealth of Pennsylvania as the agent of the said nonresident upon whom civil process may be served and providing for further notice to the defendant in any such suit" are amended to read

An Act providing for the service of process in civil suits on nonresident operators or nonresident owners or a resident who becomes a nonresident and conceals his whereabouts of aircraft operated within or above the Commonwealth of Pennsylvania and making the operation of such an aircraft within or above the Commonwealth of Pennsylvania the equivalent of the appointment of the Secretary of [Revenue] the Commonwealth of the Commonwealth of Pennsylvania as the agent of the said nonresident upon whom civil process may be served and providing for further notice to the defendant in any such suit

Section 1 (a) Be it enacted &c That from and after the passage of this act any nonresident of this Commonwealth being the operator or owner of any aircraft who shall accept the privilege extended by the laws of this Commonwealth to nonresident operators and owners of operating an aircraft or of having the same operated over or above the lands and waters of the Commonwealth of Pennsylvania or of using its aviation facilities or both or any resident of this Commonwealth who shall subsequently become a nonresident or shall conceal his whereabouts shall by the operation of an aircraft over or above the lands and waters of the Commonwealth of Pennsylvania make and constitute the Secretary of [Revenue] the Commonwealth of the Commonwealth of Pennsylvania his her or their agent for the service of process in any civil suit or proceeding instituted in the courts of the Commonwealth of Pennsylvania or in the United States Courts in Pennsylvania against such operator or owner of such aircraft arising out of or by reason of any accident or collision occurring within or above the Commonwealth in which such aircraft is involved

(b) A nonresident operator or owner of an aircraft which is involved in an accident or collision within or above this Commonwealth shall be deemed to have consented that the appointment of the Secretary of the Commonwealth as his agent for the service of process pursuant to the provisions of this section shall be irrevocable and binding upon his personal representative executor or administrator Where the nonresident operator or owner of aircraft has died prior to the commencement of an action brought pursuant to this section service of process shall be made on the personal representative executor or administrator of such nonresident operator or owner of aircraft in the same manner and on the same notice as is provided in the case of a nonresident operator or owner of aircraft Where an action has been duly commenced under the provisions of this section by service upon a defendant who dies thereafter if the personal representative executor or administrator of such defendant does not voluntarily become a party he may be substituted as a party under the applicable Rules of Civil Procedure and service of process shall be made in the same manner and on the same notice as is provided in the case of a nonresident operator or owner of aircraft

Section 2 Such process shall be served by the officer to whom the same shall be directed upon the Secretary of [Revenue] of Commonwealth of the Commonwealth of Pennsylvania by sending by registered mail postage prepaid at least fifteen (15) days before the return day of such process a true and attested copy thereof and by sending to the defendant by registered mail postage prepaid a like true and attested copy with an endorsement thereon of the service upon said Secretary of [Revenue] the Commonwealth addressed to such defendant at his last known address The registered mail return receipts

of the Secretary of [Revenue] the Commonwealth and of such defendant shall be attached to and made a part of the return of service of such process

Section 3 The officers serving such process upon the Secretary of [Revenue] the Commonwealth shall pay to said Secretary at the time of service a fee of two dollars (\$2.00) five dollars (\$5.00) which fee shall be taxed as costs in the case The Secretary of [Revenue] the Commonwealth shall keep a record of each such process and the day and hour of the service thereof upon him

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

#### YEAS—203

Adam,	Frost,	Magee,	Rovansek,
Agnew,	Gaffney,	Mahan,	Royer,
Amarando,	Garlock,	Markley,	Rubin,
Anderson, M. S.,	Gelfand,	Maxwell,	Rudisill,
Anderson, S. A.,	George,	McCann,	Sarra,
Ashton,	Gibb,	McCormack,	Scarcell,
Auker,	Gibson,	McGee,	Schuster,
Banker,	Goldstein,	McInroy,	Sherman,
Barnatovich,	Gramlich,	McKeever,	Sigman,
Bazin,	Greenwood,	McLaughlin,	Smith, C. C.,
Bell,	Guss,	McWherter,	Smith, Wm. B.,
Blair,	Hamilton, R. K.,	Meholchick,	Slider,
Boles,	Hass,	Metz,	Stank,
Bonner,	Haudensfield,	Mihm,	Stebbins,
Boory,	Heavey,	Mikula,	Steckel,
Bower,	Helm,	Miller,	Stephens,
Branca,	Henzel,	Mills,	Stevenson,
Breisch,	Hewitt,	Monroe,	Stone,
Brennan, A. P.,	Hocker,	Moody,	Stoner,
Brennan, J. J.,	Holt,	Moran,	Strausser,
Brenninger,	Horst,	Moscrip,	Stroup,
Breth,	Houk,	Muldowney,	Swartz,
Brown,	Isaacs,	Mullen,	Taylor,
Buchin,	Jenkins,	Munley,	Thomas,
Bullen,	Johnson,	Murphy,	Thompson,
Capano,	Jones, G. E.,	Murray, H. P.,	Toll,
Cianfrani,	Jones, T. H. W.,	Murray, J. J.,	Tompkins,
Cloffi,	Jump,	Murray, P. G.,	Toomey,
Cochran,	Kamyk,	Musto,	Varner,
Comer,	Kehler,	Naugle,	Varallo,
Connelly,	Keller,	Needham,	Vaughan,
Cooper,	Kent,	Ogilvie,	Verona,
Curwood,	Kline,	Olsen,	Wall,
Davis,	Knecht,	O'Neil,	Wallace,
Donahue,	Kolankiewicz,	Pacchioli,	Walsh,
Donaldson,	Kooker,	Parry,	Wargo,
Dougherty,	Kornick,	Pashley,	Waterhouse,
Down,	Kromer,	Paulhamus,	Weldner,
Ehrgood,	Lafore,	Petrosky,	Welsh,
Eilberg,	Lawyer,	Pettigrew,	Wescott,
Erb,	Leiby,	Polaski,	Wheeler,
Eshleman,	Lelsey,	Polen,	Whitenight,
Ewing,	Leonard,	Pomeroy,	Willaredt,
Farabaugh,	Leven,	Price,	Williams,
Filo,	Light,	Pursley,	Wilt,
Fineman,	Limper,	Readinger,	Wood,
Flint,	Lippincott,	Reibman,	Yetter,
Floyd,	Lopresti,	Reldenbach,	Yetzer,
Flynn,	Lovett,	Renwick,	Young,
Frank,	Rigby,	Rosen,	Ziegler,
Frascella,	Lutty,		Andrews,

Speaker

#### NAYS—1

Worley,

#### NOT VOTING—3

Foster,

Guthrie,

Kratz,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed the same with amendments in which the concurrence of the Senate is requested.



Agreeably to order,

The House proceeded to the third reading and consideration of Senate Bill No. 687 as follows:

An Act amending the act of May 14, 1929 (P. L. 1721) entitled "An act providing for the service of process in civil suits on nonresident operators or nonresident owners of motor vehicles operated within the Commonwealth of Pennsylvania and making the operation of such a motor vehicle on the public highways of the Commonwealth of Pennsylvania the equivalent of the appointment of the Secretary of Revenue of the Commonwealth of Pennsylvania as the agent of the said nonresident upon whom civil process may be served and providing for further notice to the defendant in any such suit" making the consent deemed to have been given by a nonresident operator or owner of a motor vehicle involved in an accident or collision within this Commonwealth for appointment of the Secretary of the Commonwealth as his agent for service of process irrevocable and binding upon his personal representative providing for service of process when the nonresident operator or owner has died prior to the commencement of an action and making changes to conform with existing law

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The title of the act of May 14, 1929 (P. L. 1721) entitled "An act providing for the service of process in civil suits on nonresident operators or nonresident owners of motor vehicles operated within the Commonwealth of Pennsylvania and making the operation of such a motor vehicle on the public highways of the Commonwealth of Pennsylvania the equivalent of the appointment of the Secretary of Revenue of the Commonwealth of Pennsylvania as the agent of the said nonresident upon whom civil process may be served and providing for further notice to the defendant in any such suit" is amended to read

An Act providing for the service of process in civil suits on nonresident operators or nonresident owners of motor vehicles operated within the Commonwealth of Pennsylvania and making the operation of such a motor vehicle on the public highways of the Commonwealth of Pennsylvania the equivalent of the appointment of the Secretary of [Revenue] the Commonwealth of the Commonwealth of Pennsylvania as the agent of the said nonresident upon whom civil process may be served and providing for further notice to the defendant in any such suit

Section 2 Section 1 of the act amended May 23, 1949 (P. L. 1651) is amended to read

Section 1 Be it enacted &c (a) That from and after the passage of this act any nonresident of this Commonwealth being the operator or owner of any motor vehicle who shall accept the privilege extended by the laws of this Commonwealth to nonresident operators and owners of operating a motor vehicle or of having the same operated within the Commonwealth of Pennsylvania or any resident of this Commonwealth being the licensed operator or owner of any motor vehicle under the laws of this Commonwealth who shall subsequently become a nonresident or shall conceal his whereabouts shall by such acceptance or licensure as the case may be and by the operation of such motor vehicle within the Commonwealth of Pennsylvania make and constitute the Secretary of [Revenue] the Commonwealth of the Commonwealth of Pennsylvania his her or their agent for the service of process in any civil suit or proceeding instituted in the courts of the Commonwealth of Pennsylvania or in the United States District Courts of Pennsylvania against such operator or owner of such motor vehicle arising out of or by reason of any accident or collision occurring within the Commonwealth in which such motor vehicle is involved

(b) A nonresident operator or owner of a motor vehicle which is involved in an accident or collision within this Commonwealth shall be deemed to have consented that the appointment of the Secretary of the Commonwealth

as his agent for the service of process pursuant to the provisions of this section shall be irrevocable and binding upon his personal representative executor or administrator Where the nonresident motorist has died prior to the commencement of an action brought pursuant to this section service of process shall be made on the personal representative executor or administrator of such nonresident motorist in the same manner and on the same notice as is provided in the case of a nonresident motorist Where an action has been duly commenced under the provisions of this section by service upon a defendant who dies thereafter if the personal representative executor or administrator of such defendant does not voluntarily become a party he may be substituted as a party under the applicable Rules of Civil Procedure and service of process shall be made in the same manner and on the same notice as is provided in the case of a nonresident motorist

Section 8 Sections 2 and 3 of the act amended June 25, 1937 (P. L. 2277) are amended to read

Section 2 Such process shall be served by the officer to whom the same shall be directed upon the Secretary of [Revenue] the Commonwealth of the Commonwealth of Pennsylvania by sending by registered mail postage prepaid at least fifteen (15) days before the return day of such process a true and attested copy thereof and by sending to the defendant by registered mail postage prepaid a like true and attested copy with an endorsement thereon of the service upon said Secretary of [Revenue] the Commonwealth addressed to such defendant at his last known address The registered mail return receipts of the Secretary of [Revenue] the Commonwealth and of such defendant shall be attached to and made a part of the return of service of such process Provided That if the defendant refuses to accept the notice mailed or cannot be found at his last known address the registered mail return receipt or other evidence of such facts shall be attached to and made a part of the return and shall constitute sufficient service under the provisions of this section

Section 3 The officer serving such process upon the Secretary of [Revenue] the Commonwealth shall pay to said secretary at the time of service a fee of two dollars (\$2.00) five dollars (\$5.00) for each process served which fee shall be taxed as costs in the case The Secretary of [Revenue] the Commonwealth shall keep a record of each such process and the day and hour of the service thereof upon him

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—203

Adam,  
Agnew,  
Amarando,  
Anderson, M. S.,  
Anderson, S. A.,  
Ashton,  
Auker,  
Banker,  
Barnatovich,  
Bazin,  
Bell,  
Blair,  
Boles,  
Bonner,  
Boory,  
Bower,  
Branca,  
Breisch,  
Brennan, A. P.,  
Brennan, J. J.,  
Brenninger,  
Breth,  
Brown,

Frost,  
Gaffney,  
Garlock,  
Gelfand,  
George,  
Gibb,  
Gibson,  
Goldstein,  
Gramlich,  
Greenwood,  
Guss,  
Hamilton, R. K.,  
Hass,  
Haudenschild,  
Heavey,  
Helm,  
Henzel,  
Hewitt,  
Hocker,  
Holt,  
Horst,  
Houk,  
Isaacs,

Magee,  
Mahan,  
Markley,  
Maxwell,  
McCann,  
McCormack,  
McGee,  
McInroy,  
McKeever,  
McLaughlin,  
McWherter,  
Meholchick,  
Metz,  
Mihm,  
Mikula,  
Miller,  
Mills,  
Monroe,  
Moody,  
Moran,  
Moscrip,  
Muldowney,  
Mullen,  
Munley,

Rovansek,  
Royer,  
Rubin,  
Rudisill,  
Sarraf,  
Scarcell,  
Schuster,  
Sherman,  
Sigman,  
Smith, C. C.,  
Smith, Wm. B.,  
Snider,  
Stank,  
Stebbins,  
Steckel,  
Stephens,  
Stevenson,  
Stone,  
Stoner,  
Strausser,  
Stroup,  
Swartz,  
Taylor,  
Thomas,



Bucchin,	Jenkins,	Murphy,	Thompson,
Bullen,	Johnson,	Murray, H. P.,	Toll,
Capano,	Jones, G. E.,	Murray, J. J.,	Tompkins,
Cianfrani,	Jones, T. H. W.,	Murray, P. G.,	Toomey,
Cioffi,	Jump,	Musto,	Varallo,
Cochran,	Kamyk,	Naugle,	Varner,
Comer,	Kehler,	Needham,	Vaughan,
Connelly,	Keller,	Ogilvie,	Verona,
Cooper,	Kent,	Olsen,	Wall,
Curwood,	Kline,	O'Neill,	Wallace,
Davis,	Knecht,	Pacchioli,	Walsh,
Donahue,	Kolankiewicz,	Parry,	Wargo,
Donaldson,	Kooker,	Pashley,	Waterhouse,
Dougherty,	Kornick,	Paulhamus,	Weidner,
Down,	Kromer,	Petrosky,	Welsh,
Ehrgood,	Lafore,	Pettigrew,	Wescott,
Ellberg,	Lawyer,	Polaski,	Wheeler,
Erb,	Leiby,	Polen,	Whitnight,
Eshleman,	Leisey,	Pomeroy,	Willaredt,
Ewing,	Leonard,	Price,	Williams,
Farabaugh,	Leven,	Pursley,	Wilt,
Filo,	Light,	Readinger,	Wood,
Fineman,	Limper,	Reibman,	Yetter,
Flint,	Lippincott,	Reidenbach,	Yetzer,
Floyd,	Lopresti,	Renwick,	Young,
Flynn,	Lovett,	Rigby,	Ziegler,
Frank,	Lutty,	Rosen,	Andrews,
Frascella,			Speaker

## NAYS—1

## NOT VOTING—3

Worley,

Foster,

Guthrie,

Kratz,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed the same with amendments in which the concurrence of the Senate is requested.

Agreeably to order,

The House proceeded to the third reading and consideration of Senate Bill No. 689, as follows:

An Act amending the act of April 24, 1947 (P. L. 89) entitled "An act relating to the form execution revocation operation and interpretation of wills to nuncupative wills to the appointment of testamentary guardians to elections to take under or against wills and the procedure in reference thereto" revising and changing provisions relating to foreign wills divorce testamentary conveyances affecting right of spouse taking against a will rights of adopted persons and illegitimates in lapsed and void devises and legacies and appointment of guardian of property passing to a minor upon testator's death whether or not passing under the will

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 4 clause (2) of section 7 subsection (A) of section 8 subsection (a) of section 12 and clauses (6) and (7) of section 14 act of April 24, 1947 (P. L. 89) known as the "Wills Act of 1947" are amended to read

## Section 4 Witnesses

(a) General Rule Except as provided in subsection (b) hereof no will shall be valid unless proved by the oaths or affirmations of two competent witnesses

(b) Foreign Execution A written will of a testator domiciled outside of Pennsylvania but within the United States executed and proved in accordance with the law of his domicile shall be effective as to property within Pennsylvania

Section 7 Modification of Circumstances Wills shall be modified upon the occurrence of any of the following circumstances among others

\* \* \*

(2) Divorce If the testator is divorced from the bonds of matrimony after making a will all provisions in the will in favor of or relating to his spouse so divorced shall

[be thereby revoked] thereby become ineffective for all purposes

\* \* \*

## Section 8 Change by Election of Surviving Spouse

(a) Right of election when a married person dies testate as to any part of his estate the surviving spouse while living shall have a right of election under the limitations and conditions hereinafter stated provided that the spouse so electing also must elect to take against all conveyances within the scope of subsection (a) of Section 11 of the Estates Act of 1947 as amended of which he is a beneficiary

(b) Share of Estate The surviving spouse upon an election to take against the will shall be entitled to one-third of the real and personal estate of the testator if the testator is survived by more than one child or by one or more children and the issue of a deceased child or children or by the issue of more than one deceased child and in all other circumstances the surviving spouse shall be entitled to one-half of the real and personal estate of the testator

\* \* \*

## Section 12 Failure to Make an Election

(a) Effect Except as provided in section 7 (3) hereof failure to make an election in the manner and within the time limits set forth in section 11 hereof shall be deemed an election to take under the will or an acquiescence in the provisions thereof No payment or distribution from the estate except the exemption allowed by law to the [widow] surviving spouse shall be required to be made to the surviving spouse within one year after the probate of the will unless his election to take under or acquiesce in the will shall have been made and filed as provided in section 10 hereof

\* \* \*

Section 14 Rules of Interpretation In the absence of a contrary intent appearing therein wills shall be construed as to real and personal estate in accordance with the following rules

\* \* \*

(6) Adopted Children In construing clauses (8) (9) and (10) of this section relating to lapsed and void devises and legacies and in construing a will making a devise or bequest to a person or persons described by relationship to the testator or to another any person adopted before the death of the testator shall be considered the child of his adopting parent or parents and not the child of his natural parents Provided That if a natural parent shall have married the adopting parent before the testator's death the adopted person shall also be considered the child of such natural parent

(7) Illegitimates In construing clauses (8) (9) and (10) of this section relating to lapsed and void devises and legacies and in construing a will making a devise or bequest to a person or persons described by relationship to the testator or to another an illegitimate person shall be considered the child of his mother and not of his father Provided That when the parents of a person born illegitimate shall have married each other he shall thereafter be considered legitimate

\* \* \*

Section 2 Clause (11) of section 14 of the act is repealed

Section 3 Subsection (b) of section 18 of the act is amended to read

## Section 18 Testamentary Guardian

\* \* \*

(b) Guardian of the Estate Any person may by will appoint a [testamentary] guardian of [the] real or personal [estate which he shall devise bequeath or appoint to a minor] property passing to a minor upon his death when such property

(1) Is devised bequeathed or appointed to the minor in that person's will

(2) Is the proceeds of an insurance or annuity contract on the testator's life unless the owner of the contract has made an inter vivos designation of a guardian therefor

(3) Arises from an inter vivos transfer the major portion of which constituted a gift from the testator unless the testator has made an inter vivos designation of a guardian therefor



(4) Is a cause of action arising by reason of the testator's death

(5) Is a pension or death benefit from an employer of the testator or a society or organization of which the testator was a member

(6) Is a tentative trust of which the testator was the settler

Section 4 This act shall take effect on April 1 1956 and shall apply only to the wills of all persons dying on or after that day As to the wills of persons dying before that day the existing law shall remain in full force and effect

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

#### YEAS—204

Adam,	Gaffney,	Mahan,	Royer,
Agnew,	Garlock,	Markley,	Rubin,
Amarando,	Gelfand,	Maxwell,	Rudisill,
Anderson, M. S.,	Gibb,	McCann,	Sarraf,
Anderson, S. A.,	Gibson,	McCormack,	Scarcelli,
Aashton,	George,	McGee,	Schuster,
Auker,	Goldstein,	McInroy,	Sherman,
Banker,	Gramlich,	McKeever,	Sigman,
Barnatovich,	Greenwood,	McLaughlin,	Smith, C. O.,
Bazin,	Guss,	McWherter,	Smith, W. B.,
Bell,	Hamilton, R. K.,	Meholchick,	Snider,
Blair,	Hass,	Metz,	Stank,
Boles,	Haudenshield,	Mihm,	Stebbins,
Bonner,	Heavy,	Mikula,	Steckel,
Boory,	Helm,	Miller,	Stephens,
Bower,	Hensel,	Mills,	Stevenson,
Brance,	Hewitt,	Monroe,	Stone,
Brelschi,	Hocker,	Moody,	Stoner,
Brennan, A. P.,	Holt,	Moran,	Strausser,
Brennan, J. J.,	Horst,	Moserip,	Stroup,
Brenninger,	Houk,	Muldowney,	Swartz,
Breth,	Isaacs,	Munley,	Taylor,
Brown,	Jump,	Murphy,	Thomas,
Bucchin,	Jenkins,	Murray, H. P.,	Thompson,
Bullen,	Johnson,	Murray, J. J.,	Toll,
Capano,	Jones, G. E.,	Murray, P. G.,	Tompkins,
Cianfrani,	Jones, T. H. W.,	Mullen,	Toomey,
Cloffi,	Kamyk,	Musto,	Varallo,
Cochran,	Kehler,	Naugle,	Varnier,
Comer,	Keller,	Needham,	Vaughan,
Connelly,	Kent,	Ogilvie,	Verona,
Cooper,	Kline,	Olsen,	Wall,
Curwood,	Knecht,	O'Neill,	Wallace,
Davis,	Kolankiewicz,	Pacchioti,	Walsh,
Donahue,	Kooker,	Parry,	Wargo,
Donaldson,	Kornick,	Pashley,	Waterhouse,
Dougherty,	Kromer,	Paulhamus,	Weldner,
Down,	Lafore,	Petrosky,	Welsh,
Ehrgood,	Lawyer,	Pettigrew,	Wescott,
Ellberg,	Leiby,	Polaski,	Wheeler,
Erb,	Leisey,	Polen,	Whitenight,
Eshleman,	Leonard,	Pomeroy,	Willaredt,
Ewing,	Leven,	Price,	Williams,
Farabaugh,	Light,	Pursley,	Wilt,
Filo,	Limper,	Readinger,	Wood,
Fineman,	Lippincott,	Reibman,	Worley,
Flint,	Lopresti,	Reidenbach,	Yetter,
Flynn,	Lutty,	Renwick,	Yetter,
Floyd,	Lovett,	Rigby,	Young,
Frank,	Magee,	Rosen,	Ziegler,
Frascells,		Rowansek,	Andrews,
Frost,			Speaker

#### NAYS—0

#### NOT VOTING—3

Foster, Guthrie, Kratz,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed the same with

amendments in which the concurrence of the Senate is requested.

Agreeably to order,

The House proceeded to the third reading and consideration of Senate Bill No. 690, as follows:

An Act amending the act of April 24, 1947 (P. L. 80) entitled "An act relating to the descent of the real and personal estates of persons dying intestate and the procedure in reference thereto" and repealing parts thereof limiting right of a spouse on partial intestacy and in selection of allowance and revising procedure for setting aside spouses' allowance establishing title to real estate when spouse claims entire estate and distribution to the Commonwealth as statutory heir

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 2 act of April 24, 1947 (P. L. 80) known as the "Intestate Act of 1947" is amended to read

Section 2 Share of Surviving Spouse The surviving spouse shall be entitled to the following share or shares:

(1) More Than One Child One-third if the decedent is survived by more than one child or by one or more children and the issue of a deceased child or children or by the issue of more than one deceased child or

(2) One Child One-half if the decedent is survived by one child only or by no child but by the issue of one deceased child or

(3) No Issue The first ten thousand dollars in value and one-half of the balance of the estate if the decedent is survived by no issue In case of partial intestacy any amount received by the surviving spouse under the will shall satisfy pro tanto the ten thousand dollar allowance or

(4) No Issue or Other Designated Person All of the estate if the decedent is survived by no issue parent brother sister child of a brother or sister grandparent uncle or aunt

Section 2 Sections 10 11 and 12 of the act are repealed

Section 3 The act is amended by adding after section 9 three new sections to read

Section 10 Spouse's Allowance Procedure The ten thousand dollar allowance shall be set aside and awarded in distribution to the surviving spouse or his successor in interest in the same manner as other distributive shares of the estate are awarded without any right in the surviving spouse to choose particular real or personal property in satisfaction thereof Nothing herein shall be construed as limiting the right of the surviving spouse and other distributees to demand that property not theretofore sold be distributed in kind to them

Section 11 Procedure to Establish Title to Real Property When Spouse Claims Entire Estate A surviving spouse entitled under the provisions of this act to the entire estate of the decedent shall have it awarded to him in the same manner as a lesser share of the estate would be so awarded

Section 12 Property Distributable to the Commonwealth When the estate is distributable to the Commonwealth as statutory heir under the provisions of this act it shall be reduced to cash in all cases by the personal representative and awarded by the court in distribution to the Commonwealth and paid by the personal representative through the Department of Revenue into the State Treasury

Section 4 This amending act shall take effect April 1, 1956 and shall apply to the real and personal estates of all persons dying on or after the day the provisions of sections 10 11 and 12 of the "Intestate Act of 1947" repealed hereby shall remain in effect as to the estates of persons dying on or after January 1, 1948 and prior to April 1, 1956

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:



## YEAS—204

Adam,	Frost,	Mahan,	Royer,
Agnew,	Gaffney,	Markley,	Rubin,
Amarando,	Garlock,	Maxwell,	Rudisill,
Anderson, M. S.,	Gelfand,	McCann,	Sarraf,
Anderson, S. A.,	George,	McCormack,	Scarcelli,
Ashton,	Gibb,	McGee,	Schuster,
Auker,	Gibson,	McInroy,	Sherman,
Banker,	Goldstein,	McKeever,	Sigman,
Barzantovich,	Gramlich,	McLaughlin,	Smith, C. O.,
Bazin,	Greenwood,	McWherter,	Smith, Wm. B.,
Bell,	Guss,	Meholchick,	Snider,
Blair,	Hamilton, R. K.,	Metz,	Stank,
Boles,	Haas,	Mihm,	Stebbins,
Bonner,	Haudenshield,	Mikula,	Steckel,
Boory,	Heavey,	Miller,	Stephens,
Bower,	Helm,	Mills,	Stevenson,
Branca,	Henzel,	Monroe,	Stone,
Breisch,	Hewitt,	Moody,	Stoner,
Brennan, A. P.,	Hooker,	Moran,	Strausser,
Brennan, J. J.,	Holt,	Moscrip,	Stroup,
Brenninger,	Horst,	Muldowney,	Swartz,
Breth,	Houk,	Mullen,	Taylor,
Brown,	Isaacs,	Munley,	Thomas,
Bucchin,	Jenkins,	Murphy,	Thompson,
Bullen,	Johnson,	Murray, H. P.,	Toll,
Capano,	Jones, G. E.,	Murray, J. J.,	Tompkins,
Cianfrani,	Jones, T. H. W.,	Murray, P. G.,	Toomey,
Cioffi,	Jump,	Naugle,	Varner,
Cochran,	Kamyk,	Needham,	Varallo,
Comer,	Kehler,	Ogilvie,	Vaughan,
Connelly,	Keller,	Olsen,	Verona,
Cooper,	Kent,	O'Neill,	Wallace,
Curwood,	Kline,	Pacchioli,	Wall,
Davis,	Knecht,	Parry,	Walsh,
Donahue,	Kolankiewicz,	Pashley,	Wargo,
Donaldson,	Kooker,	Paulhamus,	Waterhouse,
Dougherty,	Kornick,	Petrosky,	Weidner,
Down,	Kromer,	Pettigrew,	Welsh,
Ehrgood,	Lafore,	Polaski,	Wescott,
Ellberg,	Lawyer,	Polen,	Wheeler,
Erb,	Leiby,	Pomeroy,	Whitenight,
Eshleman,	Leisey,	Price,	Willaredt,
Ewing,	Leonard,	Pursley,	Williams,
Farabaugh,	Leven,	Readinger,	Wilt,
Flo,	Light,	Reibman,	Wood,
Fineman,	Lmper,	Reidenbach,	Worley,
Flint,	Lippincott,	Renwick,	Yetter,
Floyd,	Lopresti,	Rigby,	Yetzer,
Flynn,	Lovett,	Rosen,	Young,
Frank,	Lutty,	Rovansek,	Ziegler,
Frascella,	Magee,		Andrews,

Speaker

## NAYS—0

## NOT VOTING—3

Foster, Guthrie, Kratz,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed the same with amendments in which the concurrence of the Senate is requested.

Agreeably to order,

The House proceeded to the third reading and consideration of Senate Bill No. 691, as follows:

An Act amending the act of April 24, 1947 (P. L. 100) entitled "An act relating to the incidents of legal and equitable interests in real and personal property including the validity thereof the powers rights and duties of persons with respect thereto and the disposition of interests which fail and containing provisions concerning termination of trusts releases and disclaimers of powers and interests perpetuities accumulations charitable estates rights of a surviving spouse in property as to which the decedent has retained certain powers spendthrift trusts limited estates in property rules of interpretation estates pur auter vie estates in fee tail and the Rule in Shelley's Case" revising and changing

provisions relating to power of court to terminate trusts heretofore created release or disclaimer by beneficiary of spendthrift trust income accumulations conveyances to defeat marital rights and elections against such conveyor's will and the procedure therefor

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 2 and subsection (a) of section 3 act of April 24, 1947 (P. L. 100) known as the "Estates Act of 1947" are amended to read

## Section 2 Termination of Trusts

(a) Failure of Original Purpose The court having jurisdiction of a trust heretofore or hereafter created regardless of any spendthrift or similar provision therein in its discretion may terminate such trust in whole or in part or make an allowance from principal to a conveyor his spouse issue parents or any of them who is an income beneficiary provided the court after hearing is satisfied that the original purpose of the conveyor cannot be carried out or is impractical of fulfillment and that the termination partial termination or allowance more nearly approximates the intention of the conveyor and notice is given to all parties in interest or to their duly appointed fiduciaries But distributions of principal under this section whether by termination partial termination or allowance shall not exceed an aggregate value of twenty-five thousand dollars from all trusts created by the same conveyor

(b) Distribution of Terminated Trust Whenever the court shall decree termination or partial termination of a trust under the provisions of this section it shall thereupon order such distribution of the principal and undistributed income as it deems proper and as nearly as possible in conformity with the conveyor's intention

(c) Other Powers Nothing in this section shall limit any power of the court to terminate or reform a trust under existing law

## Section 3 Release or Disclaimer of Powers or Interests

(a) Powers and Interests Releasable Any power of appointment or power of consumption whether general or special other than a power in trust which is imperative and any interest in to or over real or personal property held or owned outright or in trust or in any other manner which is reserved or given to any person by deed will or otherwise and irrespective of any limitation of such power or interest by virtue of any restriction in the nature of a so-called spendthrift trust provision or similar provision may be released or disclaimed either with or without consideration by written instrument signed by the person possessing the power or the interest and delivered as hereinafter provided but nothing in this section shall authorize an income beneficiary of a spendthrift trust to release or disclaim his right to such income unless as a result of the release or disclaimer the released or disclaimed income will pass to one or more of the beneficiary's descendants

\* \* \*

Section 2 Section 6 section 7 and section 8 of the act are repealed

Section 3 The act is amended by adding after section 5 two new sections to read

## Section 6 Income Accumulations When Valid

(a) General No direction or authorization to accumulate income shall be void except as herein provided

(b) Void Accumulations Exceptions Upon the expiration of the period allowed by the common law rule against perpetuities as measured by actual rather than possible events any direction or authorization to accumulate income shall be void

This subsection shall not apply to

(1) Directions or authorizations to accumulate income in a trust for any charitable purpose or purposes

(2) Directions or authorizations to accumulate income in a bona fide trust inter vivos primarily for the benefit of business employees their families or appointees under a stock bonus pension disability or death benefit profit-sharing or other employee benefit plan

(c) Time for Beginning Period The period allowed by the common law rule against perpetuities under subsection (b) of this section shall be measured from the expiration of any time during which one person while living



has the unrestricted power to transfer to himself the entire legal and beneficial interest in the property

Section 7 Income Accumulations Disposition When Invalidity Occurs Income subject to a void direction or authorization to accumulate shall be distributed to the person or proportionately to the persons in whom the right to such income has vested by the terms of the instrument or by operation of law

Section 4 Setcions 11 and 21 of the act are amended to read

Section 11 [Powers of Appointment Rights of Surviving Spouse] Conveyances to Defeat Marital Rights

(a) In General A conveyance of assets by a person who retains a power of appointment by will or a power of revocation or consumption over the principal thereof shall at the election of his surviving spouse be treated as a testamentary disposition so far as the surviving spouse is concerned to the extent to which the power has been reserved but the right of the surviving spouse shall be subject to the rights of any income beneficiary whose interest in income becomes vested in enjoyment prior to the death of the conveyor The provisions of this subsection shall not apply to any contract of life insurance purchased by a decedent whether payable in trust or otherwise

(b) Determination of Share The spouse may elect to take against any such conveyance and shall be entitled to one-third thereof if the conveyor is survived by more than one child or by one or more children and the issue of a deceased child or children or by the issue of more than one deceased child and in all other circumstances one-half thereof

(c) Election Against Other Conveyances A spouse electing under this section also must elect to take against the will if he is a beneficiary thereunder and against all other conveyances within the scope of subsection (a) of which he is a beneficiary

(d) Procedure The election to treat a onveyance as testamentary shall be made in the same manner as an election to take against the will if there is a will such election shall be made within the same time limitations as an election to take against the will if there is no will Such election shall be made within one year of the conveyor's death and the orphans' court on application of the surviving spouse made within such period may extend the time for making the election it can be made only if there has been no forfeiture of the right to make an election the court having jurisdiction of the deceased conveyor's estate shall determine the rights of the surviving spouse in the property included in the conveyance

Section 21 Effective Date This act shall take effect on the first day of January one thousand nine hundred forty-eight and except as set forth in [section 3] sections 2 3 and 9 hereof shall apply only to conveyances effective on or after that day As to conveyances effective before that day the existing laws shall remain in full force and effect

Section 5 This act shall take effect April 1 1956 and except as set forth in sections 2 3 and 9 of the act amended hereby shall apply only to conveyances effective on or after that day As to conveyances effective before that day the existing law shall remain in full force and effect

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—204

Adam.	Frost,	Mahan,	Royer,
Agnew.	Gaffney,	Markley,	Rubin,
Amarando,	Garlock,	Maxwell,	Rudisill,
Anderson, M. S.,	Gelfand,	McCann,	Sarra,
Anderson, S. A.,	Gibb,	McCormack,	Scarcoll,

Ashton,	George,	McGee,	Schuster,
Auker,	Gibson,	McInroy,	Sigman,
Banker,	Goldstein,	McKeever,	Stank,
Barnatovich,	Gramlich,	McLaughlin,	Stebbins,
Bazin,	Greenwood,	McWherter,	Steckel,
Bell,	Guss,	Meholchick,	Stephens,
Blair,	Hamilton, R. K.,	Metz,	Stevenson,
Boles,	Hass,	Mihm,	Stone,
Bonner,	Haudensfield,	Mikula,	Sherman,
Boory,	Heavey,	Miller,	Smith, O. C.,
Bower,	Helm,	Mills,	Smith, Wm. B.,
Branca,	Henzel,	Monroe,	Snider,
Breisch,	Hewitt,	Moody,	Stoner,
Brennan, A. P.,	Hocker,	Moran,	Strausser,
Brennan, J. J.,	Holt,	Moscrip,	Stroup,
Brenninger,	Horst,	Muldowney,	Swartz,
Breth,	Houk,	Mullen,	Taylor,
Brown,	Isaacs,	Munley,	Thomas,
Bucchin,	Jenkins,	Murphy,	Thompson,
Bullen,	Johnson,	Murray, H. P.,	Toll,
Capano,	Jones, G. E.,	Murray, J. J.,	Tompkins,
Cianfrani,	Jones, T. H. W.,	Murray, P. G.,	Toomey,
Cioffi,	Jump,	Musto,	Varallo,
Cochran,	Kamyk,	Naugle,	Varner,
Comer,	Kehler,	Needham,	Vaughan,
Connelly,	Keller,	Ogilvie,	Verona,
Cooper,	Kent,	Olsen,	Wall,
Curwood,	Kilne,	O'Neill,	Wallace,
Davis,	Knecht,	Pacchioli,	Walsh,
Donahue,	Kolankiewicz,	Parry,	Wargo,
Donaldson,	Kooker,	Pashley,	Waterhouse,
Dougherty,	Kornick,	Paulhamus,	Weidner,
Down,	Kromer,	Petrosky,	Weish,
Ehrgood,	Lafore,	Pettigrew,	Wescott,
Ellberg,	Lawyer,	Polaski,	Wheeler,
Erb,	Leiby,	Polen,	Whitenight,
Eshleman,	Leisey,	Pomeroy,	Willaredt,
Ewing,	Leonard,	Price,	Williams,
Farabaugh,	Leven,	Pursley,	Wilt,
Filo,	Light,	Readinger,	Wood,
Fineman,	Limper,	Reibman,	Worley,
Flint,	Lippincott,	Reidenbach,	Yetter,
Floyd,	Lopresti,	Ranwick,	Yetzer,
Flynn,	Lovett,	Rigby,	Young,
Frank,	Lutty,	Rosen,	Ziegler,
Frascella,	Magee,	Rovansek,	Andrews,

Speaker

NAYS—0

NOT VOTING—3

Poster, Guthrie, Kratz,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed the same with amendments in which the concurrence of the Senate is requested.

Agreeably to order,

The House proceeded to the third reading and consideration of Senate Bill No. 692, as follows:

An Act amending the act of June 28 1951 (P L 638) entitled "An act relating to the jurisdiction pwers and duties of registers of wills and regulating proceedings before them and the costs thereof the effects of their acts and appeals therefrom" changing the procedure on probate of wills probated outside the Commonwealth

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 306 act of June 28 1951 (P L 638) known as the "Register of Wills Act of 1951" is amended to read

Section 306 Wills Probated Outside the Commonwealth A duly authenticated copy of a will proved outside of the Commonwealth according to the law of the place of probate may be offered for probate before any register having jurisdiction and letters testamentary or of administration with a will annexed may be granted thereon as though the original will had been offered before such register



If in addition to such copy there shall be produced a duly authenticated copy of the record of the probate proceeding of the original instrument the will shall be entitled to probate in this Commonwealth and appropriate letters shall be issued thereon without the production or examination of the witnesses to prove such will unless the will was probated outside of the United States and the record shows or it is satisfactorily proved that an essential requirement of Pennsylvania law for a valid will has not been met [In such event] If the will was probated outside of the United States the probate proceedings may be supplemented by the submission of additional evidence to the register

Section 2 This act shall take effect January 1 1956

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

## YEAS—204

Adam,	Gaffney,	Mahan,	Royer,
Agnew,	Garlock,	Markley,	Rubin,
Amarando,	Gelfand,	Maxwell,	Rudisill,
Anderson, M. S.,	George,	McCann,	Sarra,
Anderson, S. A.,	Gibb,	McCormack,	Scarcelli,
Ashton,	Gibson,	McGee,	Schuster,
Auker,	Goldstein,	McInroy,	Sherman,
Banker,	Gramlich,	McKeever,	Sigman,
Barnatovich,	Greenwood,	McLaughlin,	Smith, C. C.,
Bazin,	Guss,	McWherter,	Smith, Wm. B.,
Blair,	Hamilton, R. K.,	Meholchick,	Snider,
Boles,	Hass,	Metz,	Stank,
Bonner,	Haudenshield,	Mihm,	Steckel,
Boory,	Heavey,	Mikula,	Stebbins,
Bower,	Helm,	Miller,	Stephens,
Branca,	Henzel,	Mills,	Stevenson,
Brelsich,	Hewitt,	Monroe,	Stone,
Brennan, A. P.,	Hocker,	Moody,	Stoner,
Brennan, J. J.,	Holt,	Moran,	Strausser,
Brenninger,	Horst,	Moscrip,	Stroup,
Bell,	Houk,	Muldowney,	Swarts,
Breth,	Isaacs,	Mullen,	Taylor,
Brown,	Jenkins,	Munley,	Thomas,
Bucchin,	Johnson,	Murphy,	Thompson,
Bullen,	Jones, G. E.,	Murray, H. P.,	Toll,
Capano,	Jones, T. H. W.,	Murray, J. J.,	Tompkins,
Cianfrani,	Jump,	Murray, P. G.,	Toomey,
Cioffi,	Kamyk,	Musto,	Varallo,
Cochran,	Kehler,	Naugle,	Varner,
Comer,	Keller,	Needham,	Vaughan,
Connelly,	Kent,	Ogilvie,	Verona,
Cooper,	Kline,	Olsen,	Wall,
Curwood,	Kolankiewicz,	O'Neill,	Wallace,
Davis,	Knecht,	Pacchioli,	Walsh,
Donahue,	Kooker,	Parry,	Wargo,
Donaldson,	Kornick,	Pashley,	Waterhouse,
Dougherty,	Kromer,	Paulhamus,	Weidner,
Down,	Lafore,	Pettigrew,	Welsh,
Ehrgood,	Lawyer,	Petrosky,	Wescott,
Ellberg,	Leiby,	Polaski,	Wheeler,
Erb,	Lelsey,	Polen,	Whitenight,
Eshleman,	Leonard,	Pomeroy,	Willaredt,
Ewing,	Leven,	Price,	Williams,
Farabaugh,	Light,	Pursley,	Wilt,
Filo,	Limper,	Readinger,	Wood,
Fineman,	Lippincott,	Reibman,	Worley,
Flint,	Lopresti,	Reidenbach,	Yetter,
Floyd,	Lovett,	Renwick,	Yetzer,
Flynn,	Lutty,	Rigby,	Young,
Frank,	Magee,	Rosen,	Ziegler,
Frascella,		Rovansek,	Andrews,
Frost,			Speaker

## NAYS—0

## NOT VOTING—3

Foster,	Guthrie,	Kratz,
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The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House of Representatives has passed the same without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of Senate Bill No. 693, as follows:

An Act amending the act of August 10, 1951 (P. L. 1163) entitled as amended "An act relating to the orphans' court conferring exclusive jurisdiction on such courts over the administration and distribution of decedents' estates trust estates minors' estates and absentees' estates conferring concurrent jurisdiction over the administration and distribution of incompetents' estates and the determination of title to real estate in certain cases providing for the organization of orphans' courts the procedure therein the power and duties of the judges thereof and appeals therefrom" conferring exclusive jurisdiction on orphans' courts (except the Orphans' Court of Philadelphia County) over the administration and distribution of incompetents' estates and on the orphans' court of Philadelphia County over inter vivos trusts and revising the procedure on and effect of jury trials and the availability of jurors

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The title act of August 10, 1951 (P. L. 1163) known as the "Orphans' Court Act of 1951" amended July 28, 1953 (P. L. 690) is amended to read

An Act relating to the orphans' [court] courts conferring exclusive jurisdiction on such courts over the administration and distribution of decedents' estates trust estates minors' estates [and] absentees' estates [conferring concurrent jurisdiction over the administration and distribution of] and (except in Philadelphia County) incompetents' estates and the determination of title to real estate in certain cases providing for the organization of orphans' courts the procedure therein the powers and duties of the judges thereof and appeals therefrom

Section 2 Section 102 of the act is amended by adding at the end a new clause to read

Section 102 Definitions The following words when used in this act unless the context clearly indicates otherwise shall have the meanings ascribed to them in this section

\* \* \*

(7) An "incompetent" is any person who has been adjudged unable to manage his property

Section 3 Section 301 of the act is amended to read

Section 301 Exclusive Jurisdiction The orphans' court shall have exclusive jurisdiction of

(1) Decedents' Estates The administration and distribution of the real and personal property of decedents' estates

(2) Testamentary Trusts The administration and distribution of the real and personal property of testamentary trusts whether created before or after the effective date of this act except any testamentary trust created before the effective date of the Fiduciaries Act of 1917 jurisdiction of which already has been acquired by another Pennsylvania court Another court which has acquired jurisdiction of the trust may transfer it to the orphans' court

(3) Inter Vivos Trusts The administration and distribution of the real and personal property of inter vivos trusts whether created before or after the effective date of this act except any inter vivos trust created before the effective date of this act jurisdiction of which already has been acquired by another Pennsylvania court another court which has acquired jurisdiction of the trust may transfer it to the orphans' court [The jurisdiction of the orphans' court of Philadelphia County over the administration and distribution of the real and personal property of inter vivos trusts shall be concurrent with the several courts of common pleas as heretofore]

(4) Minors' Estates The administration and distribution of the real and personal property of minors' estates

(4.1) Incompetents' Estates The administration and distribution of the real and personal property of the estates



of incompetents except where jurisdiction thereof already has been acquired by another Pennsylvania court before the effective date of this act Another court which has acquired jurisdiction of the estate may transfer it to the orphans' court The jurisdiction of the Orphans' Court of Philadelphia county over the administration and distribution of the real and personal property of the estates of incompetents shall be concurrent with the several courts of Common Pleas as heretofore

(5) Absentees' and Presumed Decedents' Estates The administration and distribution of the real and personal property of absent persons and of presumed decedents

(6) Fiduciaries The appointment control settlement of the accounts or removal and discharge of and allowance to and allocation of compensation among all fiduciaries of estates and trusts of which the court has jurisdiction except that the grant of letters testamentary and of administration to personal representatives shall remain within the jurisdiction of the register as heretofore

(7) Guardians of Persons of Minors The appointment control and removal of the guardian of the person of any minor

(8) Custody of Minors The determination of the right to the custody of a minor in connection with any proceeding for his adoption or for the appointment of a guardian of his person

(9) Specific Performance of Contracts To enforce specifically the performance by either party of any agreement made by a decedent to purchase or sell real or personal property

(10) Legacies Annuities and Charges Proceedings for the enforcement of legacies annuities and charges placed on real or personal property by will inter vivos trust or orphans' court decree or for the discharge of the lien thereof

(11) Construction of Administrative Power The construction of an administrative power as to real estate proposed to be exercised by a fiduciary subject to the jurisdiction of the orphans' court

(12) Disposition of Title to Real Estate to Render It Freely Alienable The disposition of any interest in real estate of one disabled from dealing with it when title to it has been acquired by descent or will or is in an estate or trust subject to the jurisdiction of the orphans' court

(13) Title of Personal Property The adjudication of the title to personal property in the possession of the personal representative or registered in the name of the decedent or his nominee or alleged by the personal representative to have been in the possession of the decedent at the time of his death.

(14) Appeals and Proceedings from Registers Appeals from and proceedings removed from registers

(15) Birth Records Matters relating to birth records as provided by law

(16) Adoptions, Adoptions as provided by law

(17) Marriage Licenses Marriage licenses as provided by law

(18) Inheritance and Estate Taxes Matters relating to inheritance and estate taxes as provided by law

The provisions of clauses (8) and (16) in so far as they relate to adoptions shall not apply to the orphans' court of Philadelphia County Exclusive jurisdiction in the matter of adoptions shall remain in the Municipal Court of Philadelphia

Section 4 Section 302 of the act amended July 28 1953 (P. L. 690) is amended to read

Section 302 Concurrent Jurisdiction Title to Real Estate The orphans' court shall have concurrent jurisdiction [of] to

[(1) Title to Real Estate The] [determination of] Determine the persons to whom the title to real estate of a decedent or of the creator of an estate or trust subject to the jurisdiction of the orphans' court has passed by devise or descent or by the terms of the trust instrument Provided That nothing herein shall be construed to restrict the exclusive jurisdiction of the orphans' court to distribute real estate in an estate or trust within its jurisdiction

[(2) Incompetents' Estates The administration and distribution of the real and personal property of incompe-

tents' estates except when the jurisdiction thereof has been acquired by another Pennsylvania court Another court which has acquired jurisdiction of the incompetent's estate may transfer it to the orphans' court]

Section 5 Sections 744 745 and 746 of the act are amended to read

Section 744 Testimony in Proceedings Removed From Register On appeal from the register or in a proceeding removed from the register the court may find upon the testimony taken before the register that a substantial dispute of fact exists and [require a jury to decide the issue of fact In all other cases] grant a jury trial When upon the testimony taken before the register a jury trial is not granted the court shall hear the testimony de novo unless all parties appearing in the proceeding agree that the case be heard on the testimony taken before the register In any event the court may require witnesses already examined and other witnesses to appear before it The court in its discretion may impanel a jury at any stage of the proceedings

Section 745 Jury Trial

(a) Will Contest When a substantial dispute of fact shall arise concerning the validity of a writing alleged to be testamentary any party in interest shall be entitled to a trial of this fact by a jury but the verdict of the jury shall be conclusive only if the court is satisfied with the justness of it on the basis of all the evidence If the court is not so satisfied it may set aside the verdict grant a new trial enter such other judgment as satisfies its conscience

(b) Title to Property When a substantial dispute of fact shall arise concerning the decedent's title to property real or personal any party in interest shall be entitled to a trial of [this fact] such issue by a jury the verdict of the jury shall have the same effect as the verdict of a jury in a case at law in a court of common pleas

(b.1) Determination of Incompetency Any person against whom proceedings have been instituted to establish his incompetency shall be entitled to a trial of such issue by a jury The verdict of the jury shall have the same effect as the verdict of a jury in a case at law in a court of common pleas

(c) Waiver of Right [A person entitled to a trial by jury may make demand in writing therefor prior to the hearing of the issues of fact The right to trial by jury is waived if such a demand is not so made or if the person claiming the right fails to appear at the hearing or fails to object to trial by the court before the introduction of evidence is commenced] A person desiring a trial by jury shall make demand therefor in writing at least ten days prior to the initial hearing before the court or if the initial hearing is dispensed with as provided in section 746 (A.1) then at least ten days prior to the trial The right to trial by jury is waived if such demand is not so made or after having been made the person claiming the right fails to appear

(d) When Not of Right When there is no right to trial by jury or when the right is waived the court in its discretion may require a jury to decide any issue of fact [and the verdict in such case shall have the same effect as though a trial by jury had been allowed as a matter of right to a party in interest] but the verdict shall be conclusive only if the court is satisfied with the justness of it on the basis of all the evidence If the court is not so satisfied it may set aside the verdict grant a new trial or enter such other judgment as satisfies its conscience

Section 746 Trials in the Orphans' Court

(a) Jury Jury trials in any case begun before or certified or appealed to the orphans' court shall be tried in the orphans' court The court shall draw a jury and preside at the trial of the issue and shall have all the powers of a judge in trials by jury in cases at law in the court of common pleas The panel of jurors drawn for service in the common pleas [court] quarter sessions or oyer and terminer and general jail delivery courts of the county in which the orphans' court is located shall be available for such service in the orphans' court when required and in counties where there is a separate orphans' court the orphans' court and the [court] courts of com-



mon pleas quarter sessions and oyer and terminer and general jail delivery shall by appropriate rules provide for and regulate the manner in which the jurors shall be made available and sent to the orphans' court when required for the trial of issues therein

(a.1) In any case begun before or certified or appealed to the orphans' court the court may on its own motion or on motion of a party and with reasonable notice to all parties (1) combine the hearing to determine whether a substantial dispute of fact exists with the trial to determine the dispute and impanel a jury before determining whether or not a substantial dispute of fact exists and (2) combine the hearing and trial on all wills the issues in regard to which are closely interrelated. The court may withdraw the case from the jury if the court determines that no substantial dispute of fact exists

(b) Rules of Court Unless and until the orphans' court otherwise directs the appropriate rules of the common pleas court of the same county shall apply to jury trials of issues in the orphans' court and matters relating to such trials shall be heard and disposed of by the orphans' court

[(c) Effect of Verdict The verdict of the jury in the orphans' court shall have the same effect as the verdict of a jury in a case at law in a court of common pleas]

Section 6 This act shall take effect January 1, 1956

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—204

Adam.	Gaffney.	Mahan.	Royer.
Agnew.	Garlock.	Markley.	Rubin.
Amarando.	Gelfand.	Maxwell.	Rudisill.
Anderson, M. S.	George.	McCann.	Sarraff.
Anderson, S. A.	Gibb.	McCormack.	Scarcelli.
Ashton.	Gibson.	McGee.	Schuster.
Auker.	Goldstein.	McInroy.	Sherman.
Banker.	Gramlich.	McKeever.	Sigman.
Barnatovich.	Greenwood.	McLaughlin.	Smith, C. C.
Bazin.	Guss.	McWherter.	Smith, Wm. B.
Bell.	Hamilton, R. K.	Meholchick.	Snider.
Blair.	Hass.	Metz.	Stank.
Boles.	Heavey.	Mihm.	Stebbins.
Bonner.	Haudenschild.	Mikula.	Steckel.
Boory.	Helm.	Miller.	Stephens.
Bower.	Henzel.	Mills.	Stevenson.
Branca.	Hewitt.	Monroe.	Stone.
Brelsch.	Hocker.	Moody.	Stoner.
Brennan, A. P.	Holt.	Moran.	Strausser.
Brennan, J. J.	Horst.	Moscrip.	Stroup.
Brenninger.	Houk.	Muldowney.	Swartz.
Breth.	Isaacs.	Mullen.	Taylor.
Brown.	Jenkins.	Munley.	Thomas.
Bucchin.	Johnson.	Murray, H. P.	Thompson.
Bullen.	Jones, G. E.	Murray, J. J.	Toll.
Capano.	Jones, T. H. W.	Murray, P. G.	Tompkins.
Cianfrani.	Jump.	Murphy.	Toomey.
Cloffi.	Kamyk.	Musto.	Varallo.
Cochran.	Kehler.	Naugle.	Varnier.
Comer.	Keller.	Needham.	Vaughan.
Connelly.	Kent.	Ogilvie.	Verona.
Cooper.	Kline.	Olsen.	Wall.
Curwood.	Knecht.	O'Neill.	Wallace.
Davis.	Kolankiewicz.	Pacchioli.	Walsh.
Donahue.	Kooker.	Parry.	Wargo.
Dougherty.	Kornick.	Pashley.	Waterhouse.
Donaldson.	Kromer.	Paulhamus.	Weldner.
Down.	Lafore.	Petrosky.	Welsh.
Ehrgood.	Lawyer.	Pettigrew.	Wescott.
Ellberg.	Leiby.	Polaski.	Wheeler.
Erb.	Lelsey.	Polen.	Whitenight.
Eshleman.	Leonard.	Pomeroy.	Willaredt.
Ewing.	Leven.	Price.	Williams.
Farabaugh.	Light.	Pursley.	Wilt.
Filo.	Limper.	Readinger.	Wood.
Fineman.	Lippincott.	Reidman.	Worley.
Flint.	Lopresti.	Reidenbach.	Yetter.
Floyd.	Lovett.	Renwick.	Yetzer.
Flynn.		Rigby.	Young.

Frank,  
Frascella,  
Frost,

Lutty.  
Magee,

Rosen,  
Rovanssek,

Ziegler,  
Andrews,  
Speaker

NAYS—0

NOT VOTING—3

Foster,

Guthrie,

Kratz,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House of Representatives has passed the same without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of Senate Bill No. 694, as follows:

An Act repealing the act of June 7 1917 (P L 337) entitled "An act relating to the jurisdiction powers and procedure of the several orphans courts in proceedings for the partition and valuation of real estate and for the sale of real estate for the purpose of distribution and the fees costs and expenses therein" with exceptions. The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The act of June 7 1917 (P L 337) known as the "Orphans' Court Partition Act of 1917" and its amendments are repealed as to the partition and valuation and sale of real estate of persons who died after December 31 1949

Section 2 This act shall take effect January 1 1956

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—204

Adam.	Frost.	Mahan.	Royer.
Agnew.	Gaffney.	Markley.	Rubin.
Amarando.	Garlock.	Maxwell.	Rudisill.
Anderson, M. S.	Gelfand.	McCann.	Sarraff.
Anderson, S. A.	George.	McCormack.	Scarcelli.
Ashton.	Gibb.	McGee.	Schuster.
Auker.	Gibson.	McInroy.	Sherman.
Banker.	Goldstein.	McKeever.	Sigman.
Barnatovich.	Gramlich.	McLaughlin.	Smith, C. C.
Bazin.	Greenwood.	McWherter.	Smith, Wm. B.
Bell.	Guss.	Meholchick.	Snider.
Blair.	Hamilton, R. K.	Metz.	Stank.
Boles.	Hass.	Mihm.	Stebbins.
Bonner.	Haudenschild.	Mikula.	Steckel.
Boory.	Heavey.	Miller.	Stephens.
Bower.	Helm.	Mills.	Stevenson.
Branca.	Henzel.	Monroe.	Stone.
Brelsch.	Hewitt.	Moody.	Stoner.
Brennan, A. P.	Hocker.	Moran.	Strausser.
Brennan, J. J.	Holt.	Moscrip.	Stroup.
Brenninger.	Horst.	Muldowney.	Swartz.
Breth.	Houk.	Munley.	Taylor.
Brown.	Isaacs.	Murphy.	Thomas.
Bucchin.	Jenkins.	Musto.	Thompson.
Bullen.	Johnson.	Mullen.	Toll.
Capano.	Jones, G. E.	Murray H. P.	Tompkins.
Cianfrani.	Jones, T. H. W.	Murray, J. J.	Toomey.
Cloffi.	Jump.	Murray, P. G.	Varallo.
Cochran.	Kamyk.	Naugle.	Varnier.
Comer.	Kehler.	Needham.	Vaughan.
Connelly.	Kent.	Ogilvie.	Verona.
Cooper.	Kline.	Olsen.	Wall.
Curwood.	Knecht.	O'Neill.	Wallace.
Davis.	Kolankiewicz.	Pacchioli.	Walsh.
Donahue.	Kooker.	Parry.	Wargo.
Dougherty.	Kornick.	Pashley.	Waterhouse.
Down.	Kromer.	Paulhamus.	Weldner.
Ehrgood.		Petrosky.	Welsh.
Ellberg.		Pettigrew.	Wescott.



Ellberg,	Lafore,	Polaski,	Wheeler,
Erb,	Lawyer,	Polen,	Whitenight,
Eshleman,	Leiby,	Pomeroy,	Willaredt,
Ewing,	Leisey,	Price,	Williams,
Farabaugh,	Leonard,	Pursley,	Wilt,
Filo,	Leven,	Readinger,	Wood,
Fineman,	Limper,	Reibman,	Worley,
Flint,	Light,	Reidenbach,	Yetter,
Floyd,	Lippincott,	Renwick,	Yetzer,
Flynn,	Lopresti,	Rigby,	Young,
Frank,	Lovett,	Rosen,	Ziegler,
Frascella,	Lutty,	Rovansek,	Andrews,
	Magee,		Speaker

NAYS—0

NOT VOTING—3

Foster,	Guthrie,	Kratz,
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The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House of Representatives has passed the same without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of Senate Bill No. 696, as follows:

An Act relating to the administration and distribution of incompetents' estates (except in Philadelphia County) both as to real and personal property and the procedure relating thereto including the disposition of such estates or portions thereof and the determination of title thereto without the appointment of a guardian in certain cases the appointment bond removal and discharge of guardians of such estates their powers duties and liabilities the rights of persons dealing with such guardians and the rights of persons claiming an interest in such estates or in property distributed therefrom whether as claimants or distributees and containing provisions concerning the determination of incompetency and the powers duties and liabilities of foreign guardians and also generally dealing with the jurisdiction powers and procedure of the orphans' court and the common pleas court relating to incompetents' estates

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#### ARTICLE I

##### PRELIMINARY PROVISIONS

- Section 101 Short Title This act shall be known and

may be cited as the Incompetents' Estates' Act of 1955

Section 102 Definitions The following words when used in this act unless the context clearly indicates otherwise shall have the meanings ascribed to them in this section

(1) "Clerk" means the clerk of the orphans' court having jurisdiction

(2) "Court" means the orphans' court having jurisdiction of the appointment of the guardian

(3) "Incompetent" means a person who because of mental infirmities of old age mental illness mental deficiency drug addiction or inebriety is unable to manage his property or is liable to dissipate it or become the victim of designing persons

(4) "Guardian" means a fiduciary appointed by a court of competent jurisdiction to have the care and management of the estate of an incompetent

(5) "Foreign guardian" means a guardian or one performing the function of a guardian who is subject primarily to the control of the court of another jurisdiction and has not received ancillary authority in the Commonwealth

Section 103 Title to Real and Personal Estate Legal title to all real estate and personal property of an incompetent shall remain in him subject however to all the powers granted to his guardian by this act and to all orders of the court

Section 104 Effective Date This act shall take effect April 1 1956 except that as to the estate of any incompetent person of which a Pennsylvania court of common pleas has acquired jurisdiction before that date the existing law on the topics included within this act shall remain in effect so long as that court retains jurisdiction

Section 105 Severability If any provision of this act or the application thereof to any person or circumstances is held invalid the remainder of this act and the application of such provision to other persons or circumstances shall not be affected thereby and to this end the provisions of this act are declared to be severable

Section 106 Applicability this act shall not apply to Philadelphia County.

#### ARTICLE II

##### SMALL ESTATES

Section 201 When Guardian Unnecessary When the entire real and personal estate wherever located of a resident or nonresident incompetent has a gross value of one thousand five hundred dollars (\$1500) or less all or any part of it may be received and held or disposed of by the person or institution maintaining the incompetent without the appointment of a guardian or the entry of security in any of the following circumstances

(1) Award from Decedent's Estate or Trust When the court having jurisdiction of a decedent's estate or of a trust is awarding the interest of the incompetent shall so direct

(2) Interest in Real Estate When the court having jurisdiction to direct the sale or mortgage of real estate in which the incompetent has an interest shall so direct as to the incompetent's interest in the real estate.

(3) Other Circumstances In all other circumstances when the court which would have had jurisdiction to appoint a guardian of the estate of the incompetent shall so direct

Section 202 Power to Person Or Institution Maintaining Incompetent The court may authorize or direct the person or institution maintaining the incompetent to execute as natural guardian and receipt deed mortgage or other appropriate instrument necessary to carry out a degree entered under section 201 and in such event may require the deposit of money in a savings account or the care of securities in any manner considered by the court to be for the best interests of the incompetent The decree so made except as the court shall expressly provide otherwise shall constitute sufficient authority to all transfer agents registrars and others dealing with property of the incompetent to recognize the persons named therein as entitled to receive the property and shall in all respects have the same effect as an instrument executed by a duly appointed guardian under court decree



## ARTICLE III

## GUARDIAN APPOINTMENT BOND REMOVAL AND DISCHARGE EVIDENCE

## A Appointment

## Section 301 Petition and Hearing

(a) Resident The court upon petition and a hearing at which good cause is shown may find a person domiciled in the Commonwealth to be incompetent and appoint a guardian or guardians of his estate. The petitioner may be the alleged incompetent's spouse, a relative, a creditor, a debtor or any person interested in the alleged incompetent's welfare. Notice of the petition and hearing shall be given in such manner as the court shall direct to the alleged incompetent to all persons residing within the Commonwealth who are sui juris and would be entitled to share in the estate of the alleged incompetent if he died intestate at that time and to such other parties as the court may direct. The alleged incompetent shall be present at the hearing unless (1) the court is satisfied upon the presentation of positive testimony that because of his physical or mental condition his welfare would not be promoted by his presence or (2) it is impossible for him to be present because of his absence from the Commonwealth. It shall not be necessary for the alleged incompetent to be represented by a guardian ad litem in the proceeding.

(b) Nonresident The court may find a person not domiciled in the Commonwealth having property in the Commonwealth to be incompetent and may appoint a guardian of his estate. The appointment may be made after petition hearing and notice as in the case of a person domiciled in the Commonwealth or upon the submission of an exemplified copy of a decree establishing his incompetency in another jurisdiction. The court shall give preference in its appointment to the foreign guardian of the nonresident incompetent unless it finds that such appointment will not be for the best interests of the incompetent.

## Section 302 County of Appointment

(a) Resident Incompetent A guardian of the estate of an incompetent may be appointed by the court of the county in which the incompetent is domiciled.

(b) Nonresident Incompetent A guardian of the estate within the Commonwealth of an incompetent domiciled outside of the Commonwealth may be appointed by the court of the county having jurisdiction of a decedent's estate or of a trust in which the incompetent has an interest. When the nonresident incompetent's estate is derived otherwise than from a decedent's estate or a trust within the Commonwealth, a guardian may be appointed by the court of any county where an asset of the incompetent is located.

(c) Exclusiveness of Appointment When a court has appointed a guardian of an incompetent's estate pursuant to subsection (a) or (b), no other court shall appoint a similar guardian for the incompetent within the Commonwealth.

Section 303 Nonresident Guardian When a guardian is or becomes a nonresident of the Commonwealth, the acceptance of his appointment or the act of becoming a nonresident as the case may be shall constitute the Secretary of the Commonwealth his attorney-in-fact upon whom service of process and notices may be made as to all causes of action relating to the incompetent's estate.

## B Bond

Section 311 Necessity Form and Amount Except as hereinafter provided, every guardian of the estate of an incompetent shall execute and file a bond which shall be in the name of the Commonwealth with sufficient surety in such amount as the court considers necessary having regard to the value of the personal estate which will come into the control of the guardian and conditioned in the following form:

(1) When One Guardian The condition of this obligation is that if the said guardian shall well and truly administer the estate according to law, this obligation shall be void but otherwise it shall remain in force.

(2) When Two or More Guardians The condition of

this obligation is that if the said guardians or any of them shall well and truly administer the estate according to law, this obligation shall be void as to the guardian or guardians who shall so administer the estate but otherwise it shall remain in force.

Section 312 Fiduciary Estate The court in its discretion upon the application of any party in interest in addition to any bond required for the incompetent's individual estate may require a separate bond in the name of the Commonwealth with sufficient surety in such amount as the court shall consider necessary for the protection of the parties in interest in an estate of which the incompetent is a fiduciary and conditioned in the following form:

(1) When One Guardian The condition of this obligation is that if the said guardian shall well and truly account for property held by the incompetent as fiduciary according to law, this obligation shall be void but otherwise it shall remain in force.

(2) When Two or More Guardians The condition of this obligation is that if the said guardians or any of them shall well and truly account for property held by the incompetent as fiduciary according to law, this obligation shall be void as to the guardian or guardians who shall so account but otherwise it shall remain in force.

## Section 313 When Bond Not Required

(a) Corporate Guardian No bond shall be required if a bank and trust company or of a trust company incorporated in the Commonwealth or of a national bank having its principal office in the Commonwealth unless the court for cause shown deems it advisable.

(b) Nonresident Corporation A nonresident corporation or a national bank having its principal office out of the Commonwealth otherwise qualified to act as guardian in the discretion of the court may be excused from giving bond.

(c) Other Cases In all other cases the court may dispense with the requirement of a bond when for cause shown it finds that no bond is necessary.

Section 314 Requiring or Changing Amount of Bond The court for cause shown and after such notice if any as it shall direct may require a surety bond or increase or decrease the amount of an existing bond or require more or less security therefor.

## C Removal and Discharge

Section 321 Grounds for Removal The court shall have exclusive power to remove a guardian when:

(1) He is wasting or mismanaging the estate or is likely to become insolvent or has failed to perform any duty imposed by law or

(2) He has been adjudged incompetent or

(3) He has become unable to discharge the duties of his office because of sickness or physical or mental incapacity and his disability is likely to continue to the injury of the estate or

(4) He has removed from the Commonwealth or has ceased to have a known place of residence therein without furnishing such security or additional security as the court shall direct or

(5) For any other reason the interests of the estate are likely to be jeopardized by his continuance in office or

(6) The incompetent of whose estate he is guardian is adjudged competent.

Section 322 Procedure for and Effect of Removal The court on its own motion may and on the petition of any party in interest alleging adequate ground for removal shall order the guardian to appear and show cause why he should not be removed or when necessary to protect the rights of creditors or parties in interest may summarily remove him. Upon removal the court may appoint a substituted guardian and may by summary attachment of the person or other appropriate orders provide for the security and delivery of the assets of the estate together with all books, accounts and papers relating thereto. Any guardian summarily removed under the provisions of this section may apply by petition to have the decree of removal vacated and to be reinstated and if the court shall vacate the decree of removal and reinstate him, it shall thereupon make any orders which may be appropriate to accomplish the reinstatement.



**Section 323 Adjudication of Competency** The court upon petition and after such notice as it shall direct may find after a hearing at which good cause is shown that a person previously adjudged incompetent has become competent

**Section 324 Discharge of Guardian and Surety** After confirmation of his final account and distribution to the parties entitled a guardian and his surety may be discharged by the court from future liability

#### D Evidence

**Section 331 Evidence of Mental Condition** In any hearing relating to the mental condition of a person who competency is in question the deposition of or sworn statement by a superintendent manager physician or psychiatrist of any State-owned mental hospital or veterans administration hospital shall be admissible in evidence as to the condition of an inmate of such hospital in lieu of his appearance and testimony unless by special order the courts directs his appearance and testimony in person

#### ARTICLE IV

### GUARDIAN POWERS DUTIES AND LIABILITIES

#### A In General

**Section 401 Possession of Real and Personal Property** The guardian of the estate of an incompetent until it is distributed or sold shall have the right to and shall take possession of maintain and administer each real and personal asset of the incompetent collect the rents and income from it and make all reasonable expenditures necessary to preserve it He shall also have the right to maintain or defend any action with respect to such real or personal property of the incompetent

**Section 402 Inventory** Every guardian within three months after real or personal estate of his ward comes into his possession shall verify by oath and file with the clerk (1) an inventory of such personal estate (2) a statement of such real estate and (3) a statement of any real or personal estate which he expects to acquire thereafter

**Section 403 Abandonment of Property** When any property is so burdensome or is so encumbered or is in such condition that it is of no value to the incompetent the court may authorize the guardian to abandon it

**Section 404 Liability Insurance** The guardian at the expense of the estate may protect himself his employees and the incompetent by insurance from liability to third persons arising from the administration of the estate

**Section 405 Continuation of Business** The court aided by the report of a master if necessary may authorize the guardian to continue any business of the incompetent The order may be with or without notice If prior notice is not given to all persons residing within the Commonwealth who are sui juris and would be entitled to share in the estate of the incompetent if he died intestate at that time and to any other persons directed by the court it shall be given to all such persons within five days after the order or within such extended time as the court for cause shown shall allow Any person to whom notice is required to be given may at any time petition the court to revoke or modify the order The order may provide

(1) For the conduct of the business by the guardian alone or jointly with others or as a corporation to be formed

(2) The extent of the liability of the estate or any part thereof or of the guardian for obligations incurred in the continuation of the business

(3) Whether liabilities incurred in the conduct of the business are to be chargeable solely to the part of the estate set aside for use in the business or to the estate as a whole

(4) The period of time the business may be conducted and

(5) Such other regulations including accountings as the court shall deem advisable

**Section 406 Incorporation of Business** After notice to all persons residing within the Commonwealth who are

sui juris and would be entitled to share in the estate of the incompetent if he died intestate at that time and to any other persons directed by the court the court aided by the report of a master if necessary may authorize the guardian alone or jointly with others to organize a corporation to carry on a business held in the estate whether the business is owned solely by the incompetent or with others and may contribute for stock of the corporation as capital all or part of the property of the estate which was invested in the business

**Section 407 Claims Against Co-Guardian** When one of two or more guardians shall be individually liable to the incompetent the other or others shall take any legal action against him necessary to protect the incompetent

**Section 408 Proceeding Against Guardian** Any proceeding may be brought against a guardian or the surety on his bond in the county of the court having jurisdiction of the incompetent's estate and if the guardian or surety does not reside in that county process may be served on either of them personally or as follows

(1) When Resident of Another County By a duly deputized sheriff of any other county of the Commonwealth in which he shall be found

(2) When a Nonresident of the Commonwealth By the sheriff of the county of the court having jurisdiction of the estate sending by registered mail return receipt requested a true and attested copy of the process to the Secretary of the Commonwealth accompanied by the fee prescribed by law and to the guardian or surety at his last known address with an endorsement thereon showing that service has been so made upon the Secretary of the Commonwealth

**Section 409 Revival of Judgment Against Guardian** When the incompetent holds a judgment which is a lien on real estate owned by the guardian individually any party in interest may suggest his interest in the judgment upon the record thereof and bring an appropriate action to revive it and to continue its lien Any judgment so revived shall remain for the use of all parties in interest

**Section 410 Liability of Guardian on Contracts Unless** he expressly contracts otherwise in writing a guardian shall not be personally liable on any written contract hereafter entered into which is within his authority as guardian and discloses that he is contracting as guardian of a named incompetent Any action on such a contract shall be brought against the guardian in his fiduciary capacity only or against his successor in such capacity and execution upon any judgment obtained therein shall be had only against property of the incompetent

**Section 411 Investments** The powers and duties of guardians in making retaining and managing investments shall be as prescribed by law generally for fiduciaries

**Section 412 Power of Attorney** A guardian may convey real estate transfer title to personal estate or perform any other act of administration by an attorney or attorneys-in-fact provided that this shall not authorize him to delegate the exercise of any discretionary power

**Section 413 Voting Stock by Proxy** The guardians or a majority of them either in person or by proxy may vote stock owned by the incompetent

**Section 414 Nominee Registration Corporate Fiduciary as Attorney-in-Fact**

(a) **Corporate Guardian** A bank and trust company or a trust company incorporated in the Commonwealth or a national bank with trust powers having its principal office in the Commonwealth may keep investments or fractional interests in investments held by it either as sole guardian or as co-guardian in the name or names of the guardians or in the name of a nominee of the corporate guardian Provided That the consent thereto of the co-guardians if any is obtained And provided further That all such investments shall be so designated upon the records of the corporate guardian that the estate to which they belong shall appear clearly at all times

(b) **Individual Guardian** A guardian serving jointly with a bank and trust company or a trust company incorporated in the Commonwealth or with a national bank having its principal office in the Commonwealth may authorize or consent to the corporate guardian having



exclusive custody of the assets of the incompetent and to the holding of such investments in the name of a nominee of such corporate guardian to the same extent and subject to the same requirements that the corporate guardian if it were the sole guardian would be authorized to hold such investments in the name of its nominee

(c) Corporate Fiduciary As Attorney-in-Fact An individual guardian may employ a bank and trust company or a trust company incorporated in the Commonwealth or a national bank with trust powers having its principal office in the Commonwealth to act as his attorney-in-fact in the performance of ministerial duties including the safe-keeping of estate assets Such attorney-in-fact when so acting may be authorized to hold such investments in the name of its nominee to the same extent and subject to the same requirements that such attorney-in-fact if it were the guardian would be authorized to hold such investments in the name of its nominee

Section 415 Acceptance of Deed in Lieu of Foreclosure The guardian may take for the incompetent from the owner of property encumbered by a mortgage owned by the incompetent a deed in lieu of foreclosure in which event the real estate shall be considered personalty to the same extent as though title had been acquired by foreclosure at sheriff's sale

Section 416 Compromise of Controversies Whenever it shall be proposed to compromise or settle any claim whether in suit or not by or against an incompetent or to compromise or settle any question or dispute concerning property of the incompetent the court on petition of the guardian or by any party in interest setting forth all the facts and circumstances and after such notice as the court shall direct aided if necessary by the report of a master may enter a decree authorizing the compromise or settlement to be made

Section 417 When Guardian Dies or Becomes Incompetent The fiduciary of the estate of a deceased or incompetent guardian by reason of such position shall not succeed to the administration of or have the right to possess any asset of an incompetent which was being administered by the deceased or incompetent guardian except to protect it pending its delivery to the person entitled to it The account of the deceased or incompetent guardian may be filed by the fiduciary of his estate and it shall be filed if the court shall so direct

Section 418 Surviving or Remaining Guardians Surviving or remaining guardians shall have all the powers of the original guardians

Section 419 Disagreement Among Guardians

(a) Decision of Majority If a dispute shall arise among guardians the decision of the majority shall control A dissenting guardian shall join with the majority to carry out a majority decision requiring affirmative action and may be ordered to do so by the court A dissenting guardian shall not be liable for the consequences of any majority decision even though he joins in carrying it out if his dissent is expressed promptly to all the other co-guardians Provided That liability for failure to join in administering the estate or to prevent a breach of trust may not be thus avoided

(b) When No Majority When a dispute shall arise among guardians as to the exercise or non-exercise of any of their powers and there shall be no agreement of a majority of them the court upon petition filed by any of the guardians or by any party in interest aided if necessary by the report of a master in its discretion may direct the exercise or non-exercise of the power as the court shall deem for the best interest of the incompetent

Section 420 Inherent Powers and Duties Except as otherwise provided in this act nothing in this act shall be construed to limit the inherent powers and duties of a guardian

B Sales Mortgages Leases Options and Exchanges

Section 441 Power to Sell Personal Property A guardian may sell at public or private sale any personal property of the incompetent

Section 442 Power to Lease A guardian may lease any real or personal property of the incompetent for a term not exceeding five years after its execution

Section 443 Order of Court Whenever the court finds it to be for the best interests of the incompetent a guardian may for any purpose of administration or distribution and on the terms with the security and after the notice directed by the court (1) sell at public or private sale pledge mortgage lease or exchange any real or personal property of the incompetent (2) grant an option for the sale lease or exchange of any such property (3) join with the spouse of the incompetent in the performance of any of the foregoing acts with respect to property held by the entireties or (4) release the right of the incompetent in the property of his spouse and join in the deed of the spouse in behalf of the incompetent

Section 444 Restraint of Sale The court on its own motion or upon application of anyone in behalf of the incompetent in its discretion may restrain a guardian from selling or carrying out any contract of sale of any personal property of the incompetent The order may be conditioned upon the applicant giving bond for the protection of the incompetent's estate

Section 445 Purchase by Guardian A guardian in his individual capacity may bid for purchase take a mortgage on lease or take by exchange real or personal property belonging to the incompetent subject however to the approval of the court and under such terms and conditions and after such reasonable notice to relatives of the incompetent or to persons having an interest in the welfare of the incompetent as the court shall direct When the purchaser mortgagee or lessee is the sole guardian the court may make an order directing its clerk to execute a deed or other appropriate instrument to him

Section 446 Title of Purchaser If the guardian has given the bond if any required in accordance with this act any sale pledge mortgage or exchange by him whether pursuant to a decree or to a power under this act shall pass the full title of the incompetent therein free of any right of his spouse unless otherwise specified Persons dealing with the guardian shall have no obligation to see to the proper application of the cash or other assets given in exchange for the property of the incompetent Any sale or exchange by a guardian pursuant to a decree under section 443 shall have the effect of a judicial sale as to the discharge of liens but the court may decree a sale or exchange freed and discharged from the lien of any mortgage otherwise preserved from discharge by existing law if the holder of such mortgage shall consent by writing filed in the proceeding No such sale mortgage exchange or conveyance shall be prejudiced by the subsequent removal of the guardian

Section 447 Collateral Attack No decree entered pursuant to this act shall be subject to collateral attack on account of any irregularity if the court which entered it had jurisdiction to do so

Section 448 Record of Proceedings County Where Real Estate Lies Certified copies of proceedings of any court of the Commonwealth relating to or affecting the real estate of any incompetent may be recorded in the office of the recorder of deeds in any county in which the real estate lies

## ARTICLE V

### PROPERTY RIGHTS AND OBLIGATIONS OF ESTATES OF INCOMPETENTS

#### A Control of Actions

Section 501 Substitution of Guardian in Pending Action or Proceedings

(a) Voluntary Substitution The guardian of the estate of an incompetent party to a pending action or proceeding in the orphans' court may become a party thereto by filing of record a statement of the material facts on which the right to substitution is based

(b) Compulsory Substitution If the guardian does not voluntarily become a party the clerk upon the praecipe of an adverse party setting forth the material facts shall issue a citation upon the guardian to show cause why he should not be substituted as a party

(c) Status of Guardian Continuance If the guardian voluntarily becomes a party to the action or proceeding or if the citation upon him is made absolute he shall have all the rights and liabilities of a party to the action



or proceeding The court may order such continuances and extensions as may be necessary to afford him a reasonable opportunity to appear and prosecute or defend the action or proceeding

**Section 502 Death or Removal of Guardian** An action or proceeding in the orphans' court to which a guardian is a party is not abated by his death or resignation or by the termination of his authority The successor of the guardian may be substituted in the action or proceeding in the same manner as though the incompetent were a party

#### B Claims Rights of Creditors

**Section 511 Effect of Determination of Incompetency** An incompetent shall be incapable of making any contract or gift or any instrument in writing after he is adjudged incompetent and before he is adjudged to have regained his competency This section shall not impair the interest in real estate acquired by a bona fide grantee of or bona fide holder of a lien on real estate in a county other than that in which the decree establishing the incompetency is entered unless the decree or a duplicate original or certified copy thereof is recorded in the office of the recorder of deeds in the county in which the real estate lies before the recording or entering of the instrument or lien under which the grantee or lienholder claims

#### Section 512 Specific Performance of Contracts

(a) **Application to Court** If any person makes a legally binding agreement to purchase or sell real or personal estate and is adjudged incompetent before its consummation his guardian shall have the power to consummate it but if he does not do so the court on the application of any party in interest and after such notice and with such security if any as it may direct in its discretion may order specific performance of the agreement if it would have been enforced specifically had their been no adjudication of incompetency

(b) **Execution and Effect of Deed or Transfer** Any necessary deed or transfer shall be executed by the guardian or by such other person as the court shall direct The title of any purchaser under an agreement in which the incompetent was the vendor shall be the same as though the incompetent had conveyed or transferred such property while competent

(c) **Indexing in Judgment Index** When any petition for specific performance of an agreement to purchase or sell real estate is filed the prothonotary of the court of common pleas of the county where the real estate or any part of it lies upon the receipt of a certificate of such fact by the clerk of the court where the petition was filed shall enter the petition upon the judgment index against the defendants and shall certify it as lis pendens in any certificate of search which he is required to make by virtue of his office

**Section 513 Notice to Commonwealth and Political Subdivisions** When the Commonwealth or a political subdivision thereof has a claim for maintaining an incompetent in an institution the guardian within three months of his appointment shall give notice thereof to the Department of Revenue or to the proper officer of such political subdivision as the case may be

### ARTICLE VI

#### ACCOUNTS AUDITS REVIEWS DISTRIBUTION RIGHTS OF INCOMPETENT AND DISTRIBUTEES

##### A Accounts

**Section 601 Accounting Required** A guardian shall file an account of his administration of real and personal property promptly at the termination of his guardianship or at such earlier time or times as shall be directed or authorized by the court

**Section 602 Where Filed** All accounts of guardians shall be filed in the office of the clerk

**Section 603 Notice to Parties in Interest** The guardian shall give written notice of the filing of his account and of its call for audit or confirmation to the former ward if he has been declared competent and otherwise to his succeeding guardian or personal representative and to

such other persons as the court by general rule or special order shall direct

##### B Audits

**Section 611 Audits in Counties Having Separate Orphans' Court** In any county having a separate orphans' court the account of a guardian shall be examined and audited by the court without expense to the parties except when all parties in interest in a pending proceeding shall nominate an auditor whom the court may in its discretion appoint

**Section 612 Audits in Counties Having No Separate Orphans' Court** In any county having no separate orphans' court the account of a guardian shall be confirmed by the court or by the clerk as local rules shall prescribe if no objections are presented within a time fixed by general rule of court If any party in interest shall object to the account or shall request its reference to an auditor the court in its discretion may appoint an auditor

**Section 613 Recognition of Claims Upon the Audit of the account of the guardian of a person who has died during incompetency** the auditing judge or auditor passing on the account shall not pass upon any claims against the estate of the incompetent other than necessary administration expenses including compensation of the guardian and his attorney All claims remaining unpaid at the incompetent's death shall be presented to the personal representative

**Section 614 Statement of Proposed Distribution** A guardian filing an account shall file a statement of proposed distribution or a request that distribution be determined by the court or by an auditor as local rules may prescribe The statement of proposed distribution shall be in such form and such notice thereof shall be given by advertisement or otherwise and objections thereto may be made as local rules prescribe

**Section 615 Confirmation of Account and Approval of Proposed Distribution** No account shall be confirmed or judgment or a decree of distribution is filed in conformity statement of proposed distribution approved until an advertisement with local rules by the court or by the clerk of the court expressly confirming the account or approving the statement of proposed distribution and specifying or indicating by reference to the statement of proposed distribution the names of the persons to whom the balance available for distribution is awarded and the amount or share awarded to each

##### C Review

**Section 621 Rehearing Relief Granted** If any party in interest shall within five years after the final confirmation of any account of a guardian file a petition to review any part of the account or of an auditor's report or of the adjudication or of any decree of distribution setting forth specifically alleged errors therein the court shall give such relief as equity and justice shall require Provided That this section shall not authorize review as to any property distributed by the guardian in accordance with a decree of court before the filing of the petition The court or master considering the petition may include in his adjudication or report findings of fact and of law as to the entire controversy in pursuance of which a final order may be made

##### D Distribution

**Section 631 Award Upon Final Confirmation of Account**

(a) **Guardian's Account** A guardian shall be relieved of liability with respect to all real and personal estate distributed in conformity with a decree of court or in accordance with A rule of court after confirmation of an account

(b) **Account of Personal Representative of Deceased Incompetent** A guardian shall be relieved of liability with respect to all real and personal estate distributed by him to the personal representative of a deceased incompetent and thereafter distributed by the personal representative in conformity with a decree of court or in accordance with A rule of court upon an accounting of such personal representative and confirmation thereof



**Section 632 Recording and Registering Decrees Awarding Real Estate** A certified copy of every adjudication or decree awarding real estate or an appropriate excerpt from either of them may be recorded at the expense of the estate in the deed book in the office of the recorder of deeds of each county where the real estate so awarded lies and if recorded shall be indexed by the recorder in the grantor's index under the name of the incompetent and in the grantee's indexed under the name of the distributee and shall be registered in the survey bureau or with the proper authorities empowered to keep a register of real estate in the county Provided That no adjudication or decree awarding real estate subject to the payment of any sum by the distributee shall be recorded or registered unless there is offered for recording concurrently therewith written evidence of the payment of such sum

#### E Rights of Incompetent and Distributees

**Section 641 Liability of Guardian for Interest** A guardian who has committed a breach of duty with respect to estate assets shall in the discretion of the court be liable for interest not exceeding the legal rate on such assets

**Section 642 Transcripts of Balances Due by Guardian**

(a) **Filing in Common Pleas** The prothonotary of any court of common pleas shall on demand of any party in interest file and docket a certified transcript or extract from the record showing that an orphans' court has adjudged an amount to be due by a guardian and such transcript or extract shall constitute a judgment against the guardian from the time of its filing with the same effect as if it had been obtained in an action in the court of common pleas If the amount adjudged to be due by the guardian shall be increased or decreased on appeal the prothonotary shall if the decree of the appellate court is certified to him change his records accordingly and if the appellate court has increased the amount the excess shall constitute a judgment against the guardian from the time when the records are so changed

(b) **Satisfaction and Discharge** If the orphans' court shall order the guardian to be relieved from any such judgment the prothonotary shall on demand of any party in interest enter on his records a certified copy of such order which shall operate as a satisfaction of the judgment

**Section 643 Disposition of Trust Income** Except as otherwise provided by the trust instrument the trustees of an inter vivos or testamentary trust with the approval of the court having jurisdiction of the trust may pay income distributable to an incompetent beneficiary for whose estate no guardian has been appointed directly to the incompetent or expend and apply it for his care and maintenance or the care maintenance and education of his dependents

**Section 644 Distributions of Income and Principal During Incompetency** All income received by a guardian of the estate of an incompetent in the exercise of a reasonable discretion may be expended in the care and maintenance of the incompetent without the necessity of court approval The court for cause shown may authorize or direct the payment or application of any or all of the income or principal of the estate of an incompetent for the care maintenance or education of the incompetent his spouse children or those for whom he was making such provision before his incompetency or for the reasonable funeral expenses of the incompetent's spouse child or indigent parent In proper cases the court may order payment of amounts directly to the incompetent for his maintenance or for incidental expenses and may ratify payments made for these purposes

#### Article VII

##### Foreign Guardians

##### A Powers and Duties

**Section 701 In General** A foreign guardian may institute proceedings in the Commonwealth (subject to the conditions and limitations imposed on nonresident suitors generally) and may exercise all the other powers of a local guardian Except in the case of powers with respect to securities for which special provision is made in section

702 the maintenance of a proceeding or the exercise of any other power by a foreign guardian shall be subject to the following additional conditions and limitations

(1) **Copy of Appointment** The foreign guardian shall file with the register of the county where the power is to be exercised or the proceeding is instituted or the property concerning which the power is to be exercised is located an exemplified copy of his appointment or other qualification in the foreign jurisdiction

(2) **Affidavit** The foreign guardian shall execute and file an affidavit with the register of said county stating that after diligent search and inquiry the estate of which he is guardian is not to his knowledge or so far as he has been able to discover indebted to any person in the Commonwealth and that he will not exercise any power which he would not be permitted to exercise in the jurisdiction of his appointment The affidavit shall be attached to the copy of appointment

(3) **Taxes** When the foreign guardian exercises a power to sell or mortgage any Pennsylvania real estate all taxes due thereon to the Commonwealth or to any subdivision thereof must be paid or provided for

**Section 702 Security Transfers** When there is no guardianship in the Commonwealth a foreign guardian upon submission of a certificate of his appointment shall have all the powers of a similar local guardian with respect to stock bonds and other securities of a Pennsylvania corporation of a federal corporation located in Pennsylvania and shall not be required to comply with the conditions and limitations of section 701

**Section 703 Service of Process** The acceptance by a foreign guardian of the privilege extended by the laws of the Commonwealth of exercising any of his powers within the Commonwealth shall constitute the Secretary of the Commonwealth his attorney-in-fact upon whom service of process and notices may be made in any suit or proceeding instituted in the courts of the Commonwealth arising out of or by reason of the exercise of any of his powers or the performance or nonperformance of any of his duties as such fiduciary

**Section 704 Proof of Authority in Court Proceedings** Upon commencing any proceeding in any court of the Commonwealth the foreign guardian in addition to the requirements of section 701 shall file with the court in which the proceeding is commenced an exemplified copy of his official bond if he has given a bond If the court believes that he should furnish security or additional security in the Commonwealth or in the domiciliary jurisdiction it may at any time order the action or proceeding stayed until sufficient security is furnished

**Section 705 Effect of Local Proceedings** No person who before receiving actual notice of local administration or of application therefor has changed his position by relying on the powers granted to foreign guardians by this act shall be prejudiced by reason of the application for or grant of local administration

##### B Distribution to Foreign Fiduciaries

**Section 711 To Foreign Personal Representative** When a share of an incompetent's estate administered in the Commonwealth is distributable to a deceased nonresident creditor or other distributee the court may award it to his domiciliary personal representative or to some other person performing the function of a personal representative unless it shall appear that the rights of any resident of the Commonwealth may be adversely affected or the court shall determine that for any reason ancillary administration within the Commonwealth is advisable

**Section 712 To Foreign Trustees Guardian or Committee** When a share of an incompetent's estate administered in the Commonwealth is distributable to a nonresident minor a trustee subject to the jurisdiction of a foreign court or a nonresident incompetent the court may award it to the guardian or committee of the nonresident appointed in the foreign jurisdiction or to such trustee Provided That the court shall be satisfied that adequate security or other protection has been provided in the domiciliary jurisdiction by the domiciliary law for the protection of the persons beneficially interested in the share so awarded



## C Transfer of Administration

Section 721 Award to Foreign Guardian When Incompetent Becomes a Nonresident When the incompetent for whose estate a guardian has been appointed by the court is or becomes a nonresident of the Commonwealth the court upon satisfactory proof that it will be for the best interests of the incompetent and that no rights of a resident of the Commonwealth will be adversely affected and that removal of the property will not conflict with any limitations upon the right of the incompetent to such property may direct the locally appointed guardian to transfer the assets of the incompetent within his control to a duly qualified guardian or guardians in the jurisdiction where the incompetent resides

## ARTICLE VIII

## REPEALER

Section 801 (a) Repeal The act of June 28, 1951 (P. L. 612) known as the "Incompetents' Estates Act of 1951" and its amendments are repealed except as to Philadelphia County and except as to estates of incompetents in other counties of which a Pennsylvania court of common pleas has acquired jurisdiction before the effective date of this act.

(b) Saving Clause This act shall not repeal or modify any of the provisions of the following acts or parts of acts or any of their amendments

(1) The act of April 11, 1866 (P. L. 780) entitled "An act authorizing persons whose wives or husbands are non compos mentis to sell mortgage lease for years and convey upon ground rent real estate held in their own right"

(2) The act of April 6, 1921 (P. L. 99) entitled "An act relating to the jurisdiction powers and procedure of the court of common pleas as to sale mortgage conveyance upon ground rent and lease for years of real estate where the legal title is held by a married person whose spouse is an habitual drunkard and providing for the disposition of the proceeds thereof"

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

## YEAS—204

Adam,	Gaffney,	Markley,	Rubin,
Agnew,	Garlock,	Maxwell,	Rudisill,
Amarando,	Gelfand,	McCann,	Sarra,
Anderson, M. S.,	George,	McCormack,	Scarcell,
Anderson, S. A.,	Gibb,	McGee,	Schuster,
Ashton,	Gibson,	McInroy,	Sherman,
Auker,	Goldstein,	McKeever,	Sigman,
Banker,	Gramlich,	McLaughlin,	Smith, C. C.,
Barnatovich,	Greenwood,	McWherter,	Smith, Wm. B.,
Bazin,	Guss,	Meholchick,	Snider,
Bell,	Hamilton, R. K.,	Metz,	Stank,
Blair,	Hass,	Mihm,	Stebbins,
Boles,	Haudenshield,	Mikula,	Steckel,
Bonner,	Heavey,	Miller,	Stephens,
Boory,	Helm,	Mills,	Stevenson,
Bower,	Henzel,	Monroe,	Stone,
Branca,	Hewitt,	Moody,	Stoner,
Brelsich,	Hocker,	Moran,	Strausser,
Brennan, A. P.,	Holt,	Moscrip,	Stroup,
Brennan, J. J.,	Horst,	Muldowney,	Swartz,
Brenninger,	Houk,	Mullen,	Taylor,
Breth,	Isaacs,	Munley,	Thomas,
Brown,	Jenkins,	Murphy,	Thompson,
Bucchin,	Johnson,	Murray, H. P.,	Toll,
Bullen,	Jones, G. E.,	Murray, J. J.,	Tompkins,
Capano,	Jones, T. H. W.,	Murray, P. G.,	Toomey,
Cianfrani,	Jump,	Musto,	Varallo,
Cloff,	Kamyk,	Naugle,	Varner,
Cochran,	Kehler,	Needham,	Vaughan,
Comer,	Keller,	Ogilvie,	Verona,
Connelly,	Kent,	Olsen,	Wall,
Cooper,	Kline,	O'Neill,	Wallace,
Curwood,	Knecht,	Pacchioli,	Walsh,
Davis,		Parry,	Wargo,

Donahue,	Kolankiewicz,	Pashley,	Waterhouse,
Donaldson,	Kooker,	Paulhamus,	Weidner,
Dougherty,	Kornick,	Petrosky,	Welsh,
Down,	Kromer,	Pettigrew,	Wescott,
Ehrgood,	Lafore,	Polaski,	Wheeler,
Ellberg,	Lawyer,	Polen,	Whitenight,
Erb,	Leiby,	Pomeroy,	Willaredt,
Eshleman,	Leisey,	Price,	Williams,
Ewing,	Leonard,	Pursley,	Wilt,
Farabaugh,	Leven,	Readinger,	Wood,
Filo,	Light,	Petrosky,	Worley,
Fineman,	Limper,	Reidenbach,	Yetter,
Flint,	Lippincott,	Reidenbach,	Yetter,
Floyd,	Lopresti,	Benwick,	Young,
Flynn,	Lovett,	Rigby,	Ziegler,
Frank,	Lutty,	Rosen,	Andrews,
Frascella,	Magee,	Rovasek,	Speaker
Frost,	Mahan,	Royer,	

## NAYS—0

## NOT VOTING—3

Foster,

Guthrie,

Kratz,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed the same with amendments in which the concurrence of the Senate is requested.

## BILL PASSED OVER

There being no objection

Senate Bill No. 697, Printer's No. 359 was passed over at the request of the SPEAKER pro tempore.

Agreeably to order,

The House proceeded to the third reading and consideration of Senate Bill No. 759, as follows:

An Act amending the act of March 10, 1949 (P. L. 30) entitled "An act relating to the public school system including certain provisions applicable as well to private and parochial schools amending revising consolidating and changing the laws relating thereto" limiting reimbursement for depreciation to school districts using their own vehicles in pupil transportation The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The first paragraph of section 2541 act of March 10, 1949 (P. L. 30) known as the "Public School Code of 1949" amended April 14, 1949 (P. L. 456) and May 11, 1949 (P. L. 1195) is amended to read

Section 2541 Payments on Account of Pupil Transportation School districts shall be paid by the Commonwealth for every school year on account of pupil transportation which and the means and contracts providing for which have been approved by the Department of Public Instruction in the cases hereinafter enumerated an amount to be determined by multiplying the cost of approved reimbursable pupil transportation incurred by the district by the district standard reimbursement fraction In addition thereto the Commonwealth shall pay to school districts which own their own vehicles an annual depreciation charge of ten per centum (10%) to be calculated on the basis of the approved cost at which the district acquired the vehicle for which depreciation is claimed With respect to vehicles purchased after December 15, 1955 the annual depreciation charge shall not exceed seven hundred dollars (\$700) In no case shall the Commonwealth make annual payments on account of the depreciation of any vehicle totaling an amount exceeding the cost of the vehicle as approved by the Department of Public Instruction nor more than a total of fifteen payments

And said bill having been read at length the third time, considered and agreed to.



On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—204

Adam,	Frost,	Mahan,	Royer,
Agnew,	Gaffney,	Markley,	Rubin,
Amarando,	Garlock,	Maxwell,	Rudisill,
Anderson, M. S.,	Gelfand,	McCann,	Sarra,
Anderson, S. A.,	George,	McCormack,	Scarcell,
Ashton,	Gibb,	McGee,	Schuster,
Auker,	Gibson,	McInroy,	Sherman,
Barnatovich,	Goldstein,	McKeever,	Sigman,
Banker,	Gramlich,	McLaughlin,	Smith, C. C.,
Bazin,	Greenwood,	McWherter,	Smith, Wm. B.,
Bell,	Guss,	Meholchick,	Snider,
Blair,	Hamilton, R. K.,	Metz,	Stank,
Boles,	Hass,	Mihm,	Stebbins,
Bonner,	Haudenschild,	Mikula,	Steckel,
Boory,	Heavy,	Miller,	Stephens,
Bower,	Helm,	Mills,	Stevenson,
Branca,	Henzel,	Monroe,	Stone,
Breisch,	Hewitt,	Moody,	Stoner,
Brennan, A. P.,	Hocker,	Moran,	Strausser,
Brennan, J. J.,	Holt,	Moscrip,	Stroup,
Brenninger,	Horst,	Muldowney,	Swartz,
Breth,	Houk,	Mullen,	Taylor,
Brown,	Isaacs,	Munley,	Thomas,
Bucchin,	Jenkins,	Murphy,	Thompson,
Bullen,	Johnson,	Murray, H. P.,	Toll,
Capano,	Jones, G. E.,	Murray, J. J.,	Tompkins,
Cianfrani,	Jones, T. H. W.,	Murray, P. G.,	Toomey,
Cioffi,	Jump,	Musto,	Varallo,
Cochran,	Kamyk,	Naugle,	Varnar,
Comer,	Kehler,	Needham,	Vaughan,
Connelly,	Keller,	Ogilvie,	Verona,
Cooper,	Kent,	Olsen,	Wall,
Curwood,	Kline,	O'Neill,	Wallace,
Davis,	Knecht,	Pacchioli,	Walsh,
Donahue,	Kolankiewicz,	Parry,	Wargo,
Donaldson,	Kooker,	Pashley,	Waterhouse,
Dougherty,	Kornick,	Paulhamus,	Weldner,
Down,	Kromer,	Petrosky,	Welsh,
Ehrgood,	Lafore,	Pettigrew,	Wescott,
Elberg,	Lawyer,	Polaski,	Wheeler,
Erb,	Leiby,	Polen,	Whitenight,
Eshleman,	Leisey,	Pomeroy,	Willaredt,
Ewing,	Leonard,	Price,	Williams,
Farabaugh,	Leven,	Pursley,	Wilt,
Filo,	Light,	Readinger,	Wood,
Flineman,	Lamper,	Reibman,	Worley,
Flint,	Lippincott,	Reidenbach,	Yetter,
Floyd,	Lopresti,	Renwick,	Yetzer,
Flynn,	Lovett,	Rigby,	Young,
Frank,	Lutty,	Rosen,	Ziegler,
Frascella,	Magee,	Rovansek,	Andrews,

Speaker

NAYS—0

NOT VOTING—3

Foster, Guthrie, Kratz,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House of Representatives has passed the same without amendment.

BILL PASSED OVER

There being no objection

Senate Bill No. 834, Printer's No. 379 was passed over at the request of the SPEAKER pro tempore.

Agreeably to order,

The House proceeded to the third reading and consideration of Senate Bill No. 842, as follows:

An Act amending the act of May 15, 1939 (P. L. 134) entitled as amended "An act relating to fireworks defining fireworks prohibiting the sale offering or exposing for sale and use of fireworks except in certain cases authorizing cities boroughs towns and townships to issue permits for fireworks displays and to regulate the same imposing duties on the Pennsylvania State Police sheriffs police officers and constables and providing penalties" authorizing the issuance of permits for and the use of fire works in connection with raising and protecting crops

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 4 act of May 15, 1939 (P. L. 134) entitled as amended "An act relating to fireworks defining fireworks prohibiting the sale offering or exposing for sale and use of fireworks except in certain cases authorizing cities boroughs towns and townships to issue permits for fireworks displays and to regulate the same imposing duties on the Pennsylvania State Police sheriffs police officers and constables and providing penalties" is amended to read

Section 4 Nothing in this act shall be construed to prohibit any resident wholesaler dealer or jobber to sell at wholesale such fireworks as are not herein prohibited or the sale of any kind of fireworks provided the same are to be shipped directly out of state or are to be used by a person holding a permit from any municipality at the display covered by such permit or when used as authorized by a permit for agricultural purposes in connection with the raising of crops and the protection of crops from bird and animal damage or the use of fireworks by railroads or other transportation agencies for signal purposes or illumination or when used in quarrying or for blasting or other industrial use or the sale or use of blank cartridges for a show or theatre or for signal or ceremonial purposes in athletics or sports or for use by military organizations or organizations composed of veterans of the United States Army or Navy

Section 2 The act is amended by adding after section 4 a new section to read

Section 4.1 The governing body of any city borough town or township shall have the power under reasonable rules and regulations adopted by it to grant permits for the use of suitable fireworks for agricultural purposes in connection with the raising of crops and the protection of crops from bird and animal damage such permits shall be good for the calendar year in which issued after such permit has been granted sales possession and use of fireworks of the type and for the purpose mentioned in the permit shall be lawful for that purpose only

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—204

Adam,	Frost,	Mahan,	Royer,
Agnew,	Gaffney,	Markley,	Rubin,
Amarando,	Garlock,	Maxwell,	Rudisill,
Anderson, M. S.,	Gelfand,	McCann,	Sarra,
Anderson, S. A.,	George,	McCormack,	Scarcell,
Ashton,	Gibb,	McGee,	Schuster,
Auker,	Gibson,	McInroy,	Sherman,
Banker,	Goldstein,	McKeever,	Sigman,
Barnatovich,	Gramlich,	McLaughlin,	Smith, C. C.,
Bazin,	Greenwood,	McWherter,	Smith, Wm. B.,
Bell,	Guss,	Meholchick,	Snider,
Blair,	Hamilton, R. K.,	Metz,	Stank,
Boles,	Hass,	Mihm,	Stebbins,
Bonner,	Haudenschild,	Mikula,	Steckel,
Boory,	Heavy,	Miller,	Stephens,
Bower,	Helm,	Mills,	Stevenson,
Branca,	Henzel,	Monroe,	Stone,
Breisch,	Hewitt,	Moody,	Stoner,
Brennan, A. P.,	Hocker,	Moran,	Strausser,
Brennan, J. J.,	Holt,	Moscrip,	Stroup,



Brenninger,	Horst,	Muldowney,	Swartz,
Breth,	Houk,	Mullen,	Taylor,
Brown,	Isaacs,	Munley,	Thomas,
Bucchin,	Jenkins,	Murphy,	Thompson,
Bullen,	Johnson,	Murray, H. P.,	Toll,
Capano,	Jones, G. E.,	Murray, J. J.,	Tompkins,
Cianfrani,	Jones, T. H. W.,	Murray, P. G.,	Toomey,
Cioffi,	Jump,	Musto,	Varallo,
Cochran,	Kamyk,	Naugle,	Varner,
Comer,	Kehler,	Needham,	Vaughan,
Connelly,	Keller,	Ogilvie,	Verona,
Cooper,	Kent,	Olsen,	Wall,
Curwood,	Kline,	O'Neil,	Wallace,
Davis,	Knecht,	Pacchioli,	Walsh,
Donahue,	Kolankiewicz,	Parry,	Wargo,
Donaldson,	Kooker,	Pashley,	Waterhouse,
Dougherty,	Kornick,	Paulhamus,	Weidner,
Down,	Kromer,	Petrosky,	Welsh,
Ehrgood,	Lafore,	Pettigrew,	Wescott,
Elbers,	Lawyer,	Polaski,	Wheeler,
Erb,	Leiby,	Polen,	Whitenight,
Eshleman,	Leisey,	Pomeroy,	Willaredt,
Ewing,	Leonard,	Price,	Williams,
Farabaugh,	Leven,	Pursley,	Wilt,
Filo,	Light,	Readinger,	Wood,
Fineman,	Imper,	Reibman,	Worley,
Flint,	Lippincott,	Reidenbach,	Yetter,
Floyd,	Lopresti,	Renwick,	Yetzer,
Flynn,	Lovett,	Rigby,	Young,
Frank,	Lutty,	Rosen,	Ziegler,
Frascella,	Magee,	Rovanssek,	Andrews,

Speaker

NAYS—0

NOT VOTING—3

Foster. Guthrie. Kratz.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House of Representatives has passed the same without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of Senate Bill No. 853, as follows:

An Act amending the act of May 23, 1949 (P. L. 1669) entitled as amended "An act to provide revenue for school districts of the first class by imposing a tax on persons engaging in certain businesses professions occupations trades vocations and commercial activities therein providing for its levy and collection conferring and imposing powers and duties on the Board of Public Education receiver of school taxes and school treasurer in such districts and prescribing penalties" excluding certain costs from the term receipts"

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Clause (5) of section 1 act of May 23, 1949 (P. L. 1669) entitled as amended "An act to provide revenue for school districts of the first class by imposing a tax on persons engaging in certain businesses professions occupations trades vocations and commercial activities therein providing for its levy and collection conferring and imposing powers and duties on the Board of Public Education receiver of school taxes and school treasurer in such districts and prescribing penalties" re-enacted and amended May 10, 1951 (P. L. 265) and amended August 22, 1953 (P. L. 1357) is amended to read

Section 1 Definitions The following words and phrases when used in this act shall have the meanings ascribed to them in this section except where the context clearly indicates a different meaning

\* \* \*

(5) "Receipts" Cash credits property of any kind or nature received in or allocable to a school district of the first class from any business or by reason of any sale made or services rendered or commercial or business transaction had within a school district of the first class without deduction therefrom on account of the cost

of property sold materials used labor service or other cost interest or discount paid or any other expense "Receipts" shall exclude (a) the dollar volume of annual business covering the resale of goods wares or merchandise taken by a dealer as a trade-in or as part payment for other goods wares and merchandise in the usual and ordinary course of his business except to the extent that the resale price exceeds the trade-in allowance (b) in the case of a financial business the cost of securities and other property sold exchanged paid at maturity or redeemed and moneys or credits received in repayment of advances credits and loans but not to exceed the principal amount of such advances credits and loans and shall also exclude deposits and in the case of building and loan or savings and loan associations payments received on account of shares purchased by shareholders (c) in the case of a broker any commissions paid by him to another broker on account of a purchase or sales contract initiated executed or cleared in conjunction with such other broker (d) the receipts or the portion thereof attributable to any sale involving the bona fide delivery of goods commodities wares or merchandise of the taxpayer's own manufacture growth or produce to a location regularly maintained by the other party to the transaction outside the limits of such school district and not for the purpose of evading or avoiding payment of the tax or any portion thereof imposed under this act (e) in the case of a person who at the execution of a contract for the sale in a natural state of the produce of a mine does not have title thereto and does not at any time take possession thereof the cost to him of the produce of a mine covered by the contract For the purpose of determining taxable receipts from sales made by a manufacturing corporation of goods commodities wares and merchandise of its own manufacture through a wholly owned distributing corporation such sales shall be treated as if made directly by the manufacturing corporation to the vendees of the distributing corporation For the purpose of determining taxable receipts from sales made by a manufacturing corporation of goods commodities wares and merchandise of its own manufacture made through a distributing corporation such sales shall be treated as if made directly by the manufacturing corporation to the vendees of the distributing corporation if a majority of the shares of stock of both the manufacturing corporation and the distributing corporation is owned by the same individual association or corporation For the purpose of determining receipts from the business of insurance such receipts shall mean those from premiums received from risks within the school district of the first class whether by mutual or stock companies domestic or foreign without any deductions therefrom for any cost or expense whatsoever The collector shall determine from such data as he shall require from insurance companies subject to this act the amount of such receipts and shall ascertain the amount of the tax in accordance with such determination "Receipts" shall exclude the cost of the commodity at its source in the case of a person who is a wholesale dealer in fresh meats produced by such person by the slaughter of cattle hogs and sheep

Section 2 The act shall take effect immediately and shall be retroactive to January 1, 1950 No refunds of refunds of taxes interest or penalties paid prior to the effective date of this act shall be made as a result of the amendments herein contained

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—204

Adam,	Gaffney,	Mahan,	Royer,
Agnew,	Garlock,	Markley,	Rubin,
Amarando,	Gelfand,	Maxwell,	Rudisill,
Anderson, M. S.,	George,	McCann,	Sarra,
Anderson, S. A.,	Gibb,	McCormack,	Scarcelli,
Ashton,	Gibson,	McGee,	Schuster,



Auker,	Goldstein,	McInroy,	Sherman,
Banker,	Gramlich,	McKeever,	Sigman,
Barnatovich,	Greenwood,	McLaughlin,	Smith, C. O.,
Bazin,	Guss,	McWherter,	Smith, Wm. B.,
Bell,	Hamilton, R. K.,	Meholchick,	Snider,
Blair,	Hass,	Metz,	Stank,
Boies,	Haudensfield,	Mihm,	Stebbins,
Bonner,	Heavy,	Mikula,	Steckel,
Boory,	Helm,	Miller,	Stephens,
Bower,	Henzel,	Mills,	Stevenson,
Branca,	Hewitt,	Monroe,	Stone,
Brelsch,	Hocker,	Moody,	Stoner,
Brennan, A. P.,	Holt,	Moran,	Strausser,
Brennan, J. J.,	Horst,	Moscrip,	Stroup,
Brenninger,	Houk,	Muldowney,	Swartz,
Breth,	Isaacs,	Mullen,	Taylor,
Brown,	Jenkins,	Munley,	Thomas,
Bucchin,	Johnson,	Murphy,	Thompson,
Bullen,	Jones, G. E.,	Murray, H. P.,	Toll,
Capano,	Jones, T. H. W.,	Murray, J. J.,	Tompkins,
Cianfrani,	Jump,	Murray, P. G.,	Toomey,
Cioffi,	Kamyk,	Musto,	Varallo,
Cochran,	Kehler,	Naugle,	Varnier,
Comer,	Keller,	Needham,	Vaughan,
Connelly,	Kent,	Ogilvie,	Verona,
Cooper,	Kline,	Olsen,	Wall,
Curwood,	Knecht,	O'Neill,	Wallace,
Davis,	Kolankiewicz,	Pacchioli,	Walsh,
Donahue,	Kooker,	Parry,	Wargo,
Donaldson,	Kornick,	Pashley,	Waterhouse,
Dougherty,	Kromer,	Paulhamus,	Weidner,
Down,	Lafore,	Petrosky,	Welsh,
Ehrgood,	Lawyer,	Pettigrew,	Wescott,
Ellberg,	Leiby,	Polaski,	Wheeler,
Erb,	Lelsey,	Polen,	Whitenight,
Eshleman,	Leonard,	Pomeroy,	Willaredt,
Ewing,	Leven,	Price,	Williams,
Farabaugh,	Light,	Pursley,	Wilt,
Filo,	Limper,	Readinger,	Wood,
Fineman,	Lippincott,	Reibman,	Worley,
Flint,	Lopresti,	Reidenbach,	Yetter,
Floyd,	Lovett,	Renwick,	Yetter,
Flynn,	Lutty,	Rigby,	Young,
Frank,	Magee,	Rosen,	Ziegler,
Frascella,		Rovansek,	Andrews,
Frost,			Speaker

## NAYS—0

## NOT VOTING—3

Guthrie, Kratz,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House of Representatives has passed the same without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of Senate Bill No. 862, as follows:

An Act amending the act of June 16, 1836 (P. L. 715) entitled "An act relating to Reference and Arbitration" providing by rule of the County Court of Allegheny County for the arbitration of certain suits at issue

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 8.1 act of June 16, 1836 (P. L. 715) entitled "An act relating to Reference and Arbitration" amended July 22, 1955 (P. L. 270) is amended to read

Section 8.1 The several courts of common pleas and the County Court of Allegheny County may by rules of court provide that all cases which are at issue where the amount in controversy shall be one thousand dollars (\$1000) or less except those involving title to real estate shall first be submitted to and heard by a board of three (3) members of the bar within the judicial district Cases which are not at issue and whether or not suit has been filed may be referred to the board of arbitration by agreement of reference signed by counsel for both sides in the case Said agreement of reference shall define the issues involved for determination by the board and when

agreeable shall also contain stipulations with respect to facts submitted or agreed or defenses waived in such cases the agreement of reference shall take the place of the pleadings in the case and be filed of record

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

## YEAS—204

Adam,	Frost,	Mahan,	Royer,
Agnew,	Gaffney,	Markley,	Rubin,
Amarando,	Garlock,	Maxwell,	Rudisill,
Anderson, M. S.,	Gelfand,	McCann,	Sarraf,
Anderson, S. A.,	George,	McCormack,	Scarcelll,
Ashton,	Gibb,	McGee,	Schuster,
Auker,	Gibson,	McInroy,	Sherman,
Banker,	Goldstein,	McKeever,	Sigman,
Barnatovich,	Gramlich,	McLaughlin,	Smith, C. O.,
Bazin,	Greenwood,	McWherter,	Smith, Wm. B.,
Bell,	Guss,	Meholchick,	Snider,
Blair,	Hamilton, R. K.,	Metz,	Stank,
Boies,	Hass,	Mihm,	Stebbins,
Bonner,	Haudensfield,	Mikula,	Steckel,
Boory,	Heavy,	Miller,	Stephens,
Bower,	Helm,	Mills,	Stevenson,
Branca,	Henzel,	Monroe,	Stone,
Brelsch,	Hewitt,	Moody,	Stoner,
Brennan, A. P.,	Hocker,	Moran,	Strausser,
Brennan, J. J.,	Holt,	Moscrip,	Stroup,
Brenninger,	Horst,	Muldowney,	Swartz,
Breth,	Houk,	Mullen,	Taylor,
Brown,	Isaacs,	Munley,	Thomas,
Bucchin,	Jenkins,	Murphy,	Thompson,
Bullen,	Johnson,	Murray, H. P.,	Toll,
Capano,	Jones, G. E.,	Murray, J. J.,	Tompkins,
Cianfrani,	Jones, T. H. W.,	Murray, P. G.,	Toomey,
Cioffi,	Jump,	Musto,	Varallo,
Cochran,	Kamyk,	Naugle,	Varnier,
Comer,	Kehler,	Needham,	Vaughan,
Connelly,	Keller,	Ogilvie,	Verona,
Cooper,	Kent,	Olsen,	Wall,
Curwood,	Kline,	O'Neill,	Wallace,
Davis,	Knecht,	Pacchioli,	Walsh,
Donahue,	Kolankiewicz,	Parry,	Wargo,
Donaldson,	Kooker,	Pashley,	Waterhouse,
Dougherty,	Kornick,	Paulhamus,	Weidner,
Down,	Kromer,	Petrosky,	Welsh,
Ehrgood,	Lafore,	Pettigrew,	Wescott,
Ellberg,	Lawyer,	Polaski,	Wheeler,
Erb,	Leiby,	Polen,	Whitenight,
Eshleman,	Lelsey,	Pomeroy,	Willaredt,
Ewing,	Leonard,	Price,	Williams,
Farabaugh,	Leven,	Pursley,	Wilt,
Filo,	Light,	Readinger,	Wood,
Fineman,	Limper,	Reibman,	Worley,
Flint,	Lippincott,	Reidenbach,	Yetter,
Floyd,	Lopresti,	Renwick,	Yetter,
Flynn,	Lovett,	Rigby,	Young,
Frank,	Lutty,	Rosen,	Ziegler,
Frascella,	Magee,	Rovansek,	Andrews,
			Speaker

## NAYS—0

## NOT VOTING—3

Foster, Guthrie, Kratz,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House of Representatives has passed the same without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of Senate Bill No. 871, as follows:



An Act authorizing certain mutual insurance companies other than life insurance companies now in existence under the provisions of the act of May 17, 1921 (P. L. 682) its supplements and amendments to reincorporate as mutual life insurance companies outlining the requirements and procedure and defining the rights of dissenting members

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Any mutual insurance company other than a life insurance company now in existence and fully subject to the provisions of the act of May 17, 1921 (P. L. 682) known as "The Insurance Company Law of 1921" its supplements and amendments which is engaged only in the business of writing accident and health insurance which has a surplus of at least two hundred thousand dollars (\$200,000) over all liabilities including unearned premium reserves and which has no unpaid advances chargeable against such surplus as permitted by section 809 of the act may reincorporate as a mutual life insurance company for the purposes set forth in clause (1) of subsection (a) of section 202 of the act in the manner and subject to the provisions hereinafter set forth

Section 2 The board of directors of any such mutual insurance company other than life shall adopt a resolution directed to the members expressing the advisability of reincorporating the company as a mutual life insurance company for the purposes set forth in clause (1) of subsection (a) of section 202 of The Insurance Company Law of 1921 its supplements and amendments and directing that the question of such reincorporation be submitted to a vote of the members at a meeting which may be either an annual or a special meeting

Section 3 Notice of the time and place of the meeting shall be given to all members at least thirty days before the date set for the meeting The notice shall state the purposes of the meeting include a copy of the resolution of the board of directors and state that an appropriate resolution for the reincorporation will be submitted to the members for their approval or disapproval at the meeting The notice shall be mailed at least thirty days before the day of the meeting to the last known address of each member

Section 4 Notice of the time place and object of the meeting and a brief resume of the proposed resolution for reincorporation shall also be given by publication not less than three times in at least two daily or weekly newspapers and in the legal periodical if any designated by the rules of court of the proper county for the publication of legal notices published in the city or county where the company is domiciled

Section 5 If at the meeting two-thirds of the votes of the members there cast in person or by proxy favors the resolution to reincorporate the company into a mutual life insurance company the resolution and the number of votes cast for and against it shall be spread upon the minutes of the meeting Thereafter if the company meets the requirements for the incorporation of mutual life insurance companies incorporated under the act of May 17 1921 (P. L. 682) known as "The Insurance Company Law of 1921" its supplements and amendments (excepting that the company to be reincorporated under this act need not obtain or hold any applications for life insurance as specified in subsection (d) of section 206 of the act for the incorporation of new companies) the company may file in duplicate with the Insurance Commissioner articles of agreement which shall include a certified copy of the resolution for the reincorporation of the company as a mutual life insurance company

The articles of agreement shall set forth in addition to other provisions required by law the name to be used by the reincorporated company which will approximately designate it as a mutual life insurance company The articles shall be signed in duplicate by the officers and a majority of the directors of the company who shall acknowledge it in duplicate before a person empowered to take acknowledgements of deeds

Section 6 The subscribers shall forward the articles of agreement in duplicate to the Insurance Commissioner who shall if he approves it certify in duplicate that all the requirements of this act in relation to the reincorporation have been complied with The Insurance Commissioner

shall submit the articles of agreement in duplicate to the Attorney General for examination If the Attorney General finds them to be in accordance with the provisions of this act and not inconsistent with the Constitution of this Commonwealth and of the United States he shall certify the same in duplicate to the Governor with his approval endorsed thereon Upon the receipt of the articles of agreement the Governor shall if he approves them endorse his approval thereon in duplicate and cause letters patent to issue reincorporating the company into a body corporate with succession under the name designated in the articles of agreement

Section 7 Upon the issuance of the letters patent the applicant company shall turn over to the new mutual life insurance company all of its assets subject to all of its liabilities It shall also mail a notice to the members and it shall advertise once a week for four weeks in a newspaper of general circulation in any county in this Commonwealth in which it maintains any office and in the state capitol of any other state in which it was authorized to do business the fact of the reincorporation together with a statement that any dissenting member who desires to cancel his policy or contract may do so by delivering it on or before a specified date which shall not be later than six months after the date of the letters patent to the new mutual life insurance company and receive the pro rata unearned premium for his policy

Section 8 Upon the reincorporation of a company the Secretary of the Commonwealth shall cause the articles of agreement together with the proceedings had thereon and certificate of the Governor to be recorded in a book kept for that purpose He shall return one of the articles of agreement together with the letters patent to the company which shall have the same recorded in the recorder's office of the county in which the company is domiciled The Secretary of the Commonwealth shall furnish the Insurance Commissioner with a certified copy of the letters patent and shall also certify the duplicate articles of agreement with all endorsements thereon and file the same in the office of the Insurance Commissioner Copies of the records certified by the Secretary of the Commonwealth may be used in evidence for or against the company with the same effect as the original

Section 9 Upon receipt of notice from the president or secretary of the reincorporated company that the foregoing provisions of this act have been complied with the Insurance Commissioner shall make an examination and if he finds that there has been such compliance he shall issue a certificate authorizing the company to commence business as a mutual life insurance company Until such time as the Insurance Commissioner issues a certificate authorizing the new company to commence the business of writing life insurance under this act the company shall have the same powers to transact business which were possessed by the applicant company prior to its reincorporation under this act

Section 10 After the date specified in the notice and advertisement referred to in section 7 hereof the new mutual life insurance company shall satisfy the Insurance Commissioner after an examination that it has paid the prorata unearned premiums due to any dissenting members who have cancelled their policies or contracts Upon being so satisfied the Insurance Commissioner shall certify that fact to the Secretary of the Commonwealth who shall thereupon issue a certificate of dissolution of the applicant mutual insurance company When the certificate of dissolution has been recorded in the recorder's office of the county in which the company is domiciled the applicant mutual insurance company shall cease to exist

Section 11 Unless otherwise specified in this act a mutual life insurance company formed under this act shall have and may exercise all the rights and privileges and shall be subject to all the requirements imposed upon mutual life insurance companies formed under the act of May 17 1921 (P. L. 682) known as "The Insurance Company Law of 1921" its supplements and amendments and shall be subject to all the provisions of the act of May 17 1921 (P. L. 789) known as "The Insurance Department Act of one thousand nine hundred and twenty-one" its



supplements and amendments but it shall exercise no rights or privileges which other mutual life insurance companies may not exercise

Section 12 This act shall take effect immediately and shall expire on December 31 1957

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

#### YEAS—204

Adam,	Gaffney,	Mahan,	Royer,
Agnew,	Garlock,	Markley,	Rubin,
Amarando,	Gelfand,	Maxwell,	Rudisill,
Anderson, M. S.,	George,	McCann,	Sarra,
Anderson, S. A.,	Gibb,	McCormack,	Scarcell,
Ashton,	Gibson,	McGee,	Schuster,
Auker,	Goldstein,	McInroy,	Sherman,
Banker,	Gramlich,	McKeever,	Sigman,
Barnatovich,	Greenwood,	McLaughlin,	Smith, C. O.,
Bazin,	Guss,	McWherter,	Smith, Wm. B.,
Bell,	Hamilton, R. K.,	Meholchick,	Snider,
Blair,	Hass,	Metz,	Stank,
Boles,	Haudenshield,	Mihm,	Stebbins,
Bonner,	Heavey,	Mikula,	Steckel,
Boory,	Helm,	Miller,	Stephens,
Bower,	Henzel,	Mills,	Stevenson,
Branca,	Hewitt,	Monroe,	Stone,
Brelsich,	Hocker,	Moody,	Stoner,
Brennan, A. P.,	Holt,	Moran,	Strausser,
Brennan, J. J.,	Horst,	Moscrip,	Stroup,
Brenninger,	Houk,	Muldowney,	Swartz,
Breth,	Isaacs,	Mullen,	Taylor,
Brown,	Jenkins,	Munley,	Thomas,
Bucchin,	Johnson,	Murphy,	Thompson,
Bullen,	Jones, G. E.,	Murray, H. P.,	Toll,
Capano,	Jones, T. H. W.,	Murray, J. J.,	Tompkins,
Cianfrani,	Jump,	Murray, P. G.,	Toomey,
Cloffi,	Kamyk,	Musto,	Varallo,
Cochran,	Kehler,	Naugle,	Varner,
Comer,	Keller,	Needham,	Vaughan,
Connelly,	Kent,	Ogilvie,	Verona,
Cooper,	Kline,	Olsen,	Wall,
Curwood,	Knecht,	O'Neil,	Wallace,
Davis,	Kolankiewicz,	Pacchioli,	Walsh,
Donahue,	Kooker,	Parry,	Wargo,
Donaldson,	Kornick,	Pashley,	Waterhouse,
Dougherty,	Kromer,	Paulhamus,	Weidner,
Down,	Lafore,	Petrosky,	Welsh,
Ehrgood,	Lawyer,	Pettigrew,	Wescott,
Ellberg,	Leiby,	Polaski,	Wheeler,
Erb,	Lelsey,	Polen,	Whitnigh,
Eshleman,	Leonard,	Pomeroy,	Willaredt,
Ewing,	Leven,	Price,	Williams,
Farabaugh,	Light,	Pursley,	Wilt,
Filo,	Limper,	Readinger,	Wood,
Fineman,	Lippincott,	Reibman,	Worley,
Flint,	Lopresti,	Reidenbach,	Yetter,
Floyd,	Lovett,	Renwick,	Yetzer,
Flynn,	Lutty,	Rigby,	Young,
Frank,	Magee,	Rosen,	Ziegler,
Frascella,		Rovansek,	Andrews,
Frost,			Speaker

#### NAYS—0

#### NOT VOTING—3

Foster, Guthrie, Kratz,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House of Representatives has passed the same without amendment.

#### REORGANIZATION PLAN No. 6

Mr. READINGER. Mr. Speaker, I call up Reorganization Plan No. 6 on page 13 of today's calendar.

Reorganization Plan No. 6 was read as follows:

#### REORGANIZATION PLAN NO. 6 OF 1955

Section 1. The State Athletic Commission, together with its powers, functions and duties, is transferred from the Department of Revenue, where it has been a departmental administrative commission, to the Department of State, where it shall be a departmental administrative commission, with the same status under the Act of April 9, 1929, (P. L. 177), known as "The Administrative Code of 1929," and its amendments, as that of departmental administrative commissions

Section 2 There are hereby transferred to the Department of State, to be used, employed and expended in connection with the functions, powers and duties transferred by section 1 of this Reorganization Plan, the files, records, property, contract obligations, personnel, and the unexpended balances of appropriations, allocations and other funds available or to be made available for use in connection with such functions, powers and duties.

Section 3. The functions, powers and duties of the Secretary of Revenue, under section 427 of The Administrative Code of 1929, and its amendments, are transferred to and shall be exercised by the Secretary of the Commonwealth.

Section 4. The functions of the Department of Revenue, under subsections (c) and (d) of section 318, act of August 31, 1955, (Act No. 131), known as the "Pennsylvania Athletic Code," are transferred to and shall be exercised by the Department of State.

Section 5. The following acts and parts of acts are suspended as particularly set forth:

Section 202 and 2503, act of April 9, 1929, (P. L. 177), known as "The Administrative Code of 1929," and their amendments, in so far as they affect the location of the State Athletic Commission in the Department of Revenue.

Section 427, act of April 9, 1929, (P. L. 177), known as "The Administrative Code of 1929," and its amendments, in so far as it imposes functions, powers and duties on the Secretary of Revenue.

Subsections (c) and (d) of section 318, act of August 31, 1955, (Act No. 131), known as the "Pennsylvania Athletic Code," in so far as they are in conflict with this Reorganization Plan.

Resolved that Reorganization Plan No. 6 of 1955 transmitted to the General Assembly under date of December 20, 1955 which is incorporated herein by reference be approved.

On the question,

Will the House adopt the resolution?

#### YEAS—204

Adam,	Gaffney,	Markley,	Rudisill,
Agnew,	Garlock,	Maxwell,	Royer,
Amarando,	Gelfand,	McCann,	Sarra,
Anderson, M. S.,	George,	McCormack,	Scarcell,
Anderson, S. A.,	Gibb,	McGee,	Schuster,
Ashton,	Gibson,	McInroy,	Sherman,
Auker,	Goldstein,	McKeever,	Sigman,
Banker,	Gramlich,	McLaughlin,	Smith, C. O.,
Barnatovich,	Greenwood,	McWherter,	Smith, Wm. B.,
Bazin,	Guss,	Meholchick,	Snider,
Bell,	Hamilton, R. K.,	Metz,	Stank,
Blair,	Hass,	Mihm,	Stebbins,
Boles,	Haudenshield,	Mikula,	Steckel,
Bonner,	Heavey,	Miller,	Stephens,
Boory,	Helm,	Mills,	Stevenson,
Bower,	Henzel,	Monroe,	Stone,
Branca,	Hewitt,	Moody,	Stoner,
Brelsich,	Hocker,	Moran,	Strausser,
Brennan, A. P.,	Holt,	Moscrip,	Stroup,
Brennan, J. J.,	Horst,	Muldowney,	Swartz,
Brenninger,	Houk,	Mullen,	Taylor,
Breth,	Isaacs,	Munley,	Thomas,
Brown,	Jenkins,	Murphy,	Thompson,
Bucchin,	Johnson,	Murray, H. P.,	Toll,
Bullen,	Jones, G. E.,	Murray, J. J.,	Tompkins,
Capano,	Jones, T. H. W.,	Murray, P. G.,	Toomey,
Cianfrani,	Jump,	Musto,	Varallo,
Cloffi,	Kamyk,	Naugle,	Varner,
Cochran,	Kehler,	Needham,	Vaughan,
Comer,	Keller,	Ogilvie,	Verona,



Connelly,	Kent,	Olsen,	Wall,
Cooper,	Kline,	O'Neill,	Wallace,
Curwood,	Knecht,	Pacchioli,	Walsh,
Davis,	Kolankiewicz,	Parry,	Wargo,
Donahue,	Kooker,	Pashley,	Waterhouse,
Donaldson,	Kornick,	Paulhamus,	Weldner,
Dougherty,	Kromer,	Petrosky,	Welsh,
Down,	Lafore,	Pettigrew,	Wescott,
Ehrgood,	Lawyer,	Polaski,	Wheeler,
Elberg,	Leiby,	Polen,	Whitenight,
Erb,	Leisey,	Pomeroy,	Willaredt,
Eshleman,	Leonard,	Price,	Williams,
Ewing,	Leven,	Pursley,	Wilt,
Farabaugh,	Light,	Readinger,	Wood,
Fineman,	Lamper,	Reibman,	Worley,
Filo,	Lippincott,	Reidenbach,	Yetter,
Flint,	Lopresti,	Ranwick,	Yetzer,
Floyd,	Lovett,	Rigby,	Young,
Flynn,	Lutty,	Rosen,	Ziegler,
Frank,	Magee,	Rovanssek,	Andrews,
Frascella,	Mahan,	Rubin,	Speaker
Frost			

NAYS—0

NOT VOTING—3

Foster, Guthrie, Kratz,

So the question was determined in the affirmative and Reorganization Plan No. 6 was adopted.

### BILLS SIGNED BY SPEAKER

The SPEAKER pro tempore. The Speaker signed the following bills in the presence of the House:

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

#### SENATE BILL No. 442.

An Act amending the act of April 9, 1929 (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and

officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" abolishing the State Osteopathic Surgeons' Examining Board and changing the character of the membership of the State Board of Osteopathic Examiners

#### SENATE BILL No. 443.

An Act amending the act of March 19, 1909 (P. L. 46), entitled "An act to regulate the practice of osteopathy in the State of Pennsylvania to provide for the establishment of a State Board of Osteopathic Examiners to define the powers and duties of said Board of Osteopathic Examiners to provide for the examining and licensing of osteopaths in this State and to provide penalties for the violation of this act" redefining osteopathy changing the provisions relating to qualifications and licensing of osteopathic physicians and surgeons and abolishing the State Osteopathic Surgeons' Examining Board.

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

### ADJOURNMENT

Mrs. KOOKER. Mr. Speaker, I move that this House do now adjourn until Wednesday, January 25, 1956 at 11:00 a. m.

The motion was agreed to and (at 7:29 p. m.) the House adjourned.



# Legislative Journal.

Session 1955.

141st of the General Assembly.

Vol. 34.

HARRISBURG, PA., WEDNESDAY, JANUARY 25, 1956.

No. 130.

## HOUSE OF REPRESENTATIVES

WEDNESDAY, JANUARY 25, 1956

The House met at 11:00 a. m.

### PRAYER

The CHIEF CLERK. I have been directed by the Speaker to announce to the House that he has appointed the gentleman from Greene, Mr. McCann, as Speaker pro tempore for today's session. Will the gentleman please come to the rostrum.

Mr. McCANN IN THE CHAIR

### JOURNAL APPROVAL POSTPONED

The SPEAKER. If there is no objection, the approval of the Journal for Tuesday, January 24, 1956 will be postponed until printed. The Chair hears none.

### BILLS INTRODUCED AND REFERRED

The SPEAKER pro tempore. The Speaker referred the following bills:

By Messrs. KAMYK and SARRAF.

HOUSE BILL No. 1994.

An Act amending "The Support Law," approved June 24, 1937 (P. L. 2045), limiting liability of children for support of parent deserting them during minority.

Referred to the Committee on Child Care.

By Messrs. O'NEIL and VARNER.

HOUSE BILL No. 1995.

An Act amending "The Vehicle Code," approved May 1, 1929 (P. L. 905), by changing the permissible weight variance for dump trucks transporting excavated materials.

Referred to the Committee on Motor Vehicles.

### SENATE MESSAGE

#### SENATE BILLS FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence, bills numbered and entitled as follows:

SENATE BILL No. 911.

An Act amending the "Borough Rural State Highway Law\*\*\*\*" deleting a route in Berks County.

Referred to the Committee on Highways.

SENATE BILL No. 912.

An Act amending the "Rural State Highway Law\*\*\*\*" deleting a route in Berks County.

Referred to the Committee on Highways.

SENATE BILL No. 918.

An Act amending the "Second Class County Assessment Law\*\*\*\*" requiring the board to certify the total value of property to clerks or secretaries of political subdivisions and prescribing the time for appeal.

Referred to the Committee on Cities—Counties Second and Second Class A.

### RESOLUTION INTRODUCED AND REFERRED

The SPEAKER pro tempore. The Speaker referred the following resolution:

By Messrs. YETTER, A. PATRICK BRENNAN and METZ.  
RESOLUTION No. 146.

Resolved, That House Resolution No. 106, Printer's No. 794, agreed to by the House of Representatives on July 27, be amended to read:

Resolved, That the House of Representatives shall study all phases of the operation, administration, financial policies and laws under which the Delaware River Joint Toll Bridge Commission is and has been functioning.

For that purpose the Speaker of the House of Representatives shall appoint three of its members from legislative districts bordering on the Delaware River within the jurisdictional area of the Delaware River Joint Toll Bridge Commission and the Governor of the Commonwealth of Pennsylvania two members, one of whom shall be the Attorney General of the Commonwealth; and be it further

Resolved, That the committee may meet, hold hearings, take testimony and make its investigations. It may issue subpoenas under the hand and seal of its chairman, commanding any person to appear before it and to answer questions touching matters properly being inquired into by the committee and to produce such books, papers, records and documents as the committee deems necessary. Any person who wilfully neglects or refuses to testify before the committee or to produce any books, papers, records or documents shall be subject to the penalties provided by the laws of the Commonwealth in such cases. Each member of the committee shall have power to administer oaths and affirmations to witnesses appearing before the committee; and be it further

Resolved, That the House of Representatives requests the Attorney General to advise with the committee provided for hereby and under the powers of his office to conduct investigations and to hold hearings at times and places he considers necessary and appropriate to determine the past and present functioning of the Delaware River Joint Toll Bridge Commission with especial reference to its operation, administration and financial policies; and be it further

Resolved, That after the adjournment of the present session of the General Assembly, the committee shall continue to advise with the Attorney General in the furtherance of his investigatory powers for the purposes herein specified; and be it further



Resolved, That the committee make a report of its findings, together with its recommendations, for appropriate legislation to the next General Assembly.

Referred to the Committee on Rules.

### COMMUNICATIONS FROM GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILLS Nos. 737, 738, 986, 1089, 1091, 1188 and 1501.

Commonwealth of Pennsylvania,

Governor's Office, Harrisburg, January 24, 1956.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 737, Printer's No. 1250, entitled "An Act amending the act approved the ninth day of August one thousand nine hundred fifty-five (P. L. ) (Act No. 130) entitled 'An act relating to counties of the third fourth fifth sixth seventh and eighth classes amending revising consolidating and changing the laws relating thereto' providing rooms for use of the American Gold Star Mothers Inc and for certain ladies auxiliaries."

GEORGE M. LEADER.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 738, Printer's No. 1251, entitled "An Act amending the act of July 8, 1919 (P. L. 784 No. 321) entitled 'An act authorizing counties cities and boroughs to furnish rooms in public buildings for meeting places for certain organizations' including certain ladies' auxiliaries and the American Gold Star Mothers Inc within provisions of act."

GEORGE M. LEADER.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 986, Printer's No. 1206, entitled "An Act relating to chattel mortgages executed and filed prior to July 1, 1954 regulating the assignment release satisfaction and extension of the lien or mortgages and the filing indexing and docketing thereof in prothonotaries' offices prescribing methods of foreclosure defining defaults and violations prescribing prothonotaries' fees and fixing penalties."

GEORGE M. LEADER.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 1089, Printer's No. 1095, entitled "An act amending the act of May 17, 1921 (P. L. 682) entitled 'An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws' defining and providing for the establishment maintenance and the amount of and use of unearned premium reserves the release of unearned premiums reserves for unpaid losses and loss expense and the investment of reserve funds."

GEORGE M. LEADER.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 1091, Printer's No. 1096, entitled "An Act amending the act of May 17, 1921 (P. L. 682) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws' providing for and regulating the investments of title insurance companies."

GEORGE M. LEADER.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 1188, Printer's No. 1220, entitled "An Act amending the act of April 9, 1929 (P. L. 343) entitled 'An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pass assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth limiting interest payments on refund of money subject to escheat to moneys originally on deposit as interest bearing items."

GEORGE M. LEADER.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 1501, Printer's No. 1211, entitled "An Act authorizing the Department of Property and Supplies with the approval of the Governor to sell and convey real property situate in the township of West Goshen Chester County."

GEORGE M. LEADER.

### SENATE MESSAGE

#### HOUSE BILLS CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bills from the House of Representatives numbered and entitled as follows:

#### HOUSE BILL No. 970.

An Act amending the act of May 1, 1929 (P. L. 905) entitled "An act for the protection of the public safety regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the



highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees and miscellaneous receipts; making an appropriation and providing for refunds," by changing requirements and penalties concerning lamps and illuminating devices.

With the information that the Senate has passed the same without amendment.

### SENATE MESSAGE

#### AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

#### HOUSE BILL No. 8.

An Act authorizing and directing the Department of Highways with the approval of the Governor to erect and maintain a toll bridge over the Ohio River in Beaver County between a point in or near the Borough of Shippingport to a point in or near the Borough of Midland on the opposite side of the Ohio River and to provide the necessary approaches and connection with State highways empowering counties to pay certain damages.

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend title, page 1, line 1 by striking out after the word "the" the following: "State Highway and Bridge Authority" and inserting in lieu thereof the following: "Department of Highways;" line three by inserting after the letter "a" the word "toll"; line 4, by striking out after the word "in" the following: "the general area of Monaca Shippingport to the general area of Beaver Midland on" and inserting in lieu thereof the following: "or near the Borough of Shippingport to a point in or near the Borough of Midland on".

Amend bill, section 1, line 1 by striking out after the word "The" the following: "State Highway and Bridge Authority" and inserting in lieu thereof the following: "Department of Highways;" line 4, by striking out after the word "in" the following: "the general area of Monaca" and inserting in lieu thereof the following: "or near the Borough of"; line 5, by striking out after the word "to" the following: "the general area of Beaver Midland" and inserting in lieu thereof the following: "a point in or near the Borough of Midland"; line 9 by inserting the following: "Upon completion of the bridge the Department of Highways shall operate and maintain the same as a toll bridge and shall charge and collect tolls at reasonable rates determined by it until the cost of the bridge and of operating and maintaining it have been paid".

Amend section 2, page 3, line 12 by striking out after the word "The" the following: "State Highway and Bridge Authority" and inserting in lieu thereof the following: "Department of Highways".

Amend section 3, page 3, line 15 by striking out after the word "the" the word "completion" and inserting in lieu thereof the following: "cost of construction"; line 16 by striking out after the word "thereto" the word "they" and inserting in lieu thereof the following "has been paid the collection of tolls shall cease and the bridge and its approaches"; line 18 by striking out after the word "be" the words: "reconstructed and".

On the question,

Will the House concur in the amendments made by the Senate?

#### COMMUNICATION AND BILL LAID ON TABLE

Mr. READINGER. Mr. Speaker, I move that the communication from the Senate together with the bill be laid on the table.

The motion was agreed to.

### SENATE MESSAGE

#### AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

#### HOUSE BILL No. 53.

An Act amending the act of May 1, 1929 (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees and miscellaneous receipts; making an appropriation and providing for refunds," prohibiting the throwing of certain material from motor vehicles.

With the information that the Senate has passed The same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendment.

The Clerk read the amendments as follows:

Amend Section 1, page 2, line 4, by striking out after the word "No" the words "owner or operator" and inserting in lieu thereof the word "person"; page 3, line 1, by striking out after the word "any" the word "missile" by striking out after the word "glass" the word "paper" and inserting in lieu thereof the word "or"; line 2, by striking out after the word "boxes" the following: "or any other type of debris or trash".

On the question,

Will the House concur in the amendments made by the Senate?

#### COMMUNICATION AND BILL LAID ON TABLE

Mr. READINGER. Mr. Speaker, I move that the com-



munication from the Senate together with the bill be laid on the table.

The motion was agreed to.

### SENATE MESSAGE

#### AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

##### HOUSE BILL No. 730.

An Act providing for and regulating the licensing of poultry technicians by the Secretary of Agriculture for the drawing of blood from poultry to be used in pullorum testing programs

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend Section 1, page 1, line 1, by striking out after the word "Agriculture" the following: "shall license lay technicians to draw" and inserting in lieu thereof the following: "when he determines that there is a need for trained technicians to aid in drawing"; line 4, page 1, by inserting after the word "programs" the words "may license as many trained technicians as he deems necessary to aid the programs;" Section 2, line 4, page 2, by striking out after the word "least" the word "eighteen" and inserting in lieu thereof the words "twenty-one"; page 2, line 10, by striking out at the beginning of the line the words "in a school selected" and inserting in lieu thereof the words "as prescribed"; Section 3, page 2, line 12, by striking out after the article "a" the words "licensed veterinarian" and inserting in lieu thereof the words "person who is a graduate of an accredited school of veterinary medicine"; page 2, line 15, by inserting after the word "poultry" the words "the proper handling and preservation of blood samples"; Section 4 page 3, line 3, by striking out after the word "force" the words "until July" and inserting in lieu thereof the words "unless revoked for cause until January"; page 3, by inserting after line seven the following:

"Appeals from any action of the Secretary of Agriculture which results in a refusal to issue or renew or in a suspension or revocation of a license shall be taken in accordance with the provisions of the act of June 4, 1945 (P. L. 1388) known as the 'Administrative Agency Law'"

Amend Section 6, page 3, by inserting after the figure "6" the following:

"The Secretary of Agriculture may (1) adopt and promulgate rules and regulations governing the activities methods and functions of all technicians licensed under the provisions of this act and (2) suspend or revoke the license of any licensee who is (I) incompetent (II) fails to comply with the provisions of this act or any rule or regulation of the Secretary or (III) is intemperate in the use of stimulants narcotics or any other substance which impairs the performance of his duties

"Section 7."

Amend page 4, line 16, by striking out after the word "section" the figure "7" and inserting in lieu thereof the following:

"A person licensed under the provisions of this act engaged to draw blood samples from poultry to be used in pullorum testing shall not be employed by the owner of the poultry."

"Section 9."

Amend page 5, line 3, by striking out after the word "section" the figure "8" and inserting in lieu thereof the figure "10."

On the question,

Will the House concur in the amendments made by the Senate?

### COMMUNICATION AND BILL LAID ON TABLE

Mr. READINGER. Mr. Speaker, I move that the communication from the Senate together with the bill be laid on the table.

The motion was agreed to.

### SENATE MESSAGE

#### AMENDED SENATE BILL NON-CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed the Senate has non-concurred in the amendments made by the House of Representatives to Senate bill numbered and entitled as follows:

##### SENATE BILL No. 729.

A Joint Resolution proposing an amendment to article two section four of the Constitution of the Commonwealth of Pennsylvania by providing for annual sessions of the General Assembly

### COMMUNICATION AND BILL LAID ON TABLE

Mr. READINGER. Mr. Speaker, I move that the communication from the Senate together with the bill be laid on the table.

The motion was agreed to.

### SENATE MESSAGE

#### AMENDED SENATE BILL NON-CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has non-concurred in the amendments made by the House of Representatives to Senate bill numbered and entitled as follows:

##### SENATE BILL No. 813.

An Act amending the act of October 27 one thousand nine hundred fifty-five (Act No. 222) entitled "An act prohibiting certain practices of discrimination because of race color religious creed ancestry age or national origin by employers employment agencies labor organizations and others as herein defined creating the Pennsylvania Fair Employment Practice Commission in the Department of Labor and Industry defining its functions powers and duties providing for procedure and enforcement providing for formulation of an educational program to prevent prejudice providing for judicial review and enforcement and imposing penalties" providing that termination of employment or the operation of provisions having the effect of a minimum service requirement under a bona fide retirement or pension plan shall not constitute an unfair employment practice changing certain restrictions relative to age and requiring that attorneys appointed by the Commission be approved by the Attorney General

### COMMUNICATION AND BILL LAID ON TABLE

Mr. READINGER. Mr. Speaker, I move that the communication from the Senate together with the bill be laid on the table.

The motion was agreed to.

### RESOLUTION

#### REORGANIZATION PLAN No. 6



Resolved, That Reorganization Plan No. 6 of 1955 transmitted to the General Assembly under date of December 20, 1955, which is incorporated herein by reference, be approved.

I hereby certify that the foregoing Resolution approving Reorganization Plan No. 6 of 1955, was adopted by the House of Representatives January 24, 1956.

BENJAMIN L. LONG,  
Chief Clerk, House of Representatives  
HIRAM G. ANDREWS,  
Speaker, House of Representatives

### BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 231, entitled:

An Act permitting any person entitled to vote to absent himself from any service or employment in which he is then engaged or employed for a period of two hours in certain cases without deduction in salary or wages

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 460, entitled:

An Act amending the act of May 22, 1933 (P. L. 851) entitled 'An act fixing the pay and mileage of jurors and witnesses' prescribing daily mileage rates and allowances

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 496, entitled:

An Act amending the "Public Utility Law" approved May 28, 1937 (P. L. 1053) requiring hearings to be held within the county where any increase in rate by a public utility is to be effective

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 821, entitled:

An Act amending the act of May 18, 1937 (P. L. 654) entitled as amended "An act to provide for the safety and to protect the health and morals of persons while employed \* \* \*" requiring nurses to be on duty in certain establishments

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1176, entitled:

An Act defining and relating to installment land contracts and providing for and regulating the rights and obligations between parties to such contracts under certain terms and conditions

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1232, entitled:

An Act to further amend clauses (f) and (g) of Section 448 and Section 450 of the act approved the ninth day of April one thousand nine hundred twenty-nine (P. L. 177) entitled "Administrative Code of 1929" by providing that upon each The Advisory Health Board the State Welfare Commission and the State Board of Public Assistance there shall be one representative of organized labor

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1382, entitled:

An Act amending the "Vocational Rehabilitation Act of one thousand nine hundred forty-five" approved May 22, 1945 (P. L. 849) extending vocational rehabilitation to disabled persons who have sustained injuries or incurred occupational diseases in the course of their employment.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1385, entitled:

An Act amending the act of May 22, 1933 (P. L. 851) entitled "An Act fixing the pay and mileage of jurors and witnesses" requiring employers to make certain payments to employes when on jury duty.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1802, entitled:

An Act relating to public works contracts providing for prevailing wages imposing duties upon the Secretary of Labor and Industry providing penalties and repealing existing laws.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1856, entitled:

An Act making an appropriation to the Department of Welfare for the maintenance of certain hospitals.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1866, entitled:

An Act amending the "State Employes' Retirement Law" approved June 27, 1923 (P. L. 858) further regulating the rights of employes of county health departments.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1870, entitled:

An Act amending the "Public Utility Law" approved May 28, 1937 (P. L. 1053) exempting from the provisions thereof transportation of school children of private church and parochial schools in certain cases.



And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1892, entitled:

An Act amending "The Administration Code of 1929" approved April 9, 1929 (P. L. 177) increasing compensation of members of the State Civil Service Commission.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1899, entitled:

An Act to amend section three hundred eight of the "Public Utility Law \* \* \*" by changing the duties of public utilities and the powers and duties of Pennsylvania Public Utility Commission as to tariffs which make changes from existing rates changing the time of effectiveness of certain of such tariffs and requiring that existing rates continue in force in certain cases.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1908, entitled:

An Act authorizing abatement of real estate taxes because of destruction or damage of property by flood or the refund or credit of the amount of such taxes against future taxes by certain subdivisions.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1931, entitled:

An Act authorizing the Department of Property and Supplies to exchange land located in Union Township Bedford County Pennsylvania necessary for improved administration of Blue Knob State Park.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1932, entitled:

An Act amending the act of July 12, 1935 (P. L. 677) entitled "An act to fix the status of officers and employees of the Commonwealth and political subdivisions thereof while in training with the armed forces of the United States" including members of the United States Air Corps.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1955, entitled:

An Act amending the act of Sept. 3, 1955 (Appropriation Act No. 17-A) entitled "An act making an appropriation to the Council of Civil Defense for disaster relief in connection with the hurricane and flood damage of August one thousand nine hundred fifty-five" making the moneys appropriated available for flood damage of October 1955.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1962, entitled:

An Act amending the "Bituminous Coal Mining Law" approved June 9, 1911 (P. L. 756) changing qualification requirements of candidates for the office of mine inspector and changing provisions concerning reappointment and certification of inspectors.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1963, entitled:

An Act amending the act of July 1, 1937 (P. L. 2461) entitled "An act providing for the qualifications examination appointment term of office and removal of Anthracite Mine Inspector \* \*" making certain mine inspectors eligible for reappointment without examination.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1964, entitled:

An Act making the offices of constable and justice of the peace or alderman incompatible.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1965, entitled:

An Act authorizing the Department of Property and Supplies with approval of the Governor to acquire sixty-three acres more or less of land in Washington Township Erie County for use of Edinboro State Teachers' College and making an appropriation.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1974, entitled:

An Act making an appropriation to the Department of Public Instruction for the proper conduct of the work of the Pennsylvania State Board of Censors.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of Senate Bill No. 332, entitled:

An Act amending the "Vehicle Code" \* \* \* authorizing the issuance of duplicate registration cards at the option of the owner and fixing the fee therefor.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of Senate Bill No. 530, entitled:



An Act limiting the period within which petitions for the assessment of damages may be filed or actions for damages commenced for injury to or taking of private land, property or material or any interest therein by political subdivisions or by authorities created by political subdivisions in the exercise of their power of eminent domain.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of Senate Bill No. 655, entitled:

An Act amending "The Realty Transfer Tax Act" of December 27, 1951 (P. L. 1742) \* \* \* exempting from the tax certain trustee and correctional deeds certain straw transactions and certain transfers to the United States the Commonwealth or their agencies instrumentalities or political subdivisions.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of Senate Bill No. 776, entitled:

An Act amending the act of May 16, 1921 (P. L. 579), entitled as amended "An act providing for the better management of the jails or county prisons in the several counties of this Commonwealth of the third, fourth and fifth classes by creating, in such counties, a board to be known by the name and style of inspectors of the jail or county prison, with authority to appoint a warden of such prison, and by vesting in said board, and the officers appointed by it, the safe-keeping, discipline, and employment of prisoners and the government and management of said jails or county prisons," giving wardens, deputies and other appointees of the board powers of peace officers.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of Senate Bill No. 830, entitled:

An Act amending the "Fourth to Eighth Class County Assessment Law \* \* \*" requiring notice of certain changes in property valuations be given to political subdivisions in which the properties are located.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of Senate Bill No. 831, entitled:

An Act amending the "Fourth to Eighth Class County Assessment Law \* \* \*" requiring notice of certain changes in property valuations be given to political subdivisions in which the properties are located

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of Senate Bill No. 832, entitled:

An Act amending "The General County Assessment Law approved May 22, 1933 (P. L. 853) \* \* \*" requiring notice of certain changes in property valuations be given to political subdivisions in which the properties are located

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of Senate Bill No. 852, entitled:

An Act amending the "Liquor Code \* \* \*" permitting holders of bonded warehouse licenses issued by the Pennsylvania Liquor Control Board to receive in bond certain liquor and alcohol for storage in bond in this Commonwealth regulating the release of such liquor and alcohol for delivery

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of Senate Bill No. 867, entitled:

An Act amending the "Liquor Code \* \* \*" permitting the sale and possession of wine in packages not bearing the official seal of the board

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of Senate Bill No. 881, entitled:

An Act declaring the public interest in certain historic sites and buildings and providing for certificates and markers

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of Senate Bill No. 901, entitled:

An Act amending the act of August 9, 1955 (Act No. 130) entitled "An act relating to counties of the third fourth fifth sixth seventh and eighth classes amending revising consolidating and changing the laws relating thereto" fixing the time for the annual report by the county auditors to the court of common pleas and changing the provisions relating to the appointment of depositories of county funds

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

## BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1545, entitled:

An Act amending the act of April 9, 1929 (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments,



boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," establishing a Department of Recreation and defining its powers and duties.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1546, entitled:

An Act relating to and providing for the promotion and development of a State-wide recreation program in the Commonwealth conferring powers and duties upon the Department of Recreation

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1782, entitled:

An Act relating to apprenticeship creating a State Apprenticeship Council in the Department of Labor and Industry to formulate an apprenticeship policy and program and defining its powers and duties and providing for administration

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

#### BILL PASSED OVER

There being no objection

Senate Bill No. 383, Printer's No. 375 was passed over at the request of the SPEAKER pro tempore.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate Bill No. 724, entitled:

An Act to further amend the act approved the tenth day of March one thousand nine hundred forty-nine (P. L. 30) entitled "An act relating to the public school system including certain provisions applicable as well to private and parochial schools amending revising consolidating and changing the laws relating thereto" by requiring the payment of money withheld from State appropriations to pay default in rent to a municipality authority or nonprofit corporation

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

#### BILL ON FINAL PASSAGE RECALLED FROM GOVERNOR

##### BILL PASSED OVER

There being no objection

House Bill No. 1623, Printer's No. 1277 was passed over at the request of the SPEAKER pro tempore.

#### BILLS ON FINAL PASSAGE

##### BILLS PASSED OVER

There being no objection

House Bill No. 68, Printer's No. 1302,  
House Bill No. 322, Printer's No. 1301,  
House Bill No. 667, Printer's No. 1256,  
House Bill No. 796, Printer's No. 1283 and  
Senate Bill No. 467, Printer's No. 464,

were passed over at the request of the SPEAKER pro tempore.

#### BILL ON FINAL PASSAGE POSTPONED

##### TIME EXTENDED ON BILL

Mr. FLINT asked and obtained unanimous consent to extend the time five days on House Bill No. 1128, Printer's No. 1263, on page 10 of today's calendar, bills on final passage postponed.

#### BILLS ON THIRD READING

##### BILLS PASSED OVER

The SPEAKER pro tempore. All bills on the third reading calendar will be passed over if there is no objection. The Chair hears none.

#### REPORTS FROM COMMITTEE

Mr. BOIES from the Committee on Appropriations, reported as committed, House Bill No. 1929, entitled:

An Act amending the "Public School Employees Retirement Law" approved July 18, 1917 (P. L. 1043) correcting the names of certain institutions.

Mr. BOIES from the Committee on Appropriations, reported as amended, House Bill No. 177, entitled:

An Act amending the "Barber's License Law" (P. L. 589) \* \* \* altering the requirements for licensure increasing penalties for unlicensed barbering or teaching regulating hours for barber schools permitting further regulation by health authorities and reenacting the provisions relating to health sanitation and management of barber shops

Mr. BOIES from the Committee on Appropriations, reported as amended, House Bill No. 365, entitled:

An Act amending "The Administrative Code of 1929" (P. L. 177) \* \* \* further regulating membership and compensation of the State Board of Barber Examiners and imposing duties on the board

Mr. BOIES from the Committee on Appropriations, reported as committed, House Bill No. 1619, entitled:

An Act providing for the prevention and control of communicable and non-communicable diseases including venereal diseases fixing responsibility for disease prevention and control requiring reports of diseases authorizing financial assistance to typhoid fever carriers and authorizing treatment of venereal diseases and providing for premarital and prenatal blood tests amending revising and consolidating the laws relating thereto and repealing certain acts

#### COMMUNICATION AND BILL TAKEN FROM TABLE

Mr. READINGER. Mr. Speaker, I move that House Bill No. 641, Printer's No. 1238 together with the communication from the Senate be taken from the table.

The motion was agreed to.



## SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR  
CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

## HOUSE BILL No. 641.

An Act amending the act of May 1, 1933 (P. L. 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" authorizing the appointment of sanitary boards and sanitary officers prescribing their powers and duties providing for the enforcement of the administration of health laws by such boards and officers providing for a president and secretary of such boards imposing duties on the Secretary of Health and providing for payments of expenses by townships

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

THE SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend Section 1, page 10, line 6, by inserting after the word "board" the following: "or sanitary officer"; line 9, by inserting after the word "board" the words "or sanitary officer"; line 12, by inserting after the word "it" the words "or him."

On the question,

Will the House concur in the amendments made by the Senate?

Mr. READINGER. Mr. Speaker, I request that the House concur in the amendments made by the Senate.

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

## YEAS—204

Adam,	Gaffney,	Magee,	Royer,
Agnew,	Garlock,	Mahan,	Rubin,
Amarando,	Gelfand,	Markley,	Rudisill,
Anderson, M. S.,	George,	Maxwell,	Sarraf,
Anderson, S. A.,	Gibb,	McCann,	Scarcelli,
Ashton,	Gibson,	McCormack,	Schuster,
Auker,	Goldstein,	McGee,	Sherman,
Banker,	Gramlich,	McInroy,	Sigman,
Barnatovich,	Greenwood,	McKeever,	Smith, C. C.,
Bazin,	Guss,	McLaughlin,	Smith, Wm. B.,
Bell,	Hamilton, R. K.,	McWherter,	Snider,
Blair,	Hamilton, W. H.,	Meholchick,	Stank,
Boles,	Hass,	Metz,	Stebbins,
Bonner,	Haudenshield,	Mihm,	Steckel,
Boory,	Heavey,	Mikula,	Stephens,
Bower,	Helm,	Miller,	Stevenson,
Branca,	Henzel,	Mills,	Stone,
Brelschi,	Hewitt,	Monroe,	Stoner,
Brennan, A. P.,	Hocker,	Moody,	Strausser,
Brennan, J. J.,	Holt,	Moran,	Stroup,
Brenninger,	Horst,	Moscrip,	Swartz,
Breth,	Houk,	Muldowney,	Taylor,
Brown,	Isaacs,	Mullen,	Thomas,
Buechin,	Jenkins,	Munley,	Thompson,
Bullen,	Johnson,	Murphy,	Toll,
Capano,	Jones, G. E.,	Murray, H. P.,	Tompkins,
Cianfrani,	Jones, T. H. W.,	Murray, J. J.,	Toomey,
Cioffi,	Jump,	Murray, P. G.,	Varallo,
Cochran,	Kamyk,	Musto,	Varnier,
Comer,	Kehler,	Naugle,	Vaughan,
Connelly,	Keller,	Needham,	Verona,
Cooper,	Kent,	Ogilvie,	Wall,
Curwood,	Kline,	Olsen,	Wallace,
Davis,	Knecht,	O'Neil,	Walsh,
Donahue,	Kolankiewicz,	Pacchioli,	Wargo,
Donaldson,	Kooker,	Parry,	Waterhouse,
Dougherty,	Kornick,	Pashley,	Weidner,
Down,	Kromer,	Paulhamus,	Welsh,

Ehrgood,	Kubacki,	Petrosky,	Wescott,
Eilberg,	Lafore,	Pettigrew,	Wheeler,
Erb,	Lawyer,	Polaski,	Whitenight,
Eshleman,	Leiby,	Polen,	Willaredt,
Ewing,	Lelsey,	Pomeroy,	Williams,
Farabaugh,	Leonard,	Price,	Wilt,
Filo,	Leven,	Pursley,	Wood,
Fineman,	Light,	Readinger,	Worley,
Flint,	Idmper,	Reibman,	Yetter,
Floyd,	Lippincott,	Reidenbach,	Yetzer,
Flynn,	Lopresti,	Renwick,	Young,
Frank,	Lovett,	Rigby,	Ziegler,
Frascella,	Lutty,	Rosen,	Andrews,
Frost,		Rovansek,	Speaker

## NAYS—0

## NOT VOTING—3

Poster,

Guthrie,

Kratz,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

COMMUNICATION AND BILL TAKEN  
FROM TABLE

Mr. READINGER. Mr. Speaker, I move that House Bill No. 1222, Printer's No. 1161 together with the communication from the Senate be taken from the table.

The motion was agreed to.

## SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR  
CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

## HOUSE BILL No. 1222.

An Act to further amend the act approved the twenty-third day of May one thousand nine hundred forty-nine (P. L. 1669), entitled as amended "An act to provide revenue for school districts of the first class by imposing a tax on persons engaging in certain business professions occupations trades vocations and commercial activities therein providing for its levy and collection conferring and imposing powers and duties on the Board of Public Education receiver of school taxes and school treasurer in such districts and prescribing penalties" as amended by further defining "receipts."

With the information that the Senate has passed the same with amendments in which the concurrence of the House of Representatives is requested.

THE SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend Section 2, page 5, line 13, by inserting after the word "fifty" the following:

No refunds of taxes interest or penalties paid prior to the date of the enactment of this act shall be made as a result of the amendments herein contained

On the question,

Will the House concur in the amendments made by the Senate?

Mr. READINGER. Mr. Speaker, I request that the House concur in the amendments made by the Senate.

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:



## YEAS—204

Adam,	Gaffney,	Magee,	Royer,
Agnew,	Garlock,	Mahan,	Rubin,
Amarando,	Gelfand,	Markley,	Rudisill,
Anderson, M. S.,	George,	Maxwell,	Sarraf,
Anderson, S. A.,	Gibb,	McCann,	Scarcelll,
Ashton,	Gibson,	McCormack,	Schuster,
Auker,	Goldstein,	McGee,	Sherman,
Banker,	Gramlich,	McInroy,	Sigman,
Barnatovich,	Greenwood,	McKeever,	Smith, C. C.,
Bazin,	Guss,	McLaughlin,	Smith, Wm. B.,
Bell,	Hamilton, R. K.,	McWherter,	Snider,
Blair,	Hamilton, W. H.,	Meholchick,	Stank,
Boles,	Hass,	Metz,	Stebbins,
Bonner,	Haudenshield,	Mihm,	Steckel,
Boory,	Heavey,	Mikula,	Stephens,
Bower,	Helm,	Miller,	Stevenson,
Branca,	Henzel,	Mills,	Stone,
Brelsich,	Hewitt,	Monroe,	Stoner,
Brennan, A. P.,	Hocker,	Moody,	Strausser,
Brennan, J. J.,	Holt,	Moran,	Stroup,
Brenninger,	Horst,	Moscrip,	Swartz,
Breth,	Houk,	Muldowney,	Taylor,
Brown,	Isaacs,	Mullen,	Thomas,
Bucchin,	Jenkins,	Munley,	Thompson,
Bullen,	Johnson,	Murphy,	Toll,
Capano,	Jones, G. E.,	Murray, H. P.,	Tompkins,
Cianfrani,	Jones, T. H. W.,	Murray, J. J.,	Toomey,
Cioffi,	Jump,	Murray, P. G.,	Varallo,
Cochran,	Kamyk,	Musto,	Varnar,
Comer,	Kehler,	Naugle,	Vaughan,
Connelly,	Keller,	Needham,	Verona,
Cooper,	Kent,	Ogilvie,	Wall,
Curwood,	Kline,	Olsen,	Wallace,
Davis,	Knecht,	O'Neill,	Walsh,
Donahue,	Kolankiewicz,	Pacchioli,	Wargo,
Donaldson,	Kooker,	Parry,	Waterhouse,
Dougherty,	Kornick,	Pashley,	Weidner,
Down,	Kromer,	Paulhamus,	Welsh,
Ehrgood,	Kubacki,	Petrosky,	Wescott,
Ellberg,	Lafore,	Pettigrew,	Wheeler,
Erb,	Lawyer,	Polaski,	Whitenight,
Eshleman,	Leiby,	Polen,	Willaredt,
Ewing,	Leisey,	Pomeroy,	Williams,
Farabaugh,	Leonard,	Price,	Wilt,
Filo,	Leven,	Pursley,	Wood,
Fineman,	Light,	Readinger,	Worley,
Flint,	Limper,	Reibman,	Yetter,
Floyd,	Lippincott,	Reidenbach,	Yetzer,
Flynn,	Lopresti,	Renwick,	Young,
Frank,	Lovett,	Rigby,	Ziegler,
Frascella,	Lutty,	Rosen,	Andrews,
Frost,		Rovansek,	Speaker

## NAYS—0

## NOT VOTING—3

Foster, Guthrie, Kratz,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

## COMMUNICATION AND BILL TAKEN FROM TABLE

Mr. READINGER. Mr. Speaker, I move that House Bill No. 1223, Printer's No. 1163 together with the communication from the Senate be taken from the table.

The motion was agreed to.

## SENATE MESSAGE

## AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1223.

An Act amending the act of May 23, 1949 (P. L. 1669),

entitled as amended "An act to provide revenue for school districts of the first class by imposing a tax on persons engaging in certain businesses, professions, occupation, trades, vocations and commercial activities therein; providing for its levy and collection; conferring and imposing powers and duties on the Board of Public Education, received of school taxes and school treasurer in such districts; and prescribing penalties," changing the method of computing the tax of certain taxpayers; changing the penalty on taxes not paid when due defining business and limiting the time within which suit may be started for collection of taxes.

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend the Title, page 2, line 2, by striking out after the word "business" the following: "to include activities of cooperatives."

Amend Section 1, page 3, line 19, by striking out after the word "salary" the following: "Business" shall include all activities carried on by a cooperative including but not limited to the transfer of title or possession by a cooperative of goods wares or merchandise to either members or non-members";

Amend Section 3, page 10, by inserting after the word "paid" the following: "the provisions of this sub-section shall be retroactive to the tax year 1950"; Line 9, by striking out after the word "be" the word "fourteen" and inserting in lieu thereof the following: "seven"; line 10, by striking out after the word "centum" the following: "(14%)" and inserting in lieu thereof the following: "(7%)" line 14, by inserting after the part word "posed" the following:

(C) All penalty in excess of seven per centum (7%) imposed on unpaid taxes levied pursuant to this act for 1955 and all previous years are hereby abated if the unpaid delinquent taxes and penalty (not to exceed seven per centum) and interest are paid on or before December 1, 1956 provided the taxpayer's 1955 and 1956 taxes levied under this act are paid.

Amend Section 4, page 9, line 3, by striking out after the word "immediately" the following: "and shall apply to taxes imposed or collected in or for the year 1955 and thereafter" and inserting in lieu thereof the following:

No refunds of taxes interest or penalties paid prior to the date of the enactment of this act shall be made as a result of the amendments herein contained.

On the question,

Will the House concur in the amendments made by the Senate?

Mr. READINGER. Mr. Speaker, I request that the House concur in the amendments made by the Senate.

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

## YEAS—204

Adam,	Gaffney,	Magee,	Royer,
Agnew,	Garlock,	Mahan,	Rubin,
Amarando,	Gelfand,	Markley,	Rudisill,
Anderson, M. S.,	George,	Maxwell,	Sarraf,
Anderson, S. A.,	Gibb,	McCann,	Scarcelll,
Ashton,	Gibson,	McCormack,	Schuster,
Auker,	Goldstein,	McGee,	Sherman,
Banker,	Gramlich,	McInroy,	Sigman,
Barnatovich,	Greenwood,	McKeever,	Smith, C. C.,
Bazin,	Guss,	McLaughlin,	Smith, Wm. B.,
Bell,	Hamilton, R. K.,	McWherter,	Snider,
Blair,	Hamilton, W. H.,	Meholchick,	Stank,
Boles,	Hass,	Metz,	Stebbins,
Bonner,	Haudenshield,	Mihm,	Steckel,
Boory,	Heavey,	Mikula,	Stephens,
Bower,	Helm,	Miller,	Stevenson,
Branca,	Henzel,	Mills,	Stone,
Brelsich,	Hewitt,	Monroe,	Stoner,
Brennan, A. P.,	Hocker,	Moody,	Strausser,
		Moran,	Stroup,



Brennan, J. J.,	Holt,	Moscip,	Swartz,
Brenninger,	Horst,	Muldowney,	Taylor,
Breth,	Houk,	Mullen,	Thomas,
Brown,	Isaacs,	Munley,	Thompson,
Bucchin,	Jenkins,	Murphy,	Toll,
Bullen,	Johnson,	Murray, H. P.,	Tompkins,
Capano,	Jones, G. E.,	Murray, J. J.,	Toomey,
Cianfrani,	Jones, T. H. W.,	Murray, P. G.,	Varallo,
Cloffi,	Jump,	Musto,	Varner,
Cochran,	Kamyk,	Naugle,	Vaughan,
Comer,	Kehler,	Needham,	Verona,
Connelly,	Keller,	Ogilvie,	Wall,
Cooper,	Kent,	Olsen,	Wallace,
Curwood,	Kline,	O'Neil,	Walsh,
Davis,	Knecht,	Pacchioli,	Wargo,
Donahue,	Kolankiewicz,	Parry,	Waterhouse,
Donaldson,	Kooker,	Pashley,	Weidner,
Dougherty,	Kornick,	Paulhamus,	Welsh,
Down,	Kromer,	Petrosky,	Wescott,
Ehrgood,	Kubacki,	Pettigrew,	Wheeler,
Ellberg,	Lafore,	Polaski,	Whitenight,
Erb,	Lawyer,	Polen,	Willaredt,
Eshleman,	Leiby,	Pomeroy,	Williams,
Ewing,	Lelsey,	Price,	Wilt,
Farabaugh,	Leonard,	Pursley,	Wood,
Filo,	Leven,	Readinger,	Worley,
Fineman,	Light,	Reibman,	Yetter,
Flint,	Limper,	Reidenbach,	Yetter,
Floyd,	Lippincott,	Renwick,	Young,
Flynn,	Lopresti,	Rigby,	Ziegler,
Frank,	Lovett,	Rosen,	Andrews,
Frascella,	Lutty,	Rovansek,	Speaker
Frost,			

## NAYS—0

## NOT VOTING—3

Foster, Guthrie, Kratz,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

### COMMUNICATION AND BILL TAKEN FROM TABLE

Mr. READINGER. Mr. Speaker, I move that House Bill No. 1674, Printer's No. 1253 together with the communication from the Senate be taken from the table.

The motion was agreed to.

### SENATE MESSAGE

#### AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

#### HOUSE BILL No. 1674.

An Act making an appropriation to the Department of Welfare for the two fiscal years beginning June 1, 1955 to assist in the payment of the operation and maintenance by the Trustees of Mercy-Douglass Hospital of the addition to Philadelphia State Hospital constructed by The General State Authority.

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend Section 1, page 2, line 1, by striking out after the word "of" the following: "eight hundred eighty thousand dollars (\$880,000.00)" and inserting in lieu thereof the following: "six hundred fifty thousand dollars (\$650,000.00)."

On the question,

Will the House concur in the amendments made by the Senate?

Mr. READINGER. Mr. Speaker, I request that the House concur in the amendments made by the Senate.

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

Concurrence in Senate amendments.

## YEAS—204

Adam,	Gaffney,	Magee,	Royer,
Agnew,	Garlock,	Mahan,	Rubin,
Amarando,	Gelfand,	Markley,	Rudisill,
Anderson, M. S.,	George,	Maxwell,	Sarras,
Anderson, S. A.,	Gibb,	McCann,	Scarcelli,
Ashton,	Gibson,	McCormack,	Schuster,
Auker,	Goldstein,	McGee,	Sherman,
Banker,	Gramlich,	McInroy,	Sigman,
Barnatovich,	Greenwood,	McKeever,	Smith, C. C.,
Bazin,	Guss,	McLaughlin,	Smith, Wm. B.,
Bell,	Hamilton, R. K.,	McWherter,	Snider,
Blair,	Hamilton, W. H.,	Meholchick,	Stank,
Boles,	Hass,	Metz,	Stebbins,
Bonner,	Haudenschild,	Mihm,	Steckel,
Boory,	Heavey,	Mikula,	Stephens,
Bower,	Helm,	Miller,	Stevenson,
Branca,	Henzel,	Mills,	Stone,
Brelsich,	Hewitt,	Monroe,	Stoner,
Brennan, A. P.,	Hockler,	Moody,	Strausser,
Brennan, J. J.,	Holt,	Moran,	Stroup,
Brenninger,	Horst,	Moscip,	Swartz,
Breth,	Houk,	Muldowney,	Taylor,
Brown,	Isaacs,	Mullen,	Thomas,
Bucchin,	Jenkins,	Munley,	Thompson,
Bullen,	Johnson,	Murphy,	Toll,
Capano,	Jones, G. E.,	Murray, H. P.,	Tompkins,
Cianfrani,	Jones, T. H. W.,	Murray, J. J.,	Toomey,
Cloffi,	Jump,	Murray, P. G.,	Varallo,
Cochran,	Kamyk,	Musto,	Varner,
Comer,	Kehler,	Naugle,	Vaughan,
Connelly,	Keller,	Needham,	Verona,
Cooper,	Kent,	Ogilvie,	Wall,
Curwood,	Kline,	Olsen,	Wallace,
Davis,	Knecht,	O'Neil,	Walsh,
Donahue,	Kolankiewicz,	Pacchioli,	Wargo,
Donaldson,	Kooker,	Parry,	Waterhouse,
Dougherty,	Kornick,	Pashley,	Weidner,
Down,	Kromer,	Paulhamus,	Welsh,
Ehrgood,	Kubacki,	Petrosky,	Wescott,
Ellberg,	Lafore,	Pettigrew,	Wheeler,
Erb,	Lawyer,	Polaski,	Whitenight,
Eshleman,	Leiby,	Polen,	Willaredt,
Ewing,	Lelsey,	Pomeroy,	Williams,
Farabaugh,	Leonard,	Price,	Wilt,
Filo,	Leven,	Pursley,	Wood,
Fineman,	Light,	Readinger,	Worley,
Flint,	Limper,	Reibman,	Yetter,
Floyd,	Lippincott,	Reidenbach,	Yetter,
Flynn,	Lopresti,	Renwick,	Young,
Frank,	Lovett,	Rigby,	Ziegler,
Frascella,	Lutty,	Rosen,	Andrews,
Frost,		Rovansek,	Speaker

## NAYS—0

## NOT VOTING—3

Foster, Guthrie, Kratz,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

### COMMUNICATION AND BILL TAKEN FROM TABLE

Mr. READINGER. Mr. Speaker, I move that House Bill No. 603, Printer's No. 439 together with the communication from the Senate be taken from the table.

The motion was agreed to.



## SENATE MESSAGE

## AMENDED SENATE BILL RECALLED FROM THE GOVERNOR RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence bill numbered and entitled as follows:

## SENATE BILL No. 603.

An Act amending the act of June 24, 1937 (P. L. 2017), entitled "An act creating in each county (except of the first class) as a separate corporation, and in each city of the first and second class as a part of the city government, an institution district for the care and maintenance of certain indigent persons and children; prescribing the powers and duties of county commissioners, county treasurers, city departments of public welfare, the State Department of Welfare and the State Department of Public Assistance in respect thereto; abolishing certain poor districts and terminating the terms of directors, overseers, guardians and managers of the poor and poor district auditors, and providing for the temporary employment of certain of them; providing for the transfer, vesting, sale and disposition of the property of poor districts and the payment of their obligations; imposing certain existing obligations; imposing certain existing obligations on institution districts and on the Commonwealth; regulating the affairs of poor districts until abolished; revising, amending, changing and consolidating the law relating to the care of the poor; and repealing existing laws," authorizing the sale of surplus farm products and other personal property.

Said bill having been recalled from the Governor for the purpose of amendment. The vote had on final passage and third reading on said bill was reconsidered in the Senate and the bill amended, in which amendments the concurrence of the House of Representatives is requested.

Th SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend Section 1, page 3, line 18, by inserting after the word "approve" the words "by resolution or ordinance"; page 3, line 20, by striking out after the word "at" the words "five hundred dollars (\$500)" and inserting in lieu thereof the words "Two hundred dollars (\$200)"; page 4, line 8, by striking out after the word "than" the words "five hundred dollars (\$500)" and inserting in lieu thereof the words "two hundred dollars (\$200)."

On the question,

Will the House concur in the amendments made by the Senate?

Mr. READINGER. Mr. Speaker, I request that the House concur in the amendments made by the Senate.

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

## YEAS—204

Adam,	Gaffney,	Mahan,	Royer,
Agnew,	Garlock,	Markley,	Rubin,
Amarando,	Gelfand,	Maxwell,	Rudisill,
Anderson, M. S.,	George,	McCann,	Sarraf,
Anderson, S. A.,	Gibb,	McCormack,	Scarcelli,
Ashton,	Gibson,	McGee,	Schuster,
Auker,	Gramlich,	McInroy,	Sherman,
Banker,	Greenwood,	McKeever,	Sigman,
Barnatovich,	Goldstein,	McLaughlin,	Smith, C. C.,
Bazin,	Guss,	McWherter,	Smith, Wm. B.,
Bell,	Hamilton, W. H.,	Meholchick,	Snider,
Blair,	Hass,	Metz,	Stank,
Boles,	Haudenschild,	Miller,	Stebbins,
Bonner,	Heavey,	Mihm,	Steckel,
Boory,	Helm,	Mikula,	Stephens,
Bower,	Henzel,	Mills,	Stevenson,
Branca,	Hewitt,	Monroe,	Stone,
Breisch,	Hocker,	Moody,	Stoner,
Brennan, A. P.,	Holt,	Moran,	Strausser,
Brennan, J. J.,			

Brenninger,	Horst,	Moscrip,	Stroup,
Breth,	Houk,	Muldowney,	Swartz,
Brown,	Isaacs,	Mullen,	Taylor,
Buechin,	Jenkins,	Munley,	Toll,
Bullen,	Johnson,	Murphy,	Thomas,
Capano,	Jones, G. E.,	Murray, H. P.,	Thompson,
Cianfrani,	Jones, T. H. W.,	Murray, J. J.,	Tompkins,
Cioffi,	Jump,	Murray, P. G.,	Toomey,
Cochran,	Kamyk,	Musto,	Varallo,
Comer,	Kehler,	Naugle,	Varnier,
Connelly,	Keller,	Needham,	Vaughan,
Cooper,	Kent,	Ogilvie,	Verona,
Curwood,	Kline,	Olsen,	Wall,
Davis,	Knecht,	O'Neill,	Wallace,
Donahue,	Kolankiewicz,	Pacchioli,	Walsh,
Donaldson,	Kooker,	Parry,	Wargo,
Dougherty,	Kornick,	Pashley,	Waterhouse,
Down,	Kromer,	Paulhamus,	Weldner,
Ehrgood,	Lafore,	Petrosky,	Welsh,
Ellberg,	Lawyer,	Pettigrew,	Wescott,
Erb,	Leiby,	Polaski,	Wheeler,
Eshleman,	Leisey,	Polen,	Whitenight,
Ewing,	Leonard,	Pomeroy,	Willaredt,
Farabaugh,	Leven,	Price,	Williams,
Filo,	Light,	Pursley,	Wilt,
Fineman,	Limper,	Readinger,	Wood,
Flint,	Lippincott,	Reibman,	Worley,
Floyd,	Lopresti,	Reidenbach,	Yetter,
Flynn,	Lovett,	Renwick,	Yetter,
Frank,	Lutty,	Rigby,	Young,
Frascella,	Magee,	Rosen,	Ziegler,
Frost,		Rovanseck,	Andrews,

Speaker

## NAYS—0

## NOT VOTING—3

Foster,	Guthrie,	Kratz,
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The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

## SENATE MESSAGE

## AMENDED SENATE BILL RECALLED FROM THE GOVERNOR RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence bill numbered and entitled as follows:

## SENATE BILL No. 475.

An Act amending the act of August 22, 1953 (P. L. 1344) entitled "An act relating to marriage and amending revising consolidating and changing the law relating thereto" further regulating the issuance of marriage licenses when applicants are infected with syphilis.

Said bill having been recalled from the Governor for the purpose of amendment. The vote had on final passage and third reading on said bill was reconsidered in the Senate and the bill amended, in which amendments the concurrence of the House of Representatives is requested.

Th SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend bill, Section 1, line 1 by striking out after the figure "1" the word "Section" and inserting in lieu thereof the following: "Subsection (a) of"; line 3, by striking out after the word "amended" the following: "by adding a new subsection at the end thereof"; Section 5, page 2, line 7 by striking out the following: and insert in lieu thereof the following: (a) Until there shall be in the possession of the Clerk of The Orphans' Court a statement or statements signed by a duly licensed physician of the Commonwealth of Pennsylvania or any commissioned medical officer in the United States Army or Navy or any physician in the Public Health Service of the Federal Government that each applicant within thirty days of the application for the marriage license has submitted to



an examination to determine the existence or non-existence of syphilis which examination has included a standard serological test or tests for syphilis and that in the opinion of the examining physician the applicant is not infected with syphilis [or if so infected is not in a stage of that disease which is likely to become communicable] the physician's statement shall be accompanied by a statement from the person in charge of the laboratory making the test or from some other person authorized to make such statement setting forth the name of the test the date it was made the exact name and address blood was tested but not setting forth the result of the test and such other facts as the Department of Health may deem necessary to determine whether the applicant is infected with syphilis in a stage of that disease likely to become communicable

On the question,

Will the House concur in the amendments made by the Senate?

Mr. READINGER. Mr. Speaker, I request that the House concur in the amendments made by the Senate.

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

## YEAS—203

Adam,	Frost,	Magee,	Royer,
Agnew,	Gaffney,	Mahan,	Rubin,
Amarando,	Garlock,	Markley,	Rudisill,
Anderson, M. S.,	Gelfand,	Maxwell,	Sarra,
Anderson, S. A.,	George,	McCann,	Scarcell,
Ashton,	Gibb,	McCormack,	Schuster,
Auker,	Gibson,	McGee,	Sherman,
Banker,	Goldstein,	McInroy,	Sigman,
Barnatovich,	Gramlich,	McKeever,	Smith, C. O.,
Bazin,	Greenwood,	McLaughlin,	Smith, Wm. B.,
Bell,	Guss,	McWherter,	Snider,
Blair,	Hamilton, W. H.,	Meholchick,	Stank,
Boles,	Hass,	Metz,	Stebbins,
Bonner,	Haudenshield,	Mihm,	Steckel,
Boory,	Heavey,	Mikula,	Stephens,
Bower,	Helm,	Miller,	Stevenson,
Branca,	Henzel,	Mills,	Stone,
Brelsch,	Hewitt,	Monroe,	Stoner,
Brennan, A. P.,	Hocker,	Moody,	Strausser,
Brennan, J. J.,	Holt,	Moran,	Stroup,
Brenninger,	Horst,	Moscrip,	Swartz,
Breth,	Houk,	Muldowney,	Taylor,
Brown,	Isaacs,	Mullen,	Thomas,
Bucchin,	Jenkins,	Munley,	Thompson,
Bullen,	Johnson,	Murphy,	Toll,
Capano,	Jones, G. E.,	Murray, H. P.,	Tompkins,
Clanfrani,	Jones, T. H. W.,	Murray, J. J.,	Toomey,
Cloff,	Jump,	Murray, P. G.,	Varallo,
Cochran,	Kamyk,	Musto,	Varner,
Comer,	Kehler,	Naugle,	Vaughan,
Connelly,	Keller,	Needham,	Verona,
Cooper,	Kent,	Ogilvie,	Wall,
Curwood,	Kline,	Olsen,	Wallace,
Davis,	Knecht,	O'Neil,	Walsh,
Donahue,	Kolankiewicz,	Pacchioli,	Wargo,
Donaldson,	Kooker,	Parry,	Waterhouse,
Dougherty,	Kornick,	Pashley,	Weidner,
Down,	Kornick,	Paulhamus,	Welsh,
Ehrgood,	Kromer,	Petrosky,	Wescott,
Ellberg,	Lafore,	Pettigrew,	Wheeler,
Erb,	Lawyer,	Polaski,	Whitnight,
Eshleman,	Leiby,	Polen,	Willaredt,
Evling,	Lelsey,	Pomeroy,	Williams,
Farabaugh,	Leonard,	Price,	Wilt,
Filo,	Leven,	Pursley,	Wood,
Fineman,	Light,	Readinger,	Yetter,
Flint,	Limper,	Reibman,	Yetzer,
Floyd,	Lippincott,	Reidenbach,	Young,
Flynn,	Lopresti,	Renwick,	Ziegler,
Frank,	Lovett,	Rigby,	Andrews,
Frascella,	Lutty,	Rosen,	Speaker
		Rovansek,	

## NAYS—1

Worley,

## NOT VOTING—3

Poster,

Guthrie,

Kratz,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

## SENATE MESSAGE

## SENATE BILL FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence, bill numbered and entitled as follows:

## SENATE BILL No. 446.

An Act providing for examination by the Workmen's Compensation Board of persons prior to appointment or reappointment as workmen's compensation referees.

Referred to the Committee on Labor Relations.

## PERMISSION TO ADDRESS HOUSE

Mr. READINGER asked and obtained unanimous consent to address the House.

Mr. Speaker, during yesterday's proceedings after the sales tax was soundly defeated, the Minority Leader suggested that we immediately reconsider the vote by which it was defeated and place it on the final passage postponed calendar.

Being a little bit tired at the time, I did not want to make a decision on it, but I have made one since.

I would now suggest that the bill remain in its present condition, dead, inasmuch as we have five legislative days within which to revive it if the decision is finally made to do so.

In the course of our discussion yesterday somebody advanced the idea, I don't know whether it was the Speaker or the Minority Floor Leader, that we immediately resume negotiations seeking to solve this tax problem, but not behind closed doors. Whose idea that was I do not remember and it does not make much difference.

At this time I would like to publicly and emphatically invite the Minority Floor Leader to have lunch with me somewhere out in the open where we can discuss social matters and not touch on taxes. The word "tax," as far as I am concerned, will not even be mentioned. Every time I meet a newspaperman he wants to know whether we are going to meet and where we are going to meet. Up to this time I have not known myself, but I am now inviting Mr. Smith to have lunch with me.

I might add that the Press is not invited because these are purely social matters that we are going to discuss. I hope the gentleman will see fit to accept my invitation. This will be at my own expense, not his.

The SPEAKER pro tempore. Does the Minority Leader desire to be recognized at this time?

Mr. CHARLES C. SMITH. I certainly do. I don't get invitations like that too often.

I would suggest to the Majority Leader, if he is doing this in good faith, and I know he is, that probably if we could eat at the Tavern we might give the Press advance notice and we could reserve a table for ten. Then, if we should mention taxes, they would be eating beside us and it would be perfectly clear, it would be in the open.

As long as it is on the Majority Leader, I suggest we do that right away, reserve a table for ten.

Mr. READINGER. Mr. Speaker, knowing the members



of the Press, that place is much too expensive for them to eat in. I suggest we eat some other place.

**ADJOURNMENT**

Mr. NEEDHAM. Mr. Speaker, I move that this House

do now adjourn until Monday, January 30, 1956 at 1:00 p.m.

The motion was agreed to, and (at 12:13 p.m.) the House adjourned.



# Legislative Journal.

Session 1955.

141st of the General Assembly.

Vol. 34.

HARRISBURG, PA., MONDAY, JANUARY 30, 1956.

No. 131.

## SENATE

MONDAY, January 30, 1956.

The Senate met at 1:00 o'clock p. m., Eastern Standard Time.

The PRESIDENT (Lieutenant-Governor Roy E. Furman) in the Chair.

### PRAYER

The Chaplain, Rev. GEORGE D. WOLFE, Pastor of St. Peter's and St. Paul's Lutheran Churches, Erie, offered the following prayer:

Let us pray.

Lord God of Hosts, merciful Father of all who believe, we remember in humble praise how Thou hast ruled by Thy Spirit in the councils of Nations and of States, ever making perfect Thy strength in human weakness, overruling errors and making even the foolish wrath of men to praise Thee. Thou hast promised to be with us to the end of the ages, even in the affairs of this great Commonwealth of ours. Fulfill again Thy promises that in the business in which these chosen leaders in the Senate of our State are engaged Thy love and Thy wisdom shall prevail.

We pray that Thou wilt bless each one, for Thou knowest their strength and their weakness, their desires and their needs, their motives and their hopes. Wilt Thou cast the mantle of Thy strength and wisdom about them, that they may feel the resurgence of hope in the pressing business before them.

May each of us remember that Thou art concerned about all that is said here, and may everyone have a clear conscience before Thee. Bless us, one and all, according to our greatest need, and use us for Thy honor and glory. We ask in all humility, in the name of Jesus Christ, our Lord, Who liveth and reigneth with Thee and the Holy Ghost, ever one God, world without end, Amen.

### JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. FLEMING and Mr. LANE, further reading was dispensed with, and the Journal was approved.

### LEAVES OF ABSENCE

Mr. FLEMING asked and obtained leave of absence for Mr. PECHAN, due to illness.

Mr. RUTH asked and obtained leave of absence for Mr. DERK, for the week, due to illness.

### COMMUNICATIONS FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows:

APPROVED AND SIGNED SENATE BILL No. 511,  
PRINTER'S No. 365

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, January 26, 1956.  
To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed Senate Bill No. 511, Printer's No. 365, entitled "An act amending the act of April 12, 1951 (P. L. 90) entitled 'An act relating to alcoholic liquors alcohol and malt and brewed beverages amending revising consolidating and changing the laws relating thereto regulating and restricting the manufacture purchase sale possession consumption importation transportation furnishing holding in bond holding in storage traffic in and use of alcoholic liquors alcohol and malt and brewed beverages and the persons engaged or employed therein defining the powers and duties of the Pennsylvania Liquor Control Board providing for the establishment and operation of State liquor stores for the payment of certain license fees to the respective municipalities and townships for the abatement of certain nuisances and in certain cases for search and seizure without warrant prescribing penalties and forfeitures providing for local option and repealing existing laws' regulating the exchange of and further limiting the transfer of licenses permitting transfer of distributor's and importing distributor's licenses anywhere within the same county."

GEORGE M. LEADER.

APPROVED AND SIGNED SENATE CONCURRENT  
RESOLUTION RECALLING SENATE BILL No. 773  
FROM THE GOVERNOR

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, January 24, 1956.  
To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed Senate Concurrent Resolution recalling from the Governor Senate Bill No. 773, Printer's No. 422, for the purpose of amendment.

Accordingly, the original bill is herewith returned.

GEORGE M. LEADER.

The PRESIDENT. The bill will be laid on the table.



### NOMINATION BY THE GOVERNOR REFERRED TO COMMITTEE

He also presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Executive Nominations:

#### JUSTICE OF THE PEACE

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, January 30, 1956.  
To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Patrick Wm. McGuire, 142 Fern Street, Freeland, Luzerne County, for reappointment as Justice of the Peace in and for the Township of Foster, Luzerne County, to serve until the first Monday of January 1958.

GEORGE M. LEADER.

#### ALDERMAN

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, January 30, 1956.  
To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Samuel E. Cutler, 442 Croton Avenue, New Castle, Lawrence County, for appointment as Alderman in and for the Third Ward of the City of New Castle, Lawrence County, to serve until the first Monday of January 1958, vice J. C. Kennedy, deceased.

GEORGE M. LEADER.

#### JUSTICE OF THE PEACE

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, January 30, 1956.  
To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Max Foster, Box 224, Alexandria, Huntingdon County, for reappointment as Justice of the Peace in and for the Borough of Alexandria, Huntingdon County, to serve until the first Monday of January 1958.

GEORGE M. LEADER.

#### MEMBERS OF COUNTY BOARDS OF ASSISTANCE

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, January 30, 1956.  
To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as members of County Boards of Assistance:

#### ALLEGHENY COUNTY

Jacob Mathos (Dem.), 251 Bellwood Road, R. D. 1, Homestead, Allegheny County, to serve until December 31, 1958, and until his successor is duly appointed and qualified, vice Mrs. Alice McMillen, Carnegie, whose term expired.

#### McKEAN COUNTY

Walter R. Peoria (Rep.), 23 East Main Street, Bradford, McKean County, to serve until December 31, 1958, and until his successor is duly appointed and qualified, vice George M. Fleming, Port Allegheny, resigned.

GEORGE M. LEADER.

### HOUSE MESSAGES

#### HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives being introduced, presented for concurrence bills of the House, as follows:

House Bill No. 110, entitled:

An Act amending the act of April 9, 1929 (P. L. 177), entitled "Administrative Code of 1929," designating the days on which State employes shall be paid and repealing inconsistent legislation.

Which was committed to the Committee on State Government.

House Bill No. 1857, entitled:

An Act amending the act of May 2, 1925 (P. L. 448), entitled "Fish Law of 1925," authorizing refunds of fees, fines and other moneys erroneously or unjustly collected.

Which was committed to the Committee on Forests and Waters, Game and Fish.

House Bill No. 1871, entitled:

An Act amending the act of June 3, 1937 (P. L. 1225), entitled "The Game Law," regulating refund of fees, fines or other moneys erroneously or unjustly collected and deposited; and appropriating moneys from the Game Fund for the refund of fees, fines or other moneys unjustly collected.

Which was committed to the Committee on Forest and Waters, Game and Fish.

House Bill No. 1914, entitled:

An Act authorizing the Department of Property and Supplies, with the approval of the Governor, to sell and convey, one acre and eighteen square perches or less, of land, situate in Buckingham Township, Bucks County.

Which was committed to the Committee on State Government.

House Bill No. 1926, entitled:

An Act amending the act of March 10, 1949 (P. L. 30), entitled "Public School Code of 1949" authorizing the re-assessment of certain property in school districts of the third and fourth class in certain cases, and imposing liability for school taxes upon the owners thereof.

Which was committed to the Committee on Education.

House Bill No. 1933, entitled:

Amending "The Administrative Code of 1929," approved April 9, 1929 (P. L. 177), clarifying institutions for the deaf subject to supervision and inspection of the State Council of Education.

Which was committed to the Committee on Education.

House Bill No. 1944, entitled:

An Act to amend the "State Council of Civil Defense Act of 1951" approved the nineteenth day of March, one thousand nine hundred fifty-one (1951-1952 P. L. 28) \* \* \* by authorizing the State Council of Civil Defense to make rules and regulations.

Which was committed to the Committee on State Government.



House Bill No. 1953, entitled:

An Act to further amend section four hundred fifteen of the act, approved the first day of May, one thousand nine hundred twenty-nine (P. L. 905) entitled 'An act for the protection of the public safety . . . by permitting Secretary of Revenue to provide for the sale by subscription or otherwise of lists of learner's permits as issued.

Which was committed to the Committee on Highways.

House Bill No. 1958, entitled:

An Act amending the "State Workmen's Insurance Fund Law," approved June 2, 1915 (P. L. 762), extending insurance coverage provisions for policemen and firemen, authorizing the board to fix premiums and to contract for supplying additional hospital and other services.

Which was committed to the Committee on Labor and Industry.

#### HOUSE CONCURS IN SENATE BILL No. 274

He also returned to the Senate, Senate Bill No. 274, entitled:

An Act amending the act of June 3, 1937 (P. L. 1333), entitled "Pennsylvania Election Code," increasing the terms of office of judges and inspectors of elections.

with the information that the House has passed the same without amendments.

#### HOUSE CONCURS IN SENATE BILL No. 685

He also returned to the Senate, Senate Bill No. 685, entitled:

An Act amending the act of June 24, 1939 (P. L. 685), entitled "An act designating certain life insurance companies as limited life insurance companies, and further describing the powers thereof," further regulating the powers of limited life insurance companies.

with the information that the House has passed the same without amendments.

#### HOUSE CONCURS IN SENATE BILL No. 692

He also returned to the Senate, Senate Bill No. 692, entitled:

An Act amending the act of June 28, 1951 (P. L. 638), entitled "Register of Wills Act of 1951," changing the procedure on probate of wills probated outside the Commonwealth.

with the information that the House has passed the same without amendments.

#### HOUSE CONCURS IN SENATE BILL No. 693

He also returned to the Senate, Senate Bill No. 693, entitled:

An Act amending the act of August 10, 1951 (P. L. 1163), entitled, as amended, "Orphans' Court Act of 1951," conferring exclusive jurisdiction on orphans' courts over the administration and distribution of incompetents' estates, and on the orphans' court of Philadelphia County over inter vivos trusts and revising the procedure on and effect of jury trials and the availability of jurors.

with the information that the House has passed the same without amendments.

#### HOUSE CONCURS IN SENATE BILL No. 694

He also returned to the Senate, Senate Bill No. 694, entitled:

An Act repealing the act of June 7, 1917 (P. L. 337), entitled "Orphan's Court Partition Act of 1917," with exceptions.

with the information that the House has passed the same without amendments.

#### HOUSE CONCURS IN SENATE BILL No. 759

He also returned to the Senate, Senate Bill No. 759, entitled:

An Act amending the act of March 10, 1949 (P. L. 30) entitled "Public School Code of 1949," limiting reimbursement for depreciation to school districts using their own vehicles in pupil transportation.

with the information that the House has passed the same without amendments.

#### HOUSE CONCURS IN SENATE BILL No. 842

He also returned to the Senate, Senate Bill No. 842, entitled:

An Act amending the act of May 15, 1939 (P. L. 134), entitled, as amended, "An act relating to fireworks; . . ." authorizing the issuance of permits for and the use of fireworks in connection with raising and protecting crops.

with the information that the House has passed the same without amendments.

#### HOUSE CONCURS IN SENATE BILL No. 853

He also returned to the Senate, Senate Bill No. 853, entitled:

An Act amending the act of May 23, 1949 (P. L. 1669), entitled, as amended, "An act to provide revenue for school districts of the first class by imposing a tax on persons engaging in certain business, professions, occupations, trades, vocations and commercial activities therein; . . ." excluding certain costs from the term "receipts."

with the information that the House has passed the same without amendments.

#### HOUSE CONCURS IN SENATE BILL No. 862

He also returned to the Senate, Senate Bill No. 862, entitled:

An Act amending the act of June 16, 1836 (P. L. 715), entitled "An act relating to Reference and Arbitration," providing by rule of the County Court of Allegheny County for the arbitration of certain suits at issue.

with the information that the House has passed the same without amendments.

#### HOUSE CONCURS IN SENATE BILL No. 871

He also returned to the Senate, Senate Bill No. 871, entitled:

An Act authorizing certain mutual insurance companies, other than life insurance companies, now in existence under the provisions of the act of May 17, 1921 (P. L. 682), its supplements and amendments, to reincorporate as mutual life insurance companies; outlining the requirements and procedure; and defining the rights of dissenting members.

with the information that the House has passed the same without amendments.

#### HOUSE APPROVES REORGANIZATION PLAN No. 6

He also informed the Senate that the House adopted,



on January 24, 1956, the following Resolution approving Reorganization Plan No. 6:

"Resolved, that Reorganization Plan No. 6 of 1955, transmitted to the General Assembly under date of December 20, 1955, which is incorporated herein by reference be approved."

HOUSE CONCURS IN AMENDMENTS TO  
HOUSE BILL No. 641

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 641, entitled:

An Act amending the act of May 1, 1933 (P. L. 103), entitled "The Second Class Township Law," authorizing the appointment of boards of health and health officers; prescribing their powers and duties; providing for the enforcement of the administration of health laws by such board and officers; providing for a president and secretary of such boards; imposing duties on the Secretary of Health, and providing for payments of expenses by townships.

HOUSE CONCURS IN AMENDMENTS TO  
HOUSE BILL No. 1222

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 1222, entitled:

An Act to further amend the act approved the twenty-third day of May one thousand nine hundred forty-nine (P. L. 1669), entitled as amended "An act to provide revenue for school districts of the first class by imposing a tax on persons engaging in certain business professions occupations trades vocations and commercial activities therein providing for its levy and collection conferring and imposing powers and duties on the Board of Public Education receiver of school taxes and school treasurer in such districts and prescribing penalties," as amended by further defining "receipts."

HOUSE CONCURS IN AMENDMENTS TO  
HOUSE BILL No. 1223

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 1223, entitled:

An Act amending the act of May 23, 1949 (P. L. 1669), entitled as amended "An act to provide revenue for school districts of the first class by imposing a tax on persons engaging in certain businesses, professions, occupations, trades, vocations and commercial activities therein; providing for its levy and collection; conferring and imposing powers and duties on the Board of Public Education, received of school taxes and school treasurer in such districts; and prescribing penalties," changing the method of computing the tax of certain taxpayers; changing the penalty on taxes not paid when due; defining business to include activities of cooperatives; and limiting the time within which suit may be started for collection of taxes.

HOUSE CONCURS IN AMENDMENTS TO  
HOUSE BILL No. 1674

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 1674, entitled:

An Act making an appropriation to the Department of Welfare for the two fiscal years beginning June 1, 1955, to assist in the payment of the operation and maintenance by the Trustees of the Mercy-Douglas Hospital of the addition to Philadelphia State Hospital, constructed by The General State Authority.

HOUSE CONCURS IN AMENDMENTS TO  
SENATE BILL No. 475, RECALLED FROM  
THE GOVERNOR

He also informed the Senate that the House has concurred in amendments made by the Senate to Senate Bill No. 475, entitled:

An Act amending the act of August 22, 1953 (P. L. 1344) entitled "The Marriage Law," further regulating the issuance of marriage licenses when applicants are infected with syphilis.

Said bill having been recalled from the Governor for the purpose of amendment. The votes had on final passage and third reading were considered in the Senate and the bill amended.

HOUSE CONCURS IN AMENDMENTS TO  
SENATE BILL No. 603, RECALLED FROM  
THE GOVERNOR

He also informed the Senate that the House has concurred in amendments made by the Senate to Senate Bill No. 603, entitled:

An Act amending the act of June 24, 1937 (P. L. 2017), entitled "County Institution District Law," authorizing the sale of surplus farm products and other personal property.

Said bill having been recalled from the Governor for the purpose of amendment. The votes had on final passage and third reading were reconsidered in the Senate and the bill amended.

HOUSE CONCURS IN AMENDMENTS TO  
SENATE BILL No. 722, RECALLED FROM  
THE GOVERNOR

He also informed the Senate that the House has concurred in amendments made by the Senate to Senate Bill No. 722, entitled:

An Act amending the act of May 1, 1929 (P. L. 905), entitled "Vehicle Code," regulating issuance of registration plates to newspaper, newsreel or television photographers.

Said bill having been recalled from the Governor for the purpose of amendment. The votes had on final passage and third reading were reconsidered in the Senate and the bill amended.

SENATE BILL No. 215 RETURNED WITH  
AMENDMENTS

He also returned to the Senate, Senate Bill No. 215, entitled:

An Act amending the act of March 10, 1949 (P. L. 30), entitled "Public School Code of 1949," changing the basis for reimbursement on account of rentals payable to the State Public School Building Authority, municipality authorities and nonprofit corporations.

with the information that the House has passed the same with amendments in which the concurrence of the Senate is requested.



The PRESIDENT. The bill, as amended, will appear on tomorrow's Calendar.

SENATE BILL No. 686 RETURNED WITH  
AMENDMENTS

He also returned to the Senate, Senate Bill No. 686, entitled:

An Act amending the act of May 7, 1935 (P. L. 130), entitled "An act providing for the service of process in civil suits on nonresident operators or nonresident owners, or a resident who becomes a nonresident and conceals his whereabouts, of aircraft operated within or above the Commonwealth of Pennsylvania; . . ." making the consent deemed to have been given by a nonresident operator or owner of an aircraft involved in an accident or collision within this Commonwealth for appointment of the Secretary of the Commonwealth as his agent for service of process irrevocable and binding upon his personal representatives; providing for service of process when the nonresident operator or owner has died prior to the commencement of an action, and making changes to conform with existing laws.

with the information that the House has passed the same with amendments in which the concurrence of the Senate is requested.

The PRESIDENT. The bill, as amended, will appear on tomorrow's Calendar.

SENATE BILL No. 687 RETURNED WITH  
AMENDMENTS

He also returned to the Senate, Senate Bill No. 687, entitled:

An Act amending the act of May 14, 1929 (P. L. 1721), entitled "An act providing for the service of process in civil suits on nonresident operators, or nonresident owners, of motor vehicles operated within the Commonwealth of Pennsylvania and making the operation of such a motor vehicle on the public highways of the Commonwealth of Pennsylvania the equivalent of the appointment of the Secretary of Revenue of the Commonwealth of Pennsylvania as the agent of the said nonresident, upon whom civil process may be served; and providing for further notice to the defendant in any such suit," making the consent deemed to have been given by a nonresident operator or owner of a motor vehicle involved in an accident or collision within this Commonwealth for appointment of the Secretary of the Commonwealth as his agent for service of process irrevocable and binding upon his personal representatives; providing for service of process when the nonresident operator or owner has died prior to the commencement of an action, and making changes to conform with existing law.

with the information that the House has passed the same with amendments in which the concurrence of the Senate is requested.

The PRESIDENT. The bill, as amended, will appear on tomorrow's Calendar.

SENATE BILL No. 689 RETURNED WITH  
AMENDMENTS

He also returned to the Senate, Senate Bill No. 689, entitled:

An Act amending the act of April 24, 1947 (P. L. 89), entitled "Wills Act of 1947," revising and changing provisions relating to foreign wills, divorce, *inter vivos* trusts and insurance affecting right of spouse taking against a will, rights of adopted persons and illegitimates in lapsed and void devises and legacies, and appointment of guardian of property passing to a minor upon testator's death whether or not passing under the will.

with the information that the House has passed the same with amendments in which the concurrence of the Senate is requested.

The PRESIDENT. The bill, as amended, will appear on tomorrow's Calendar.

SENATE BILL No. 690 RETURNED WITH  
AMENDMENTS

He also returned to the Senate, Senate Bill No. 690, entitled:

An Act amending the act of April 24, 1947 (P. L. 80), entitled "Intestate Act of 1947," and repealing parts thereof, limiting right of a spouse on partial intestacy and in selection of allowance; and revising procedure for setting aside spouse's allowance, establishing title to real estate where spouse claims entire estate, and distribution to the Commonwealth as statutory heir.

with the information that the House has passed the same with amendments in which the concurrence of the Senate is requested.

The PRESIDENT. The bill, as amended, will appear on tomorrow's Calendar.

SENATE BILL No. 691 RETURNED WITH  
AMENDMENTS

He also returned to the Senate, Senate Bill No. 691, entitled:

An Act amending the act of April 24, 1947 (P. L. 100), entitled "Estates Act of 1947," revising and changing provision relating to power of court to terminate trusts heretofore created, release or disclaimer by beneficiary of spendthrift trust, income accumulations, conveyances to defeat marital rights, and *inter vivos* trusts and insurance affecting right of spouse taking against a will.

with the information that the House has passed the same with amendments in which the concurrence of the Senate is requested.

The PRESIDENT. The bill, as amended, will appear on tomorrow's Calendar.

SENATE BILL No. 696 RETURNED WITH  
AMENDMENTS

He also returned to the Senate, Senate Bill No. 696, entitled:

An Act relating to the administration and distribution of incompetents' estates both as to real and personal property, and the procedure relating thereto; including the disposition of such estates or portions thereof and the determination of title thereto without the appointment of a guardian in certain cases; the appointment, bond, removal and discharge of guardians of such estates, their powers, duties and liabilities, the rights of persons dealing with such guardians, and the rights of persons claiming an interest in such estates or in property distributed therefrom whether as claimants or distributees, and containing provisions concerning the determination of incompetency and the powers, duties and liabilities of foreign guardians; and also generally dealing with the jurisdiction, powers and procedure of the orphans' court and the common pleas court relating to incompetents' estates.

with the information that the House has passed the same with amendments in which the concurrence of the Senate is requested.

The PRESIDENT. The bill, as amended, will appear on tomorrow's Calendar.



**BILLS SIGNED**

The President (Lieutenant-Governor Roy E. Furman) announced that the Chief Clerk having reported that the following bills had passed both houses of the General Assembly and the same being correct, the titles were publicly read as follows:

House Bill No. 641, entitled:

An Act amending the act of May 1, 1933 (P. L. 103), entitled "The Second Class Township Law," authorizing the appointment of boards of health and health officers; prescribing their powers and duties; providing for the enforcement of the administration of health laws by such board and officers; providing for a president and secretary of such boards; imposing duties on the Secretary of Health, and providing for payments of expenses by townships.

House Bill No. 970, entitled:

An Act amending the Act of May 1, 1929 (P. L. 905), entitled "Vehicle Code," by changing requirements and penalties concerning lamps and illuminating devices.

House Bill No. 1222, entitled:

An Act to further amend the act approved the twenty-third day of May one thousand nine hundred forty-nine (P. L. 1669), entitled as amended "An act to provide revenue for school districts of the first class by imposing a tax on persons engaging in certain business professions occupations trades vocations and commercial activities therein providing for its levy and collection conferring and imposing powers and duties on the Board of Public Education receiver of school taxes and school treasurer in such districts and prescribing penalties," as amended by further defining "receipts."

House Bill No. 1223, entitled:

An Act amending the act of May 23, 1949 (P. L. 1669), entitled as amended "An act to provide revenue for school districts of the first class by imposing a tax on persons engaging in certain businesses, professions, occupations, trades, vocations and commercial activities therein; providing for its levy and collection; conferring and imposing powers and duties on the Board of Public Education, receiver of school taxes and school treasurer in such districts; and prescribing penalties," changing the method of computing the tax of certain taxpayers; changing the penalty on taxes not paid when due; defining business to include activities of cooperatives; and limiting the time within which suit may be started for collection of taxes.

House Bill No. 1674, entitled:

An Act making an appropriation to the Department of Welfare for the two fiscal years beginning June 1, 1955, to assist in the payment of the operation and maintenance by the Trustees of the Mercy-Douglas Hospital of the addition to Philadelphia State Hospital, constructed by The General State Authority.

Whereupon,

The President (Lieutenant-Governor Roy E. Furman) in the presence of the Senate signed the same.

**REPORT FROM COMMITTEE**

Mr. CHAPMAN, from the Committee on Public Health and Welfare, re-reported as amended, Senate Bill No. 231, entitled:

An Act amending the act of May 11, 1921, (P. L. 522), entitled, as amended, "Dog Law of 1921" regulating and in certain cases prohibiting impounding and killing of unclaimed dogs, not bearing proper license tags, and

providing that in the cities of Philadelphia and Pittsburgh they shall first be offered for sale to medical schools hospitals laboratories or other scientific or educational institutions.

**BILL INTRODUCED AND REFERRED**

Mr. WADE, on behalf of Messrs. FLACK and WATKINS, read in his place and presented to the Chair Senate Bill No. 957, entitled:

An Act amending the act of June 4, 1937 (P. L. 1625), entitled "An act providing for the creation, maintenance and operation of a county employes retirement system in counties of the third class; . . ." providing for reinstatement of county employes and officers returning to county employment.

Which was committed to the Committee on Local Government.

**PERMISSION TO ADDRESS SENATE**

Mr. STIEFEL asked and obtained unanimous consent to address the Senate.

Mr. STIEFEL. Mr. President, about ten days ago, I brought to your attention the fact that one of our leading jurists in Philadelphia, Judge Vincent A. Carroll, was threatened, requiring a police guard and whatnot. A year ago, a Judge in Warren County was killed; a few months later, a Judge in Cumberland County was maimed; and from Philadelphia County, threats. This should not be tolerated, Mr. President.

Therefore, I am introducing a bill which will provide a Draconian penalty for such a threat.

**BILLS INTRODUCED AND REFERRED**

Mr. STIEFEL read in his place and presented to the Chair Senate Bill No. 958, entitled:

An Act amending the act of June 24, 1939 (P. L. 872), entitled "The Penal Code," prohibiting the intimidation of judges by threats of bodily harm.

Which was committed to the Committee on Judiciary General.

Mr. LANE read in his place and presented to the Chair Senate Bill No. 959, entitled:

An Act amending the act of July 20, 1917 (P. L. 1158), entitled "An act to fix, regulate and establish the fees to be charged and received by constables in this Commonwealth," further regulating the payment of mileage.

Which was committed to the Committee on Local Government.

Messrs. LANE and Dent read in place and presented to the Chair Senate Bill No. 960, entitled:

An Act amending the act of April 15, 1834 (P. L. 537), entitled "An act relating to counties and townships and county and township officers," changing the amount to be retained by the county treasurer from dog licenses issued by him and the amount of his compensation acting as agent for the Commonwealth.

Which was committed to the Committee on Local Government.

**PETITIONS AND REMONSTRANCES**

Mr. LANE. Mr. President and Members of the Senate, I noticed by the newspapers on Saturday that the Joint



Investigating Committee of the Senate and House, which was authorized by Senate Concurrent Resolution No. 113, to investigate conditions at Morganza, was criticized by the Secretary of Welfare because of a subject matter contained in the report.

I might say to you, Mr. President, and to the Members of the Senate and to the Secretary of Welfare, that this committee was strictly a bipartisan committee. There were no political angles in our report. I believe that the committee members applied themselves diligently to try to do a good job for the people of Pennsylvania and for those poor unfortunates who are committed to Morganza. We tried to think along a constructive line.

Under the provisions of the resolution, we have the authority to make recommendations. Of course, there is no guarantee that the recommendations are going to be carried out. However, I observed, in particular, that the Secretary of Welfare criticized our position in regard to the appointment of three Juvenile Court Judges to the Board of Trustees at Morganza. I believe the Secretary of Welfare also stated that he would not remove one member of the Board of Trustees. For the information of the Secretary of Welfare, this committee did not recommend the removal of any member of the Board of Trustees at Morganza. What we did say was that at the expiration of their respective terms, we recommended that three Juvenile Court Judges be appointed as members of this Board of Trustees. I want to tell the Membership of the Senate of our thinking along that particular line.

Mr. President, I think all of us will agree that the rehabilitation of juvenile delinquents is, itself, a specialized field. We felt—and the committee was unanimous, if you please—that the appointment of three Juvenile Court Judges would be a step in the right direction because we believe that they are specialists in that particular field. They are from the courts that commit these unfortunates to Morganza. I feel that they should have a right and a privilege and a responsibility, too, to see that these children are properly rehabilitated. We have no ax to grind with any member of the Board of Trustees at Morganza. I want the Membership to know that I am personally acquainted with a number of them and they are very fine persons. However, I feel also that we must have persons who are actually learned along that particular line to do the job.

Mr. President, we set up all sorts of standards around here and we must set some standards up at Morganza. Serving as a member of the Board of Trustees at Morganza is not like serving on a Board of Trustees at a Teachers College because you are on a highly different echelon altogether. As you know, Morganza is the only institution of its type in Pennsylvania. I feel that we were right in the position that we took.

I believe, too, that the Secretary of Welfare mentioned something about the fact that had a committee filed a report fifty years ago, it would have come up with similar recommendations. Of course, Mr. President, I do not know what happened fifty years ago. However, I, for one, feel that this is a very constructive report and I am proud to have my name on it. The Secretary of Welfare talked also about the Members of the Legislature serving as members of the Board of Trustees. By

the way, one newspaper said that our report was an indictment of the Legislature, but our thinking along the lines of putting two Members of the Legislature on this Board of Trustees was as follows:

There has always been a controversy in regard to the appropriation of moneys for institutions. We felt that if two Members of the Legislature served on the Board of Trustees at Morganza, they would be on the scene; they would be familiar with conditions; they would know whether or not the money asked for was justified. We felt we could lick the problem in that way. We also felt that this was a good suggestion. By the way, it specifically spells out that of the two Members of the Legislature, there should only be one from one major political party. Therefore, there would be a Republican and a Democrat serving on the Board of Trustees at Morganza. I feel that is a constructive approach because we, of the Legislature, especially the gentlemen from the east, actually are not familiar with Morganza just as I, from the west, am not familiar with the problems of the institutions in the east. I will be glad to have the advice and counsel of a Member of the Senate from the east to tell me what is needed in those institutions. As a Member of this Senate, I would, of course, accept his advice.

Therefore, Mr. President, I, for one, speaking as an individual, feel that this criticism was sort of unjustified. Mr. President and Members of the Senate, if you gentlemen will take the time to read the record, you will find that in the closing days of the hearings, I personally asked all participants, "Do you feel that we have conducted a fair investigation? Do you feel that we have been strictly nonpolitical? Do you feel that you have been fairly treated and do you feel that you have had time to present your case to the membership? The answer was unanimous. Each and every participant said that we had conducted the investigation upon a high plane. We did not go into Morganza to persecute or to assassinate the character of any individual. We went into Morganza with one thought in mind, and that was to do something for the poor kids who are in Morganza. We wanted to find out if we could not do something to do away with the brutality that did exist there.

If you will read the record, you will find that the Holsopple Report, which was written by a very able investigator for the Department of Welfare, set forth that these brutalities did exist. It was in writing and the superintendent had a copy laid upon his desk.

I recall, too, Mr. President, that when I talked to one of the members of the Board of Trustees at Morganza, who happened to be on the scene with a newspaper reporter at the time the children were confined to cells in the wintertime, with the windows knocked out, this particular member of the Board told me that he did not know that these conditions existed. He was a Member of the Board and for that reason I say that, with all due respect to the gentleman. He is probably busy in private life the same as I am and the same as quite a number of other people. I feel that it is a specialized field and we are not ignoring the public. Your Juvenile Court Judges are elected by the people; your Members of the Legislature are elected by the people and the other four members should be chosen from the various fields in private life.



I do not care what the newspaper editorials say. That is just the thinking of one individual. There may be a contest or controversy between the metropolitan newspapers of Pittsburgh, but that is no concern of mine. They can go ahead and fight as long as they want to. We are sworn here to do a duty and to do a job. We went out and we did the job without fear and without favor. I will stand before the Secretary of Welfare and I have written him a letter to the effect that I will answer any of his questions, either publicly or privately. I will defend this report. I feel that each and every recommendation made here in this report was made honestly. I ask that the Secretary of Welfare, at least, give these recommendations some consideration. After all, this is the action of the elected Members of the Legislature, the men who are elected to present the people. We respectfully filed this report and we respectfully urge that the Secretary of Welfare give it his consideration.

Mr. HALUSKA. Mr. President, I also happen to be a member of this committee and I fully concur in the remarks made by my colleague from Washington County, Senator Lane.

I had no intention to discuss Morganza on this floor because I felt that it was my duty to take an active part in the investigation and to do a good, conscientious job. I want to pay my respects to the members of this committee, Senator Lane, Senator Fleming and Senator Scott, who attended the meetings with me and who were sincere and honest in all deliberations. At no time were we at odds, especially politically. If at any time we were, it was not between the Democrats and Republicans. On several occasions, there were little flare-ups between Senator Lane and myself at the hearings. They were nothing of great importance, but a matter of procedure.

Mr. President, I wish this committee could put in print or I wish I could stand here today and tell this group what we know and what we have found. It would rock this Chamber. No public institutions could get any lower, morally, among the patients. That is bad; among boys and girls, girls and girls. When an employee is indicted or involved morally with trainees, it is time to take action. We are all fathers; we all have children and probably none of us can sprout any wings. However, no person in this Commonwealth would dare tolerate what we found in Morganza.

Mr. President, the Secretary of Welfare should make it his duty to call this committee in and hear it firsthand from all of us. He would be shocked. Our report is very modest, very kind. We just scratched the surface. Conditions at Morganza are intolerable. Those trainees will not be fit to go back into society. I talked personally to a little girl from Johnstown, a trainee, a beautiful little creature. She told me what she is doing and why she is doing it. I thought of my own daughter. I shuddered; I could not believe it.

Because we are trying to do a job, we are criticized. Any more publicity condemning this committee will compel me, Mr. President, to speak openly and out loud, in plain language. I promise to do that if I, as one, or any of my colleagues, are further criticized. I shall speak and ask that you clear the room in order for me to tell my colleagues what I know, what I have found and what I have learned at Morganza.

Mr. MALLERY. Mr. President, I was not a member of

the committee, but I did read the report and I wish to commend the members of the committee for their recommendations.

Quite a number of years ago—I do not remember how long ago it was—I was a Member of the Local Government Commission when we met in the western part of the State and we were taken through Morganza. It has always been my opinion that girls and boys should not be taken care of, or provided for, in the same institution. I think the recommendations of the committee are splendid.

Mr. FLEMING. Mr. President and Members of the Senate, I, too, was on that committee. I acted in the capacity of Co-Chairman, with Senator Lane. I feel that probably anyone has a right to criticize the findings of the committee if they so desire. However, as Senator Lane did, I would call to the Secretary's attention that this report was agreed to by all the members of the committee.

We spent many hours in going over the testimony, in hearing testimony and then sifting through it and coming up with what we thought were recommendations that would be for the betterment of that institution. Those recommendations were made in good faith. They were actuated, I am sure, by the finest of impulses of every member of that committee. I would also like to call the attention of the Senate to this. Secretary Shapiro was invited to appear before that committee. That invitation was ignored. Not at any one time did he appear before the committee, when we were holding hearings in Washington, Pennsylvania, and offer any suggestions that he might have.

Mr. President, I am very happy to hear Senator Maltery get up and say that he thinks we have done a good job. I certainly feel that we did a good job with our recommendations. I can only hope that at either this Session, or at succeeding Sessions of the Legislature, some of the recommendations that we did make will be put into effect so that we will have possibly a rehabilitation center not only for boys, but for girls who, unfortunately, have to be committed to such a type institution.

#### BILL INTRODUCED AND REFERRED

Mr. TAYLOR. Mr. President, I ask unanimous consent to introduce a bill at this time.

The PRESIDENT. Is there objection The Chair hears none.

Mr. TAYLOR read in place and presented to the Chair Senate Bill No. 961, entitled:

An Act amending the act of June 3, 1937 (P. L. 1225) entitled "The Game Law," authorizing the raising and disposition of nongame pheasants and eggs without propagating permits.

Which was committed to the Committee on Forests and Waters, Game and Fish.

REPORT OF INVESTIGATING COMMITTEE TO ASCERTAIN CERTAIN INFORMATION REGARDING STREAM POLLUTION IN THE LEHIGH CANAL, PURSUANT TO SENATE RESOLUTION, SERIAL No. 52

Mr. VAN SANT. Mr. President, on behalf of my col-



leagues, Senator Scott, of Carbon County, and Senator Yosko, of Northampton County, I should like to present here a report pursuant to Senate Resolution, Serial No. 52, directing myself and the other two Members of the committee to investigate the pollution of the Lehigh Canal at Walnutport, Pennsylvania.

In presenting the report to the Senate, Mr. President, a copy of which has been placed upon the desk of each Senator, I should like to express our sincere appreciation to those who cooperated with us in making the investigation, especially the Department of Justice, Fish and Game Commissions, the Department of Forests and Waters and the Department of Health. Also, I would like to express our appreciation to the Sportsmen's Clubs of Carbon, Lehigh and Northampton Counties, to the individual witnesses who appeared, to the Lehigh Restoration Association for their excellent cooperation and also to the members of the Walnutport Fire Company.

Mr. PRESIDENT, I herewith submit this committee report.

The PRESIDENT. This Report will appear in the Appendix to the Legislative Journal.

### BILL INTRODUCED AND REFERRED

Mr. DENT. Mr. President, I ask unanimous consent to introduce a bill at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. DENT read in place and presented to the Chair Senate Bill No. 962, entitled:

An Act amending the act of March 31, 1949 (P. L. 372), entitled "The General State Authority Act of 1949," in creasing the power of the Authority to borrow money and issue evidences of indebtedness therefor; and allocating the proceeds of the increased borrowing.

Which was committed to the Committee on State Government.

### SENATE CONCURRENT RESOLUTION TIME OF NEXT MEETING

Mr. SCOTT offered the following resolution which was twice read, considered and agreed to:

In the Senate, January 30, 1956.

Resolved (the House of Representatives concurring), That when the Senate adjourns this week, it reconvene Monday, February 6, 1956, at a time to be fixed by the Senate; and when the House of Representatives adjourns this week, it reconvene Monday, February 6, 1956, at a time to be fixed by the House of Representatives.

Ordered, That the Clerk present the same to the House of Representatives for concurrence.

### SENATE CONCURRENT RESOLUTION REFERRED TO COMMITTEE

### MEMORIALIZING CONGRESS TO PROVIDE ADEQUATE SAFEGUARDS, INCLUDING IMPORT QUOTAS, IN TARIFF AND TRADE LEGISLATION

Messrs. WAGNER, VAN SANT and SCOTT offered the following resolution which was twice read and referred to the Committee on Constitutional Changes and Federal Relations:

In the Senate, January 30, 1956.

Whereas, The increased importation of numerous prod-

ucts that come into competition with the output of factories, farms and mines of Pennsylvania, replacing the products of Pennsylvania's industries, is a constant menace to the State's continuing economic stability;

Whereas, The lower wages paid abroad make it impossible for many of our smaller and medium-sized producers to compete with imports without resorting to ruinous price-cutting, which in turn would result either in financial losses or heavy pressure for wage reductions and outright unemployment; and

Whereas, Our National obligations have reached such extreme proportions that the National income must be maintained at its present unprecedented high level, or close thereto, lest we become involvent; and

Where as, Unemployment caused by the imports of residual oil which increased 300% from an average of 45 million barrels in 1946, to more than 136 million barrels in 1954, or the yearly equivalent of 33 million tons of coal; and unemployment caused by imports of crude oil; various types of glass, steel, aluminum, brass and zinc products; pottery and chinaware; granite, tiles, cement, hardwood, plywood, hardware, plumbing, flat glass and other building supplies, lace, carpets and all kinds of woolen, cotton and synthetic fibre manufactured goods; leather and fabric gloves; bicycles; hydraulic turbines; machine tools and other machinery; heavy electrical equipment and other electrical industry products and electronics; watches, clocks and parts; optical industry products; cutlery; scientific apparatus; pencils and pens; pins, clips and fasteners; soft fibre; insulation board and manufactured cork products; chemicals; toys; mushrooms; farm, dairy and dried milk products, wallpaper, hats and millinery, printing industry products ladies hand bags and leather goods; nails, wire, screws, bolts and nuts and many other commodities; will render the upholding of the economy at its high levels most uncertain and difficult, unless all import trade is placed on a fair competitive basis and the potential injury therefrom thus eliminated; and

Whereas, Agricultural products such as wheat, wheat flour, cotton, butter, cheese and peanuts enjoy the protection of import quotas; and

Whereas, A maximum of satisfactory trade results from a prosperous domestic economy freed from the threat of a breakdown resulting from unfair import competition; therefore be it

Resolved (if the House of Representatives concurs), that the General Assembly of the Commonwealth of Pennsylvania hereby memorialize the Congress of the United States that adequate safeguards be provided in tariff and trade legislation, including import quotas, against the destruction or lowering of our American standard of living, the labor standard of our workmen, and the stability of our economy by unfair import competition and that the existing trade agreement legislation be amended accordingly; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, the Vice President of the United States the Secretary of State, the Secretary of Commerce, the Secretary of Labor, the Secretary of Agriculture, the Chairman of the United States Tariff Commission, the Speaker of the House of Representatives, and each Senator and Representative from Pennsylvania in the Congress of the United States.

### PERMISSION TO ADDRESS SENATE

Mr. STIEFEL asked and obtained unanimous consent to address the Senate.

Mr. STIEFEL. Mr. President, I am about to present a lengthy resolution on behalf of myself and my colleagues, Senator Dent and Senator Barr.

Mr. President, I do not hail from Pittsburgh; I am from Philadelphia. Therefore, I do not have to curry favor with anybody in Pittsburgh. This resolution which I am about to present pays homage to a great Pennsylvania industrialist, H. J. Heinz II, for his vision and for his



genius in erecting a new structure which will be the last word in the world on food processing.

Invariably Pittsburgh is now known as the "Anvil of Titans" and the Miracle City, which was made possible by the genius of Mayor Lawrence. This resolution pays tribute to Mr. Heinz and to Mayor Lawrence.

Mr. President, I present this resolution and it will probably be referred to the proper committee.

SENATE RESOLUTION REFERRED TO COMMITTEE  
EXTENDING COMMENDATIONS AND CONGRATULATIONS TO H. J. HEINZ II AND THE HONORABLE DAVID L. LAWRENCE

Messrs. STIEFEL, DENT and BARR offered the following resolution which was twice read and referred to the Committee on Rules:

In the Senate, January 30, 1956.

From the gray mists of mankind's pre-dawn antiquity to the contemporary global combats of Nations in this our atomic age, the supply of food of the belligerents was and still remains the dominant factor in attaining victory. Appomatox, Compiegne and the redbrick schoolhouse in the shadows of the Rheims Cathedral tell the story of our Republic's vanquished foes who begged for food even prior to armistic negotiations.

A gifted author by the name Jacob in a fascinating and edifying book entitled "Six Thousand Years of Bread" has projected mankind's story against the backdrop of availability of bread showing how this basic food shaped the destinies of nations.

The study of food, the abundance or paucity thereof in certain parts of the globe, the curse of its waste and the blessings of its preservation, its nutritional values, the evolution and invention of new products—all offer wider horizons and new challenging frontiers of research and production.

Food engineering is gradually forging to the fore to occupy a position of eminence along mankind's benefactors such as chemical, mechanical, electrical, civil and industrial engineering. Food engineering is the food equivalent of chemical, engineering and represents a blend of mechanical engineering and the biological sciences.

Then there is now coming of age food technology! Tidal waves of technical progress are running through the food industry swept along by fast-paces improvement in operations and processes—these involve investigation, development and application of cold sterilization ultrasonics and a host of new in-stream quality control techniques. The coming attainments of food-technology are fascinating. Thus ultrasonic waves may be utilized to mix, homogenize, disperse, extract, precipitate, sterilize or measure food ingredients and products (ultrasonic generators already are used in breweries abroad to obtain greater extraction from hops in brew kettles). To control quality in process, developments are going beyond instruments which regulate such variables, as temperature, pressure, flow and level. Acidity, density and crystal state are under automatic control. And even such more subtle factors as color, texture, blend—even odor and taste—will be robotized.

In several European countries, notably in Germany, Food Engineering and Food Technology have been recognized to such an extent that they have been lifted to the levels of college education and Special Food Colleges created therein for that purpose.

Several months ago—Plans for the construction in Pittsburgh, Pennsylvania of one of the most advanced food-research facilities in the world, a new Heinz Research and Quality Control Center, were announced by H. J. Heinz II, president of H. J. Heinz Company.

The new structure, to be built at a cost of three million dollars, will be constructed at the company's Pittsburgh headquarters and will serve as the research and develop-

ment center for the domestic and international operations of the Heinz Company.

Announcement of plans for the imaginatively designed structure of aluminum, glass and steel was made by Mr. Heinz at the firm's annual meeting at Pittsburgh in August 1955. The target date for completion of the seven story building is January 1957.

The building will be erected on the site of the two older structures which were recently razed and adjacent to the present Administration Building. The new Center will contain a pilot plant, experimental kitchens, research laboratories, quality control laboratories and the scientific library of the company's Research and Quality Control Division, and also the executive officers for the worldwide operations of the company.

The new building will be a completely sealed structure with a double external glass skin, the transparent sections of which will be glare-proof and heat-proof. To service the entire external glass surface, a completely automatic window washing device will travel up and down between the internal vertical aluminum spandrels.

In the new Center all laboratory and research activity will be gathered under one roof except crop research, which will continue at the experimental farms in Ohio. In the building, such tongue twisters as the Organoleptic Laboratories—in which Heinz varieties are sampled carefully and consistently for flavor, color, consistency and appearance—will be housed with such other important investigative activities as the Packaging Research and Microbiological and Nutritional Research Laboratories.

"We are placing a building under construction that we believe will be in keeping with the new Pittsburgh at the same time it answers our own needs for a most important facility," so announced H. J. Heinz II, President of the H. J. Heinz Company and one of Pittsburgh's Titans of Industry.

The City of Pittsburgh—Pennsylvania's "Anvil of Titans" and the Miracle City of the Nation has a degree of similarity with the legendary Phoenix, not that it emerged from ashes in its pristine shape, but it planted magnificent industrial buildings in many of its sections that only a few decades ago were grimy soot-covered dilapidated slums, that blighted the heart of a mighty metropolis—Witness The Golden Triangle!

It is the vision and genius of a great leader, administrator and organizer, Mayor David L. Lawrence of Pittsburgh, who succeeded in mobilizing Pittsburgh's great industrialists, labor, financiers and leaders in all fields of cultural endeavors irrespective of party affiliations, around the banner of unsagging progress, that made possible the miracle of Pittsburgh. Towering among these Pittsburgh industrialists is H. J. Heinz II, a man of great vision and dynamic enterprise.

Be it therefore resolved, that the Senate of Pennsylvania extends its commendations and congratulations to H. J. Heinz II as a great Pennsylvanian and a man of vision and dynamic enterprise, who may yet be the one who will establish in Pennsylvania a College of Food engineering and Technology, as well as to the Honorable David L. Lawrence the great helmsman of Pittsburgh's Progressive and phenomenal rebuilding, and

Be it further resolved, that upon the passage of the instant resolution the Secretary of the Senate be and he is hereby directed to forward copies thereof to H. J. Heinz II and to the Honorable David L. Lawrence, Mayor of Pittsburgh.

REMARKS EXPUNGED FROM RECORD

Mr. HALUSKA. Mr. President, I just want to correct the record. During my discourse on the Morganza affair, I used the word "convicted." We convicted no one. I would like to have that stricken out and probably say, in my mind, "indicted." The committee convicted no one and I, therefore, would like to change the record accordingly.

The PRESIDENT. The remarks of the gentleman from



Cambria, Mr. Haluska, will be spread upon the Legislative Journal.

SENATE BILL No. 773, RECALLED FROM THE GOVERNOR, TAKEN FROM TABLE

Mr. WADE. Mr. President, I call from the table Senate Bill No. 773, Printer's No. 422, which was recalled from the Governor pursuant to a resolution adopted by this body on January 24, 1956.

RECONSIDERATION OF SENATE BILL No. 773, RECALLED FROM THE GOVERNOR

Mr. WADE. Mr. President, I move that the Senate do now reconsider the vote by which Senate Bill No. 773, entitled:

An Act amending the act of May 1, 1929 (P. L. 905), entitled "Vehicle Code," prohibiting the operation of motor vehicles the mufflers of which have internal parts removed.

passed finally.

The PRESIDENT. How did the Senator vote?

Mr. WADE. Mr. President, I voted with the majority.

Mr. FLEMING. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. FLEMING. Mr. President, I voted with the prevailing side.

The motion was agreed to.

And the question recurring,

Shall the bill pass finally?

Mr. WADE. Mr. President, I move to reconsider the vote by which the bill passed third reading.

The PRESIDENT. How did the Senator vote?

Mr. WADE. Mr. President, I voted with the majority.

Mr. FLEMING. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. FLEMING. Mr. President, I voted with the prevailing side.

The motion was agreed to.

And the question recurring,

Will the Senate agree to the bill on third reading?

Mr. WADE. Mr. President, I ask unanimous consent to offer amendments at this time.

The PRESIDENT. Is there objection? The Chair hears none.

The PRESIDENT. Is there objection? The Chair hears none.

The Clerk read the amendments as follows:

Amend Title, page 2, next to last line of title, by inserting after "mufflers": "or exhaust systems"; amend Sec. 1, (Sec. 819), page 3, lines 10 to 13 both inclusive by striking out "a muffler commonly known as a" in line 10, all of lines 11 to 13, and inserting: "an exhaust system which has been modified in a manner which will amplify or increase the noise omitted by the motor of such vehicle above that emitted by the muffler originally installed on the vehicle."

On the question,

Will the Senate agree to the amendments?

They were agreed to.

Ordered, That the bill as amended lie over for printing.

CALENDAR

BILL ON CONCURRENCE IN HOUSE AMENDMENTS

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 780, as follows:

An Act amending the act of July 2, 1937 (P. L. 2821) entitled "An act to regulate the sale and advertising for sale of goods wares and merchandise purporting to be an insurance bankruptcy mortgage insolvent assignees receivers trustees removal or closing-out sale or sale of goods damaged by fire smoke or water in cities and certain boroughs of this Commonwealth and to prevent fraudulent practices in connection therewith and providing penalties for the violation thereof and for the imposition licensee fees for permission to conduct the same" making the provisions of the act effective in municipalities and townships further regulating statements of inventories further regulating the issuance renewal denial revocation and refusal of licenses and the conduct of sales designating certain actions as violations of the act authorizing appeals from refusal or denial to issue licenses.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The title and sections 1 and 2 act of July 2, 1937 (P. L. 2821) entitled "An act to regulate the sale and advertising for sale of goods wares and merchandise purporting to be an insurance bankruptcy mortgage insolvent assignees receivers trustees removal or closing-out sale or sale of goods damaged by fire smoke or water in cities and certain boroughs of this Commonwealth and to prevent fraudulent practices in connection therewith and providing penalties for the violation thereof and for the imposition of license fees for permission to conduct the same" are amended to read.

AN ACT

To regulate the sale and advertising for sale of goods wares and merchandise purporting to be an insurance bankruptcy mortgage insolvent assignees receivers trustees removal or closing-out sale or sale of goods damaged by fire smoke or water in [cities and certain boroughs of this Commonwealth] municipalities and townships and to prevent fraudulent practices in connection therewith and providing penalties for violation thereof and for the imposition of license fees for permission to conduct the same.

Section 1 Be it enacted &c That from and after the first day of July one thousand nine hundred and thirty-seven it shall be unlawful for any person partnership association or corporation in [the cities] municipalities or townships of this Commonwealth [and in boroughs having a population of more than two thousand five hundred inhabitants] to advertise or hold out by any means that any sale of goods wares and merchandise in an insurance bankruptcy mortgage insolvent assignees receivers trustees removal or closing out sale or a sale of goods damaged by fire smoke or water unless a license is first obtained to conduct such sale from the treasurer of the city or borough or from the council of the town or board of commissioners or board of supervisors of the township in which it is to be held.

Section 2 (a) Upon application for such license the applicant shall make a full disclosure under oath of the following information. The true name of the owner of the goods to be offered for sale the name of the operator of the sale if a person other than the true owner a full and complete detailed and itemized inventory of the quantity kind brand name and character of the goods to be offered for sale and the source from which the goods wares and merchandise were secured together with the names and addresses of the last previous owners thereof which shall be prepared in the following manner. First a listing of all goods which have been in stock for a period of fifteen days or longer prior to the application for the license second a listing of all goods received in stock within fifteen days immediately preceding the application for the license third a listing of all goods which have been ordered and will be placed in stock during the pendency of the sale the method by which the applicant for the license or the true owner of the goods if a



different person acquired title to the same and the reason for the urgent and expeditious disposal thereof [The said treasurer may require any further information necessary to inform him as to whether such license should be granted and if any defect appears in the title to the goods or any false representation is] [made in such application the said treasurer may refuse the license] Upon receipt of the application the treasurer of any city or borough the council of the town or board of commissioners or board of supervisors of the township may in his or their discretion make or cause to be made an examination audit or investigation of the applicant and all of the facts contained in the application and inventory in relation to the proposed sale. A license shall be denied or refused if any defect appears in the title to the goods or wares represented or any false representation is made in the application or inventory or if the inventory contains goods wares or merchandise purchased by the applicant on consignment except if the goods wares or merchandise has been damaged while in the consignee's possession.

Application for a license except a license for sale of goods damaged by fire within one year of a previous sale for the same type of business shall be presumptive evidence that the sale for which the license is sought is not bona fide and the license may be refused.

(b) Any applicant for a license who is aggrieved by the denial refusal or revocation of a license may appeal within twenty days from the date of denial refusal or revocation to the court of common pleas of the county in which the license is sought. The appeal shall be upon petition of the applicant for a license who shall serve a copy thereof upon the city or borough treasurer the town council or the board of commissioners or board of supervisors of the township who or which has refused or denied the license. The court shall hear the application for license de novo expeditiously at a time as it shall fix of which notice shall be given to the city or borough treasurer the town council or the board of commissioners or board of supervisors of the township from whose refusal or denial of a license the appeal has been taken. The court shall either sustain the denial or refusal of the license or order the issuance of the license to the applicant.

Section 2 The act is amended by adding after section 2 four new sections to read.

Section 2.1 After a license has been granted and it is established that the license has violated any provisions of this act the license shall be revoked immediately.

Section 2.2 No merchandise shall become the subject of any license pursuant to this act if it has not been listed in the application for the license as goods wares or merchandise in stock or in transit.

Section 2.3 No merchandise shall become the subject of any sale licensed pursuant to this act if it has previously been the subject of a licensed sale unless the original licensee conducts the subsequent sale under a subsequent license.

Section 2.4 Reopening of a business similar to the one for which the sale licensed pursuant to this act was conducted except the licensed sale of goods damaged by fire by the person partnership association or corporation who or which conducted the sale upon the same premises upon which the business for which the sale was conducted within thirty days of the sale shall constitute presumptive evidence of a violation of this act. Every day in which business is conducted within the prohibited period of thirty days shall constitute a separate violation of this act.

Section 3 Section 3 of the act is amended to read

Section 3 It shall be the duty of each such licensee to post a copy of the said application and inventory in the sales room or place where the goods are to be sold so that the public may be informed of the facts in relation to the goods before purchasing the same.

Section 4 Section 4 of the act amended April 15, 1943 (P. L. 52) is amended to read.

Section 4 Any person conducting or being responsible for any sale as set forth in section one [hereof] as herein amended without first having obtained the license or any person making or being responsible for any misrepresentation in connection with the goods so offered for sale

or sold or continuing the same business at the same location after the expiration of a license issued for conducting a removal or closing-out sale shall upon conviction thereof in a summary proceeding be sentenced to pay a fine of not more than one hundred dollars (\$100) or to imprisonment for a term of not exceeding thirty days. Each day any sale is conducted in violation of this section shall be a separate violation of this act. The right to appeal from such conviction shall exist as in other cases of summary convictions.

Section 5 Section 5 of the act is amended to read.

Section 5 Any license so granted as aforesaid shall be good for no more than a period of [ninety days and shall not be renewable] thirty consecutive calendar days (Sundays and legal holidays excluded) and may be renewed for two consecutive periods not exceeding thirty consecutive calendar days each (Sundays and legal holidays excluded). Provided That a revised inventory is filed with each application for renewal of a license showing the items listed on the original inventory remaining unsold and that no goods wares or merchandise not included in the original inventory is in stock [nor shall any other such license be granted to the same person within the same [city or borough] for a period of one year succeeding the expiration of a previous license]. The treasurer of the city or borough or the council of the town or board of commissioners or board of supervisors of the township shall receive from the applicant for such license upon the granting thereof or the renewal thereof a license fee which shall be twenty-five dollars (\$25).

which was returned from the House of Representatives with amendments.

Said amendments having been twice read, and printed as required by the Constitution,

On the question,

Will the Senate concur in the same?

SENATE CONCURS IN AMENDMENTS MADE BY THE HOUSE TO SENATE BILL No. 780

Mr. FLEMING. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 780.

Mr. LANE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

Barr,	Haluska,	McMenamin,	Stevenson,
Berger,	Harney,	McPherson, Jr.,	Stiefel,
Blass,	Hays,	Miller,	Taylor,
Camiel,	Holland,	Mullin,	Van Sant,
Chapman,	Kessler,	Peelor,	Wade,
Dent,	Koprivier, Jr.,	Propert,	Wagner,
Diehm,	Lane,	Ruth,	Watkins,
DiSilvestro,	Madigan,	Schmidt,	Watson,
Donolow,	Mahany,	Scott,	Weiner,
Flack,	Mallery,	Seyler,	Whalley,
Fleming,	McCreesh,	Silvert,	Wolfe,
	McGinnis,		Yosko,

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

THIRD READING CALENDAR

BILL OVER IN ORDER

Mr. FLEMING. Mr. President, I ask unanimous consent



that Senate Bill No. 317, Printer's No. 394, on third reading, go over in its order.

The PRESIDENT. Is there objection?

Mr. LANE. Mr. President, I object to the bill going over in its order.

Mr. President, may we be at ease a moment?

The PRESIDENT. The Senate will be at ease.

(The Senate was at ease.)

Mr. LANE. Mr. President, I wish to withdraw my objection to Senate Bill No. 317 going over in its order.

The PRESIDENT. Objection having been withdrawn, the bill will go over in its order.

### BILL ON THIRD READING AMENDED

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 318, entitled:

An Act pertaining to the resignation and retirement of judges under certain conditions fixing their compensation upon resignation or retirement and imposing duties on certain State officers.

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill on third reading?

Mr. FLEMING. Mr. President I ask unanimous consent to offer amendments at this time.

The PRESIDENT. Is there objection? The Chair hears none.

The Clerk read the amendment as follows:

Amend Sec. 5 page 6 lines 18 and 19 by striking out "his annual salary as judge at the time of his resignation or honorable retirement" and inserting in lieu thereof: "eighty per centum of the salary received by him during the last twelve months of service as a judge"; amend Sec. 5 page 7 line 5 by inserting after "retirement": "shall forthwith send a duplicate copy of his resignation or notice of his retirement".

On the question,

Will the Senate agree to the amendments?

They were agreed to.

On the question,

Will the Senate agreed to the bill on third reading, as amended?

### BILL OVER IN ORDER

Mr. FLEMING. Mr. President, I ask unanimous consent that Senate Bill No. 318, Printer's No. 482, on third reading, go over in its order, as amended.

The PRESIDENT. Is there objection? The Chair hears none.

### BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 756, as follows:

An Act amending the act of May 1 1929 (P. L. 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the oper-

ators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" changing the requirements regarding use of different types of danger and caution signals and eliminating penalty provision

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 824 act of May 1 1929 (P L 905) known as "The Vehicle Code" amended April 25 1945 (P L 304) and subsection (a) and penalty clause amended August 24 1951 (P L 1368) is amended to read

#### Section 824 Danger and Caution Signals

(a) Every motor bus and every motor omnibus for the carriage of passengers for hire except taxicabs and every commercial vehicle or combination of vehicles having a registered capacity gross weight of eleven thousand (11,000) pounds or more and every trailer or semitrailer designed for the living quarters or carriage of persons shall be equipped with [at least three (3) red flags of dimensions not less than twelve by twelve (12x12) inches and a sufficient number of flares not less than three (3) or electric lanterns electric flashing signals or other signals capable of continuously producing three warning lights each one of the following combinations three red fusees three flares (liquid burning pot torches) and two red cloth flags or three red electric lanterns and two red cloth flags or three red emergency reflectors and two red cloth flags the flares (liquid burning pot torches) red electric lanterns red emergency reflectors or other signals capable of continuously producing three warning lights shall be visible from a distance of at least five hundred (500) feet for a period of at least eight (8) hours [or three (3) reflector type flares Provided however That the] The provisions of this section shall not apply to vehicles within the confines of a municipality or within a business or residence district

(a.1) All other motor vehicles shall be equipped with a sufficient number of red burning fusee type flares not less than three (3) or electric lanterns giving a red light electric flashing signals giving a red light or other signals giving a red light and capable of continuously producing a red warning light visible from a distance of at least five hundred (500) feet for a period of at least forty-five (45) minutes or not less than three (3) red emergency reflectors The provisions of this subsection shall not apply to vehicles within the confines of a municipality or within a business or residence district and the equipment specified by this subsection shall be made a requirement for the official inspection provided for in section 823 of this act

(a.2) Every such flare fusee electric lantern electric flashing signal red emergency reflector [type flare] or other signal shall be of a type approved by the secretary and he shall publish lists of those devices which he has approved as adequate for the purposes of this section No fusee shall be approved which after burning leaves a residue or stand-up device containing a metal spike nail or any object or substance which if allowed to remain upon the highway would constitute a danger or hazard

(b) Whenever any such vehicle as provided in subsection (a) of this section and its lighting equipment are disabled during the period when lighted lamps must be displayed on vehicles or when visibility is impaired by fog snow or other atmospheric condition and such vehicle cannot immediately be removed from the main traveled portion of a highway outside of a business or residence



district or if the lighting equipment on any such vehicle is not disabled but due to its position upon the highway or by reason of contours or curves in such highway it may constitute a menace to other vehicular traffic the operator or other person in charge of such vehicle shall [cause such flares lanterns flashing signals or other signals to be lighted and placed upon the highway or reflector type flares placed upon the highway] immediately place on the traveled portion of the highway at the traffic side of the vehicle a lighted fusee a lighted red electric lantern or a red emergency reflector if the stop is to exceed fifteen minutes the driver shall place emergency signals as required in the following manner One (1) at a distance of approximately one hundred (100) feet in advance of such vehicle one (1) at a distance of approximately one hundred (100) feet to the rear of the vehicle and the third upon the highway side of the vehicle except that if the vehicle is transporting flammables such vehicle shall be equipped with a sufficient number of electric flares of electric flashing signals or [reflector type flares] red emergency reflectors not less than three (3) Whenever any such vehicle is disabled during the period when lighted lamps are not required to be displayed on vehicles and such vehicle cannot immediately be removed from the main traveled portion of a highway outside of a business or residence district or whenever a vehicle is disabled upon the highway and by reason of contours or curves in such highway it may constitute a menace to other vehicular traffic the operator or other person in charge of such vehicle shall cause the red flags to be placed upon the highway One (1) at a distance of approximately one hundred (100) feet [in advance of such vehicle and one (1) at a distance of approximately one hundred (100) feet to the rear of the vehicle and the third upon the highway side of the vehicle] from the vehicle in the center of the traffic lane occupied by such vehicle toward traffic approaching in that lane one (1) at a distance of approximately one hundred (100) feet in the opposite direction from the vehicle in the center of the traffic lane occupied by such vehicle

(b.1) Whenever all other motor vehicles as provided for in subsection (a.1) of this section and its lighting equipment are disabled during the period when lighted lamps must be displayed on vehicles or when visibility is impaired by fog snow or other atmospheric condition and such vehicle cannot immediately be removed from the main traveled portion of a highway outside of a business or residence district or if the lighting equipment on any such vehicle is not disabled but due to its position upon the highway or by reason of contours or curves in such highway it may constitute a menace to other vehicular traffic the operator or other person in charge of such vehicle shall cause such a fusee electric lantern electric flashing signal or other electric signal capable of continuously producing a warning light to be placed upon the highway at a distance of approximately fifty (50) feet to the rear of the vehicle except if red emergency reflectors are used the operator or other person in charge of such vehicle shall place one (1) upon the highway fifty (50) feet to the rear of the vehicle one (1) one hundred (100) feet to the rear of the vehicle and one (1) one hundred fifty (150) feet to the rear of the vehicle

(c) No person shall at any time operate a vehicle transporting explosives as a cargo or part of a cargo upon a highway unless it carries electric lanterns or electric flashing signals or reflector type flares as herein required but such electric lanterns or electric flashing signals must be capable of producing a red light and such reflector type flares must be in good condition capable of reflecting light an on-coming vehicle at least five hundred (500) feet and shall be displayed upon the highway when and as required in this section

Penalty Any owner or operator who shall fail to comply with any of the provisions of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of twenty-five (\$25) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than (10) days

Section 2 This act shall take effect May 1, 1956.

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

#### YEAS—46

Barr,	Harney,	McMenamin,	Stevenson,
Berger,	Hays,	McPherson, Jr.,	Stiefel,
Blass,	Holland,	Miller,	Taylor,
Camel,	Kessler,	Mullin,	Van Sant,
Chapman,	Koprivier, Jr.,	Peelor,	Wade,
Dent,	Lane,	Probert,	Wagner,
Diehm,	Madigan,	Ruth,	Watkins,
DiSilvestro,	Mahany,	Schmidt,	Watson,
Donolow,	Mallory,	Scott,	Weiner,
Flack,	McCreesh,	Seyler,	Whalley,
Fleming,	McGinnis,	Silver,	Wolfe,
Haluska,			Yosko,

#### NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

#### BILLS OVER IN ORDER

Mr. FLEMING. Mr. President, I ask unanimous consent that the following bills, on third reading, go over in their order:

Senate Bill No. 802, Printer's No. 452; and

House Bill No. 856, Printer's No. 248.

The PRESIDENT. Is there objection? The Chair hears none.

#### BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 857, entitled:

An Act amending the act of May 1, 1929 (P. L. 905) entitled "The Vehicle Code" authorizing the establishment of speed limits in cities of the first class under certain terms and conditions and imposing penalties.

And said bill having been read at length the third time, On the question,

Will the Senate agree to the bill on third reading?

#### MOTION TO RECOMMIT BILL

Mr. FLEMING. Mr. President, I move that House Bill No. 857, on third reading, be recommitted to the Committee on Highways, for the purpose of further study.

Mr. WADE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. LANE. Mr. President, I object to the bill being recommitted, and I ask the Members on this side to vote "no" on the motion to recommit.

And the question recurring,

Will the Senate agree to the motion?

Mr. LANE. I ask for a roll call, Mr. President.

Mr. DENT. I ask for a roll call, Mr. President.



The yeas and nays were required by Mr. LANE and Mr. DENT, and were as follows, viz:

#### YEAS—14

Berger, Chapman, Diehm, Fleming,	Kessler, Koprivier, Jr., Peelor, Propert,	Scott, Stevenson, Taylor,	Van Sant, Wade, Wagner,
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#### NAYS—15

Camiel, Dent, Haluska, Holland,	Lane, McCreesh, McGinnis, Mullin,	Ruth, Schmidt, Seyler, Silvert,	Stiefel, Weiner, Yosko,
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So the question was determined in the negative.

And the question recurring,

Will the Senate agree to the bill on third reading?

#### BILL OVER IN ORDER

Mr. FLEMING. Mr. President, I ask unanimous consent that House Bill No. 857, Printer's No. 1309, on third reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

#### BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 866, as follows:

An Act to further amend section nine hundred two of the act approved the first day of May one thousand nine hundred twenty-nine (P. L. 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures and miscellaneous receipts making an appropriation and providing for refunds" by changing the total maximum length of certain vehicles

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section nine hundred two of the Act of May 1, 1929 (P. L. 905) known as "The Vehicle Code" as last amended by the Act of September 27, 1955 (Act No. 161) is hereby further amended to read as follows

#### Section 902 Size of Vehicles and Loads

(a) No vehicle except motor buses motor omnibuses and fire department equipment street sweepers and snow plows shall exceed a total maximum width including any load thereon of ninety-six (96) inches except that the limitations as to size of vehicle stated in this act shall not apply to vehicles loaded with hay or straw in bulk

(b) No vehicle except motor buses motor omnibuses and vehicles used exclusively to repair overhead lights and wires and fire department equipment shall exceed a

total maximum height including any load thereon of one hundred fifty (150) inches but nothing herein contained shall be construed to require the public authorities to provide sufficient vertical clearance to permit the operation of such vehicles excepting that until but not after January first one thousand nine hundred forty-one any vehicle properly registered in Pennsylvania on the effective date of this act may be of a total height including any load thereon of one hundred seventy-four (174) inches Provided however That any vehicle carrying motor vehicles may be of a total height including any load thereon of one hundred sixty-two (162) inches

(c) No vehicle except motor buses motor omnibuses and fire department equipment shall exceed a total maximum length including any load thereon of four hundred twenty (420) inches excepting that a semi-trailer designed exclusively for carrying motor vehicles may exceed such total maximum length by not more than thirty (30) inches and no combination of two (2) vehicles inclusive of load and bumpers coupled together shall exceed a total maximum length of six hundred (600) inches excepting that nothing in this subsection shall prohibit the transportation by a combination of vehicles of articles impossible of dismemberment which do not exceed seventy (70) feet

1 No motor vehicle shall be operated upon a highway drawing or having attached thereto more than one other vehicle Provided That a trailer not exceeding ten (10) feet in length may be attached to one motor vehicle for the purpose of towing another vehicle requiring service to which such trailer is also attached

2 The distance between any two vehicles one of which is towing or drawing the other shall not exceed fifteen (15) feet from one vehicle to the other except when the load on the towed vehicle is coupled directly to and is not more than five (5) feet from the towing vehicle Whenever the connection consists of a chain rope bar or cable there shall be displayed upon such connection a flag not less than twelve (12) inches in length and width Every trailer while being drawn upon the highway shall be so attached to the vehicle drawing the same as to prevent the wheels of such trailer from deflecting more than six (6) inches from the path of the drawing vehicle's wheels

(d) No vehicle except a trailer or semi-trailer shall carry any load or part thereof extending more than five (5) feet beyond the front extremity

(e) No vehicle except as herein provided shall carry any load extending beyond the line of the fenders on the left side of such vehicle nor extending more than six (6) inches beyond the line of the fender on the right side thereof

(g) No truck tractor and semi-trailer coupled together except first department equipment shall exceed a total maximum length inclusive of load and bumpers of five hundred forty (540) inches excepting that until but not after January first one thousand nine hundred forty-one any truck tractor and semi-trailer properly registered in this Commonwealth on the effective date of this act may when coupled together be of a total maximum length not exceeding seventy (70) feet excepting further that nothing in this subsection shall prohibit the transportation of articles impossible of dismemberment which do not exceed seventy (70) feet Provided however That any combination of a truck tractor and a semi-trailer designed exclusively for carrying motor vehicles may exceed such total maximum length by not more than thirty (30) inches

Penalty Any person violating any of the provisions of subsections (a) (b) (c) (d) or (e) [or (g)] of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of ten (\$10) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than five (5) days Such fine shall be in addition to any penalty imposed by any other section or subsection of this act

Section 2 This act shall be effective immediately upon its final enactment



And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

#### YEAS—46

Barr,	Harney,	McMenamin,	Stevenson,
Berger,	Hays,	McPherson, Jr.,	Stiefel,
Blass,	Holland,	Miller,	Taylor,
Camel,	Kessler,	Mullin,	Van Sant,
Chapman,	Koprivier, Jr.,	Peelor,	Wade,
Dent,	Lane,	Probert,	Wagner,
Diehm,	Madigan,	Ruth,	Watkins,
DiSilvestro,	Mahany,	Schmidt,	Watson,
Donolow,	Mallery,	Scott,	Weiner,
Flack,	McCreesh,	Seyler,	Whalley,
Fleming,	McGinnis,	Silver,	Wolfe,
Haluska,			Yosko,

#### NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

#### BILLS POSTPONED

Mr. LANE. Mr. President, before making this motion, I would like to explain to the Members of the Senate that these are a series of Social Security bills which we have on the Calendar. We have a number of amendments being prepared and for the past month, we have carried these bills over in order.

Therefore, Mr. President, I move that Senate Bill No. 889, on third reading, entitled:

An Act amending the act of August 5, 1941 (P. L. 803) entitled as amended "An act providing for the creation maintenance and operations of a county employes' retirement system in counties of the fifth sixth seventh and eighth class imposing certain charges on counties and prescribing penalties" imposing duties on retirement boards when employes are placed under Federal Social Security and changing and clarifying certain retirement allowances and benefits

be placed on the Third Reading Postponed Calendar.

Mr. FLEMING. Mr. President, I second the motion.

The motion was agreed to.

Mr. LANE. Mr. President, I move that Senate Bill No. 890, on third reading, entitled:

An Act amending the act of June 4, 1937 (P. L. 1625) entitled "An act providing for the creation maintenance and operation of a county employes retirement system in counties of the third class and imposing certain charges on counties" imposing duties on retirement boards when employes are placed under Federal social security and changing and clarifying certain allowances and benefits

be placed on the Third Reading Postponed Calendar.

Mr. FLEMING. Mr. President, I second the motion.

The motion was agreed to.

Mr. LANE. Mr. President, I move that Senate Bill No. 891, on third reading, entitled:

An Act amending the act of June 27, 1923 (P. L. 858) entitled "State Employes' Retirement Law" changing and

clarifying contributions and credit provisions where employes are placed under social security

be placed on the Third Reading Postponed Calendar.

Mr. FLEMING. Mr. President, I second the motion.

The motion was agreed to.

The LANE. Mr. President, I move that Senate Bill No. 892, on third reading, entitled:

An Act amending the act of June 23, 1931 (P. L. 932) entitled "The Third Class City Code" imposing duties on pension boards changing contributions and changing and clarifying certain allowances and benefits when employes are placed under social security

be placed on the Third Reading Postponed Calendar.

Mr. FLEMING. Mr. President, I second the motion.

The motion was agreed to.

Mr. LANE. Mr. President, I move that Senate Bill No. 893, on third reading, entitled:

An Act amending the act of July 18, 1917 (P. L. 1043) entitled "Public School Employes Retirement Law" changing and clarifying benefit contribution and credit provisions when employes are placed under social security providing for payments by the Commonwealth and for reimbursements from appropriations

be placed on the Third Reading Postponed Calendar.

Mr. FLEMING. Mr. President, I second the motion.

The motion was agreed to.

Mr. LANE. Mr. President, I move that Senate Bill No. 894, on third reading, entitled:

An Act amending the act of July 8, 1941 (P. L. 298) entitled "Fourth Class County Retirement Law" imposing duties on retirement boards when employes are placed under Federal social security and changing and clarifying certain allowances and benefits

be placed on the Third Reading Postponed Calendar.

Mr. FLEMING. Mr. President, I second the motion.

The motion was agreed to.

Mr. LANE. Mr. President, I move that Senate Bill No. 895, on third reading, entitled:

An Act amending the act of May 23, 1945 (P. L. 903) entitled "An act authorizing cities of the third class to establish an optional retirement system for officers and employes independently of any pension system or systems existing in such cities" imposing duties on pensions boards changing contributions and changing and clarifying benefits and allowances when employes are placed under social security

be placed on the Third Reading Postponed Calendar.

Mr. FLEMING. Mr. President, I second the motion.

The motion was agreed to.

Mr. LANE. Mr. President, I move that Senate Bill No. 896, on third reading, entitled:

An Act reenacting and amending the act of January 5, 1952 (P. L. 1833) entitled "An act to provide for the coverage of certain officers and employes of the Commonwealth and its political subdivisions under the old-age and survivor insurance provisions of Title II of the Federal Social Security Act as amended . . ." extending its provisions to include additional persons increasing contribution rates and providing for referenda and permitting modification of certain local retirement plans

be placed on the Third Reading Postponed Calendar.



Mr. FLEMING. Mr. President, I second the motion. The motion was agreed to.

### BILL OVER IN ORDER

Mr. LANE. Mr. President, I ask unanimous consent that House Bill No. 1129, Printer's No. 1154, on third reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

### BILL ON THIRD READING AMENDED

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 1294, entitled:

An Act amending the act of June 24 1939 (P. L. 872) entitled "The Penal Code" regulating the advertising of merchandise commodities and services

And said bill having been read at length the third time, On the question,

Will the Senate agreed to the bill on third reading?

Mr. WEINER. Mr. President, I ask unanimous consent to offer amendments at this time.

The PRESIDENT. Is there objection? the Chair hears none.

The Clerk read the amendments as follows:

Amend page 1, line 3 of the title, by inserting after "advertising"; and offering for sale"; amend Section 1 (Section 857.1), page 5, line 7, by inserting "857.1": "Offers for Sale of"; amend Section 1 (Section 857.1), page 5, line 8, by inserting after "Services": "(a)";

Amend Section 1 (Section 857.1), page 5, line 8, by inserting after "advertises": "or offers for sale to the general public"; Amend Section 1 (Section 857.1), page 5, line 15, by striking out "one (1) year" and inserting: "six (6) months"; Amend Section 1 Section 857.1), page 5, line 16, by inserting at the beginning of the line before "In": "(b)"; Amend Section 1 (Section 857.1), page 6, line 3, by inserting after "thing": "advertised or offered for sale to the general public"; Amend Section 1 (Section 857.1), page 6, line 3, by inserting after "be": "prima facie evidence of"; Amend Section 1 (Section 857.1), page 6, line 4, by inserting after "section": "Provided That this subsection shall not be applicable when a person advertises or offers for sale any merchandise, commodity, service or thing and clearly sets out in such advertisement or offer by quantity or number that he has a specific limited quantity of such merchandise, commodity, service or thing for sale, and when at the time of such advertisement or offer, such person did in fact have at least such quantity or amount for sale."

On the question,

Will the Senate agree to the amendments?

They were agreed to.

On the question,

Will the Senate agree to the bill on third reading, as amended?

### BILLS OVER IN ORDER

Mr. FLEMING. Mr. President, I ask unanimous consent that House Bill No. 1294, Printer's No. 1306, on third reading, go over in its order, as amended.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. FLEMING. Mr. President, I ask unanimous consent that the following bills, on third reading, go over in their order:

House Bill No. 1330, Printer's No. 1312; and

House Bill No. 1795, Printer's No. 1086.

The PRESIDENT. Is there objection? The Chair hears none.

### SECOND READING CALENDAR

#### BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 26, entitled:

An Act authorizing the Department of Highways with the approval of the Governor to erect and construct a toll bridge over the Monongahela River connecting the State highway system in Washington County with the system of State highways in Fayette County and to provide the necessary approaches and connections with such State highways empowering counties to pay certain damages providing for the collection of tolls and making an appropriation

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 151, entitled:

An Act amending the act of March 10 1949 (P. L. 30) entitled "Public School Code of 1949" increasing mileage rate and daily expense allowance of directors and mileage rate of members of joint school boards and of joint school committees

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 160, entitled:

An Act amending the act of March 10 1949 (P. L. 30) entitled "Public School Code of 1949" extending the area in which school directors may attend out of State meetings and increasing mileage rate and daily expense allowance therefor

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 173, entitled:

An Act providing for the establishment of police pension funds or pension annuities in certain boroughs towns and townships and the regulation and maintenance



thereof providing for continuance of existing funds or transfer thereof to funds herein established prescribing rights of beneficiaries and repealing certain acts

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

#### BILL ON SECOND READING AMENDED

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 333, entitled:

An Act amending the act of January 18 1952 (P. L. 2111) entitled "An act to provide for minimum compensation and increments for administrators and members of the faculty of State Teachers Colleges . . ." increasing the minimum compensation and increments

The first section was read.

On the question,

Will the Senate agree to the section?

Mr. SEYLER offered the following amendments:

Amend Sec. 1, page 2, line 1 by striking out "Section 2" and inserting in lieu thereof: "Sections 2, 5 and 6"; Amend Sec. 1 (Sec. 2) page 2, line 14 by inserting brackets before and after "four" and inserting immediately thereafter: "two"; Amend Sec. 1 (Sec. 2) page 3, line 3 by inserting brackets before and after "three" and inserting immediately thereafter: "two"; Amend Sec. 1 (Sec. 2) page 3, line 9 by inserting brackets before and after "three" and inserting immediately thereafter: "two"; Amend Sec. 1 (Sec. 2) page 3, line 9 by inserting brackets before and after "three" and inserting immediately thereafter: "two"; Amend Sec. 1 (Sec. 2) page 3, by inserting between lines 12 and 13:

"Graduate degrees and preparation to meet the qualifications of this act shall be earned in fields related to the service rendered to the college."; Amend Sec. 1 (Sec. 2) page 3, line 18 by striking out the brackets before "five" and after "(5)"; Amend Sec. 1 (Sec. 2) page 3, line 18 by striking out "ten (10)"; Amend Sec. 1 (Sec. 2) page 3, by inserting between lines 18 and 19:

"In lieu of experience in public schools, teaching experience in other than public schools may be accepted, with the approval of the Superintendent of Public Instruction."; Amend Sec. 1 (Sec. 2) page 4, line 11 by inserting after "credit": "minimum annual increment five dollars (\$5.00); minimum number of increments, five (5)"; Amend Sec. 1 (Sec. 2) page 4, lines 12 and 13 by inserting brackets before "Heads" where it appears the first time in line 12, and after "(\$200)" in line 13 and inserting immediately thereafter:

"Administrative Officers—Deans, directors of special curricula, and heads of departments or other administrative officials may receive not to exceed five hundred dollars (\$500) as additional compensation, according to the policies developed by Board of Presidents and approved by State Superintendent of Public Instruction." Amend Sec. 1 (Sec. 2) page 4, line 16 by inserting after "board": "of the Commonwealth"; Amend Sec. 1 (Sec. 2) page 4, by inserting between lines 17 and 18:

"Upon satisfactory completion of a probationary period of three years, the increments prescribed in this act shall become mandatory." Amend Sec. 2, page 4, line 18 by

striking out "2 This act shall take effect immediately" and inserting in lieu thereof:

"5. Promotions—Any faculty member who, during the term of his employment, shall have attained the qualification necessary for the next higher classification, as hereinbefore set forth, shall, commencing with the next succeeding regular college year, within the percentage limitation prescribed by this act, receive the compensation prescribed for such advanced classification, which shall be at least two hundred dollars (\$200) in excess of the increment earned by him during the previous year when recommended by the president of the college and approved by the Board of Trustees.

"Section 6. Administration of Salary Schedule—The provisions of this act shall not be construed as authorizing any decrease in the salary paid any member of the faculty of any State Teachers College at the effective date of this act.

"Each person employed as a member of the faculty of a State Teachers College receiving compensation equivalent to or in excess of the minimum salary prescribed by the above schedule shall, for the college year [1951-1952] 1955-1956 be raised to the next higher step on the schedule, unless such increase shall be less than one full increment, in which case he shall be raised to the next higher step on the applicable schedule. Each such person receiving compensation less than the minimum salary prescribed by the schedule shall, for the college year [1951-1952] 1955-1956 be raised to such minimum salary, unless such increase shall be less than one full increment, in which case he shall be raised to the next higher step on the applicable schedule: Provided, That no compensation shall be paid in excess of the maximum salary for each class when this act becomes effective.

"[Upon satisfactory completion of a probationary period of three years, the increments prescribed in this act shall become mandatory]

Classifications of any employee enumerated in the foregoing salary schedule and the qualifications of such employee must be approved by the Superintendent of Public Instruction to entitle any employee to the benefits of this act. Not more than thirty per centum of the total number of the faculty of any State Teachers College shall be approved for classification as professor, [The duties of each classification shall be defined by the Superintendent of Public Instruction] except where a member of the faculty has met the requirements of a professorship and has been an associate professor for at least three years when recommended by the president of the college and approved by the Board of Trustees.

"The Superintendent of Public Instruction shall be vested with the sole and final authority in interpreting the provisions of this act pertaining to the classification of any person covered thereby, according to the policies developed by the Board of Presidents of State Teachers Colleges."

On the question,

Will the Senate agree to the amendments?

Mr. SEYLER. Mr. President, I would like to make a brief statement on the amendments. It is my understanding that all parties concerned in this, the department, the colleges, et cetera, are in general agreement upon these amendments.



Mr. FLEMING. Mr. President, we have no objection to the amendments being offered and we are prepared to vote for them. However, we would like the bill to go over in order, as amended.

And the question recurring,

Will the Senate agree to the amendments?

They were agreed to.

The section was agreed to as amended.

The second section was read and agreed to.

The title was read.

On the question,

Will the Senate agree to the title?

Mr. SEYLER offered the following amendment:

Amend Title, page 1, last line of Title, by inserting after "increments": "and changing conditions of payment."

It was agreed to.

The title was agreed to as amended.

And said bill having been read at length the second time, as amended,

On the question,

Will the Senate agree to the bill on second reading, as amended?

#### BILL OVER IN ORDER

Mr. FLEMING. Mr. President, I ask unanimous consent that Senate Bill No. 333, Printer's No. 474, on second reading, go over in its order, as amended.

The PRESIDENT. Is there objection? The Chair hears none.

#### BILL OVER IN ORDER TEMPORARILY

Mr. WADE. Mr. President, I would like to state that we are expecting amendments which will be offered to Senate Bill No. 382.

Therefore, Mr. President, I ask unanimous consent that Senate Bill No. 382, Printer's No. 472, on second reading, go over in its order, temporarily.

The PRESIDENT. Is there objection? The Chair hears none.

#### BILLS OVER IN ORDER

Mr. FLEMING. Mr. President, I ask unanimous consent that the following bills, on second reading, go over in their order:

House Bill No. 407, Printer's No. 624; and

Senate Bill No. 420, Printer's No. 483.

The PRESIDENT. Is there objection? The Chair hears none.

#### BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 590, entitled:

An Act amending the act of March 10, 1949 (P. L. 30) entitled "Public School Code of 1949" authorizing school directors of districts in a jointure to vote at county convention meetings in the county where the joint school is located

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 623, entitled:

An Act amending the act of March 10, 1949 (P. L. 30) entitled "Public School Code of 1949" providing for payment by the Commonwealth to school districts for the acceptance of non-resident inmates of children's institutions into its schools

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

#### BILLS OVER IN ORDER

Mr. FLEMING. Mr. President, I ask unanimous consent that the following bills, on second reading, go over in their order:

Senate Bill No. 651, Printer's No. 475; and

House Bill No. 655, Printer's No. 258.

The PRESIDENT. Is there objection? The Chair hears none.

#### BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 832, entitled:

An Act amending the act of May 3, 1915 (P. L. 226) entitled "An act to establish and regulate the fees to be received and charged by the prothonotary of the courts of common pleas of this Commonwealth . . ." changing and further fixing the fees to be charged by the prothonotary

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 833, entitled:

An Act amending the act of June 12, 1919 (P. L. 476) entitled as amended "An act to regulate and establish the fees to be charged and collected by the recorder of deeds in counties of the second class" increasing amount of fees to be charged and collected by recorders in counties of the second class

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 843, entitled:

An Act amending the act of June 1, 1933 (P. L. 1172) entitled "Borough Rural State Highway Law" adding a new route in the Borough of Coudersport

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.



Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 851, entitled:

An Act amending the act of March 10, 1949 (P. L. 30) entitled "Public School Code of 1949" requiring approval of the electors of the school district before entering into any lease with the State Public School Building Authority or any municipality authority or nonprofit corporation and providing for elections thereon

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

#### BILL ON SECOND READING AMENDED

Agreeably to order,

The Senate proceeded to the second reading and consideration of Senate Bill No. 857, entitled:

An Act authorizing political subdivisions and the members of the paid fire fighting force to enter into written contracts concerning wages and conditions of employment

The first section was read.

On the question,

Will the Senate agree to the section?

Mr. CAMIEL offered the following amendments:

Amend Sec. 1, page 1, line 1, by striking out "legislative body of any political subdivision" and inserting in lieu thereof: "council of any city of the first class"; amend Sec. 1, page 1, line 2, by striking out "political subdivision" and inserting in lieu thereof: "city"; amend Sec. 1, page 2, line 2, by striking out "political subdivision" and inserting in lieu thereof: "city"; amend Sec. 1, page 2, line 3, by striking out "legislative body" and inserting in lieu thereof: "council"; amend Sec. 1, page 2, line 8, by striking out "political subdivision" and inserting in lieu thereof: "city."

They were agreed to.

The section was agreed to as amended.

The second and third sections were read and agreed to.

The title was read.

On the question,

Will the Senate agree to the title?

Mr. CAMIEL offered the following amendment:

Amend Title, page 1, first line of Title, by striking out "political subdivisions" and inserting in lieu thereof: "cities of the first class."

It was agreed to.

The title was agreed to as amended.

And said bill having been read at length the second time, as amended,

On the question,

Will the Senate agree to the bill on second reading, as amended?

#### BILL OVER IN ORDER

Mr. LANE. Mr. President, I ask unanimous consent that Senate Bill No. 857, Printer's No. 383, on second reading, go over in its order, as amended.

The PRESIDENT. Is there objection? The Chair hears none.

#### BILL ON SECOND READING AMENDED

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 864, entitled:

An Act directing the Highway & Bridge Authority in cooperation with the City of Harrisburg and at the expense of the Commonwealth to construct a by-pass through the northeast corner of Capitol Park

The first section was read.

On the question,

Will the Senate agree to the section?

Mr. TAYLOR offered the following amendment:

Amend Sec. 1, page 2, line 1, by striking out "northeast" and inserting in lieu thereof: "southwest."

It was agreed to.

The section was agreed to as amended.

The title was read.

On the question,

Will the Senate agree to the title?

Mr. TAYLOR offered the following amendment:

Amend Title, page 1, last line of Title, by striking out "northeast" and inserting in lieu thereof: "southwest."

It was agreed to.

The title was agreed to as amended.

And said bill having been read at length the second time, and agreed to as amended,

Ordered, To be transcribed for a third reading.

#### BILL ON SECOND READING AMENDED

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 905, entitled:

An Act authorizing the Department of Property and Supplies to acquire by gift ninety-three acres more or less of land with buildings thereon in the City of Pittsburgh Allegheny County for maintenance by the Department of Health as a sanatorium or hospital for the reception and treatment of indigent persons affected with tuberculosis and making an appropriation

The first section was read.

On the question,

Will the Senate agree to the section?

Mr. FLEMING offered the following amendment:

Amend Sec. 1, page 4, line 1, by striking out the words subject to' and inserting in lieu thereof the following: "excepting."

It was agreed to.

The section was agreed to as amended.

The second, third, fourth and fifth sections and title were read and agreed to.

And said bill having been read at length the second time, and agreed to as amended,

Ordered, To be transcribed for a third reading.

#### BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 916, entitled:



An Act authorizing the Pennsylvania Historical and Museum Commission to make a study of appropriate ways and methods for developing and promoting the historical interest of Philadelphia and vicinity and specifically for developing a "colonial compound" in Germantown

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

#### BILL OVER IN ORDER

Mr. FLEMING. Mr. President, I ask unanimous consent that House Bill No. 949, Printer's No. 1106, on second reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

#### BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 1021, entitled:

An Act amending the act of March 10, 1949 (P. L. 30) entitled "Public School Code of 1949" granting the right to a hearing and appeal before the State Council of Education on the creation or change of a third or fourth class school district

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

#### BILLS OVER IN ORDER

Mr. FLEMING. Mr. President, I ask unanimous consent that the following bills, on second reading, go over in their order:

House Bill No. 1221, Printer's No. 931; and

House Bill No. 1224, Printer's No. 816.

The PRESIDENT. Is there objection? The Chair hears none.

#### BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 1248, entitled:

An Act amending the act of March 10, 1949 (P. L. 30) entitled "Public School Code of 1949" extending the time within which school taxes shall be levied and assessed by the board of school directors in school districts of the second third and fourth class

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

#### BILL OVER IN ORDER

Mr. FLEMING. Mr. President, I ask unanimous consent that House Bill No. 1340, Printer's No. 932, on second reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

#### BILL ON SECOND READING AMENDED

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 1397, entitled:

An Act amending the act of June 21, 1939 (P. L. 566) entitled "The Pennsylvania Occupational Disease Act" changing provisions relating to liability of employers and benefits and persons entitled thereto changing certain rules of evidence and regulating practice and procedure authorizing commutation of certain awards providing for certain subrogation rights and the fixing of certain fees prescribing penalties making an appropriation and generally clarifying and changing the provisions of the act

The first section was read.

On the question,

Will the Senate agree to the section?

Mr. BERGER offered the following amendments:

Amend Sec. 1 (Sec. 419), page 45, line 16, by striking out all of said line; amend Sec. 1 (Sec. 419), page 45, line 19, by inserting after "board": "may order. The board may refer any question of fact arising out of any."

They were agreed to.

The section was agreed to as amended.

The second section and title were read and agreed to.

And said bill having been read at length the second time, as amended,

On the question,

Will the Senate agree to the bill on second reading, as amended?

#### BILL OVER IN ORDER

Mr. BERGER. Mr. President, I ask unanimous consent that House Bill No. 1397, Printer's No. 1315, on second reading, go over in its order, as amended.

The PRESIDENT. Is there objection? The Chair hears none.

#### BILL ON SECOND READING AMENDED

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 1398, entitled:

An Act amending the act of June 2, 1915 (P. L. 736) entitled "The Pennsylvania Workmen's Compensation Act" changing provisions relating to liability of employers and benefits and persons entitled thereto changing certain rules of evidence and regulating practice and procedure authorizing commutation of certain awards providing for certain subrogation rights and the fixing of certain fees prescribing penalties making appropriations and generally clarifying and changing the provisions of the act

The first section was read.

On the question,

Will the Senate agree to the section?

Mr. BERGER offered the following amendments:

Amend Sec. 1 (Sec. 306), page 13, line 13, by striking out all of said line; amend Sec. 1 (Sec. 306), page 13, by inserting between lines 14 and 15: "sidered as the loss of an arm and amputation at or above the knee."

They were agreed to.

The section was agreed to as amended.

The second section and title were read and agreed to.

And said bill having been read at length the second time, as amended,

On the question,



Will the Senate agree to the bill on second reading, as amended?

### BILL OVER IN ORDER

Mr. BERGER. Mr. President, I ask unanimous consent that House Bill No. 1398, Printer's No. 1316, on second reading, go over in its order, as amended.

The PRESIDENT. Is there objection? The Chair hears none.

### BILL RECOMMITTED

Mr. KESSLER. Mr. President, we are working on this bill with the Bureau of Cigarette Tax Collection, and I would like to move that House Bill No. 1417, on second reading, entitled:

An Act amending the act of June 14, 1935 (P. L. 341) entitled as amended "Cigarette Tax Act" making the appointment of wholesale dealers in cigarettes discretionary and providing that fines and penalties shall be payable to the Commonwealth.

be recommitted to the Committee on Finance.

Mr. FLEMING. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. LANE. Mr. President, I object to the recommitment of this bill, and ask the Members on this side to vote "no."

And the question recurring.

Will the Senate agree to the motion?

Mr. LANE. I ask for a roll call, Mr. President.

Mr. RUTH. I ask for a roll call, Mr. President.

The yeas and nays were required by Mr. LANE and Mr. RUTH, and were as follows, viz:

#### YEAS—18

Berger,	Kessler,	Propert,	Van Sant,
Chapman,	Koprivier, Jr.,	Scott,	Wade,
Diehm,	Mallery,	Stevenson,	Wagner,
Fleming,	McGinnis,	Taylor,	Wolfe,
Haluska,	Peelot,		

#### NAYS—12

Camiel,	McCreesh,	Schmidt,	Stiefel,
Holland,	Mullin,	Seyler,	Weiner,
Lane,	Ruth,	Silvert,	Yosko,

So the question was determined in the affirmative.

### BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 1526, entitled:

An Act amending the act of March 7, 1901 (P. L. 20) entitled "An act for the government of cities of the second class" requiring reimbursement to cities of second class for costs incurred in the collection of certain fines.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 1566, entitled:

An Act amending the act of March 10, 1949 (P. L. 30)

entitled "Public School Code of 1949" regulating the acceptance of nonresident school children.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 1567, entitled:

An Act amending the act of March 10, 1949 (P. L. 30) entitled "Public School Code of 1949" providing for payments on account of nonresident pupil transportation.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 1579, entitled:

An Act amending the act of March 10, 1949 (P. L. 30) entitled "Public School Code of 1949" providing for pupil transportation in institutions and providing for reimbursements

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

### BILL ON SECOND READING AMENDED

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 1773, entitled:

An Act further amending the act approved the ninth day of April one thousand nine hundred twenty-nine (P. L. 343) entitled "The Fiscal Code" making certain information regarding funds available for public inspection changing certain provisions as to the imposition and remission of penalties and granting of refunds and clarifying provisions as to settlements

The first section was read.

On the question,

Will the Senate agree to the section?

Mr. PROPERT offered the following amendment:

Amend Sec. 1 (Sec. 503) page 9, line 3 by striking out "permission" and inserting in lieu thereof: "remission."

It was agreed to.

The section was agreed to as amended.

The second section was read.

On the question,

Will the Senate agree to the section?

Mr. PROPERT offered the following amendment:

Amend Sec. 2, page 9, line 15 by striking out "said."

It was agreed to.

The section was agreed to as amended

The third section was read.

On the question,

Will the Senate agree to the section?

Mr. PROPERT offered the following amendment:



Amend Sec. 3, page 10, lines 16 to 19, page 11, lines 1 to 6 by striking out all of said lines.

It was agreed to.

The section was agreed to as amended.

The fourth section was read.

On the question,

Will the Senate agree to the section?

Mr. PROPERT offered the following amendments:

Amend Sec. 4, page 11, line 7 by striking out "4" and inserting in lieu thereof: "3"; Amend Sec. 4, page 11, line 7 by striking out "said."

They were agreed to.

The section was agreed to as amended.

The fifth section was read.

On the question,

Will the Senate agree to the section?

Mr. PROPERT offered the following amendments:

Amend Sec. 5, page 12, line 16 by striking out "5" and inserting in lieu thereof: "4"; Amend Sec. 5, page 12, line 16 by striking out "said."

They were agreed to.

The section was agreed to as amended.

The sixth section was read.

On the question,

Will the Senate agree to the section?

Mr. PROPERT offered the following amendments:

Amend Sec. 6, page 14, line 7 by striking out "6" and inserting in lieu thereof: "5"; Amend Sec. 6, page 14, lines 8 to 11 by striking out "The foregoing amendment to Section" in line 8 and all of lines 9, 10 and 11.

They were agreed to.

The section was agreed to as amended.

The title was read and agreed to.

And said bill having been read at length the second time, as amended,

On the question,

Will the Senate agree to the bill on second reading, as amended?

#### BILLS OVER IN ORDER

Mr. PROPERT. Mr. President, I ask unanimous consent that House Bill No. 1773, Printer's No. 1079, on second reading, go over in its order, as amended.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. LANE. Mr. President, I ask unanimous consent that House Bill No. 1777, Printer's No. 1169, on second reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

#### BILL RE-REFERRED

Mr. FLEMING. Mr. President, I move that House Bill No. 1786, on second reading, entitled:

An Act providing for cooperation by the Commonwealth of Pennsylvania in conjunction with the State of New Jersey with the United States of America in the improvement and maintenance of the Delaware River between Allegheny Avenue Philadelphia Pennsylvania and Trenton Marine Terminal Trenton New Jersey and making an appropriation.

be re-referred to the Committee on Appropriations.

Mr. LANE. Mr. President, I second the motion.

The motion was agreed to.

#### BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 1838, entitled:

An Act amending the act of March 10, 1949 (P. L. 30) entitled "Public School Code of 1949" further regulating the admission of beginners to the public schools.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

#### SENATE BILL No. 382 CALLED UP

Mr. FLEMING. Mr. President, I call up from the Second Reading Calendar Senate Bill No. 382, which was passed over in order temporarily, for consideration at this time.

#### BILL ON SECOND READING AMENDED

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 382, entitled:

An Act amending the act of May 7, 1937 (P. L. 589) entitled as amended "An act providing for the taking over by the Commonwealth under certain terms conditions and limitations of certain streets in cities of the first class as State highways . . ." changing or deleting certain routes.

The first section was read.

On the question,

Will the Senate agree to the section?

Mr. WADE offered the following amendments:

Amend Bill, page 5, by inserting after line 20:

"Section 2. The second paragraph of section 2 of the act, amended August 19, 1953 (P. L. 1195), is amended by adding after clause (23) the following new route:

"Section 2. The city streets to be taken over under the provisions of this act in the cities hereinafter named shall be designated by numbers to be hereafter assigned by the Secretary of Highways and are situate and described as follows:

"In the City of Philadelphia

\* \* \*

"(24) Beginning at the intersection of Woodland Avenue with Thirty-third Street thence southerly and southwesterly over Thirty-third Street and over Curie Avenue to an intersection with Curie Avenue and University Avenue a distance of about 1.0 mile."

They were agreed to.

The section was agreed to as amended.

The title was read and agreed to.

And said bill having been read at length the second time, as amended,

On the question,

Will the Senate agree to the bill on second reading, as amended?

#### BILL OVER IN ORDER

Mr. WADE. Mr. President, I ask unanimous consent



that Senate Bill No. 382, Printer's No. 472, on second reading, go over in its order, as amended.

The PRESIDENT. Is there objection? The Chair hears none.

### RESOLUTION

#### REORGANIZATION PLAN No. 8

Mr. FLEMING. Mr. President, I would like, at this time, to call up for consideration Reorganization Plan No. 8.

Reorganization Plan No. 8 was read by the Clerk as follows:

#### REORGANIZATION PLAN No. 8 OF 1955

Section 1. The division of Surplus Property Disposal in the Department of Public Instruction where it was established by the head of the department, with the approval of the Executive Board in the year 1945, pursuant to the provisions of section 212 of the Administrative Code of 1929, is transferred from that department to the Department of Property and Supplies.

Section 2. There are hereby transferred to the Department of Property and Supplies the files, records, property, contract obligations, personnel, supplies and equipment now being used or held by the division of Surplus Property Disposal, and the unexpended balances of appropriations, allocations and other funds available or to be made available for use by the division of Surplus Property Disposal to be used for the payment of salaries, wages, general expenses, supplies, printing and equipment necessary for the work of the department with respect to the acquisition of Federal surplus property and the distribution of such property to schools and other agencies authorized to receive it.

Section 3. The following acts and parts of acts are suspended as particularly set forth:

Section 1, act of April 12, 1945 (P. L. 220), entitled "An act authorizing the Commonwealth and any administrative department, boards, and commissions thereof acting through the Department of Property and Supplies, and political subdivisions of the Commonwealth, including municipal authorities, to enter into contract with the United States of America, or any agency thereof, for the purchase, lease, or other acquisition of property, real or personal, offered for sale pursuant to the Surplus Property Act of one thousand nine hundred forty-four, without complying with any requirement of existing law as to specifications, advertising, award of contract, and approval of purchases by a State agency receiving competitive bids, or the delivery of property purchased before payment therefor," in so far as it confers any powers upon the Department of Public Instruction.

Section 3, act of December 22, 1955 (Act No. 29A), entitled "An act to provide for the ordinary expenses of the Department of Public Instruction for two years beginning June first, one thousand nine hundred fifty-five, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first, one thousand nine hundred fifty-five, and making appropriations to the Department of Public Instruction for reimbursement to school districts," in so far as it is in conflict with this Reorganization Plan.

On the question,

Will the Senate agree to the resolution?

#### REORGANIZATION PLAN No. 8 OF 1955 APPROVED

Mr. FLEMING. Mr. President, I move that Resolution A, of Reorganization Plan No. 8, be approved.

Mr. LANE. I second the motion.

On the question,

Will the Senate agree to the motion?

The roll was called and was as follows:

#### YEAS—46

Barr,	Harney,	McPherson, Jr.,	Stevenson,
Berger,	Hays,	McMenamin,	Stiefel,
Blass,	Holland,	Miller,	Taylor,
Camel,	Kessler,	Mullin,	Van Sant,
Chapman,	Koprivier, Jr.,	Peelor,	Wade,
Dent,	Lane,	Propert,	Wagner,
Diehm,	Madigan,	Ruth,	Watkins,
DiSilvestro,	Mahany,	Schmidt,	Watson,
Donolow,	Mallery,	Scott,	Weiner,
Flack,	McCreesh,	Seyler,	Whalley,
Fleming,	McGinnis,	Silvert,	Wolfe,
Haluska,			Yosko,

#### NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

### ADJOURNMENT

Mr. FLEMING. Mr. President, I move that the Senate do now adjourn until Tuesday, January 31, 1956, at 10:00 o'clock, a. m., Eastern Standard Time.

Mr. HOLLAND. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 5:28 o'clock, p. m., Eastern Standard Time, until Tuesday, January 31, 1956, at 10:00 o'clock, a. m., Eastern Standard Time.



## HOUSE OF REPRESENTATIVES

MONDAY, JANUARY 30, 1956.

The House met at 1:00 p. m.

The SPEAKER (Hiram G. Andrews) in the Chair.

## PRAYER

The Chaplain, Reverend Harold J. Crouse, Pastor of Trinity Lutheran Church, York, offered the following prayer:

Father in Heaven, Thou who didst create the days and give them light, we thank Thee that Thou didst lead us to the light of another day. Help us to receive this gift from Thy hand, this gift of today and use it as though there never was such a day as this one. Grant that it may be a day of strength, sympathy, manliness, Christlikeness.

We ask Thy blessing Lord, to rest upon all those who are in the service of the government of this State. Bless each individual. Fill each with Thy grace. Help each and all to set his affections upon service rather than salary, upon manhood rather than money; upon the freedom of his fellow men rather than his own personal advancement. Take our lives, lift them up and fill them full of Thy greatness, Thy mercy, Thy goodness. Through Jesus Christ, our Lord. Amen.

The SPEAKER. The Chair requests the gentleman from Armstrong, Mr. Helm, to preside temporarily.

Mr. HELM IN THE CHAIR.

## JOURNAL APPROVAL POSTPONED

The SPEAKER pro tempore. If there is no objection, the approval of the Journal for Wednesday, January 25, 1956, will be postponed until printed. The Chair hears none.

## COMMUNICATIONS FROM GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILLS Nos. 78, 662, 814, 1552 and 1907.

Commonwealth of Pennsylvania,

Governor's Office, Harrisburg, January 26, 1956.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 78, Printer's No. 20, entitled "An Act amending the act of March twenty-seventh one thousand nine hundred and twenty-nine (P. L. 84) entitled 'An act to fix the fees to be charged by coroners in counties of the second class' increasing fees to be charged"

GEORGE M. LEADER.

Commonwealth of Pennsylvania,

Governor's Office, Harrisburg, January 26, 1956.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 662, Printer's No. 1249, entitled "An Act amending the act of May 5 1933 (P. L. 289) entitled 'An act relating to nonprofit corporations defining and providing for the organization merger consolidation and dissolution of such corporations conferring certain rights powers duties and immunities upon them and their officers and members prescribing the con-

ditions on which such corporations may exercise their powers providing for the inclusion of certain existing corporations of the first class within the provisions of this act prescribing the terms and conditions upon which foreign nonprofit corporations may be admitted or may continue to do business within the Commonwealth conferring powers and imposing duties on the courts of common pleas prothonotaries of such courts recorders of deeds and certain State departments commissions and officers authorizing certain local public officers and State departments to collect fees for services required to be rendered by this act imposing penalties and repealing certain acts and parts of acts relating to corporations' empowering nonprofit corporations to transfer their property and assets in trust."

GEORGE M. LEADER.

Commonwealth of Pennsylvania,

Governor's Office, Harrisburg, January 26, 1956.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 814, Printer's No. 1186, entitled "An Act amending the act of June 11, 1915 (P. L. 938) entitled 'An act to regulate and establish the fees to be charged and collected by the several clerks of the courts of oyer and terminer general jail delivery and quarter sessions of the peace in counties of this Commonwealth having a population of over eight hundred thousand and less than one million five hundred thousand inhabitants as computed by the last preceding United States census' changing and fixing fees in counties of the second class."

GEORGE M. LEADER.

Commonwealth of Pennsylvania,

Governor's Office, Harrisburg, January 26, 1956.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 1552, Printer's No. 700, entitled "An Act authorizing and directing the Governor on behalf of the Commonwealth of Pennsylvania to execute an interstate compact concerning juveniles and for related purposes."

GEORGE M. LEADER.

Commonwealth of Pennsylvania,

Governor's Office, Harrisburg, January 27, 1956.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 1907, Printer's No. 1284, entitled "An Act making an appropriation to the Senate and House of Representatives of the General Assembly for the salaries of officers and employes and mileage of members and incidental expenses for the balance of the Legislative Session of 1955."

GEORGE M. LEADER.

## SENATE MESSAGE

AMENDED SENATE BILL RECALLED FROM THE GOVERNOR RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence bill numbered and entitled as follows:

SENATE BILL No. 722.

An Act amending the act of May 1, 1929 (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling,



including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," regulating issuance of registration plates to newspaper, newsreel or television photographers

The vote had on final passage and third reading on said bill was reconsidered in the Senate and the bill amended, in which amendments the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments. The Clerk read the amendments as follows:

Amend Section 1, page 3, line 3, by inserting after the second word "or" the following: "on film"; line 6, by inserting after the word "inscribed" the following: "the letters 'PP' as the first two characters"; line 9, by striking out after the word "law" the following: "the letters 'PP' enclosed by a keystone shield"; line 15, by inserting after the word "or" the following: "on film"; line 18, by inserting after the word "vehicles" the following:

For the 1957 motor vehicle registration year and subsequent years the department shall issue registration plates beginning with the "PP" characters only to persons who meet the requirements of this subsection.

On the question,

Will the House concur in the amendments made by the Senate?

Mr. READINGER. Mr. Speaker, I request that the House concur in the amendments made by the Senate.

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

#### YEAS—207

Adam,	Frost,	Magee,	Royer,
Agnew,	Gaffney,	Mahan,	Rubin,
Amarando,	Garlock,	Markley,	Rudisill,
Anderson, S. A.,	Gelfand,	Maxwell,	Sarraf,
Anderson, M. S.,	George,	McCann,	Scarcelli,
Ashton,	Gibb,	McCormack,	Schuster,
Auker,	Gibson,	McGee,	Sherman,
Banker,	Goldstein,	McInroy,	Sigman,
Barnatovich,	Gramlich,	McKeever,	Smith, C. C.,
Bazin,	Greenwood,	McLaughlin,	Smith, Wm. B.,
Bell,	Guss,	McWherter,	Snider,
Blair,	Guthrie,	Meholchick,	Stank,
Boies,	Hamilton, R. K.,	Metz,	Stebbins,
Bonner,	Hass,	Mihm,	Steckel,
Boory,	Haudenshield,	Mikula,	Stephens,
Bower,	Heavy,	Miller,	Stevenson,
Branca,	Helm,	Mills,	Stone,
Breisch,	Henzel,	Monroe,	Stoner,
Brennan, A. P.,	Hewitt,	Moody,	Strausser,
Brennan, J. J.,	Hocker,	Moran,	Stroup,
Brenninger,	Holt,	Mosecrip,	Swartz,
Breth,	Horst,	Muldowney,	Taylor,
Brown,	Houk,	Mullen,	Thomas,
Buechin,	Isaacs,	Munley,	Thompson,
Bullen,	Jenkins,	Murphy,	Toil,
Capano,	Johnson,	Murray, H. P.,	Tompkins,
Cianfrani,	Jones, G. E.,	Murray, J. J.,	Toomey,
Cioffi,	Jones, T. H. W.,	Murray, P. G.,	Varallo,
Cochran,	Jump,	Musto,	Varnier,
Comer,	Kamyk,	Naugle,	Vaughan,
Connelly,	Kehler,	Needham,	Verona,
Cooper,	Keller,	Ogilvie,	Wall,

Curwood,	Kent,	Olsen,	Wallace,
Davis,	Kline,	O'Neill,	Walsh,
Donahue,	Knecht,	Pacchioli,	Wargo,
Donaldson,	Kolankiewicz,	Parry,	Waterhouse,
Dougherty,	Kooker,	Pashley,	Weidner,
Down,	Kornick,	Paulhamus,	Welsh,
Ehrgood,	Kratz,	Petrosky,	Wescott,
Ellberg,	Kromer,	Pettigrew,	Wheeler,
Erb,	Lafore,	Polaski,	Whitenight,
Eshleman,	Lawyer,	Polen,	Willaredt,
Ewing,	Leiby,	Pomeroy,	Williams,
Farabaugh,	Leisey,	Price,	Wilt,
Filo,	Leonard,	Pursley,	Wood,
Fineman,	Leven,	Reidinger,	Worley,
Flint,	Light,	Reibman,	Yetzer,
Floyd,	Limper,	Reidenbach,	Yetter,
Flynn,	Lippincott,	Renwick,	Young,
Foster,	Lopresti,	Rigby,	Ziegler,
Frank,	Lovett,	Rosen,	Andrews,
Frascella,	Lutty,	Rovansek,	Speaker

#### NAYS—0

#### NOT VOTING—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

#### COMMUNICATION FROM GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

#### APPROVAL OF HOUSE CONCURRENT RESOLUTION RECALLING HOUSE BILL No. 342, FROM GOVERNOR

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, January 26, 1956.  
To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Concurrent Resolution recalling from the Governor House Bill No. 342, Printer's No. 1248, for the purpose of further consideration.

Accordingly, the original bill is herewith returned.

GEORGE M. LEADER.

#### COMMUNICATION AND BILL LAID ON TABLE

Mr. READINGER. Mr. Speaker, I move that the communication from the Governor together with the bill be laid on the table.

The motion was agreed to.

#### COMMUNICATION FROM GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

#### APPROVAL OF HOUSE CONCURRENT RESOLUTION RECALLING HOUSE BILL No. 844 FROM GOVERNOR

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, January 26, 1956.  
To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Concurrent Resolution recalling from the Governor House Bill No. 844, Printer's No. 1129, for the purpose of amendment.

Accordingly, the original bill is herewith returned.

GEORGE M. LEADER.



## COMMUNICATION AND BILL LAID ON TABLE

Mr. READINGER. Mr. Speaker, I move that the communication from the Governor together with the bill be laid on the table.

The motion was agreed to.

## COMMUNICATION FROM GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

## APPROVAL OF HOUSE CONCURRENT RESOLUTION RECALLING HOUSE BILL No. 1002 FROM GOVERNOR

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, January 26, 1956.  
To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Concurrent Resolution recalling from the Governor House Bill No. 1002, Printer's No. 1076, for the purpose of amendment.

Accordingly, the original bill is herewith returned.

GEORGE M. LEADER.

## COMMUNICATION AND BILL LAID ON TABLE

Mr. READINGER. Mr. Speaker, I move that the communication from the Governor together with the bill be laid on the table.

The motion was agreed to.

## COMMUNICATION FROM GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

## APPROVAL OF HOUSE CONCURRENT RESOLUTION RECALLING HOUSE BILL No. 1172 FROM GOVERNOR

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, January 26, 1956.  
To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Concurrent Resolution recalling from the Governor House Bill No. 1172, Printer's No. 1092, for the purpose of further consideration.

Accordingly, the original bill is herewith returned.

GEORGE M. LEADER.

## COMMUNICATION AND BILL LAID ON TABLE

Mr. READINGER. Mr. Speaker, I move that the communication from the Governor together with the bill be laid on the table.

The motion was agreed to.

## COMMUNICATION FROM GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

## APPROVAL OF HOUSE CONCURRENT RESOLUTION RECALLING HOUSE BILL No. 1174 FROM GOVERNOR

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, January 26, 1956.  
To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Concurrent Resolution recalling from the Governor House Bill No. 1174, Printer's No. 1244, for the purpose of amendment.

Accordingly, the original bill is herewith returned.

GEORGE M. LEADER.

## COMMUNICATION AND BILL LAID ON TABLE

Mr. READINGER. Mr. Speaker, I move that the communication from the Governor together with the bill be laid on the table.

The motion was agreed to.

## BILLS SIGNED BY SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

The SPEAKER pro tempore. The Speaker, in the presence of the House, signed the following bills:

## HOUSE BILL No. 641.

An Act amending the act of May 1, 1933 (P. L. 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" authorizing the appointment of sanitary boards and sanitary officers prescribing their powers and duties providing for the enforcement of the administration of health laws by such boards and officers providing for a president and secretary of such boards imposing duties on the Secretary of Health and providing for payments of expenses by townships.

## HOUSE BILL No. 970.

An Act amending the Act of May 1, 1929 (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," by changing requirements and penalties concerning lamps and illuminating devices.

## HOUSE BILL No. 1222.

An Act to further amend the act approved the twenty-third day of May one thousand nine hundred forty-nine (P. L. 1669) entitled as amended "An act to provide revenue for school districts of the first class by imposing a tax on persons engaging in certain businesses professions occupations trades vocations and commercial activities therein providing for its levy and collection conferring and imposing powers and duties on the Board of Public Education receiver of school taxes and school treasurer in such districts and prescribing penalties" as amended by further defining "receipts"

## HOUSE BILL No. 1223.

An Act amending the act of May 23, 1949 (P. L. 1669)



entitled as amended "An act to provide revenue for school districts of the first class by imposing a tax on persons engaging in certain businesses professions occupations trades vocations and commercial activities therein providing for its levy and collection conferring and imposing powers and duties on the Board of Public Education receiver of school taxes and school treasurer in such districts and prescribing penalties" changing the method of computing the tax of certain taxpayers changing the penalty on taxes not paid when due defining business and limiting the time within which suit may be started for collection of taxes

#### HOUSE BILL No. 1674.

An Act making an appropriation to the Department of Welfare for the two fiscal years beginning June 1, 1955 to assist in the payment of the operation and maintenance by the Trustees of Mercy-Douglass Hospital of the addition to Philadelphia State Hospital constructed by The General State Authority

Whereupon,  
The SPEAKER, in the presence of the House, signed the same.

#### BILL ON FIRST READING

Agreeably to order,  
The House proceeded to the first reading and consideration of House Bill No. 1929, entitled:

An Act amending the "Public School Employes Retirement Law" approved July 18, 1917 (P. L. 1043) correcting the names of certain institutions

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

#### BILLS ON SECOND READING

Agreeably to order,  
The House proceeded to the second reading and consideration of House Bill No. 231, entitled:

An Act permitting any person entitled to vote to absent himself from any service or employment in which he is then engaged or employed for a period of two hours in certain cases without deduction in salary or wages

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,  
The House proceeded to the second reading and consideration of House Bill No. 460, entitled:

An Act amending the act of May 22, 1933 (P. L. 851) entitled "An act fixing the pay and mileage of jurors and witnesses" prescribing daily mileage rates and allowances

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,  
The House proceeded to the second reading and consideration of House Bill No. 496, entitled:

An Act amending the "Public Utility Law" approved May 28, 1937 (P. L. 1053) requiring hearings to be held within the county where any increase in rate by a public utility is to be effective

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 821, entitled:

An Act amending the act of May 18, 1937 (P. L. 654) entitled as amended "An act to provide for the safety and to protect the health and morals of persons while employed \* \* \*" requiring nurses to be on duty in certain establishments

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1232, entitled:

An Act to further amend clauses (f) and (g) of Section 448 and Section 450 of the act approved the ninth day of April one thousand nine hundred twenty-nine (P. L. 177) entitled "Administrative Code of 1929" by providing that upon each The Advisory Health Board the State Welfare Commission and the State Board of Public Assistance there shall be one representative of organized labor

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1382, entitled:

An Act amending the "Vocational Rehabilitation Act of one thousand nine hundred forty-five" approved May 22, 1945 (P. L. 849) extending vocational rehabilitation to disabled persons who have sustained injuries or incurred occupational diseases in the course of their employment

The first section was read.

On the question,

Will the House agree to the section?

#### BILL RECOMMITTED

Mr. POLEN. Mr. Speaker, I move that this bill be recommitted to the Committee on Appropriations.

The motion was agreed to.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1802, entitled:

An Act relating to public works contracts providing for prevailing wages imposing duties upon the Secretary of Labor and Industry providing penalties and repealing existing laws.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1866, entitled:

An Act amending the "State Employes' Retirement Law" approved June 27, 1923 (P. L. 858) further regulating the rights of employes of county health departments,

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,



The House proceeded to the second reading and consideration of House Bill No. 1870, entitled:

An Act amending the "Public Utility Law" approved May 28, 1937 (P. L. 1053) exempting from the provisions thereof transportation of school children of private church and parochial schools in certain cases.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1892, entitled:

An Act amending "The Administration Code of 1929" approved April 9, 1929 (P. L. 177) increasing compensation of members of the State Civil Service Commission.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1908, entitled:

An Act authorizing abatement of real estate taxes because of destruction or damage of property by flood or the refund or credit of the amount of such taxes against future taxes by certain political subdivisions.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1931, entitled:

An Act authorizing the Department of Property and Supplies to exchange land located in Union Township Bedford County, Pennsylvania necessary for improved administration of Blue Knob State Park.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1932, entitled:

An Act amending the act of July 12, 1935 (P. L. 677) entitled "An act to fix the status of officers and employees of the Commonwealth and political subdivisions thereof while in training with the armed forces of the United States" including members of the United States Air Corps.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1955, entitled:

An Act amending the act of Sept. 3, 1955 (Appropriation Act No. 17-A) entitled "An act making an appropriation to the Council of Civil Defense for disaster relief in connection with the hurricane and flood damage of August one thousand nine hundred fifty-five" making the moneys appropriated available for flood damage of October 1955.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1962, entitled:

An Act amending the "Bituminous Coal Mining Law" approved June 9, 1911 (P. L. 756) changing qualification requirements of candidates for the office of mine inspector and changing provisions concerning reappointment and certification of inspectors.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1963, entitled:

An Act amending the act of July 1, 1937 (P. L. 2461) entitled "An act providing for the qualifications examination appointment term of office and removal of Anthracite Mine Inspectors \* \* \*" making certain mine inspectors eligible for reappointment without examination.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1964, entitled:

An Act making the offices of constable and justice of the peace or alderman incompatible.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1965, entitled:

An Act authorizing the Department of Property and Supplies with approval of the Governor to acquire sixty-three acres more or less of land in Washington Township Erie County for use of Edinboro State Teachers' College and making an appropriation

The first section was read.

On the question,

Will the House agree to the section?

#### BILL RECOMMITTED

Mr. POLEN. Mr. Speaker, I move that this bill be recommitted to the Committee on Appropriations.

The motion was agreed to.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1974, entitled:

An Act making an appropriation to the Department of Public Instruction for the proper conduct of the work of the Pennsylvania State Board of Censors

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.



Agreeably to order,

The House proceeded to the second reading and consideration of Senate Bill No. 332, entitled:

An Act amending the "Vehicle Code" \* \* \* authorizing the issuance of duplicate registration cards at the option of the owner and fixing the fee therefor

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

#### BILL PASSED OVER

There being no objection,

Senate Bill No. 383, Printer's No. 375,

was passed over at the request of the SPEAKER pro tempore.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate Bill No. 530, entitled:

An Act limiting the period within which petitions for the assessment of damages may be filed or actions for damages commenced for injury to or taking of private land property or material or any interest therein by political subdivisions or by authorities created by political subdivisions in the exercise of their power of eminent domain

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate Bill No. 655, entitled:

An Act amending "The Realty Transfer Tax Act" of December 27 1951 (P. L. 1742) \* \* \* exempting from the tax certain trustee and correctional deeds certain straw transactions and certain transfers to the United States the Commonwealth or their agencies instrumentalities or political subdivisions

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

#### BILLS PASSED OVER

There being no objection,

Senate Bill No. 776, Printer's No. 294,

Senate Bill No. 830, Printer's No. 436,

Senate Bill No. 831, Printer's No. 437, and

Senate Bill No. 832, Printer's No. 438

were passed over at the request of the SPEAKER pro tempore.

#### BILL ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of Senate Bill No. 852, entitled:

An Act amending the "Liquor Code" \* \* \* permitting holders of bonded warehouse licenses issued by the Pennsylvania Liquor Control Board to receive in bond certain liquor and alcohol for storage in bond in this Commonwealth regulating the release of such liquor and alcohol for delivery

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

#### BILL PASSED OVER

There being no objection,

Senate Bill No. 867, Printer's No. 391,

was passed over at the request of the SPEAKER pro tempore.

#### BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of Senate Bill No. 881, entitled:

An Act declaring the public interest in certain historic sites and buildings and providing for certificates and markers

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate Bill No. 901, entitled:

An Act amending the act of August 9 1955 (Act No. 130) entitled "An act relating to counties of the third fourth fifth sixth seventh and eighth classes amending revising consolidating and changing the laws relating thereto" fixing the time for the annual report by the county auditors to the court of common pleas and changing the provisions relating to the appointment of depositories of county funds

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

#### RECESS

The SPEAKER pro tempore. The Chair is about to declare a recess for an hour and a half for the purpose of holding Republican and Democratic caucuses. Members are requested to go immediately to their respective caucus rooms. The Chair hears no objection.

The Chair now declares a recess for one hour and a half.

#### AFTER RECESS

The time of recess having expired, the House was called to order.

Mr. HELM IN THE CHAIR.

#### PERMISSION TO ADDRESS HOUSE

Mr. READINGER asked and obtained unanimous consent to address the House.

Mr. Speaker, last week the Speaker of the House suggested that the Majority Leader and the Minority Leader appoint Members of this House to a committee for the purpose of sitting down and discussing in a bipartisan spirit the tax problem that has been facing us.

I would now like to announce that there will be four Members from each side of the House on this committee and the four men whom I am going to appoint will be Mr. Kolankiewicz, Mr. Polen, Dr. Sarraf and myself.

It has been suggested, and agreed upon between the Majority Leader and the Minority Leader that the Speaker, Mr. Andrews, be requested to serve as an ex-officio Member of this committee for the purpose of acting as coordinator in order to expedite the discussions which the committee will undertake.



I have conferred with the Minority Leader and understand it will be agreeable to have this committee meet in my office on the first floor of the Capitol Building tomorrow morning at 10:00 a. m.

### PERMISSION TO ADDRESS HOUSE

Mr. CHARLES C. SMITH asked and obtained unanimous consent to address the House.

Mr. Speaker, I concur with everything the gentleman says. At least we start off "agreed."

The Members on this side of the House will be Mr. Johnson from McKean County, Mr. Kent from Crawford County, Mr. Bower from Northumberland County and myself.

### RECONSIDERATION OF VOTE ON HOUSE BILL No. 496

Mr. READINGER. Mr. Speaker, I move that the vote by which House Bill No. 496, entitled:

An Act amending the "Public Utility Law" approved May 28, 1937 (P. L. 1053) requiring hearings to be held within the county where any increase in rate by a public utility is to be effective.

was agreed to on second reading, be reconsidered.

On the question,

Will the House agree to the motion?

The yeas and nays were required by Messrs. READINGER, LOVETT and STANK and were as follows:

#### YEAS—149

Adam,	Flynn,	Lutty,	Renwick,
Agnew,	Frank,	Magee,	Rigby,
Anderson, M. S.,	Frost,	Mahan,	Rubin,
Ashton,	Gaffney,	Maxwell,	Rudisill,
Auker,	Garlock,	McOann,	Sarraf,
Banker,	Gelfand,	McInroy,	Scarcelli,
Barnatovich,	George,	McKeever,	Sherman,
Bazin,	Gibb,	McLaughlin,	Smith, Wm. B.,
Bell,	Gibson,	McWherter,	Snider,
Boles,	Gramlich,	Meholchick,	Stank,
Bonner,	Guss,	Metz,	Steckel,
Boory,	Guthrie,	Miller,	Stebbins,
Branca,	Hamilton, R. K.,	Mikula,	Stephens,
Brennan, A. P.,	Haudenshield,	Moody,	Stevenson,
Brennan, J. J.,	Heim,	Moran,	Stone,
Brenninger,	Henzel,	Muldowney,	Stoner,
Breth,	Horst,	Mullen,	Stroup,
Brown,	Houk,	Munley,	Swartz,
Bucchin,	Isaacs,	Murphy,	Taylor,
Capano,	Jenkins,	Murray, H. P.,	Thomas,
Cianfrani,	Jones, G. E.,	Musto,	Toll,
Cioffi,	Jump,	Naugle,	Vallo,
Cochran,	Kamyk,	Needham,	Varner,
Comer,	Keller,	Ogilvie,	Wall,
Connelly,	Knecht,	O'Neill,	Wallace,
Curwood,	Kolankiewicz,	Pacchioli,	Walsh,
Davis,	Kooker,	Parry,	Wargo,
Donahue,	Kornick,	Pashley,	Waterhouse,
Donaldson,	Kratz,	Paulhamus,	Weidner,
Dougherty,	Lafore,	Petrosky,	Welsh,
Down,	Leiby,	Polaski,	Wheeler,
Farabaugh,	Lelsey,	Polen,	Willaredt,
Ehrgood,	Leonard,	Pomeroy,	Williams,
Erb,	Leven,	Pursley,	Yetter,
Eshleman,	Limper,	Readinger,	Yetzer,
Ewing,	Light,	Reibman,	Young,
Filo,	Lovett,	Reidenbach,	Ziegler,
Flint,			

#### NAYS—12

Bower,	Jones, T. H. W.,	Markley,	Strausser,
Hocker,	Kent,	Sigman,	Wood,
Johnson,	Lippincott,	Smith, C. C.,	Worley,

#### NOT VOTING—46

Amarando,	Greenwood,	Mihm,	Royer,
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Anderson, S. A.,	Hass,	Mills,	Schuster,
Blair,	Heavey,	Monroe,	Thompson,
Breisch,	Hewitt,	Moscrip,	Tompkins,
Bullen,	Holt,	Murray, J. J.,	Toomey,
Cooper,	Kehler,	Murray, P. G.,	Vaughan,
Eilberg,	Kline,	Olsen,	Verona,
Fineman,	Kromer,	Pettigrew,	Wescott,
Floyd,	Lawyer,	Price,	Whitenight,
Foster,	Lopresti,	Rosen,	Wilt,
Frascella,	McCormack,	Rovanssek,	Andrews,
Goldstein,	McGee,		Speaker

So the question was determined in the affirmative and the motion was agreed to.

Mr. READINGER. Mr. Speaker, I move that the vote by which the House agreed to the title and the various sections be reconsidered.

It was agreed to.

### BILL RECOMMITTED

Mr. READINGER. Mr. Speaker, I move that this bill be recommitted to the Committee on Public Utilities.

The motion was agreed to.

### BILLS ON SECOND READING

Mr. READINGER. Mr. Speaker, I call up on page 3 of today's calendar, House Bill No. 1385.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1385, entitled:

An Act amending the act of May 22, 1933 (P. L. 851) entitled "An Act fixing the pay and mileage of jurors and witnesses" requiring employers to make certain payments to employes when on jury duty.

And said bill having been read at length the second time and agreed to

Ordered, To be transcribed for third reading.

Mr. POLEN. Mr. Speaker, I call up on page 4 of today's calendar, House Bill 1856.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1856, entitled:

An Act making an appropriation to the Department of Welfare for the maintenance of certain hospitals.

The first section was read.

On the question,

Will the House agree to the section?

Mr. WORLEY offered the following amendments:

Amend Sec. 1, page 1, lines 2 to 4, by striking out "twenty-one million four" in line 2 all of line 3 and "000" in line 4 and inserting "twenty-one million four hundred sixty thousand forty dollars (\$21,460,040."

Amend Sec. 1, page 11, line 18, by striking out "28,000" and inserting "51,040."

On the question.

Will the House agree to the amendments?

Mr. WORLEY. Mr. Speaker, this is the amount that the administrator of the Annie M. Warner Hospital in my county of Adams has requested I ask be appropriated to them. They inform me that they absolutely need this much money.

Mr. POLEN. Mr. Speaker, I rise to oppose the amendments to House Bill 1856 offered by the gentleman from Adams, Mr. Worley.



It is true, as it is true in most every case, that the hospitals ask for amounts greatly in excess of the amounts they have earned in the past or possibly could earn in the future.

For the information of the House, the amounts that are appropriated to the hospitals must be earned on a per diem basis as free patient days.

In this case there seems to be no justification whatever for increasing this amount. I might state that this bill 1856 was introduced over two months ago and in every case where any of the Members, or the hospitals themselves, brought to our attention that they felt it should be increased, or possibly decreased, we considered every case. In this case we had no request from Mr. Worley nor any request from the hospital in question. The amount that we allocated in this bill, which must be earned to be paid to the hospital, is an increase over the previous biennium and we feel is a fair amount. The Hospital Association of Pennsylvania has endorsed the amount shown in the bill, and I see no justification whatever for increasing this appropriation for the Gettysburg Hospital from \$28,000 to \$51,040.

As a matter of fact, if we had prepared this bill on the basis of the requests made, it would take many, many millions of dollars in excess of the amount that is contained in the bill. The bill does provide an increase from \$16,772,000 over the 1953-1955 biennium to \$21,437,000 as contained in the bill.

Mr. Speaker, there has been no information given to the Appropriations Committee by anyone which would justify any increase whatever in the appropriation to Gettysburg Hospital. For that reason I ask the Members of the House to vote down these amendments.

Mr. WORLEY. If I understood the gentleman to say that they have no request for the \$51,040 that statement is incorrect. The secretary to the Chairman of the House Appropriations Committee showed me my request that I had made, which was on file with them; just this last week, it is on file. I made the request in writing.

I also made the same request to the Senate Appropriations Committee, and the Secretary to the Appropriations Committee, Mr. Stoner can show him my request over there. I made the request not only to the House Appropriations Committee, but I made the request also to the Senate Appropriations Committee.

If I understood the gentleman to say I did not make the request, he is absolutely incorrect and his records will show it. I can take him back to his own Committee room and show him by his own records that I made the request, I made it for \$51,040. Does the gentleman deny that?

Mr. POLEN. Mr. Speaker, I did not say that. What I said was that that is the amount the hospital did request through Mr. Worley and the amount that the hospital requested. What I said, and I think he did not understand my statement, was that this bill carrying a \$28,000 appropriation had been introduced over two months ago and during the interim, we had no request from either the hospital or Mr. Worley for any adjustment, nor any facts or figures given us that would justify the appropriation of over \$51,000 which he is now requesting and which it is true he requested in the beginning.

Mr. WORLEY. Mr. Speaker, may I interrogate Mr. Polen, please?

The SPEAKER pro tempore. Will the gentleman from Washington, Mr. Polen, permit himself to be interrogated?

Mr. POLEN. I shall, Mr. Speaker.

Mr. WORLEY. Mr. Speaker, do I understand the gentleman to say that he does have in his records a request by me for \$51,040?

Mr. POLEN. That is correct and I so stated.

On the question recurring,

Will the House agree to the amendments?

Mr. WORLEY. Mr. Speaker, I ask for a division.

On a rising vote, thirty-one Members having voted in the affirmative and eighty-seven in the negative, the question was determined in the negative and the amendments were not agreed to.

On the question recurring,

Will the House agree to the section?

It was agreed to.

The second section and title were separately read and agreed to.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Mr. READINGER. Mr. Speaker, I call up on page 5 of today's calendar House Bill No. 1943.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1943, entitled:

An Act to add section six hundred thirty-five point one to the act approved the twenty-fourth day of June one thousand nine hundred thirty-nine (P. L. 872) entitled "An Act to consolidate amend and revise the penal laws of the Commonwealth" by regulating the serving and selling of milk in which chocolate cocoa or cacao products are used as an ingredient and prescribing penalties.

The first section was read.

On the question,

Will the House agree to the section?

#### BILL RECOMMITTED

Mr. READINGER. Mr. Speaker, I move that this bill be recommitted to the Committee on Agriculture for the purpose of further study.

The motion was agreed to.

Mr. SNIDER. Mr. Speaker, I call up on page 6 of today's calendar, Senate Bill No. 383.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate Bill No. 383, entitled:

An Act amending the Ice Cream Law of May 20, 1949 (P. L. 1594) \*\*\* authorizing and regulating the manufacture and sale of artificially sweetened ice cream for diabetics

The first section was read.

On the question,

Will the House agree to the section?

Mr. SNIDER offered the following amendments:

Amend Sec. 1 (Sec. 1), page 4, line 12, by striking out "the" and inserting in lieu thereof "only those."

Amend Sec. 1 (Sec. 1), page 4, line 13, by inserting after "agent" "and contain edible carbohydrates other



than sugar. The artificial sweetening agent and the edible carbohydrates must be."

Amend Sec. 1 (Sec. 1), page 4, line 14, by striking out "natural sweetening" and inserting in lieu thereof "sugars other than those naturally present in the milk solids or fruit."

They were agreed to.

The section was agreed to as amended.

The second section was read and agreed to.

The third section was read.

On the question,

Will the House agree to the section?

Mr. SNIDER offered the following amendments:

Amend Sec. 3 (Sec. 3.1), page 5, lines 10 to 13, by striking out "and label thereon on each side of" in line 10, all of lines 11, and 12, and "which may be plainly seen and read by the purchaser" in line 13, and inserting in lieu thereof "Which shall be conspicuously labeled 'artificially sweetened' immediately preceding the words 'ice cream' in similar type at least one-half the size of the type used for the words 'ice cream' and on the same contrasting background."

Amend Sec. 3 (Sec. 3.1), page 5, line 15, by inserting after "prescribe" "The label shall also contain a statement in terms of per centage by weight of protein, fat and carbohydrates, the total number of calories per ounce and per unit of customary use or serving, the number of calories contributed by carbohydrates and any carbohydrates other than lactose, and the name of each ingredient entering into the composition other than flavors."

They were agreed to.

The section was agreed to as amended.

The title was read and agreed to.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for third reading.

Mr. READINGER. Mr. Speaker, I call up on page 7 of today's calendar, Senate Bill No. 776.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate Bill No. 776, entitled:

An Act amending the act of May 16, 1921 (P. L. 579), entitled as amended "An act providing for the better management of the jails or county prisons in the several counties of this Commonwealth of the third, fourth and fifth classes by creating, in such counties, a board to be known by the name and style of inspectors of the jail or county prison, with authority to appoint a warden of such prison, and by vesting in said board, and the officers appointed by it, the safe-keeping, discipline, and employment of prisoners and the government and management of said jails or county prisons," giving wardens, deputies and other appointees of the board powers of peace officers.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Mr. READINGER. Mr. Speaker, I call up on page 8 of today's calendar, Senate Bill No. 867.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate Bill No. 867, entitled:

An Act amending the "Liquor Code \* \* \*" permitting the sale and possession of wine in packages not bearing the official seal of the board

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

## BILL ON FINAL PASSAGE RECALLED FROM GOVERNOR

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 1623, entitled:

An Act amending the act of July 28, 1953 (P. L. 723) entitled "An act relating to counties of the second class amending revising consolidating and changing the laws relating thereto" extending retirement benefits to veterans of armed conflicts

## RECONSIDERATION OF VOTE

Mr. READINGER. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered.

Mr. HOCKER. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from Berks, Mr. Readinger, vote on the third reading of this bill?

Mr. READINGER. Mr. Speaker, I voted with the prevailing side.

The SPEAKER. How did the gentleman from Dauphin, Mr. Hocker, vote on the third reading of this bill?

Mr. HOCKER. Mr. Speaker, I voted with the prevailing side.

On the question,

Will the House agree to the motion?

It was agreed to.

On the question recurring,

Will the House agree to the bill on third reading?

Mr. O'NEIL. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

Amend Title, page 1, lines 1 to 6 of Title, by striking out all of lines 1 to 5 and "ing" in line 6, and inserting in lieu thereof: "Extending county pension and."

Amend Title, page 1, last line of Title, by inserting after "conflicts": "in counties of the second, third, fourth, fifth, sixth, seventh and eighth class."

Amend Sec. 1, page 2, lines 17 to 20, and page 3, lines 1 to 4, by striking out all of lines 17 to 20, page 2, and all of lines 1, 2 and 3 and "(D)" in line 4, page 3, and inserting in lieu thereof:

"Section 1. In any county of the second, third, fourth, fifth, sixth, seventh or eighth class maintaining a pension or retirement system for the employees."

Amend Sec. 1 (Sec. 1710), page 3, lines 14 and 15, by removing all underscoring in said lines.

Amend Sec. 1 (Sec. 1710), page 3, line 17, by inserting after "for": "pension or."

Amend Sec. 1 (Sec. 1710), page 3, line 19, by removing the underscoring beneath "armed conflict."

Amend Sec. 1 (Sec. 1710), page 4, line 5, by inserting after "employees": "pension or."

Amend Sec. 1 (Sec. 1710), page 4, line 16, by striking out "article" and inserting in lieu thereof: "act".

Amend Sec. 1 (Sec. 1710), page 4, line 17, by inserting after "employees": "pension or".

The SPEAKER. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,



Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

### BILLS ON FINAL PASSAGE

#### BILL PASSED OVER

There being no objection,

House Bill No. 68, Printer's No. 1302, was passed over at the request of the SPEAKER pro tempore.

Agreeably to order

The House proceeded to the consideration on final passage of House Bill No. 322 entitled:

An Act amending the act of July 24, 1913 (P. L. 965) entitled "An act defining commodities regulating the sale thereof and providing penalties for violation hereof" further regulating the sale and delivery of commodities.

On the question,

Will the House agree to the bill on third reading?

#### BILL RECOMMITTED

Mr. THOMAS. Mr. Speaker, I move that this bill be recommitted to the Committee on Agriculture for the purpose of further study.

The motion was agreed to.

#### BILL PASSED OVER

There being no objection,

House Bill No. 667, Printer's No. 1256, was passed over at the request of the SPEAKER pro tempore.

Agreeably to order

The House proceeded to the consideration on final passage of House Bill No. 796 as follows:

An Act regulating the mining of anthracite coal prescribing duties for certain officers of political subdivisions and imposing penalties

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 It shall be unlawful for any owner operator director or general manager superintendent or other person in charge of or having supervision over any anthracite coal mine or mining operation to mine anthracite coal or to conduct the operation of mining anthracite coal as to cause the caving-in collapse or subsidence of any home school building or church

Section 2 Every owner operator lessor lessee or general contractor engaged in the mining of anthracite coal within this Commonwealth shall make or cause to be made a true and accurate map or plan of the workings or excavations of such coal mine or colliery which shall be drawn to a scale of such size as to show conveniently and legibly all markings and numbers required to be placed thereon by the terms of this act. Such maps or plans shall also show in detail and in markings of a distinctive color all contemplated workings which are intended to be undertaken or developed within the succeeding six months. Such maps or plans shall be deposited as often as once in six months with the mayor in cities where such coal mines or collieries are situated. In boroughs and townships of the first or second class the boards of supervisors of townships of the second class such maps or plans shall be filed with the county commissioners of the proper county. Such maps or plans shall be considered public records and shall be open to the inspection of the public and copies or tracings may be made therefrom. No mining shall be done which

is not shown on the map or plan filed at least ten days previously

Section 3 Every owner operator lessor lessee or general contractor engaged in the mining of anthracite coal or any president director general manager superintendent or other person in charge of or having supervision over any anthracite coal mine or mining operation in this Commonwealth shall be and is hereby required (a) To designate within a period of six months from the passage of this act and to keep designated by number each and every pillar of anthracite coal beneath the surface still remaining in place at the time this act goes into effect and all pillars thereafter created the number of each pillar to be placed in a conspicuous position with white paint or some other equally durable and visible substance and (b) to designate or cause to be designated by numerals of convenient and legible size upon all maps or plans mentioned in section 2 of this act with the space on each map or plan designating any pillar of coal the number of such pillar

Section 4 The mayor of cities the burgess of boroughs the boards of township commissioners of townships of the first class and such engineers and other agents as they may employ shall at all reasonable times be given access to any portion of any anthracite coal mines or mining operations which it may be necessary or proper to inspect for the purpose of determining whether the provisions of this act are being complied with and all reasonable facilities shall be extended by the owner or operator of such mine or mining operation for ingress egress and inspection

Section 5 The mayor of cities the burgess in boroughs the board of township commissioners in townships of the first class and the board of supervisors of townships of the second class shall have the power to prevent the mining of anthracite coal beneath the surface in any mine or mining operation in which the pillars of coal shall not have been numbered and the numbers thereof designated by maps or tracings as provided by this act and where mining operations are being conducted in violation of this act they shall have the power to prevent any miner or laborer other than those necessary for the protection of life and property from entering the mine or mining operation until such time as the provisions of this act have been complied with

Section 6 The provisions of this act shall not apply to any area wherein the surface overlying the mine or mining operation is wild or unseated land nor where such surface is owned by the owner or operator of the underlying coal and is distant more than one hundred and fifty feet from any improved property belonging to any other person

Section 7 Any owner operator lessor lessee or general contractor engaged in the mining of anthracite coal or any president director general manager superintendent or other person in charge of or having supervision over any anthracite coal mine or mining operation who shall violate any provision of this act shall be deemed guilty of a misdemeanor and upon conviction shall be sentenced to pay a fine of not more than five thousand dollars or undergo imprisonment for not more than one year or both

Section 8 The courts of common pleas shall have power to award injunction to restrain violations of this act

Section 9 This act is intended as remedial legislation designed to cure existing evils and abuses and each and every provision thereof is intended to receive a liberal construction such as will best effectuate that purpose and no provision is intended to receive a strict or limited construction

Section 10 This act shall take effect three calendar months after its final approval

Section 11 All acts and parts of acts are repealed in so far as they are inconsistent herewith

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:



## YEAS—207

Adam,	Frost,	Magee,	Royer,
Agnew,	Gaffney,	Mahan,	Rubin,
Amarando,	Garlock,	Markley,	Rudisill,
Anderson, M. S.,	Gelfand,	Maxwell,	Sarraf,
Anderson, S. A.,	George,	McCann,	Scarcelli,
Ashton,	Gibb,	McCormack,	Schuster,
Auker,	Gibson,	McGee,	Sherman,
Banker,	Goldstein,	McInroy,	Sigman,
Barnatovich,	Gramlich,	McKeever,	Smith, C. C.,
Bazin,	Greenwood,	McLaughlin,	Smith, Wm. B.,
Bell,	Guss,	McWherter,	Snider,
Blair,	Guthrie,	Meholchick,	Stank,
Boies,	Hamilton, R. K.,	Metz,	Stebbins,
Bonner,	Hass,	Mihm,	Steckel,
Boory,	Haudensfield,	Mikula,	Stevens,
Bower,	Heavey,	Miller,	Stevenson,
Brance,	Helms,	Mills,	Stone,
Breisch,	Henzel,	Monroe,	Stoner,
Brennan, A. P.,	Hewitt,	Moody,	Strausser,
Brennan, J. J.,	Hocker,	Moran,	Stroup,
Brenninger,	Holt,	Moscrip,	Swartz,
Breth,	Horst,	Muldowney,	Taylor,
Brown,	Houk,	Mullen,	Thomas,
Bucchin,	Isaacs,	Munley,	Thompson,
Bullen,	Jenkins,	Murphy,	Tompkins,
Capano,	Johnson,	Murray, J. J.,	Toll,
Cianfrani,	Jones, G. E.,	Murray, P. G.,	Toomey,
Cloft,	Jones, T. H. W.,	Murray, H. P.,	Varallo,
Cochran,	Jump,	Musto,	Varnier,
Comer,	Kamyk,	Naugle,	Vaughan,
Connelly,	Kehler,	Needham,	Verona,
Cooper,	Keller,	Ogilvie,	Wallace,
Curwood,	Kent,	Olsen,	Walsh,
Davis,	Kline,	O'Neill,	Wall,
Donahue,	Knecht,	Parry,	Wargo,
Donaldson,	Kolankiewicz,	Pacchioli,	Waterhouse,
Dougherty,	Kooker,	Pashley,	Weidner,
Down,	Kornick,	Paulhamus,	Welsh,
Ehrgood,	Kratz,	Petrosky,	Wescott,
Ellberg,	Kromer,	Pettigrew,	Wheeler,
Erb,	Lafore,	Polaski,	Willaredt,
Eshleman,	Lawyer,	Polen,	Whitenight,
Ewing,	Leiby,	Pomeroy,	Wilt,
Farabaugh,	Lelsey,	Price,	Williams,
Filo,	Leonard,	Pursley,	Wood,
Fineman,	Leven,	Readinger,	Worley,
Flint,	Light,	Reibman,	Yetter,
Floyd,	Limper,	Reidenbach,	Yetzer,
Fivnn,	Lippincott,	Renwick,	Young,
Foster,	Lopresti,	Rigby,	Ziegler,
Frank,	Lovett,	Rosen,	Andrews,
Frascella,	Lutty,	Rovansek,	Speaker

## NAYS—0

## NOT VOTING—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order

The House proceeded to the consideration on final passage of Senate Bill No. 467, entitled:

An Act providing for the creation and incorporation as bodies corporate and politic of joint service districts by counties cities boroughs towns and townships to perform certain functions prescribing the powers and duties of such joint service districts and the duties of participating counties cities boroughs towns and townships and conferring jurisdiction on courts of quarter sessions in connection therewith

On the question,

Shall the bill pass finally?

Mr. BELL Mr. Speaker, this bill is the Joint Service District bill. When this bill came to this House from the Senate, it did not include cities of first class. Since then

the bill has been amended to include cities of the first class.

Under this bill upon resolution of two or more adjoining municipalities and upon petition to the court of quarter sessions of the larger county various municipal functions of the adjoining municipalities could be turned over to a regional service district.

I charge that this bill as presently written constitutes a back-door attempt at partial annexation of the municipal functions of the municipalities of Delaware County, the attempt being by Philadelphia County, and Delaware County does not want any part of this annexation.

Right now in Delaware County we have an estimated 600,000 people; in 1950 we had a census of 425,000 people; in other words, we have now approximately 175,000 more people than we had in 1950. I make this estimate on the basis that we had in the 1954 election 247,000 registered voters.

Delaware County is composed of forty-nine separate municipalities and a number of these border on the city of Philadelphia.

This bill as written and as amended would permit a municipality to divest itself of its functions, its municipal functions, to a regional service district, and when I talk of its functions, I am talking about fire, sewer, police, schools, parks, highways and all the other functions of municipalities, leaving only a shell of the municipality plus the duty to pay the bills, plus the duty to collect the taxes.

I would like to go back to this past spring. We had a committee meeting of this House on House Bill 1544, I believe the number was. At this committee meeting Dr. Charlesworth, one of the Governor's braintrust, testified that legislation of this nature was in the nature of efficiency. He also told the legislative committee that it should disregard the desires of the boroughs and of the townships. I recall his statement, it was words to this effect, "you gave the boroughs and townships their powers, you can take them away." That is the type of efficiency you have in this bill, and I condemn it. I say it is un-American.

Where did this bill come from? The bill, which has been amended to be very close to 1544, is a brain-child of Mayor Clerk, the recent Mayor of the city of Philadelphia.

I would like to give you a little picture of our county, In our county of forty-nine different governments we find a fierce county pride; we find a fierce borough and township pride; we are proud of our own home rule; we are proud of our own local government. We do not need and we do not want help or interference in our boroughs and townships from the city of Philadelphia.

Delaware County, and its municipalities have been fully competent of governing by their own home rule since the days of the Swedes. Why are small local governments favored over this big city government?

First of all, the council, or the township commissioner, is accessible to the people. By that I mean, if you have a complaint you can go to your township commission, you can go to your borough council. What do you do if you have a complaint in the city of Philadelphia? I don't think you would be able to even find the mayor's office.

With respect to direct responsibility, the small boroughs, the small townships, they have a direct line to the voter. You will find in the small boroughs and townships great



participation in local government and you find pride in government.

I mentioned the fact that we had risen in population from 425,000 to 600,000 in a little over five years. This is not due to a high birth rate, it is due to people who have left the city of Philadelphia and come out to the County of Delaware to establish new homes. They have left Philadelphia because of the high taxes of Philadelphia, the wage tax. They have left Philadelphia because they have sought happiness in their new community. These same new citizens of Delaware County are proud of their new homes.

Mayor Clark in his testimony on House Bill 1544 made a statement that Philadelphia wanted to help the suburban counties. When I was a small boy in school I learned a proverb, "Beware of Greeks who come bearing gifts." So I suspicion the crocodile tears of any Philadelphia politician whose heartstrings are torn by his desire to help my county. We do not feel we need the guidance of Philadelphia and we point with pride to the comparative status of Delaware County Schools, parks, sewage disposal—and we had sewage disposal long before Philadelphia ever was forced into it. We point with pride to our water, to our police, and, incidentally, we did not have to put on 105 new detectives in Delaware County and we do not need to put police guards on people going around collecting for "March of Dimes." We are proud of volunteer firemen in Delaware County, and we are not proud of a prospect of facing Philadelphia's taxation.

I charge the Philadelphia City Hall politicians are seeking through this amended bill a way by which they can reach across the county line and tax the residents of Delaware County and tax our industries.

Let us judge this bill by what would happen if this bill were passed and if any municipality in the County of Delaware were so foolish as to submit itself to the jurisdiction of such a district. It would be under the jurisdiction of the Philadelphia courts.

I also say that when these services are rendered the bills follow. Delaware County citizens would then be taxed to support a bureaucracy, not subject to local governmental control but directed from City Hall, Pennsylvania.

Mayor Clark criticized me at the hearing on House Bill 1544 because I spoke of what our community stood for, our tradition. I was accused of looking back to William Penn's time. I again say that tradition in this great country of ours is one of the finest things we have, and I say that the tradition of the free boroughs, the free townships, must be encouraged. We must not let a big city like Philadelphia seek to engulf the townships and boroughs of the surrounding counties.

I charge that if this bill were to pass this House and become law we would very shortly see Philadelphia politicians intervening in Delaware County borough and township elections, and we do not want them in there. I think that Philadelphia has enough problems of its own and I think they should spend all their time cleaning the mote out of their own eye.

Ladies and gentlemen, I want to thank you for your attention. I ask that you vote with me, that you don't follow party line on this, but vote for the right of the free borough, the free township, to maintain its freedom,

to maintain one of the inalienable rights of American democracy.

Mr. TOLL. Mr. Speaker, in connection with this bill, it seems that the gentleman from Delaware has singled out and pointed out the largest city in the Commonwealth as the city where the danger lies.

This particular bill, without Philadelphia, did provide for joint service districts in communities bordering on Erie, Wilkes-Barre, Scranton, Pittsburgh and other large cities in the state. It seems to me that apparently the communities surrounding these other large cities are not as much worried about the effect of a joint service district as are the communities in Delaware County.

Dr. Charlesworth pointed out that there are considerable benefits to the joint service districts as a result of this bill. As a matter of fact, I can tell you that right now there are communities surrounding Philadelphia that rent from the City of Philadelphia the right to pass their sewage through the Philadelphia system.

I do not know whether any of them are in the Delaware County area, but I know that we have some in the Montgomery County area near my home. Since they are already renting the Philadelphia service, this is obviously a step in the same direction to have these communities perhaps improve the transportation and movement of the sewage.

It may well be that they may decide to have some common area in which they will maintain fire protection. Does it make any sense where I live, close to Cheltenham Avenue, and there is the problem of a fire close by that the fire engines must stop at a certain street and cannot get to the fire?

Let me call this to your attention. This bill is not necessarily a political bill. This is a bill which provides for referendum. This is a bill, if you will read one of the pages, provides that the community may do certain things; they are not forced to do anything. This merely gives them the legal basis for accomplishing what they want to accomplish.

So the gentleman from Delaware said if a little area, a borough or a municipality, is so foolish as to decide it had same advantages in lining up with Philadelphia, they will be overrun with Philadelphia politicians. The word "politician" in Philadelphia has been greatly cleaned up in the last four years. We do not have politicians in Philadelphia today, we have statesmen, we have the leading people in the community.

I feel the gentleman from Delaware should not be alarmed. I think this is a bill sponsored by the administration which is beneficial for all the communities in the state, and I hope that you will support it.

Mr. BELL. Mr. Speaker, I would like to add a few remarks to this rebuttal.

My good friend, Mr. Toll, the gentleman from Philadelphia, stated this was not a political bill. I hope that the Democrats from boroughs and townships heard him say that, because I am appealing to them to support the position of Delaware County.

He also stated that already services are being rendered across the city line. I say that services can be rendered by agreements between municipalities, by municipal authority.

In my own county, I live in the Borough of Upland,



I drink water from the Chester Municipal Authority and the sewage is carried through the Chester sewers. We have had compacts for years, and you know in your own county it works.

I again condemn this bill because if you do not think it is possible for the city of Philadelphia to look down the Delaware River into the Township of Tinicum with its tremendous industries—as a matter of fact, part of the Philadelphia airport is located in that township—if you do not think they are looking down that way and looking north and looking west, you are not reading the papers, because they are doing so.

Once they drain the little municipality of its municipal functions through such a district, the only duties left on the borough or the township fathers is the job of paying the bills and raising the taxes.

Ladies and gentlemen, I say this bill goes against what I have been taught to be the democratic system of government in this country. I have been taught that the closer you can get to the people, the better the government you give the people. There is nothing closer to the people than the boroughs and townships, these forty-nine different communities. The proof of the pudding consists of those 150,000 to 175,000 Philadelphians who have moved across the line in the past five years to the freedom of our small boroughs and townships.

Mr. Toll says this is not a political question here. I am asking the Democrats to support my friends among the Republicans and vote this bill down.

Mr. THOMAS H. W. JONES. Mr. Speaker, I would like to add one word to what Mr. Bell said in opposition to the bill.

It seems to me the great problem with this bill is not that it is a political bill but rather that it creates, as it were, a new level of government. At the present time the county commissioners, or the city administration in Philadelphia, is charged with the problem of sewage disposal, fire, police, and the like. If we take that away from the city government, or in Montgomery County the county government, the township and borough governments, it means we are turning it over to a joint service district and that the commissioners, township officials, city officials, and so forth, will have less to do. It means we will be paying people to manage this joint service district that we never had to pay before.

It means, in effect, that we are perhaps subverting the constitution. I feel we already have too many levels of government. We have our state government, our city government, all the rest of it, including the county government. In addition to that, we have school districts and municipal authorities. It seems to me simply a waste of the taxpayers' money to go into this sort of an arrangement.

It may be that there is some merit in it, but I do not think it has been given proper study. I think if you want to go into this sort of thing it might be better to amend the Constitution.

Mr. ISAACS. Mr. Speaker, I would like to interrogate the gentleman from Philadelphia, Mr. Toll.

The SPEAKER pro tempore. Will the gentleman from Philadelphia, Mr. Toll, permit himself to be interrogated?

Mr. TOLL. I shall, Mr. Speaker.

Mr. ISAACS. Mr. Speaker, I want to ask the gentleman

if he offered an amendment to Senate Bill No. 467 last week?

Mr. TOLL. I believe I did, Mr. Speaker.

Mr. ISAACS. Mr. Speaker, did the gentleman tell this House at the time he offered this amendment that the amendment was not controversial?

Mr. TOLL. I don't recall, Mr. Speaker.

Mr. ISAACS. I will remind the gentleman that he did, and I do not believe the Floor Leader on my side of the House even had a copy of the amendment.

Mr. TOLL. Just a minute, Mr. Speaker. I understand the amendment was cleared with both sides by the man who gave it to me.

Mr. ISAACS. Mr. Speaker, could I defer with the gentleman for a minute and ask permission to interrogate the gentleman from McKean, Mr. Johnson?

The SPEAKER pro tempore. Will the gentleman from McKean, Mr. Johnson, permit himself to be interrogated?

Mr. JOHNSON. I shall, Mr. Speaker.

Mr. ISAACS. Mr. Speaker, I would like to ask the gentleman from McKean if he received a copy of the amendment before it was offered?

Mr. JOHNSON. No, I did not receive a copy of the amendments, but I will have to say that the Majority Leader the day they were going to offer the amendment did say the gentleman was going to offer non-controversial amendments to the bill.

Mr. ISAACS. I would like to ask the gentleman from Philadelphia, Mr. Toll, if he was familiar with House Bill 1544?

Mr. TOLL. I was, Mr. Speaker.

Mr. ISAACS. Was the gentleman aware that a public hearing was held on this bill by the Chairman of the Committee on Counties, Mr. Wheeler?

Mr. TOLL. I was, Mr. Speaker.

Mr. ISAACS. Would the gentleman still contend that the bill was not controversial?

Mr. TOLL. House Bill 1544 contained elements of controversy which resulted in the hearing. This particular bill passed the Senate 49-0.

Mr. ISAACS. Mr. Speaker, I would like to ask the gentleman if the amendments he slipped into this bill did not make it very similar to House Bill 1544?

Mr. TOLL.. I do not know whether this is exactly like 1544, but this was merely broadened to include Philadelphia. Since this bill passed the Senate by the unanimous vote of the Senate, there was no reason for leaving Philadelphia out of this bill.

Mr. ISAACS. Mr. Speaker, will the gentleman tell me what the difference is between Senate Bill 467 in its present form and House Bill 1544?

Mr. TOLL. At this moment I cannot, Mr. Speaker. I will have to examine both bills in order to give you a proper reply.

Mr. ISAACS. I thank the gentleman, Mr. Speaker. He just said he was familiar with the bill.

Mr. TOLL. Not in the sense, Mr. Speaker, that I can tell him the exact nature of the differences between the two bills, but I am generally familiar with the both bills.

Mr. ISAACS. Mr. Speaker, I wish to add to the remarks made by my colleague from Delaware, Mr. Bell, with which I agree wholeheartedly.

At the hearing before the Committee on Counties on House Bill 1544 conducted by the gentleman from Fay-



ette, Mr. Wheeler, former Mayor Clark of the city of Philadelphia made this statement, and I can almost quote it, that he was very much in favor of 1544 and he said before that Committee it was a weak bill he had offered in 1544, and the only reason a stronger bill was not offered was because he did not want to stir up too much controversy.

I have no fight with the city of Philadelphia so long as they confine their government to the city of Philadelphia. However, some of their officials, their former Mayor has been complaining about his stores moving out, his business moving out and a lot of his substantial people moving out.

The reasons for that I am not going to relate here. However, there must be a reason. I think it behooves the city of Philadelphia to make Philadelphia such a place to live that its business, its people and its stores will not want to leave the city.

Philadelphia has nothing that Delaware County wants. Anything we have I contend we have better. I have in my own borough people from Philadelphia moving out by the hundreds, and for the information of the gentleman they are coming out there and making good republicans.

I am going to ask the Members on both sides of the House to vote down this vicious attempt at slow annexation.

Mr. CONNELLY. Mr. Speaker, I would just like to add to the information Mr. Toll gave in regard to regional service.

Some of the communities in Delaware County do have such service with Philadelphia. I want to explain to the Members of the House just what it will cost those different municipalities. I happen to be a commissioner down in Upper Darby Township, I am in my twenty-fifth year as a commissioner. Before I went on that board and up to the present time we had been using part of the system into Philadelphia to take care of our sewage. I judge for the past thirty years or more we have been paying \$1,000 per year. Starting next year, or the year after—now this is regional service—it is going to be \$132,000.

If we go into the other services, our police department in Upper Darby Township—incidentally, while we are a township, according to the highway figures, we are the seventh largest community in Pennsylvania. We pay over one-half million dollars for our police protection. If we were to get that from Philadelphia, judging by what they are going to charge for sewage, there could not be enough money in Upper Darby Township to pay just for police service.

We have our own highway department, and we have a very good highway department the same as we have "good" in every department we have in Upper Darby Township.

Our people appreciate Philadelphia to a certain extent, but they do not want to belong to Philadelphia and that is why they are out with us. We have, I suppose, at the present time in Upper Darby Township 100,000 people and I just wanted you people to know what the service is going to cost the communities outside of Philadelphia.

Incidentally, I would like to see this bill passed over to give the different associations of this state an opportunity to bring this up at their conventions. If this were brought

up at the Township Commissioners Association of the State of Pennsylvania, I doubt if one of those townships surrounding those cities and supposed to be in line to get this service would want service from another community. That would also go for the second class townships, the boroughs and third class cities.

I ask for a slow roll call and only those in their seats to be recorded.

Mr. READINGER. Mr. Speaker, the gentleman from Delaware, Mr. Isaacs, made a statement that I think should be explained. He inferred, or stated, that the gentleman from Philadelphia, Mr. Toll, had slipped some amendments into this bill. I do not think his choice of words was particularly fortunate.

At the time I spoke to Mr. Johnson concerning the amendments which were then offered by Mr. Toll, I had no idea that they would be controversial. I knew they would add Philadelphia to this bill and, if I made the statement to Mr. Johnson that I thought they were not controversial, it was in error. I will admit being in error, but I know the gentleman from Philadelphia, Mr. Toll, did not slip any amendments in, in that respect. He offered them, they were not contested. They are in the bill now and they seem to be highly controversial. So I say if I was in error in thinking they were not, then it was my error and not any reprehensible act on the part of the gentleman from Philadelphia.

A lot of things have developed in this debate which I do not think are fully understood by the Members who are not from the Philadelphia area, and for this reason and in order that we might have more time to consider arguments made by the gentlemen from Delaware and others as to whether this is or is not a good thing, at this time I move that this bill be postponed.

On the question recurring?

Shall the bill pass finally?

#### BILL POSTPONED

Mr. READINGER. Mr. Speaker, I move that this bill be placed on the final passage postponed calendar. The motion was agreed to.

#### BILL ON FINAL PASSAGE POSTPONED

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. FILO.

The House resumed the consideration on final passage of House Bill No. 1517, entitled:

An Act amending the act of May 2, 1945 (P. L. 382) entitled "An act providing for the incorporation as bodies corporate and politic of 'Authorities' for municipalities counties and townships prescribing the rights powers and duties of such Authorities heretofore or hereafter incorporated authorizing such Authorities to acquire construct improve maintain and operate projects and to borrow money and issue bonds therefor providing for the payment of such bonds and prescribing the rights of the holders thereof conferring the right of eminent domain on such Authorities authorizing such Authorities to enter into contracts with and to accept grants from the Federal Government or any agency thereof and conferring exclusive jurisdiction on certain courts over rates" further regulating the membership of the governing body of an Authority

On the question recurring,

Shall the bill pass finally?



## BILL RECOMMITTED

Mr. FILO. Mr. Speaker, I move that this bill be recommitted to the Committee on State Government for the purpose of further study.

The motion was agreed to.

## BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 118, entitled:

An Act to define license and regulate resident and nonresident auctioneers and apprentice auctioneers in certain political subdivisions and revising consolidating and making the law uniform relative thereto creating the State Auctioneers Commission conferring certain powers and duties on the commission and on certain departments and officers of the State and local governments providing for the keeping of records and the inspection thereof repealing certain inconsistent laws and providing penalties

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

## YEAS—48

Boles,	Gelfand,	Moran,	Scarcelli,
Bonner,	Houk,	Munley,	Sherman,
Boory,	Jones, G. E.,	Murphy,	Snider,
Brennan, J. J.,	Kamyk,	Murray, J. J.,	Steckel,
Breth,	Kolankiewicz,	Needham,	Taylor,
Bucchin,	Leiby,	Pacchioli,	Thomas,
Cioffi,	Leven,	Parry,	Varallo,
Dougherty,	Limper,	Pashley,	Wargo,
Down,	Lutty,	Pomeroy,	Wheeler,
Ellberg,	Markley,	Reidenbach,	Yetter,
Flint,	McKeever,	Rudisill,	Yetzer,
Gaffney,	Moody,	Sarra,	Young,

## NAYS—108

Adam,	Flynn,	Light,	Sigman,
Agnew,	Frost,	Lippincott,	Smith, C. C.,
Anderson, M. S.,	Garlock,	Lopresti,	Smith, Wm. B.,
Ashton,	Gibson,	Lovett,	Stank,
Auker,	Greenwood,	Magee,	Stebbins,
Banker,	Guss,	Mahan,	Stephens,
Barnatovich,	Guthrie,	McCann,	Stevenson,
Bazin,	Hamilton, R. K.,	McInroy,	Stone,
Bell,	Haudenschild,	McLaughlin,	Stoner,
Bower,	Helm,	McWherter,	Strausser,
Branca,	Henzel,	Meholchick,	Stroup,
Brennan, A. P.,	Hocker,	Metz,	Swartz,
Brenninger,	Horst,	Mikula,	Toll,
Brown,	Isaacs,	Miller,	Toomey,
Cianfrani,	Jenkins,	Murray, H. P.,	Wall,
Cochran,	Johnson,	Naugle,	Wallace,
Comer,	Jones, T. H. W.,	Ogilvie,	Walsh,
Connelly,	Jump,	Paulhamus,	Weidner,
Cooper,	Keller,	Petrosky,	Welsh,
Curwood,	Kent,	Polaski,	Wescott,
Davis,	Knecht,	Pursley,	Whitenight,
Donahue,	Kooker,	Readinger,	Willaredt,
Ehrgood,	Kratz,	Reibman,	Williams,
Erb,	Lafare,	Renwick,	Wood,
Eshleman,	Lelsey,	Rigby,	Worley,
Ewing,	Leonard,	Rubin,	Ziegler,
Farabaugh,	Filo,	Schuster,	Andrews,

Speaker

## NOT VOTING—51

Amarando,	Gibb,	McCormack,	Polen,
Anderson, S. A.,	Goldstein,	McGee,	Price,
Blair,	Gramlich,	Mihm,	Rosen,
Brelsich,	Hass,	Mills,	Rovansek,
Bullen,	Heavey,	Monroe,	Royer,
Capano,	Hewitt,	Moscrip,	Thompson,

Donaldson,	Holt,	Muldowney,	Tompkins,
Fineman,	Kehler,	Mullen,	Varner,
Floyd,	Kline,	Murray, P. G.,	Vaughan,
Foster,	Kornick,	Musto,	Verona,
Frank,	Kromer,	Olsen,	Waterhouse,
Frascella,	Lawyer,	O'Neill,	Wilt,
George,	Maxwell,	Pettigrew,	

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the bill falls.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 119, entitled:

An Act amending the act of April nine one thousand nine hundred twenty-nine (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employees in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employees of certain departments boards and commissions shall be determined" establishing the State Auctioneers' Commission as a departmental administrative commission in the Department of Public Instruction fixing the qualifications and compensation of members and imposing certain duties on the commission

On the question,

Will the House agree to the bill on third reading?

## BILL RECOMMITTED

Mr. READINGER. Mr. Speaker, I move that this bill be recommitted to the Committee on Professional Licensure.

The motion was agreed to.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 177, entitled:

An Act amending the act of June 19, 1931 (P. L. 589), entitled as amended "An act to promote the public health and safety by providing for the examination and licensure of those who desire to engage in the occupation of barbering regulating barber shops and barber schools and apprentices and students therein regulating compensation for service rendered conferring certain powers and duties on the Department of Public Instruction and providing penalties" altering the requirements for licensure increasing penalties for unlicensed barbering or teaching regulating hours for barber schools permitting further regulation by health authorities and reenacting the provisions relating to health sanitation and management of barber shops.

On the question,

Will the House agree to the bill on third reading?

## BILL RECOMMITTED

Mr. MUSTO. Mr. Speaker, I move that this bill be



recommitted to the Committee on Appropriations for the purpose of further study.

The motion was agreed to.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 365, entitled:

An Act amending the act of April 9 1929 (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards and commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" further regulating membership and compensation of the State Board of Barber Examiners and imposing duties on the board.

On the question,

Will the House agree to the bill on third reading?

#### BILL RECOMMITTED

Mr. MUSTO. Mr. Speaker, I move that this bill be recommitted to the Committee on Appropriations.

The motion was agreed to.

#### BILLS PASSED OVER

There being no objection

House Bill No. 1545, Printer's No. 939,

House Bill No. 1546, Printer's No. 1341, and

House Bill No. 1644, Printer's No. 1198,

were passed over at the request of the SPEAKER pro tempore.

There being no objection

House Bill No. 1782, Printer's No. 1114,

was passed over at the request of Mr. READINGER.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1872, entitled:

An Act amending the act of August 9, 1955 (Act No. 130) entitled "An act relating to counties of the third fourth fifth sixth seventh and eighth classes amending revising consolidating and changing the laws relating thereto" authorizing the appointment of depositories for county funds by the county treasurer.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. LOPRESTI. Mr. Speaker, just recently we passed a county code in this House and that county code changes the law with reference to the designating of depositories by a county.

Prior to the recent county code the county treasurer was the individual who designated the depository for the county, and all county funds were placed there without any approval from the county commissioners. The county commissioners, being the group who are the actual administrators of the county and who many times were required to go out and borrow funds on temporary loans, or perhaps longer term loans, in many cases found their depositories were in small banks located at the county seat which under law were not in a position to make loans to the county. The commissioners found themselves going to larger banks asking for approval of loans, and at the same time those banks were not participating in the deposits of the funds of the county.

After considerable discussion back and forth between the county treasurers and the county commissioners of Pennsylvania, the code was amended so that both the county treasurer and the county commissioners jointly, acting together, would name the depositories. That was a sort of compromise arrangement which was made between the commissioners and the treasurers at the time the county code was passed.

The bill that is before us today seeks to destroy that compromise and return to the county treasurers the sole right to name the depositories. To my knowledge, this is the only case where a municipal treasurer has the right to designate the depository for funds. Your law governing boroughs, cities, school districts and, to my knowledge, all the other municipal corporations of Pennsylvania allows the governing body, either the council, or the school board, or the supervisors, whoever the governing body may be, to name the depositories.

I think in the interest of good business that is the way it should be done, and inasmuch as the recent county code represented a true compromise between these two groups of individuals, the county commissioners and the county treasurers, I think this bill should not be permitted to pass the House at this time.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

#### YEAS—32

Agnew,	Dougherty,	Kamyk,	Sherman,
Anderson, M. S.,	Eilberg,	Lutty,	Smith, C. C.,
Bazin,	Erb,	Moran,	Smith, Wm. B.,
Bower,	Ewing,	Petrosky,	Stank,
Bucchin,	Gaffney,	Pursley,	Stone,
Cianfrani,	Garlock,	Sarrat,	Swartz,
Cooper,	Johnson,	Scarcelli,	Taylor,
Curwood,	Jones, G. E.,	Schuster,	Worley,

#### NAYS—127

Adam,	Gramlich,	Magee,	Renwick,
Ashton,	Guss,	Mahan,	Rubin,
Auker,	Guthrie,	Markley,	Sigman,
Banker,	Hamilton, R. K.,	Maxwell,	Snider,
Barnatovich,	Haudenschild,	McCann,	Stebbins,
Bell,	Helm,	McInroy,	Steckel,
Boles,	Henzel,	McKeever,	Stephens,
Bonner,	Hocker,	McLaughlin,	Stevenson,
Boory,	Horst,	McWherter,	Stoner,
Branca,	Houk,	Meholchick,	Strausser,
Brennan, A. P.,	Isaacs,	Metz,	Stroup,
Brennan, J. J.,	Jenkins,	Mikula,	Toll,
Brenninger,	Jones, T. H. W.,	Miller,	Toomey,
Breth,	Jump,	Mills,	Varallo,
Brown,	Keller,	Moody,	Varner,
Capano,	Munley,	Murphy,	Wall,
Cochran,	Kent,		Wallace,



Comer,	Knecht,	Murray, H. P.,	Walsh,
Connelly,	Kolankiewicz,	Murray, J. J.,	Wargo,
Davis,	Kooker,	Naugle,	Weidner,
Donahue,	Kornick,	Needham,	Welsh,
Down,	Kratz,	Ogilvie,	Wescott,
Ehrgood,	Lafore,	Parry,	Wheeler,
Eshleman,	Leiby,	Pashley,	Whitnigh,
Farabaugh,	Leisey,	Paulhamus,	Willaredt,
Filo,	Leonard,	Polaski,	Williams,
Flint,	Leven,	Polen,	Wilt,
Flynn,	Light,	Pomeroy,	Wood,
Frank,	Limper,	Price,	Yetter,
Frost,	Lippincott,	Readinger,	Yetzer,
Gelfand,	Lopresti,	Reibman,	Young,
Gibson,	Lovett,	Reidenbach,	Andrews,
			Speaker

## NOT VOTING—48

Amarando,	Gibb,	McGee,	Rigby,
Anderson, S. A.,	Goldstein,	Mihm,	Rosen,
Blair,	Greenwood,	Monroe,	Rovansek,
Breisch,	Hass,	Moscrip,	Royer,
Bullen,	Heavey,	Muldowney,	Rudisill,
Cloft,	Hewitt,	Mullen,	Thomas,
Donaldson,	Holt,	Murray, P. G.,	Thompson,
Fineman,	Kehler,	Musto,	Tompkins,
Floyd,	Kline,	Olsen,	Vaughan,
Poster,	Kromer,	O'Neill,	Verona,
Frascella,	Lawyer,	Pacchioli,	Waterhouse,
George,	McCormack,	Pettigrew,	Ziegler,

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the bill falls.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1828, entitled:

An Act repealing section 445 act of August 9, 1955 (Act No. 130) entitled "An act relating to counties of the third fourth fifth sixth seventh and eighth classes amending revising consolidating and changing the laws relating thereto" further regulating the payment by the counties of expenses of the association of county commissioners solicitors and chief clerks.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. READINGER. Mr. Speaker, I would like to interrogate Mr. Swartz, one of the sponsors of the bill.

The SPEAKER pro tempore. Will the gentleman from Lycoming, Mr. Swartz, permit himself to be interrogated?

Mr. SWARTZ. I shall, Mr. Speaker.

Mr. READINGER. Mr. Speaker, I desire to ask the gentleman exactly what this bill will do. I notice it repeals a section of the 1955 County Code relating to the payment by the county of expenses of certain county officials, but I do not understand just what the bill does.

Mr. SWARTZ. Mr. Speaker, this bill will repeal Section 445. It is stated above the amount that would be designated for the expenses of each of these officers, but down below it says:

"In addition to the expenses herein before authorized, the necessary expenses of the association of county commissioners, county solicitors and chief clerks shall be apportioned among the counties holding membership in the association in amounts provided for by the rules and regulations of the association, but shall not total more than . . ."

In addition, the third class county would be assessed \$300 for the state organization, the fourth class county

would be assessed \$250 additional, the fifth class county \$200 additional and the sixth class county \$150 additional, besides the amount allotted for the different officers.

Mr. READINGER. May I ask the gentleman whether I understand correctly that this bill would eliminate any contributions by the counties to the general purposes of these associations and their meetings and would allow only a certain amount to be paid by the county for the officials who would attend them?

Mr. SWARTZ. This act reads in the code:

"In the case of county commissioners, county solicitor and county clerk, county controllers, sheriffs, registers of wills, county treasurers, recorders of deeds, prothonotaries, clerks of courts of quarter sessions and district attorneys the portion of the annual expenses charged to each county shall not exceed seventy-five dollars (\$75). In the case of the directors of veterans' affairs the portion charged to each county shall not exceed fifty dollars (\$50), and in the case of the probation officers an annual membership subscription not exceeding six dollars (\$6) per member shall be paid by the county and shall be in lieu of the expenses hereinbefore in this section provided for other county officers."

In other words, the preceding part of this Section 445, which would be repealed according to this bill, is in addition to what I just read.

Mr. READINGER. Mr. Speaker, I do not like to prolong this, but I am afraid I do not understand it. May I suggest that this bill go over until I get an opportunity and the other Members get an opportunity to read the statute that the gentleman has been reading to us?

I believe the bill might have merit and I would like to see it passed, but I would rather understand it a little better first.

Mr. SWARTZ. That will be perfectly all right.

On the question recurring,

Shall the bill pass finally?

## BILL POSTPONED

Mr. READINGER. Mr. Speaker, I move that this bill be placed on the final passage postponed calendar. The motion was agreed to.

## BILL PASSED OVER

There being no objection,

House Bill No. 1829, Printer's No. 1203, was passed over at the request of the SPEAKER pro tempore.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1864, entitled:

An Act amending the act of May 1, 1929 (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof; upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the



clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," further regulating the use of registration plates warning devices and flags and clarifying the designation of "No Passing Zones."

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

## YEAS—101

Adam,	Gaffney,	Moody,	Sherman,
Amarando,	Garlock,	Moran,	Sigman,
Anderson, M. S.,	Gelfand,	Munley,	Smith, Wm. B.,
Barnatovich,	Guss,	Murray, J. J.,	Snider,
Bazin,	Hamilton, R. K.,	Musto,	Stank,
Bonner,	Haudenschild,	Needham,	Stebbins,
Boory,	Jenkins,	Ogilvie,	Stephens,
Bower,	Jones, G. E.,	O'Neill,	Stone,
Branca,	Kamyk,	Pacchioli,	Stoner,
Brennan, A. P.,	Kolankiewicz,	Pashley,	Swartz,
Brennan, J. J.,	Kornick,	Paulhamus,	Taylor,
Breth,	Leiby,	Polaski,	Thomas,
Bucchin,	Leonard,	Polen,	Toll,
Cianfrani,	Leven,	Pomeroy,	Varallo,
Cloft,	Limper,	Price,	Wallace,
Cochran,	Lopresti,	Readinger,	Walsh,
Comer,	Lovett,	Reibman,	Wargo,
Cooper,	Latty,	Reidenbach,	Welsh,
Curwood,	Maxwell,	Renwick,	Wheeler,
Dougherty,	McCann,	Rigby,	Whitenight,
Ellberg,	McKeever,	Rubin,	Williams,
Farabaugh,	McLaughlin,	Rudisill,	Yetter,
Filo,	McWherter,	Sarrat,	Yetter,
Flint,	Meholchick,	Scarcelll,	Ziegler,
Flynn,	Mills,	Schuster,	Andrews,
Frank,			Speaker

## NAYS—66

Agnew,	George,	Kratz,	Petrosky,
Ashton,	Gibson,	Lafore,	Pursley,
Auker,	Gramlich,	Leisey,	Smith, C. C.,
Banker,	Guthrie,	Light,	Steckel,
Bell,	Helm,	Lippincott,	Stevenson,
Boles,	Henzel,	Magee,	Strausser,
Brenninger,	Hocker,	Mahan,	Stroup,
Brown,	Horst,	Markley,	Toomey,
Capano,	Houk,	McInroy,	Varner,
Connelly,	Isaacs,	Metz,	Wall,
Davis,	Johnson,	Mikula,	Weidner,
Donahue,	Jones, T. H. W.,	Miller,	Wescott,
Down,	Jump,	Murphy,	Willaredt,
Ehrgood,	Keller,	Murray, H. P.,	Wilt,
Erb,	Knecht,	Naugle,	Wood,
Eshleman,	Kooker,	Parry,	Worley,
Frost,			Young,

## NOT VOTING—40

Anderson, S. A.,	Gibb,	Kromer,	Olsen,
Blair,	Goldstein,	Lawyer,	Pettigrew,
Brelsich,	Greenwood,	McCormack,	Rosen,
Bullen,	Hass,	McGee,	Rovansek,
Donaldson,	Heavey,	Mihm,	Royer,
Ewing,	Hewitt,	Monroe,	Thompson,
Fineman,	Holt,	Moscrip,	Tompkins,
Floyd,	Kehler,	Muldowney,	Vaughan,
Foster,	Kent,	Mullen,	Verona,
Frascella,	Kline,	Murray, P. G.,	Waterhouse,

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the bill falls.

## BILL PASSED OVER

There being no objection,

House Bill No. 1894, Printer's No. 1232, was passed over at the request of the SPEAKER pro tempore.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1925 as follows:

An Act amending the act of June 15, 1937 (P. L. 1743) entitled as amended "An act relating to magistrates and magistrates' courts in the city of Philadelphia imposing certain duties upon and prohibiting certain practices by magistrates and fixing their compensation imposing certain duties on the city controller in regard thereto authorizing the employment by him of additional clerks and fixing their compensation regulating the practice in and defining magistrates' courts the entering of bail and the issuance of discharge in criminal cases in the county of Philadelphia conferring certain powers over magistrates and magistrates' courts and imposing certain duties in connection therewith upon the judges of the courts of common pleas of the county of Philadelphia the Attorney General and the District attorney providing for the appointment and employment of stenographers to report proceedings in certain cases heard by magistrates fixing the salaries of persons employed by authority of this act providing penalties for violations of the provisions thereof and repealing certain prior acts" establishing an Alcoholic Court of Philadelphia and prescribing its powers and duties and jurisdiction and the magistrates assigned thereto providing for a seal for the court and the costs taxable therein

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The act of June 15, 1937 (P. L. 1743) known as the "1937 Magistrates' Court Act" is amended by adding after section 10 four new sections to read

Section 10.1 There is established in the city and county of Philadelphia a court not of record to be known as the Alcoholic Court of Philadelphia The court hereby created shall have jurisdiction in all prosecutions for summary offenses involving the intemperate use of any alcoholic spirituous vinous fermented or other alcoholic liquor or malt or brewed beverages arising under The Penal Code or any ordinance of the city of Philadelphia committed within the limits of the city and county The chief magistrate shall assign magistrates to serve as committing magistrates in said court

Section 10.2 All magistrates of the Alcoholic Court shall have full and complete jurisdiction and authority to receive and take informations on oath or affirmation of and subscribed to by the affiant accusing any person or persons of the commission of any summary offense involving the intemperate use of any alcoholic spirituous vinous fermented or other alcoholic liquor or malt or brewed beverages arising under The Penal Code or any ordinance of the city of Philadelphia committed within the limits of the city and county of Philadelphia and to administer oaths issue summonses subpoenas and warrants for the arrest of the accused and hear and decide all such summary offenses impose the fines and costs of prosecutions imposed by law and to commit to jail in default of the payment thereof or discharge the accused person as the evidence produced at any hearing or hearings may warrant the hearing magistrate may commit any accused person guilty of such summary offenses to the Philadelphia general hospital for treatment and rehabilitation Facsimile signatures of Alcoholic Court magistrates may be used for all purposes in lieu of the original signatures except on affidavits for warrants of arrest and on the docket of the Alcoholic Court

Section 10.3 The Alcoholic Court shall have a seal which shall contain the name of the court and the word "Seal" The seal shall be affixed to all processes informations summons warrants transcripts and other official certificates



issued by or under the order of the court A facsimile or preprinted seal may be used for all purposes in lieu of the original seal

Section 10.4 Costs taxable in proceedings before the Alcoholic Court shall include magistrates' fees and other costs as allowed by law which fees and costs shall be paid into the city treasury daily but shall not include witness fees for police officers

Section 2 The next to last paragraph of section 11 of the act amended May 9, 1949 (P. L. 1028) is amended to read

Section 11 \* \* \*

No magistrate shall receive any additional compensation for acting as committing magistrate at any police station or at any divisional police court or at the Alcoholic Court

\* \* \*

Section 3 The provisions of this act shall not become effective until the chief magistrate determines that in the proper handling of cases involving the intemperate users of any alcoholic spirituous vinous fermented or other alcoholic liquor or malt or brewed beverages there exists a necessity for the Alcoholic Court

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

#### YEAS—202

Adam,	Gaffney,	Markley,	Rubin,
Agnew,	Garlock,	Maxwell,	Rudisill,
Amarando,	Gelfand,	McCann,	Sarra,
Anderson, M. S.,	George,	McCormack,	Scarcell,
Anderson, S. A.,	Gibb,	McGee,	Schuster,
Ashton,	Gibson,	McInroy,	Sherman,
Auker,	Goldstein,	McKeever,	Sigman,
Barnatovich,	Gramlich,	McLaughlin,	Smith, C. C.,
Bazin,	Greenwood,	McWherter,	Smith, Wm. B.,
Bell,	Guss,	Meholchick,	Snider,
Blair,	Guthrie,	Metz,	Stank,
Boles,	Hamilton, R. K.,	Mihm,	Stebbins,
Bonner,	Hass,	Mikula,	Steckel,
Boory,	Haudenshield,	Miller,	Stephens,
Bower,	Heavey,	Mills,	Stevenson,
Branca,	Helm,	Monroe,	Stone,
Brelsach,	Henzel,	Moody,	Stoner,
Brennan, A. P.,	Hewitt,	Moran,	Strausser,
Brennan, J. J.,	Holt,	Moscrip,	Stroup,
Brenninger,	Horst,	Muldowney,	Swartz,
Breth,	Houk,	Mullen,	Taylor,
Brown,	Isaacs,	Munley,	Thomas,
Buechlin,	Jenkins,	Murphy,	Thompson,
Bullen,	Johnson,	Murray, H. P.,	Toll,
Capano,	Jones, G. E.,	Murray, J. J.,	Tompkins,
Cianfrani,	Jump,	Murray, P. G.,	Toomey,
Cioffi,	Kamyk,	Musto,	Varallo,
Cochran,	Kehler,	Naugle,	Varner,
Comer,	Keller,	Needham,	Vaughan,
Connelly,	Kent,	Ogilvie,	Verona,
Cooper,	Kline,	Olsen,	Wall,
Curwood,	Knecht,	O'Neill,	Wallace,
Donahue,	Kolankiewicz,	Pacchioli,	Walsh,
Donaldson,	Kooker,	Parry,	Wargo,
Dougherty,	Kornick,	Pashley,	Waterhouse,
Down,	Kratz,	Paulhamus,	Weldner,
Ehrgood,	Kromer,	Petrosky,	Weish,
Elberg,	Lafore,	Pettigrew,	Wescott,
Erb,	Lawyer,	Polaski,	Wheeler,
Eshleman,	Leiby,	Polen,	Whitenight,
Ewing,	Lelsey,	Pomeroy,	Willaredt,
Farabaugh,	Leonard,	Price,	Williams,
Flo,	Leven,	Pursley,	Wilt,
Fineman,	Light,	Readinger,	Wood,
Flint,	Limper,	Reibman,	Worley,
Floyd,	Lopresti,	Reidenbach,	Yetter,
Flynn,	Lovett,	Renwick,	Yetzer,
Foster,	Lutty,	Rigby,	Young,
Frank,	Magee,	Rosen,	Ziegler,
Frascella,	Mahan,	Rovansek,	Andrews,
Frost,		Royer,	Speaker

#### NAYS—5

Banker,  
Davis,

Hocker,

Jones, T. H. W., Lippincott,

#### NOT VOTING—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

#### BILLS PASSED OVER

There being no objection

House Bill No. 1939, Printer's No. 1266;

House Bill No. 1940, Printer's No. 1267;

House Bill No. 1957, Printer's No. 1281;

House Bill No. 1960, Printer's No. 1279;

Senate Bill No. 257, Printer's No. 328;

Senate Bill No. 524, Printer's No. 339;

Senate Bill No. 543, Printer's No. 231 and

Senate Bill No. 697, Printer's No. 359

were passed over at the request of the SPEAKER pro tempore.

Agreeably to order,

The House proceeded to the third reading and consideration of Senate Bill No. 724, entitled as follows:

An Act to further amend the act approved the tenth day of March one thousand nine hundred forty-nine (P. L. 30) entitled "An act relating to the public school system including certain provisions applicable as well to private and parochial schools amending revising consolidating and changing the laws relating thereto" by requiring the payment of money withheld from State appropriations to pay default in rent to a municipality authority or nonprofit corporation

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section seven hundred ninety of the act approved the tenth day of March one thousand nine hundred forty-nine (P. L. 30) entitled "An act relating to the public school system including certain provisions applicable as well to private and parochial schools amending revising consolidating and changing the law relating thereto" as amended by the act approved the twenty-sixth day of August one thousand nine hundred fifty-three (P. L. 1471) is hereby further amended by adding immediately following subsection (6) a new subsection to read as follows

Section 790 Grants Conveyances Appropriations to Contracts with and Leases from Municipality Authorities Whenever the board of any municipality authority shall have undertaken a school project or projects for use by a school district individually or for use by two or more school districts jointly such school district or school districts shall have the power upon written approval of the Department of Public Instruction

\* \* \* \* \*

(7) In all cases where the board of directors of any school district fails to pay or to provide for the payment of any rental or rentals due any municipality authority or nonprofit corporation for any period in accordance with the terms of any lease entered into under the provisions of this section the State Superintendent of Public Instruction shall notify such board of school directors of its obligation and shall withhold out of any State appropriation due such school district an amount equal to the amount of rental or rentals owing by such school to the municipality authority or nonprofit corporation and shall pay over the amount so withheld to the municipality authority or nonprofit corporation in payment of the rental

\* \* \*



Section 2 The provisions of this act shall become effective immediately upon final enactment.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

## YEAS—207

Adam,	Frost,	Magee,	Royer,
Agnew,	Gaffney,	Mahan,	Rubin,
Amarando,	Garlock,	Markley,	Rudisill,
Anderson, M. S.,	Gelfand,	Maxwell,	Sarra,
Anderson, S. A.,	George,	McCann,	Scarcell,
Ashton,	Gibb,	McCormack,	Schuster,
Auker,	Gibson,	McGee,	Sherman,
Banker,	Goldstein,	McInroy,	Sigman,
Barnatovich,	Gramlich,	McKeever,	Smith, C. O.,
Bazin,	Greenwood,	McLaughlin,	Smith, Wm. B.,
Bell,	Guss,	McWherter,	Snider,
Blair,	Guthrie,	Meholchick,	Stank,
Boies,	Hamilton, R. K.,	Metz,	Stebbins,
Bonner,	Hass,	Mihm,	Steckel,
Boory,	Haudenschild,	Mikula,	Stephens,
Bower,	Heavey,	Miller,	Stevenson,
Branca,	Helm,	Mills,	Stone,
Brelsch,	Henzel,	Monroe,	Stoner,
Brennan, A. P.,	Hewitt,	Moody,	Strausser,
Brennan, J. J.,	Hocker,	Moran,	Stroup,
Brenninger,	Holt,	Moscrip,	Swartz,
Breth,	Horst,	Muldowney,	Taylor,
Brown,	Houk,	Mullen,	Thomas,
Bucchin,	Isaacs,	Munley,	Thompson,
Bullen,	Jenkins,	Murphy,	Toll,
Capano,	Johnson,	Murray, H. P.,	Tompkins,
Clanfrani,	Jones, G. E.,	Murray, J. J.,	Toomey,
Cloffi,	Jones, T. H. W.,	Murray, P. G.,	Varallo,
Cochran,	Jump,	Musto,	Varner,
Comer,	Kamyk,	Naugle,	Vaughan,
Connelly,	Kehler,	Needham,	Verona,
Cooper,	Keller,	Ogilvie,	Wall,
Curwood,	Kent,	Olsen,	Wallace,
Davis,	Kline,	O'Neill,	Walsh,
Donahue,	Knecht,	Pacchioli,	Wargo,
Donaldson,	Kolankiewicz,	Paulhamus,	Waterhouse,
Dougherty,	Kooker,	Parry,	Weldner,
Down,	Kornick,	Pashley,	Welsh,
Ehrgood,	Kratz,	Petrosky,	Wescott,
Ellberg,	Kromer,	Pettigrew,	Wheeler,
Erb,	Lafore,	Polaski,	Whitenight,
Eshleman,	Lawyer,	Polen,	Willaredt,
Swing,	Leiby,	Pomeroy,	Williams,
Farabaugh,	Lelsey,	Price,	Wilt,
Filo,	Leonard,	Pursley,	Wood,
Fineman,	Leven,	Readinger,	Worley,
Flint,	Light,	Reibman,	Yetter,
Floyd,	Limper,	Reidenbach,	Yetzer,
Flynn,	Lippincott,	Renwick,	Young,
Foster,	Lopresti,	Rigby,	Ziegler,
Frascella,	Lovett,	Rosen,	Andrews,
Frank,	Lutty,	Rovansek,	Lutty,

Speaker

## NAYS—0

## NOT VOTING—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House of Representatives has passed the same without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of Senate Bill No. 834, as follows:

An Act validating and confirming certain contracts heretofore entered into by municipality authorities for the construction of a school building project or projects

and for relevant service contracts as a part of the construction when there is no evidence of fraud or conspiracy and authorizing or ratifying payments on such contracts or parts of contracts by the municipality authority upon approval thereof by the Department of Public Instruction and the Department of Justice

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 When any municipality authority has heretofore contracted for labor material supplies and relevant service contracts for the municipality authority for the construction of a school building project or projects the purchase or contracting of which by contract is authorized under the provisions of the Municipality Authorities Act and the municipality authority has actually received the labor material supplies and relevant service contracts and they are or have been used by the municipality authority for the school project if the contract or service contract does not evidence any fraud or conspiracy to violate the provisions of the Municipality Authorities Act and the municipality authority has not suffered any pecuniary loss as the result of the contract or service contract then such contracts shall be valid and binding on the municipality authorities and payment for labor material supplies and relevant service contracts by the municipality authority is hereby authorized or if payment has been made it is hereby ratified notwithstanding the fact that the contract was legally void by reason of the failure to advertise for bids or by reason of defect in the advertising or by reason of any other defect in compliance with or in the failure or omission to comply with the Municipality Authorities Act regulating the awarding of contracts for labor material supplies and service contracts Provided however That no such contract shall be valid and binding or ratified unless approved by the Department of Public Instruction and the Department of Justice and Provided further That the Department of Public Instruction and the Department of Justice may approve all or any part of such contract or service contracts No member of the municipality authority shall be surcharged for any payment made on any such contract

Section 2 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

## YEAS—207

Adam,	Frost,	Magee,	Royer,
Agnew,	Gaffney,	Mahan,	Rubin,
Amarando,	Garlock,	Markley,	Rudisill,
Anderson, M. S.,	Gelfand,	Maxwell,	Sarra,
Anderson, S. A.,	George,	McCann,	Scarcell,
Ashton,	Gibb,	McCormack,	Schuster,
Auker,	Gibson,	McGee,	Sherman,
Banker,	Goldstein,	McInroy,	Sigman,
Barnatovich,	Gramlich,	McKeever,	Smith, C. O.,
Bazin,	Greenwood,	McLaughlin,	Smith, Wm. B.,
Bell,	Guss,	McWherter,	Snider,
Blair,	Guthrie,	Meholchick,	Stank,
Boies,	Hamilton, R. K.,	Metz,	Stebbins,
Bonner,	Hass,	Mihm,	Steckel,
Boory,	Haudenschild,	Mikula,	Stephens,
Bower,	Heavey,	Miller,	Stevenson,
Branca,	Helm,	Mills,	Stone,
Brelsch,	Henzel,	Monroe,	Stoner,
Brennan, A. P.,	Hewitt,	Moody,	Strausser,
Brennan, J. J.,	Hocker,	Moran,	Stroup,
Brenninger,	Holt,	Moscrip,	Swartz,
Breth,	Horst,	Muldowney,	Taylor,
Brown,	Houk,	Mullen,	Thomas,
Bucchin,	Isaacs,	Munley,	Thompson,
Bullen,	Jenkins,	Murphy,	Toll,
Capano,	Johnson,	Murray, H. P.,	Tompkins,
Clanfrani,	Jones, G. E.,	Murray, J. J.,	Toomey,
Cloffi,	Jones, T. H. W.,	Murray, P. G.,	Varallo,
Cochran,	Jump,	Musto,	Varner,



Gomer,	Kamyk,	Naugle,	Vaughan,
Connelly,	Kehler,	Needham,	Verona,
Cooper,	Keller,	Ogilvie,	Wall,
Curwood,	Kent,	Olsen,	Wallace,
Davis,	Kilne,	O'Neill,	Walsh,
Donahue,	Knecht,	Pacchioli,	Wargo,
Donaldson,	Kolankiewicz,	Parry,	Waterhouse,
Dougherty,	Kooker,	Pashley,	Weidner,
Down,	Kornick,	Paulhamus,	Welsh,
Ehrgood,	Kratz,	Petrosky,	Wescott,
Ellberg,	Kromer,	Pettigrew,	Wheeler,
Erb,	Lafore,	Polaski,	Whitenight,
Eshleman,	Lawyer,	Polen,	Willaredt,
Ewing,	Leiby,	Pomeroy,	Williams,
Farabaugh,	Leisey,	Price,	Wilt,
Filo,	Leonard,	Pursley,	Wood,
Fineman,	Leven,	Readinger,	Worley,
Flint,	Light,	Reibman,	Yetter,
Floyd,	Limper,	Reidenbach,	Yetzer,
Flynn,	Lopresti,	Renwick,	Young,
Foster,	Lippincott,	Rigby,	Ziegler,
Frank,	Lovett,	Rosen,	Andrews,
Frascella,	Lutty,	Rovansek,	Speaker

NAYS—0

NOT VOTING—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House of Representatives has passed the same without amendment.

#### RECONSIDERATION OF VOTE ON HOUSE BILL No. 1802

Mr. READINGER. Mr. Speaker, I move that the vote by which House Bill No. 1802, entitled:

An Act relating to public works contracts providing for prevailing wages imposing duties upon the Secretary of Labor and Industry providing penalties and repealing existing laws.

was agreed to on second reading be reconsidered.

The motion was agreed to.

Mr. READINGER. Mr. Speaker, I move that the vote by which the House agreed to the title and the various sections be reconsidered.

The motion was agreed to.

The first to fifth sections inclusive were separately read and agreed to.

The sixth section was read.

On the question,

Will the House agree to the section?

Mr. READINGER offered the following amendment:

Amend Sec. 6, page 4, line 20 by inserting after "public" "work."

It was agreed to.

The section was agreed to as amended.

The seventh to seventeenth sections and title were separately read and agreed to.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for third reading.

#### SENATE MESSAGE

#### TIME OF NEXT MEETING

The Clerk of the Senate being introduced presented an

extract from the Journal of the Senate, which was read as follows:

In the Senate, January 30, 1956.

Resolved, (the House of Representatives concurring), That when the Senate adjourns this week, it reconvene Monday, February 6, 1956, at a time to be fixed by the Senate, and when the House of Representatives adjourns this week, it reconvene Monday, February 6, 1956, at a time to be fixed by the House of Representatives.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

On the question,

Will the House concur in the resolution of the Senate?

It was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

#### BILL INTRODUCED AND REFERRED

The SPEAKER pro tempore. The Speaker has referred the following bill:

By Messrs. LOPRESTI and LIMPER.

HOUSE BILL No. 1996.

An Act regulating arbitration of controversies between labor and management when arbitration is required by written contract or agreement; providing a method of securing arbitration and the appointment of arbitrators or an umpire; regulating hearings, evidence and awards; imposing duties on courts of common pleas.

Referred to the Committee on Labor Relations.

#### COMMITTEE MEETINGS

AGRICULTURE AND DAIRY INDUSTRIES, Mr. Snider, Chairman, Room 331, Tuesday, January 31st, 11:00 a. m.

CHILD CARE, Mr. Maxwell, Chairman, Room 330, Tuesday, January 31st, at 11:30 a. m.

ELECTIONS AND APPORTIONMENT, Mr. Lopresti, Chairman, Room 329, Tuesday, January 31st, at 11:30 a. m.

JUDICIARY, Mr. Lopresti, Chairman, Room 145, Tuesday, January 31st, at 10:00 a. m.

WORKMEN'S COMPENSATION, Mr. Capano, Chairman, Room 330, Tuesday, January 31st, at 1:30 p. m.

SPECIAL HEARING. The House Conservation and Wild Life Committee will hold a meeting with the Pennsylvania Game Commission, tomorrow, Tuesday, January 31st, at 10:00 a. m. in the House Caucus Room on the Doe License Problem, Mr. Breth, Chairman.

The Legislative Service Club will meet for breakfast tomorrow morning, Tuesday, January 31, at 8:30 a. m. in the private dining room of the Capitol Cafeteria.

#### ADJOURNMENT

Mr. GUTHRIE. Mr. Speaker, I move that this House do now adjourn until Tuesday, January 31, 1956, at 2:00 p. m.

The motion was agreed to and (at 6:19 p. m.) the House adjourned.







# Legislative Journal.

Session 1955.

141st of the General Assembly.

Vol. 34.

HARRISBURG, PA., TUESDAY, JANUARY 31, 1956.

No. 132.

## SENATE

TUESDAY, January 31, 1956.

The Senate met at 10:00 o'clock, a. m., Eastern Standard Time.

The PRESIDENT (Lieutenant-Governor Roy E. Furman) in the Chair.

### PRAYER

The Chaplain, Rev. GEORGE D. WOLFE, Pastor of St. Peter's and St. Paul's Lutheran Churches, Erie, offered the following prayer:

Let us pray.

Almighty God, Father of our souls, grant to the Members and Officers of this Senate a moment of sacredness and quiet before they take up the tasks of the day. As we meet again for the work to which Thou hast called us, keep us ever remindful of our duties to our fellow leaders and to our people at home, as we shall have to answer to them and to Thee for all that is done.

Keep before us the figure of our Lord, who for our salvation kept even the least of the law's demands all the way to the terrible cross that we might live.

Give us patience, fidelity and zest for the hours and the efforts that are required of us. Give us thankful hearts for the gifts Thou hast bestowed upon us, that we may offer them gladly in Thy service and the service of our State. Let Thy Holy Spirit direct, inspire and empower us in the business of the day that our work may be well done.

We ask this in the Name of our Lord and Savior, Jesus Christ. Amen.

### JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. FLEMING and Mr. SEYLER, further reading was dispensed with, and the Journal was approved.

### LEAVE OF ABSENCE

Mr. FLEMING asked and obtained leave of absence for Mr. PECHAN, due to illness.

### NOMINATIONS BY THE GOVERNOR REFERRED TO COMMITTEE

The Secretary to the Governor being introduced, presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as

follows, and referred to the Committee on Executive Nominations:

#### JUSTICE OF THE PEACE

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, January 31, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Frank Passante, 216 Division Avenue, Ellwood City, Lawrence County, for appointment as Justice of the Peace in and for the Borough of Ellwood City, Lawrence County, to serve until the first Monday of January 1958, vice J. E. Van Gorder, deceased.

GEORGE M. LEADER.

#### JUSTICE OF THE PEACE

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, January 31, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Norman Moul, Abbottstown, Adams County, for appointment as Justice of the Peace in and for the Borough of Abbottstown, Adams County, to serve until the first Monday of January 1958, to fill a vacancy.

GEORGE M. LEADER.

#### MEMBERS OF COUNTY BOARDS OF ASSISTANCE

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, January 31, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as members of County Boards of Assistance:

#### MONTGOMERY COUNTY

Mrs. Esther C. Shaffer (Dem.), 614 Elkins Avenue, Elkins Park 17, to serve until December 31, 1958, and until her successor is duly appointed and qualified, vice Milton H. Pagel, Norristown, whose term expired.

John E. Baer (Dem.), 428 Foulke Avenue, Ambler, to serve until December 31, 1958, and until his successor is duly appointed and qualified, vice Rev. W. Paul Reumann, Lansdale, resigned.

#### TIOGA COUNTY

Rev. Martin A. Roche (Dem.), Mansfield, to serve until December 31, 1958, and until his successor is duly appointed and qualified, vice Fred A. Jupenz, Mansfield, whose term expired.

Mrs. Wanda Austin (Dem.), Wellsboro, to serve until December 31, 1958, and until her successor is duly appointed and qualified, vice Miss Isabel Martin, Morris Run, whose term expired.

GEORGE M. LEADER.



## MEMBERS OF COUNTY BOARDS OF ASSISTANCE

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, January 31, 1956.  
To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as members of County Boards of Assistance:

## PHILADELPHIA COUNTY

Frank C. Forderer, Jr. (Dem.), 2729 North Front Street, Philadelphia, to serve until December 31, 1956, and until his successor is duly appointed and qualified, vice Miss Gertrude A. Golden, Philadelphia, whose term expired.

## POTTER COUNTY

Mrs. Katharine P. Dorfeld (Rep.), 203 Allegheny Avenue, Coudersport, to serve until December 31, 1958, and until her successor is duly appointed and qualified. (Reappointment)

Rev. Clair Statham (Rep.), Harrison Valley, to serve until December 31, 1958, and until his successor is duly appointed and qualified. (Reappointment)

Mrs. Mollie Stephens White (Dem.), 7 Fifth Street, Coudersport, to serve until December 31, 1958, and until her successor is duly appointed and qualified. (Reappointment)

GEORGE M. LEADER.

## MEMBERS OF COUNTY BOARDS OF ASSISTANCE

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, January 31, 1956.  
To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as members of County Boards of Assistance, to serve until December 31, 1958, and until their successors are duly appointed and qualified:

## BERKS COUNTY

Woodrow W. Mertz (Dem.), West Main and Noble Streets, Kutztown, vice Paul B. Albright, Hamburg, resigned.

Mrs. Jean S. Schoffstall (Dem.), 1337 Garfield Avenue, Wyomissing. (Reappointment)

William E. Norman (Dem.), R. D. 2, Boyertown. (Reappointment)

## BUTLER COUNTY

R. L. Butler (Rep.), Sarver. (Reappointment)

I. Max Jaffe (Rep.), R. D. 5, Butler. (Reappointment)

Lawrence G. Gemperle (Rep.), 6 Jefferson Apartments, Butler. (Reappointment)

## DAUPHIN COUNTY

Vernon M. Wood, Sr. (Dem.), Greenwood Hills, Harrisburg, vice E. R. Eckenrode, Harrisburg, whose term expired.

Mrs. Virginia S. Morgenthaler (Dem.), 2815 North Second Street, Harrisburg. (Reappointment)

Joseph Bazdar (Dem.), 11 North Fourth Street, Steelton. (Reappointment)

## NORTHUMBERLAND COUNTY

William McKaig (Rep.), 1260 West Willow Street, Shamokin, vice Donald W. Myers, Shamokin, whose term expired.

Robert L. Shotsberger (Dem.), 1114 South Eleventh Street, Sunbury, vice Mrs. Veronica Tamecki, Mt. Carmel, whose term expired.

John Strausser (Dem.), 825 West Independence Street, Shamokin, vice Robert E. Malick, Shamokin, whose term expired.

## WARREN COUNTY

Mrs. Kathryn M. Frantz (Rep.), 411 Conewango Avenue, Warren, vice Frederick M. Ludwick, Russell, whose term expired.

Mrs. Arleine S. Whitehill (Rep.), 7 Lansing Street, North Warren. (Reappointment)

Gerald M. Newton (Dem.), 14 Jackson Street, Warren. (Reappointment)

GEORGE M. LEADER.

## HOUSE MESSAGES

## HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives being introduced, presented for concurrence bills of the House, as follows:

House Bill No. 796, entitled:

An Act regulating the mining of anthracite coal; prescribing duties for certain officers of political subdivisions; and imposing penalties.

Which was committed to the Committee on Mines and Mining.

House Bill No. 1925, entitled:

An Act amending the act of June 15, 1937 (P. L. 1743), entitled as amended "1937 Magistrates' Court Act" establishing an Alcoholic Court of Philadelphia, and prescribing its powers and duties and jurisdiction and the magistrates assigned thereto; providing for a seal for the court and the costs taxable therein.

Which was committed to the Committee on Judiciary General.

## HOUSE CONCURS IN SENATE CONCURRENT RESOLUTION

He also informed the Senate that the House has concurred in resolution from the Senate as follows:

## TIME OF NEXT MEETING

In the Senate, January 30, 1956.

Resolved (the House of Representatives concurring), That when the Senate adjourns this week, it reconvene Monday, February 6, 1956, at a time to be fixed by the Senate; and when the House of Representatives adjourns this week, it reconvene Monday, February 6, 1956, at a time to be fixed by the House of Representatives.

## HOUSE CONCURS IN SENATE BILL No. 724

He also returned to the Senate, Senate Bill No. 724, entitled:

An Act to further amend the act, approved the tenth day of March, one thousand nine hundred forty-nine (P. L. 80), entitled "Public School Code of 1949," by requiring the payment of money withheld from State appropriations to pay default in rent to a municipality authority or nonprofit corporation.

with the information that the House has passed the same without amendments.

## HOUSE CONCURS IN SENATE BILL No. 834

He also returned to the Senate, Senate Bill No. 834, entitled:

An Act validating and confirming certain contracts heretofore entered into by municipality authorities for the construction of a school building project or projects



and for relevant service contracts as a part of the construction when there is no evidence of fraud or conspiracy and authorizing or ratifying payments on such contracts or parts of contracts by the municipality authority upon approval thereof by the Department of Public Instruction and the Department of Justice.

with the information that the House has passed the same without amendments.

### BILLS SIGNED

The PRESIDENT (Lieutenant-Governor Roy E. Furman) announced that the Chief Clerk having reported that the following bills had passed both houses of the General Assembly and the same being correct, the titles were publicly read as follows:

Senate Bill No. 274, entitled:

An Act amending the act of June 3, 1937 (P. L. 1333), entitled "Pennsylvania Election Code," increasing the terms of office of judges and inspectors of elections.

Senate Bill No. 475, entitled:

An Act amending the act of August 22, 1953 (P. L. 1344) entitled "The Marriage Law," further regulating the issuance of marriage licenses when applicants are infected with syphilis.

Senate Bill No. 603, entitled:

An Act amending the act of June 24, 1937 (P. L. 2017), entitled "County Institution District Law," authorizing the sale of surplus farm products and other personal property.

Senate Bill No. 685, entitled:

An Act amending the act of June 24, 1939 (P. L. 685), entitled "An act designating certain life insurance companies as limited life insurance companies, and further describing the powers thereof," further regulating the powers of limited life insurance companies.

Senate Bill No. 692, entitled:

An Act amending the act of June 28, 1951 (P. L. 638), entitled "Register of Wills Act of 1951," changing the procedure on probate of wills probated outside the Commonwealth.

Senate Bill No. 693, entitled:

An Act amending the act of August 10, 1951 (P. L. 1163), entitled, as amended, "Orphans' Court Act of 1951," conferring exclusive jurisdiction on orphans' courts over the administration and distribution of incompetents' estates, and on the orphans' court of Philadelphia County over inter vivos trusts and revising the procedure on and effect of jury trials and the availability of jurors.

Senate Bill No. 694, entitled:

An Act repealing the act of June 7, 1917 (P. L. 837), entitled "Orphan's Court Partition Act of 1917," with exceptions.

Senate Bill No. 722, entitled:

An Act amending the act of May 1, 1929 (P. L. 905), entitled "Vehicle Code," regulating issuance of registration plates to newspaper, newsreel or television photographers.

Senate Bill No. 759, entitled:

An Act amending the act of March 10, 1949 (P. L. 30) entitled "Public School Code of 1949," limiting reimburse-

ment for depreciation to school districts using their own vehicles in pupil transportation.

Senate Bill No. 780, entitled:

An Act amending the act of July 2, 1937 (P. L. 2821) entitled "An act to regulate the sale and advertising for sale of goods wares and merchandise purporting to be an insurance bankruptcy mortgage insolvent assignees receivers trustees removal or closing-out sale or sale of goods damaged by fire smoke or water in cities and certain boroughs of this Commonwealth and to prevent fraudulent practices in connection therewith and providing penalties for the violation thereof and for the imposition of licensee fees for permission to conduct the same" making the provisions of the act effective in municipalities and townships further regulating statements of inventories further regulating the issuance renewal denial and refusal of licenses and the conduct of sales designating certain actions as violations of the act authorizing appeals from refusal or denial to issue licenses.

Senate Bill No. 842, entitled:

An Act amending the act of May 15, 1939 (P. L. 134) entitled, as amended, "An act relating to fireworks; . . ." authorizing the issuance of permits for and the use of fireworks in connection with raising and protecting crops.

Senate Bill No. 853, entitled:

An Act amending the act of May 23, 1949 (P. L. 1669), entitled, as amended, "An act to provide revenue for school districts of the first class by imposing a tax on persons engaging in certain business, professions, occupations, trades, vocations and commercial activities therein; . . ." excluding certain costs from the term "receipts".

Senate Bill No. 871, entitled:

An Act authorizing certain mutual insurance companies, other than life insurance companies, now in existence under the provisions of the act of May 17, 1921 (P. L. 682), its supplements and amendments, to reincorporate as mutual life insurance companies; outlining the requirements and procedure; and defining the rights of dissenting members.

Whereupon,

The PRESIDENT (Lieutenant-Governor Roy E. Furman) in the presence of the Senate signed the same.

### REPORTS FROM COMMITTEES

Mr. WADE, from the Committee on Highways reported as committed, Senate Bill No. 239, entitled:

An Act amending the act of June 22, 1931 (P. L. 594), entitled "Rural State Highway Law," adding a new route in Allegheny County.

Mr. RUTH, from the Committee on Highways reported as committed, Senate Bill No. 811, entitled:

An Act amending the act of June 1, 1933 (P. L. 1172), entitled "Borough Rural State Highway Law," adding a new route in the Borough of Carnegie.

He also, from the Committee on Highways reported as committed, Senate Bill No. 913, entitled:

An Act amending the act of June 1, 1933 (P. L. 1172), entitled "Borough Rural State Highway Law," adding new routes in Carnegie Borough, Allegheny County.

### CALENDAR

#### BILLS ON CONCURRENCE IN HOUSE AMENDMENTS

#### BILLS OVER IN ORDER



Mr. FLEMING. Mr. President, I ask unanimous consent that the following bills, on concurrence in House amendments, go over in their order:

Senate Bill No. 215, Printer's No. 466;  
Senate Bill No. 686, Printer's No. 444;  
Senate Bill No. 687, Printer's No. 460;  
Senate Bill No. 689, Printer's No. 445;  
Senate Bill No. 690, Printer's No. 461;  
Senate Bill No. 691, Printer's No. 462; and  
Senate Bill No. 696, Printer's No. 448.

The PRESIDENT. Is there objection? The Chair hears none.

### THIRD READING CALENDAR

#### BILL ON THIRD READING, RECALLED FROM THE GOVERNOR

#### BILL OVER IN ORDER

Mr. FLEMING. Mr. President, I ask unanimous consent that Senate Bill No. 773, Printer's No. 494, on third reading, recalled from the Governor, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

#### ILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 26, as follows:

An Act authorizing the Department of Highways with the Governor to erect and construct a toll bridge over the Monongahela River connecting the State highway system in Washington County with the system of State highways in Fayette County and to provide the necessary approaches and connections with such State highways empowering counties to pay certain damages providing for the collection of tolls and making an appropriation.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The Department of Highways with the approval of the Governor is hereby authorized to erect and construct a bridge over the Monongahela River between West Brownsville Hill and the top of Brownsville Hill connecting the State highway system in Washington County with the system of State highways in Fayette County and to acquire the necessary land for approaches thereto

Section 2 In the construction of the bridge and the approaches thereto and connections with existing State highways the Department of Highways shall have all of the powers and authority conferred with respect to the relocation widening or construction of State highways including the exercise of the power of eminent domain Any damages sustained by reason of taking property in the relocation widening or construction of any such bridge the approaches thereto and connections with State highways shall be ascertained in accordance with laws applicable to the ascertainment of damages in relocating widening or constructing State highways and such damages when ascertained shall be paid by the Commonwealth or county or counties as may be agreed upon in accordance with the laws relating to State highways

The Department of Highways shall have authority to make and carry out and to do every other act necessary to carry out the project herein authorized

Section 3 After the completion of any such bridge and the approaches thereto the Department of Highways shall provide for the collection of tolls until such tolls have been sufficient to reimburse the Motor License Fund for all costs including the salaries of toll takers and main-

tenance and repair of such bridge during the period tolls are collected As soon as the Motor License Fund has been reimbursed for all costs any such bridge shall be freed from toll and shall become a part of the system of State highways to be administered by the Department of Highways under the provisions of present or future laws governing the reconstruction and maintenance of State highways

Section 4 So much of the money in the Motor License Fund from time to time as may be needed to carry out the provisions of this act is hereby specifically appropriated to the Department of Highways for such purposes

Section 5 This act shall take effect immediately

And said bill having been read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

#### YEAS—46

Barr,	Harney,	McMenamin,	Stevenson,
Berger,	Hays,	McPherson, Jr.,	Stiefel,
Blass,	Holland,	Miller,	Taylor,
Camel,	Kessler,	Mullin,	Van Sant,
Chapman,	Koprivier, Jr.,	Peelr,	Wade,
Dent,	Lane,	Probert,	Wagner,
Diehm,	Madigan,	Ruth,	Watkins,
DiSilvestro,	Mahany,	Schmidt,	Watson,
Donolow,	Mallery,	Scott,	Weiner,
Flack,	McCreesh,	Seyler,	Whalley,
Fleming,	McGinnis,	Silver,	Wolfe,
Haluska,			Yosko,

#### NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present the said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 151, as follows:

An Act amending the act of March ten one thousand nine hundred forty-nine (P. L. 30) entitled "An act relating to the public school system including certain provisions applicable as well to private and parochial schools amending revising consolidating and changing the laws relating thereto" increasing mileage rate and daily expense allowance of directors and mileage rate of members of joint school boards and of joint school committees

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 903 act of March ten one thousand nine hundred forty-nine (P. L. 30) known as the "Public School Code of one thousand nine hundred forty-nine" amended August ten one thousand nine hundred fifty-one (P. L. 1155) is amended to read

Section 903 Expenses at Annual Conventions and Special Meetings It shall be the duty of school directors in each county to attend such annual convention of school directors called by the county superintendent Each school director attending the annual convention or any special meeting duly called shall receive for his necessary expenses the sum of [eight dollars (\$8)] twelve dollars (\$12) per day for each day's attendance and mileage at the rate of [six cents (6c)] seven cents (7c) per mile for the distance necessary to be traveled in going to and from such convention or special meeting Said amount shall be paid by an order drawn on the treasurer of the school district in which he acts as school director No school director shall be paid for more than two (2) days at any annual convention nor more than two (2) days at special meetings

Section 2 Section 1709 of the act added May twenty-



nine one thousand nine hundred fifty-one (P. L. 448) is amended to read

Section 1709 Traveling Expenses at Meetings of Joint Boards or Joint School Committees Each school director of a school district having established a joint school or department with another school district or in case the affairs of such joint school or department are being managed by a joint school committee then each member of such committee shall receive for his necessary traveling expenses mileage at the rate of [six cents (6c)] seven cents (7c) per mile for the distance necessary to be traveled in going to and from the meetings of such joint board or joint school committee not in excess however of twelve (12) meetings a year Said amount shall be paid by warrant drawn on the joint board treasurer by the president and secretary of the joint board or joint school committee

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

#### YEAS—46

Barr,	Harney,	McMenamin,	Stevenson,
Berger,	Hays,	McPherson, Jr.	Stiefel,
Blass,	Holland,	Miller,	Taylor,
Camel,	Kessler,	Mullin,	Van Sant,
Chapman,	Koprivier, Jr.	Peelor,	Wade,
Dent,	Lane,	Propert,	Wagner,
Diehm,	Madigan,	Ruth,	Watkins,
DiSilvestro,	Mahany,	Schmidt,	Watson,
Donolow,	Mallery,	Scott,	Weiner,
Flack,	McCreesh,	Seyler,	Whalley,
Fleming,	McGinnis,	Silvert,	Wolfe,
Haluska,			Yosko,

#### NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 160, as follows:

An Act amending the act of March ten one thousand nine hundred forty-nine (P. L. 30) entitled "An act relating to the public school system including certain provisions applicable as well to private and parochial schools amending revising consolidating and changing the laws relating thereto" extending the area in which school directors may attend out of State meetings and increasing mileage rate and daily expense allowance therefor The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1 Section 516.1 act of March ten one thousand nine hundred and forty-nine (P. L. 30) known as "Public School Code of one thousand nine hundred forty-nine" amended July twenty-seven one thousand nine hundred fifty-three (P. L. 612) is amended to read

Section 516.1 Expenses for Attendance at Meetings of Educational or Financial Advantage to District When in the opinion of the board of school directors attendance of one or more of its members on any meeting held within the Commonwealth or with [three hundred (300)] six hundred (600) miles of the boundary thereof (other than annual State and county conventions of school directors and meetings called by the county superintendent) will be of educational or financial advantage to the district it may authorize the attendance of one or more of its members at such meetings not exceeding two meetings in any one school year Each person so authorized to attend and attending shall be reimbursed for all expenses

actually and necessarily incurred in going to attending and returning from the place of such meeting but not exceeding [eight dollars (\$8)] twelve dollars (\$12) per day together with mileage at the rate of [six cents (\$.06)] seven cents (\$.07) for each mile in going to and returning from each meeting Such expenses shall be paid by the treasurer of the school district in the usual manner out of the funds of the district upon presentation of an itemized verified statement of such expenses.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

#### YEAS—46

Barr,	Harney,	McMenamin,	Stevenson,
Berger,	Hays,	McPherson, Jr.	Stiefel,
Blass,	Holland,	Miller,	Taylor,
Camel,	Kessler,	Mullin,	Van Sant,
Chapman,	Koprivier, Jr.	Peelor,	Wade,
Dent,	Lane,	Propert,	Wagner,
Diehm,	Madigan,	Ruth,	Watkins,
DiSilvestro,	Mahany,	Schmidt,	Watson,
Donolow,	Mallery,	Scott,	Weiner,
Flack,	McCreesh,	Seyler,	Whalley,
Fleming,	McGinnis,	Silvert,	Wolfe,
Haluska,			Yosko,

#### NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

### BILLS OVER IN ORDER

Mr. LANE. Mr. President, I ask unanimous consent that House Bill No. 173, Printer's No. 1247, on third reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. FLEMING. Mr. President, I ask unanimous consent that the following bills, on third reading, go over in their order:

Senate Bill No. 317, Printer's No. 394;

Senate Bill No. 318, Printer's No. 493; and

Senate Bill No. 590, Printer's No. 477.

The PRESIDENT. Is there objection? The Chair hears none.

### BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 623, as follows:

An Act amending the act of March 10, 1949 (P. L. 30) entitled "An act relating to the public school system including certain provisions applicable as well to private and parochial schools amending revising consolidating and changing the laws relating thereto" providing for payment by the Commonwealth to school districts for the acceptance of non-residence inmates of children's institutions into its schools

Section 1 Subsection (c) of section 2503 act of March 10, 1949 (P. L. 30) known as the "Public School Code of 1949" amended August 10, 1951 (P. L. 1197) is amended to read

Section 2503 Payments on Account of Tuition

• • •



(c) Each school district regardless of classification which accepts any non-resident child in its school under the provisions of section one thousand three hundred five or section one thousand three hundred six of the act to which this is an amendment shall be paid by the Commonwealth an amount equal to the tuition charge per elementary pupil or the tuition charge per high school pupil as the case may be as defined in section two thousand five hundred sixty-one of the act to which this is an amendment for each pupil so accepted. In the case of pupils attending the district's public schools for less than a full school term the tuition charges shall be prorated by reference to the period of time over which such pupil actually attended the district's schools.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

#### YEAS—46

Barr,	Harney,	McMenamin,	Stevenson,
Berger,	Hays,	McPherson, Jr.	Stiefel,
Blass,	Holland,	Miller,	Taylor,
Camiel,	Kessler,	Mullin,	Van Sant,
Chapman,	Koprivier, Jr.	Peelor,	Wade,
Dent,	Lane,	Propert,	Wagner,
Diehm,	Madigan,	Ruth,	Watkins,
DiSilvestro,	Mahany,	Schmidt,	Watson,
Donolow,	Mallery,	Scott,	Weiner,
Flack,	McCreesh,	Seyler,	Whalley,
Fleming,	McGinnis,	Silvert,	Wolfe,
Haluska,		Yosko,	

#### NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

### BILL OVER IN ORDER

Mr. FLEMING. Mr. President, I ask unanimous consent that Senate Bill No. 802, Printer's No. 452, on third reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

### BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 832, as follows:

An Act amending the act of May 3, 1915 (P. L. 226) entitled "An act to establish and regulate the fees to be received and charged by the prothonotary of the courts of common pleas of this Commonwealth in counties having over eight hundred thousand and less than one million five hundred thousand inhabitants according to the last proceeding United States census" changing and further fixing the fees to be charged by the prothonotary. The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1 Section 1 act of May 3, 1915 (P. L. 226) entitled "An act to establish and regulate the fees to be received and charged by the prothonotary of the courts of common pleas of this Commonwealth in counties having over eight hundred thousand and less than one million five hundred thousand inhabitants according to the last preceding United States census" amended August 10, 1951 (P. L. 1221) is amended to read:

Section 1 The fees to be received by the prothonotary

of the courts of common pleas of this Commonwealth in counties of the second class shall be as follows:

#### Action in Assumpsit

Entering issuing notice of suit reinstatement or reissue and entering sheriff's return one dollar and twenty-five cents

All other docket entries before filing of pleas or entering judgment [three] four dollars

Filing of plea or entering judgment for one defendant [one dollar] two dollars for each additional defendant twenty-five cents

#### Action in Trespass

Entering issuing notice of suit or capias ad respondendum or reinstatement or reissue and entering sheriff's return one dollar and twenty-five cents

All other docket entries before filing of pleas or entering judgment [three] four dollars

Filing of plea or entering judgment for one defendant [one dollar] two dollars for each additional defendant twenty-five cents

#### Appeals

To Supreme and Superior Courts and bond thereon with justification ten dollars Supplemental Appeals to Supreme and Superior Courts five dollars

From alderman justice of the peace and county court [three] four dollars

Receiving and entering appeals from an award of arbitrators taking recognizance and affidavit [two] three dollars

Receiving and entering appeal from board of viewers or assessors two dollars and fifty cents

Receiving and entering appeal from recount of election returns two dollars

#### Arbitrators

Entering of rule to choose fifty cents

Entering of rule to refer fifty cents

#### Assignments

Noting docketing and indexing [one dollar] two dollars and fifty cents

#### Attachment

Attachment execution domestic attachment foreign attachment and under the act of one thousand eight hundred and sixty-nine filing docketing and issuing writ one dollar and twenty-five cents

Subsequent docket entries prior to judgment [three] four dollars

Issuing attachment in contempt and motion thereof each name one dollar and twenty-five cents

Issuing attachment for defaulting witness fifty cents

Issuing attachment defaulting juror fifty cents

#### Bail

Bail-piece [one dollar] two dollars

Bail for stay entry and certificate [one dollar] two dollars

Receiving and care of cash deposit in lieu of surety one per cent on the first five hundred dollars and one-half of one per cent on the next one thousand dollars and one-fourth of one per cent on any additional amount

#### Certificate

Certifying record and seal [one dollar and fifty cents] two dollars

Issuing certificate of appointment of commissioner one dollar

Issuing certificate of appointment of master one dollar

Issuing certificate of appointment of auditor one dollar

Issuing certificate of no appeal one dollar and fifty cents

Issuing certificate of no liens for each five years or fraction thereof for each name [two] three dollars

Issuing certificate of liens for each five years or fraction thereof for each name [two] three dollars and fifty cents additional for each lien unsatisfied



Issuing certificate of no suits for each five years or fraction thereof for each name [two] three dollars

Certificate of commission to notary alderman and justice of the peace one dollar and fifty cents

Certified copy of order of court for each page or fraction thereof [fifty cents] one dollar

Certificate and seal [fifty cents] one dollar

Issuing [certied] certified copy of docket entry [one dollar and fifty cents] two dollars

Entering certificate of judgment against boroughs townships and school districts rendered by a justice or alderman fifty cents

#### Certiorari

Issuing writ and all proceedings thereon [three dollars and seventy-five cents] five dollars

#### Case Stated

Filing and docketing one dollar and twenty-five cents

All subsequent entries [three] four dollars

#### Change of Name

Filing and docketing petition [three] five dollars and seventy-five cents

#### Charter

Filing corporate charter petition for change of corporate name or alteration or amendment of charter for merger and all proceedings thereon ten dollars

#### Citation

Filing and docketing petition issuing writ and return thereon one dollar and twenty-five cents

Docketing all further proceedings [three] four dollars

#### Commission

Commission to take testimony docketing and entering thereon one dollar and twenty-five cents

Commission de lunatico inquirendo filing and docketing petition one dollar and twenty-five cents

Commission in partition and entering return two dollars

#### Condemnation of Property

Filing and docketing petition bond order of court and all subsequent docket entries [four] six dollars and seventy-five cents

#### Contract

Filing and docketing building contracts [three] four dollars

#### Costs and Fees

Collection of costs [and/or] or fees due to any person five per cent of the amount collected

#### Depositions

Entry of rule one dollar

#### Dissolution

Of charter or partnership filing and docketing all proceedings thereof six dollars

#### Divorce

Filing and docketing complaint issuing notice of suit and entering sheriff's return [four] five dollars and twenty-five cents

Issuing reinstatements and entering sheriff's return one dollar and twenty-five cents

All subsequent docket entries including first certified copy of decree [three] four dollars and fifty cents Subsequent certified copies of decree two dollars each

#### Election

Reporting and certifying election of justice of the peace and all county State and other officers whose election is required to be reported and certified to the Secretary of

the Commonwealth each officer certified [fifty cents] one dollar

To be paid by the county

Petition to open ballot-box filing and docketing and certified copy of order one dollar and seventy-five cents

#### Ejectment

Issuing notice of suit and entering sheriff's return one dollar and twenty-five cents

Indexing and all subsequent docket entries prior to plea [three] four dollars and twenty-five cents

Filing plea or entering judgment thereon one dollar

#### Equity

Filing of bill [two] four dollars and fifty cents for each name indexed twenty-five cents All other docket entries before filing of pleas or entering of judgment five dollars for each docket page or fraction thereof used

#### Escheat

Entry and docketing proceedings five dollars

#### Estrepement

Issuing of writ one dollar and twenty-five cents

#### Exemplification

Record from other county filing and entering the same [two] three dollars and twenty-five cents

#### Feme Sole Trader

Petition docketing and all services thereunder [four] five dollars and seventy-five cents

#### Fieri Facias

Issuing and docketing writ and entering sheriff's return [one dollar] three dollars and fifty cents

Issuing and docketing testatum fieri facias and entering sheriff's return [one dollar] three dollars and fifty cents

Docketing and indexing testatum fieri facias from other county [two] four dollars and twenty-five cents

Financing Statement under Uniform Commercial Code

Filing and docketing financing statements or amendments of the same each three dollars

Termination or satisfaction of financing statement each one dollar

#### Financial Statement

Filing and docketing one dollar and seventy-five cents

#### Guardian

Filing and docketing petition including certificate of appointment [four] five dollars and seventy-five cents

Filing of guardian account three dollars

#### Habeas Corpus

Issuing writ one dollar and seventy-five cents Additional certified copies of order thereon one dollar each

#### Habere Facias

Issuing writ docketing and entering sheriff's return [one dollar] three dollars and fifty cents

#### Habitual Drunkards

Filing and docketing petition and all subsequent proceedings four dollars and seventy-five cents

#### Injunction

Writ for preliminary injunction [one dollar] three dollars and twenty-five cents

#### Inquiry

Issuing of writ one dollar and twenty-five cents



## Insolvency

Filing petition docketing and all subsequent proceedings four dollars and seventy-five cents

## Judgments

Docketing and indexing confessed judgments [one dollar] two dollars and seventy-five cents  
Entering satisfaction thereon seventy-five cents

## Judges Detailment of

Entry of order and certificate two dollars  
To be paid by the county

## Levari Facias

Issuing writ docketing and entering sheriff's return [one dollar] three dollars and fifty cents

## Lien

Release postponement restriction satisfaction or discontinuance [seventy-five] one dollar and fifty cents

## Lists

Preparing files and records for cases on trial list each case [twenty-five] fifty cents  
To be paid by the county  
Preparing trial or argument list each case [twenty-five] fifty cents  
To be paid by the county

## Lunacy

Filing and docketing petition and all subsequent entries therein [four] five dollars and seventy-five cents

## Mandamus

Filing docketing petition issuing notice of suit and entering return and all other services [four] five dollars and seventy-five cents

## Mechanics' Lien

Entering docketing and indexing [three] four dollars

## Mortgages Satisfaction Thereof

Filing docketing petition and all subsequent proceedings including certificate [four] five dollars and seventy-five cents

## Municipal Lien

Entering docketing and indexing where the claim is for one year and is directed to be indexed against one name only two dollars For each additional year included one dollar for each additional defendant named twenty-five cents

## Oaths of Office

Filing and docketing one dollar and seventy-five cents

## Overseers of Election

Filing petition for appointment one dollar and twenty-five cents  
Each certificate fifty cents

## Party Name

Filing docketing and certificate for preemption of party name [three] four dollars and seventy-five cents

## Perpetuating Testimony

Filing and docketing petition [one dollar] two dollars and twenty-five cents Entering order of court thereon and recording the same three dollars

## Partition

Filing docketing and issuing writ of summons and entering sheriff's returns one dollar and twenty-five cents

Subsequent docket entries prior to judgment [three] four dollars

Entry of judgment therein one dollar for each indexed name twenty-five cents

Writ de partitione faciendo one dollar and twenty-five cents

## Petition

Filing petition for oral examination as to title of property [one dollar] two dollars

Filing and docketing any petition not herein specifically provided for [three] four dollars

## Pleadings

Filing appearances or answer or motion or preliminary objection or proof of service or publication or rule for answer or bill of particulars or other pleading or petition after entry of complaint petition suit or action at law or in equity or other original writ otherwise than herein specifically provided for twenty-five cents

Fees above specified to be taxed at time of filing but to follow judgment and to be included in costs

Filing amendments of title record or pleading fifty cents

Framing an issue in any action two dollars

Suggesting death or a party dimunition of record or amending record each fifty cents

## Possession

Entry issuing writ and return thereon [one dollar] two dollars and seventy-five cents

## Quo Warranto

Filing and docketing petition issuing notice of suit and all further proceedings thereon [two] three dollars and fifty cents

## Receipt

Entering or issuing seventy-five cents

## Registration and Certificate

Partnerships physicians veterinarians dentists and stallions one dollar

## Remittitur

Entering the same from Supreme or Superior Courts two dollars

## Replevin

Entry issuing notice of suit and all services prior to judgment [four] five dollars and twenty-five cents

Issuing writ of retorno habendo [one dollar] two dollars and fifty cents

## Reports

Report to county commissioners of every judgment or lien assignment or satisfaction thereof each [ten] twenty-five cents

Not to exceed [six] twelve hundred dollars per annum

Entering report of treasurer and acknowledging treasurer's deed two dollars and fifty cents

## School Auditor

Docketing order of appointment one dollar and twenty-five cents

Each certificate issued fifty cents

Entry of auditor's official oath fifty cents

Entry of report of school auditors' docket for each page of report thirty cents

Entering and docketing of school auditors' report two dollars

## School Directors

Docketing order of appointment and certificates thereof in districts of the first class two dollars

## Scire Facias

Sur mortgage filing docketing issuing writ certificate to recorder entering on scire facias and entering sheriff's return [one dollar] three dollars and seventy-five cents



Alias writ [one dollar and twenty-five cents] two dollars

All other writs of scire facias and alias writs filing docketing issuing indexing and entering sheriff's return [one dollar] two dollars and twenty-five cents

#### Suggestion of Freehold

Entry and certificate one dollar

Subpoena

Issuing of one dollar

#### Tax Lien

Filing and entering where tax is for one year and one defendant only is named one dollar For each additional year included one dollar For each additional defendant named twenty-five cents

Satisfaction of each one dollar

Filing and entering where special dockets are required and indexing on judgment index where tax is for one year and is directed to be indexed against one defendant only two dollars For each additional year included one dollar For each additional defendant named twenty-five cents

Filing and entering suggestion and averment of unpaid tax or municipal claim and indexing judgment docket where tax or claim is for one year and is directed to be indexed against one name only one dollar For each additional year included one dollar For each additional name indexed twenty-five cents

Preparing suggestions and averments each twenty-five cents

Furnishing list of unsatisfied tax liens each item shown twenty-five cents

#### Transcribing

Any paper or record per page or fraction thereof [fifty cents] one dollar

#### Transcript

Docketing and indexing transcript from alderman justice of the peace and county court three dollars

#### Venditioni Exponas

Issuing writ and entering sheriff's return [one dollar] two dollars and fifty cents

#### Verdict

Verdict fee and indexing in judgment docket [four] five dollars

#### Viewers

Docketing petition [one dollar] two dollars and twenty-five cents

Issuing precept one dollar and twenty-five cents

All subsequent docket entries three dollars

Certified copy of report three dollars

#### Workhouse Release

Making out petition and certificate one dollar

#### General Provisions

The fees for services not herein specially provided for shall be the same as for similar services

The prothonotary shall not be required to enter or docket any suit or action or order of court or enter any judgment thereon or perform any services whatsoever until the requisite fee is paid

The fees hereinbefore enumerated shall be exclusive of any State tax now levied or that may hereafter be levied

Section 2 This act shall take effect immediately

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were taken agreeably to the provisions of the Constitution, and were as follows, viz:

#### YEAS—46

Barr,	Harney,	McMenamin,	Stevenson,
Berger,	Hays,	McPherson, Jr.,	Stiefel,
Blass,	Holland,	Miller,	Taylor,
Camel,	Keasler,	Mullin,	Van Sant,
Chapman,	Koprivier, Jr.,	Peelor,	Wade,
Dent,	Lane,	Probert,	Wagner,
Diehm,	Madigan,	Ruth,	Watkins,
DiSilvestro,	Mahany,	Schmidt,	Watson,
Donolow,	Mallery,	Scott,	Weiner,
Flack,	McCreech,	Seyler,	Whalley,
Fleming,	McGinnis,	Silvert,	Wolfe,
Haluska,			Yosko,

#### NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 833, as follows:

An Act amending the act of June 12, 1919 (P. L. 476) entitled as amended "An act to regulate and establish the fees to be charged and collected by the recorder of deeds in counties of the second class" increasing amount of fees to be charged and collected by recorders in counties of the second class

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 1 act of June 12, 1919 (P. L. 476) entitled as amended "An act to regulate and establish the fees to be charged and collected by the recorder of deeds in counties of the second class" amended May 18, 1945 (P. L. 706) is amended to read

Section 1 Be it enacted &c That the fees to be charged and collected by the recorder of deeds in counties of the second class shall be as follows

For recording deeds the minimum fee for not more than one description or more than four legal cap type-written pages be [three dollars and fifty cents (\$3.50)] four dollars and fifty cents (\$4.50) and for each additional description [thirty-five cents (35¢)] fifty cents (50¢) extra

For recording sheriff's deeds [three dollars (\$3.00)] four dollars (\$4.00)

For indexing deeds mortgages and all other writings with more than four names [fifteen cents (15¢)] twenty-five cents (25¢) extra for each additional name

For recording agreements leases oil and gas leases rights of way municipal ordinance vacating streets lanes or alleys or parts thereof of not more than four legal cap typewritten pages the minimum fee shall be [three dollars and fifty cents (\$3.50)] four dollars and twenty-five cents (\$4.25) and [fifty cents (50¢)] seventy-five cents (75¢) for each additional legal cap typewritten page or fractional part thereof

For recording assignments of agreements leases oil and gas leases rights of way or other instrument of writing by separate paper except such as are herein specially provided of not more than two legal cap typewritten pages the minimum fee shall be [two dollars and fifty cents (\$2.50)] three dollars and twenty-five cents (\$3.25) and [fifty cents (50¢)] seventy-five cents (75¢) for each additional page or fractional part thereof

For recording adjudication in bankruptcy two dollars and fifty cents (\$2.50)

For recording widow's election [two dollars and twenty-five cents (\$2.25)] three dollars (\$3.00)

For recording widow's appraisement [three dollars and twenty-five cents (\$3.25)] four dollars (\$4.00)



For recording release of legacies [two dollars and twenty-five cents (\$2.25)] three dollars (\$3.00)

For recording military or naval discharge one dollar (\$1.00) Fee to be paid by the county

For recording military or naval certificate of service one dollar (\$1.00) Fee to be paid by the county

For recording decree of feme sole trader [two dollars and fifty cents (\$2.50)] three dollars (\$3.00)

For recording declaration of trust of not more than one description of property or more than four legal cap typewritten pages the minimum fee shall be [three dollars and fifty cents (\$3.50)] four dollars and twenty-five cents (\$4.25) and [fifty cents (50¢)] seventy-five cents (75¢) for each additional page or fractional part thereof

For recording decree or order of court of not more than two legal cap typewritten pages [two dollars and fifty cents (\$2.50)] three dollars and twenty-five cents (\$3.25) and [fifty cents (50¢)] seventy-five cents (75¢) for each additional page or fractional part thereof

For recording mortgages of not more than one description or more than four legal cap typewritten pages the minimum fee shall be [three dollars and fifty cents (\$3.50)] four dollars (\$4.00) and each additional description [twenty-five cents (25¢)] fifty cents (50¢) extra

For recording assignment of mortgage when attached to mortgage at time of recording [one dollar (\$1.00)] one dollar and fifty cents (\$1.50)

For recording assignment of mortgage by separate paper of not more than one assignment [two dollars and twenty-five cents (\$2.25)] three dollars (\$3.00) for noting each additional assignment [twenty cents (20¢)] fifty cents (50¢)

For recording satisfaction partial payment postponement or release by separate paper [two dollars and twenty-five cents (\$2.25)] three dollars (\$3.00)

For entering satisfaction assignments partial payments releases extensions and postponements on margin of mortgage record [one dollar and fifty cents (\$1.50)] two dollars and fifty cents (\$2.50)

For entering partial payment release extension and assignment under one marginal entry [one dollar (\$1.00)] two dollars (\$2.00) for first item and [fifty cents (50¢)] seventy-five cents (75¢) for each additional item

For mortgage searches on not more than one piece of property each name [one dollar (\$1.00)] two dollars (\$2.00) and for each unsatisfied mortgage shown [fifty cents (50¢)] seventy-five cents (75¢)

For reporting mortgage lien assignment or satisfaction thereof to the county commissioners or board of assessors [ten cents (10¢)] twenty-five cents (25¢) each to be paid by the county

For recording or exemplifying of commission for notary public with bond and oath [five dollars (\$5.00)] six dollars (\$6.00) city or county officer with bond and oath [five dollars (\$5.00)] six dollars (\$6.00) justice of the peace or alderman with bond and oath [five dollars and fifty cents (\$5.50)] six dollars and fifty cents (\$6.50) special police officer [three dollars (\$3.00)] four dollars (\$4.00)

For exemplification of special police officer's oath one dollar (\$1.00)

For furnishing Auditor General with information concerning limited partnerships twenty-five cents (25¢)

For affidavit and acknowledgment of bondsmen for notary public justice of the peace or aldermen one person [fifty cents (50¢)] seventy-five cents (75¢) two persons [seventy-five cents (75¢)] one dollar (\$1.00)

For recording powers of attorney of not more than two names or more than two legal cap typewritten pages the minimum fee shall be [two dollars and fifty cents (\$2.50)] three dollars and fifty cents (\$3.50) and [fifty cents (50¢)] seventy-five cents (75¢) for each additional page or fractional part thereof

For noting any instrument on margin of record [twenty cents (20¢)] fifty cents (50¢)

For recording charters or limited partnerships of not more than four legal cap typewritten pages the minimum fee shall be [three dollars and fifty cents (\$3.50)] four dollars and fifty cents (\$4.50) and [fifty cents (50¢)] seventy-five cents (75¢) for each additional page or fractional part thereof

For recording bank bonds two dollars and fifty cents (\$2.50)

The fee for services not herein specifically provided for shall be the same as for similar services

Section 2 This act shall take effect immediately

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

Barr,	Harney,	McMenamin,	Stevenson,
Berger,	Hays,	McPherson, Jr.,	Stiefel,
Blass,	Holland,	Miller,	Taylor,
Camel,	Kessler,	Mullin,	Van Sant,
Chapman,	Koprivier, Jr.,	Peelor,	Wade,
Dent,	Lane,	Proper,	Wagner,
Diehm,	Madigan,	Ruth,	Watkins,
DiSilvestro,	Mahany,	Schmidt,	Watson,
Donolow,	Mallery,	Scott,	Weiner,
Flack,	McCreesh,	Seyler,	Whalley,
Fleming,	McGinnis,	Silvert,	Wolfe,
Haluska,			Yosko,

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 843, as follows:

An Act amending the act of June 1, 1933 (P. L. 1172) entitled "An act establishing certain streets in boroughs and incorporated towns as State highways and providing for their construction and maintenance at the expense of the Commonwealth" adding a new route in the Borough of Coudersport

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 2 of the act of June 1, 1933 (P. L. 1172) entitled "An act establishing certain streets in boroughs and incorporated towns as State highways and providing for their construction and maintenance at the expense of the Commonwealth" is amended by adding new route in the Borough of Coudersport to read

#### Coudersport Borough

Route . . . Beginning at a point on Route 103 in the Borough of Coudersport at its intersection with Willow Street thence northeasterly on Willow Street to the Coudersport and Port Allegany Railroad in Potter County a distance of about 0.3 mile

And said bill having been read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

Barr,	Harney,	McMenamin,	Stevenson,
Berger,	Hays,	McPherson, Jr.,	Stiefel,
Blass,	Holland,	Miller,	Taylor,
Camel,	Kessler,	Mullin,	Van Sant,
Chapman,	Madigan,	Peelor,	Wade,
Dent,	Koprivier, Jr.,	Proper,	Wagner,
Diehm,	Lane,	Ruth,	Watkins,
DiSilvestro,	Mahany,	Schmidt,	Watson,
Donolow,	Mallery,	Scott,	Weiner,



Flack,  
Fleming,  
Haluska,

McCreesh,  
McGinnis,

Seyler,  
Silvert,

Whalley,  
Wolfe,  
Yosko,

#### NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present the said bill to the House of Representatives for concurrence.

#### BILLS OVER IN ORDER

Mr. FLEMING. Mr. President, I ask unanimous consent that the following bills, on third reading, go over in their order:

Senate Bill No. 851, Printer's No. 478;  
House Bill No. 856, Printer's No. 248; and  
House Bill No. 857, Printer's No. 1309.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. SEYLER. Mr. President, I ask unanimous consent that Senate Bill No. 864, Printer's No. 490, on third reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

#### BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order.

The Senate proceeded to the third reading and consideration of Senate Bill No. 905, as follows:

An Act authorizing the Department of Property and Supplies to acquire by gift ninety-three acres more or less of land with buildings thereon in the City of Pittsburgh Allegheny County for maintenance by the Department of Health as a sanatorium or hospital for the reception and treatment of indigent persons affected with tuberculosis and making an appropriation

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The Department of Property and Supplies with the approval of the Governor is hereby authorized to acquire by gift in the name of the Commonwealth of Pennsylvania for maintenance by the Department of Health as a sanatorium or hospital for the reception and treatment of indigent persons affected with tuberculosis a tract of land with buildings thereon in the City of Pittsburgh County of Allegheny Commonwealth of Pennsylvania bounded and described as follows

Beginning on the easterly line of Washington Boulevard (formerly Beechwood Boulevard) at a point distant North 6° 46' East 1770.00 feet more or less from a point perpendicularly opposite the intersection of the westerly line of Chianti Street and the westerly line of Washington Boulevard said place of beginning being more particularly described as a point on the easterly line of Washington Boulevard at a distance South 6° 46' West 11.32 feet long the easterly line of Washington Boulevard from a point of curve thereon said point of curve being perpendicularly opposite a monument on the easterly 5.0 foot line of Washington Boulevard record of said monument being on file in the Division of Surveys Bureau of Engineering Department of Public Works City of Pittsburgh as Monument Sheet No 357 thence extending along other property of the City of Pittsburgh South 73° 18' East 40.23 feet to a point thence continuing along the same South 77° 36' East 726.00 feet to a point thence along property of United States of America South 75° 21' East 1820.00 feet more or less to a point thence continuing along the same South 00° 20' East 888.00 feet more or less to a point thence along property of St Peter's German Lutheran Cemetery North 24° 49' 20" West 208.30 feet to a point thence continuing along the same North 89° 26' West 153.55 feet to a point thence continuing along the

same South 78° 39' West 339.87 feet to a point thence continuing along the same South 67° 19' 10" West 466.41 feet to a point thence continuing along the same South 52° 17' 10" West 509.55 feet to a point thence continuing along the same and along property of the City of Pittsburgh South 44° 55' West 270.00 feet more or less to a point thence along property of Duquesne Light Company South 74° 03' West 802.00 feet to a point thence along property of the City of Pittsburgh North 17° 16' East 128.2 feet to a point thence continuing along the same North 75° 54' West 460.00 feet more or less to the easterly line of Washington Boulevard thence along the easterly line of Washington Boulevard North 6° 46' East 2080.00 feet more or less to the place of beginning and containing 93 acres more or less

The above described property shall be acquired excepting the right-of-way of the Brilliant Branch of the Pennsylvania Railroad Company 66.00 feet in width with land on each side of the right-of-way subject to use for necessary filling and sloping

Section 2 The land shall not be acquired until its title has been approved by the Department of Justice

Section 3 When other reasons for the admission of patients to the hospital are equally urgent preference shall be given to applicants who are residents of the City of Pittsburgh

Section 4 The sum of five hundred dollars (\$500) or as much thereof as may be necessary is hereby appropriated to the Department of Property and Supplies for the payment of expenses incidental to the acquisition including the completion of an abstract of title

Section 5 This act shall take effect immediately

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

#### YEAS—46

Barr,  
Berger,  
Blass,  
Camiel,  
Chapman,  
Dent,  
Diehm,  
DiSilvestro.  
Donolow,  
Flack,  
Fleming,  
Haluska.

Harney,  
Hays,  
Holland,  
Kessler,  
Koprivier, Jr.,  
Lane,  
Madigan,  
Mahany,  
Mallery,  
McCreesh,  
McGinnis,

McMenamin,  
McPherson, Jr.,  
Miller,  
Mullin,  
Peeler,  
Probert,  
Ruth,  
Schmidt,  
Scott,  
Seyler,  
Silvert,

Stevenson,  
Stiefel,  
Taylor,  
Van Sant,  
Wade,  
Wagner,  
Watkins,  
Watson,  
Weiner,  
Whalley,  
Wolfe,  
Yosko,

#### NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 916, as follows

An Act authorizing the Pennsylvania Historical and Museum Commission to make a study of appropriate ways and methods for developing and promoting the historical interest of Philadelphia and vicinity and specifically for developing a "colonial compound" in Germantown

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The Pennsylvania Historical and Museum Commission is hereby authorized and empowered to make a study of appropriate ways and methods by which the historical interest of the City of Philadelphia and of its



vicinity may best be promoted and by which historic homes and buildings still remaining in that area may be developed and presented as a basis for a fuller understanding and appreciation of the great contribution of colonial Philadelphia to the formation of American ideas and institutions

Section 2 Great attention has been given to such historical developments in other states at Williamsburg the colonial capital of Virginia from 1699 to 1779 the Capitol The Governor's Palace taverns homes and even the colonial jail have been restored in minute and authentic detail and Colonial Williamsburg has become a major attraction for tourists At Old Sturbridge Village in Massachusetts a typical eighteenth century New England village has been created by collecting and moving in old buildings from all over New England A similar and equally interesting project is the development of Cooperstown New York under the auspices of the New York State Historical Association Such unified restorations or developments give visitors the impression of the actual environment of colonial days and thus give life and reality to the times when the ideals and institutions of our State and Nation were in the making

Section 3 Philadelphia was the capitol of Pennsylvania from 1683 to 1799 the seat of the Continental Congress during several years of the American Revolution and the capitol of the United States from 1790 to 1800 Here the Declaration of Independence was adopted and the Constitution of the United States drafted In the eighteenth century Philadelphia became the chief city of the American colonies and the major center of culture and trade Here the General Assembly of Pennsylvania made great strides toward free popular representative government before and during the Revolution and the experience and practice of Pennsylvania could serve as guide and model for other states

Section 4 Philadelphia is now a great modern city but there still remain within it many areas where groups of historic buildings survive virtually intact from the past notably Germantown where it would be possible to recreate the environment of the past in a convincing and impressive manner one fine example of an area with historic buildings which are adjacent and well suited to form a distinctive "colonial compound" contains the following buildings

(1) Cliveden otherwise known as the Chew House and one of the famous mansions of the colonial period It was built in 1763-1764 by Benjamin Chew who was Attorney General of the Province of Pennsylvania from 1755 to 1769 Chief Justice from 1774 to the Revolution and President Judge of the High Court of Errors and Appeals from 1791 to 1808 Cliveden was a focal point of the Battle of Germantown on October 3 1777 and suffered damage from gunfire This Georgian Colonial House designed for a man of culture and wealth is an example of the best taste of the day both in its exterior and interior

(2) The Bardsley House at 6500 Germantown Avenue is a picturesque example of early smaller houses It dates from colonial times but is named for John Bardsley who occupied it in the 1870's Sometimes it is called Sparrow Jack's House because Bardsley is said to have imported English sparrows to Germantown

(3) The Daniel Billmeyer House also known as the Mathieu House at 6504 Germantown Avenue exemplifies domestic architecture of the Federal period The rear wing of the building dates from colonial times

(4) The Michael Billmeyer House at 6505-6507 Germantown Avenue is of the Colonial period and is really two houses under one roof According to tradition the attack on the Chew House during the Battle of Germantown was directed from the front steps of this building It was acquired by Hans George Bensell in 1727 and sold to the printer Michael Billmeyer in 1789 Here the "Germantauer Zeitung" was published With its gables and pent eaves its comfortable rooms and ample proportions it is typical of colonial Germantown

(5) The Christopher Mason House or Elkinton House at 6514 Germantown Avenue shows the transition between Colonial and Federal architecture the rear wing being much earlier than the Federal front It stands on land

acquired by Mason in 1797 and the main part was probably built in 1798 the date inscribed on the chimney

Section 5 In making this study the Pennsylvania Historical and Museum Commission shall cooperate with the Philadelphia Historic Buildings Committee the Germantown Historical Society The Historical Society of Pennsylvania the Philadelphia City Planning Commission the National Park Service the National Trust for Historic Preservation and any other organizations and agencies which may be concerned in the development of historic Philadelphia

Section 6 The Pennsylvania Historical and Museum Commission shall report to the General Assembly at its next regular session the results of this study giving primary consideration and discussing possibilities with regard to

(1) The development in Germantown of a "colonial compound" including some or all of the historic buildings now remaining in that part of the City of Philadelphia

(2) Publicizing and calling attention to the significance of historic Philadelphia in the history of the United States

(3) The establishment of a joint committee or board representing the interest of the Commonwealth the Federal Government the City of Philadelphia and historical organizations in the development and presentation of historic Philadelphia

Section 7 To aid in carrying out the provisions of this act the Pennsylvania Historical and Museum Commission is hereby empowered to create and appoint committees and to appoint historical consultants who shall serve without cost to the Commonwealth

And said bill having been read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

## YEAS—46

Barr,	Harney,	McMenamin,	Stevenson,
Berger,	Hays,	McPherson, Jr.,	Stiefel,
Blass,	Holland,	Miller,	Taylor,
Camel,	Kessler,	Mullin,	Van Sant,
Chapman,	Koprivier, Jr.,	Peelot,	Wade,
Dent,	Lane,	Propert,	Wagner,
Diehm,	Madigan,	Ruth,	Watkins,
DiSilvestro,	Mahany,	Schmidt,	Watson,
Donolow,	Mallery,	Scott,	Weiner,
Flack,	McCreesh,	Seyler,	Whalley,
Fleming,	McGinnis,	Silver,	Wolfe,
Haluska,			Yosko,

## NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present the said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 1021, as follows:

An Act amending the act of March 10 1949 (P. L. 30) entitled "An act relating to the public school system including certain provisions applicable as well to private and parochial schools amending revising consolidating and changing the laws relating thereto" granting the right to a hearing and appeal before the State Council of Education on the creation or change of a third or fourth class school district

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 228 act of March 10 1949 (P. L. 30) known as the "Public School Code of 1949" amended May 11 1949 (P. L. 1089) is amended to read

Section 228 Approval or Disapproval of Creation or Change of Third or Fourth Class Districts (a) If the



newly created city borough or township or independent school district or union school district or the part of a school district remaining after the separation would constitute a school district of the third or fourth class the receipt of said certified copy shall be deemed an application for the creation of a new school district of the third or fourth class or change in the boundaries of an existing school district of the third or fourth class and the Superintendent of Public Instruction shall within sixty days thereafter cause the State Council of Education to be convened The council shall [thereupon consider such application and] fix a time and place for hearing the application notice of which hearing shall be sent to the school districts which will be affected by the council's decision At the hearing the proper officials of or the counsel for the districts shall present to the council the reasons for approval or disapproval of the application and the council shall then determine whether such new school district or independent school district or union school district or change in the boundaries of an existing school district of the third or fourth class is desirable and whether the welfare of the pupils within the territory affected thereby will be promoted by the creation of such district or change in the boundaries of such existing district

(b) If the council shall approve such application it shall certify its findings and its approval of such new district or change in such existing district thereon and transmit a certified copy thereof to the clerk of the courts or other proper officer from whom the application was received who shall file the same in such original proceedings whereupon the new city borough or township will become a new school district of the third or fourth class or the school district of the third or fourth class remaining after such annexation shall constitute a separate school district as so changed

(c) If in the judgment of the council the application should not be granted it shall endorse thereon "not approved" and transmit a certified copy thereof to the clerk of the courts or other proper officer from whom the application was received who shall file the same in the original proceedings In such event the boundaries of the existing school districts shall remain unchanged Provided The State Council of Education may for cause shown upon subsequent application by ten taxables of a school district of the third or fourth class not coterminous with a city borough incorporated town or township vacate such refusal and may approve the creation of such new district of the third or fourth class or change in boundaries of an existing district of the third or fourth class and thereupon the same proceedings shall be had as herein provided upon the original application and with like effect

And said bill having been read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

#### YEAS—46

Barr,	Harney,	McMenamin,	Stevenson,
Berger,	Hays,	McPherson, Jr.,	Stiefel,
Blass,	Holland,	Miller,	Taylor,
Camiel,	Kessler,	Mullin,	Van Sant,
Chapman,	Koprivier, Jr.,	Peelor,	Wade,
Dent,	Lane,	Propert,	Wagner,
Diehm,	Madigan,	Ruth,	Watkins,
DiSilvestro,	Mahany,	Schmidt,	Watson,
Donolow,	Mallery,	Scott,	Weiner,
Flack,	McCreesh,	Seyler,	Whalley,
Fleming,	McGinnis,	Silvert,	Wolfe,
Haluska,			Yosko,

#### NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return the said bill to the

House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 1129, as follows:

An Act amending the act of May 17, 1929 (P. L. 1798) entitled "An act providing a fixed charge payable by the Commonwealth on lands acquired by the State and the Federal Government for forest reserves or for the purpose of preserving and perpetuating a portion of the original forests of Pennsylvania and preserving and maintaining the same as public places and parks and the distribution of the same for county school township and road purposes in the counties school districts and townships where such forests are located and making an appropriation" Requiring the Commonwealth for a limited time to pay charges to Counties on certain Federal Forest Reserves.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 1 act of May 17, 1929 (P. L. 1798) entitled "An act providing a fixed charge payable by the Commonwealth on lands acquired by the State and the Federal Government for forest reserves or for the purpose of preserving and perpetuating a portion of the original forests of Pennsylvania and preserving and maintaining the same as public places and parks and the distribution of the same for county school township and road purposes in the counties school districts and townships where such forests are located and making an appropriation" amended May 27, 1949 (P. L. 1900) is amended to read

Section 1 Be it enacted &c That (a) from and after the passage of this act all lands heretofore or hereafter acquired by the Commonwealth or by the Government of the United States for forest reserves or for the purpose of preserving and perpetuating any portion of the original forests of Pennsylvania and preserving and maintaining the same as public places and parks and which by existing laws are now exempt from taxation and all lands and property heretofore or hereafter acquired for the purpose of conservation of water or to prevent flood conditions upon which a tax is imposed by existing laws payable by the Commonwealth shall hereafter be subject to an annual charge of two and one-half cents per acre for the benefit of the county in which said lands are located two and one-half cents per acre for the benefit of the schools in the respective school districts in which such lands are located and two and one-half cents per acre for the benefit of the roads in the township where such lands are located which charge shall be payable by the Commonwealth (b) except as hereinafter provided the annual charge payable by the Commonwealth on land acquired by the Government of the United States for forest reserves is to continue only until the receipts of money by treasurers and road supervisors of the said counties and school districts and townships in which national forest reserves are located provided for in act of April twenty-seventh one thousand nine hundred twenty-five Pamphlet Laws three hundred twenty-four shall equal or exceed the amount paid by the Commonwealth in lieu of taxes This subsection shall not apply to the annual charge of two and one-half cents per acre for the benefit of the county in which the land acquired by the Government of the United States for forest reserves is located for the years 1953 1954 1955 and 1956 the charges for the benefit of the county for these years shall be paid by the Commonwealth

And said bill having been read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

Mr. LANE. Mr. President, I desire to be recorded as voting "no" on this bill.



Mr. SEYLER. Mr. President, earlier, I had raised questions on this bill and asked time to check into the purposes and the methods for accomplishing these purposes.

Mr. President, my present feeling is that this bill does not present the ideal way of meeting the need which exists for which this bill was drawn. However, I am persuaded that, at this late date, it is probably the best sort of adjustment of the situation that can be made.

Therefore, Mr. President, I am withdrawing my objections and intend to vote "aye."

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the constitution and were as follows, viz:

## YEAS—45

Barr,	Harney,	McPherson, Jr.,	Stiefel,
Berger,	Hays,	Miller,	Taylor,
Blass,	Holland,	Mullin,	Van Sant,
Camiel,	Kessler,	Peelor,	Wade,
Chapman,	Koprivier, Jr.,	Probert,	Wagner,
Dent,	Madigan,	Ruth,	Watkins,
Diehm,	Mahany,	Schmidt,	Watson,
DiSilvestro,	Mallery,	Scott,	Weiner,
Donolow,	McCreesh,	Seyler,	Whalley,
Flack,	McGinnis,	Silvert,	Wolfe,
Fleming,	McMenamin,	Stevenson,	Yosko,
Haluska,			

## NAYS—1

Lane,

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with the information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 1248, as follows:

An Act amending the act of March 10 1949 (P. L. 30) entitled "An act relating to the public school system including certain provisions applicable as well to private and parochial schools amending revising consolidating and changing the laws relating thereto" extending the time within which school taxes shall be levied and assessed by the board of school directors in school districts of the second third and fourth class

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Subsection (a) of section 672 act of March 10 1949 (P. L. 30) known as the "Public School Code of 1949" amended January 21 1952 (P. L. 2195) is amended to read

Section 672 Tax Levy Limitations (a) In all school districts of the second third and fourth class all school taxes shall be levied and assessed by the board of school directors therein during the month of February or March or April or May each year for the ensuing fiscal year except in districts of the second class where the fiscal year begins on the first day of January in which the school tax shall be levied and assessed during the month of October or November of each year In school districts of the second class the tax rate shall not exceed twenty mills on the dollar and in school districts of the third and fourth class shall not exceed twenty-five mills on the dollar on the total amount of the assessed valuation of all property taxable for school purposes therein Each school district of the second third or fourth class may also collect a per capita tax on each resident or inhabitant of such district over twenty-one years of age as herein provided

\* \* \*

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

## YEAS—46

Barr,	Harney,	McMenamin,	Stevenson,
Berger,	Hays,	McPherson, Jr.,	Stiefel,
Blass,	Holland,	Miller,	Taylor,
Camiel,	Kessler,	Mullin,	Van Sant,
Chapman,	Koprivier, Jr.,	Peelor,	Wade,
Dent,	Lane,	Probert,	Wagner,
Diehm,	Madigan,	Ruth,	Watkins,
DiSilvestro,	Mahany,	Schmidt,	Watson,
Donolow,	Mallery,	Scott,	Weiner,
Flack,	McCreesh,	Seyler,	Whalley,
Fleming,	McGinnis,	Silvert,	Wolfe,
Haluska,			Yosko,

## NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

## BILL OVER IN ORDER

Mr. FLEMING. Mr. President, I ask unanimous consent that House Bill No. 1294, Printer's No. 1350, on third reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

## BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 1330, as follows:

An Act amending the act of May 17 1921 (P. L. 682) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" further regulating reserves with respect to certain domestic mutual insurance companies

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 807 act of May 17 1921 (P. L. 682) known as "The Insurance Company Law of 1921" amended May 11 1949 (P. L. 1087) is amended to read

Section 807 Reserves A mutual insurance company other than a mutual life company shall maintain unearned premium and other reserves separately for each kind of insurance upon the same basis as that required of domestic stock insurance companies transacting the same kind of insurance except that the Insurance Commissioner may by written order fix a different basis of reserve for losses and claim in workmens compensation insurance Any reserve for losses or claims based upon the premium income shall be computed upon the net premium income after deducting any so-called dividend or premium returned or credited to the member The provisions relating to unearned premium reserve shall not apply to policies issued by a domestic mutual fire insurance company which policies set forth therein or in the promissory note attached thereto a limited or unlimited liability to assessment unless a cash premium is payable in advance on such policies and in such case when the annual total



gross premium income less return premiums of the company from such policies shall amount to seventy-five thousand dollars (\$75,000.00) or more. The provisions requiring unearned premium reserves as hereinafter set forth shall thereafter apply regardless of the annual premium income of such company in any subsequent year.

Beginning the effective date of this act a domestic mutual fire insurance company and a mutual insurance company other than a mutual life company not heretofore required by law to establish and maintain unearned premium reserves and which issues policies on which cash premiums are payable in advance shall establish and maintain unearned premium reserves under the foregoing provisions on the policies issued on and after the effective date of this act the company may accumulate such reserves progressively over a five year period commencing the effective date of this act by establishing and maintaining during the year one thousand nine hundred fifty-six and each succeeding calendar year at least twenty per cent of the unearned premium reserves until the full statutory unearned premium reserves have been established thereafter the company shall maintain the full unearned premium reserves on all policies on which cash premiums are payable in advance a domestic mutual insurance company other than a mutual life company which is incorporated subsequent to the effective date of this act shall at all times establish and maintain the full unearned premium reserves on all policies.

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

## YEAS—46

Barr,	Harney,	McMenamin,	Stevenson,
Berger,	Hays,	McPherson, Jr.,	Stiefel,
Blass,	Holland,	Miller,	Taylor,
Camiel,	Kessler,	Mullin,	Van Sant,
Chapman,	Koprivier, Jr.,	Peelor,	Wade,
Dent,	Lane,	Propert,	Wagner,
Diehm,	Madigan,	Ruth,	Watkins,
DiSilvestro,	Mahany,	Schmidt,	Watson,
Donolow,	Mallery,	Scott,	Weiner,
Flack,	McCreesh,	Seyler,	Whalley,
Fleming,	McGinnis,	Silvert,	Wolfe,
Haluska,			Yosko,

## NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 1526, as follows:

An Act amending the act of March 7, 1901 (P L 20) entitled "An act for the government of cities of the second class" requiring reimbursement to cities of second class for costs incurred in the collection of certain fines. The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1 The act of March 7, 1901 (P. L. 20) entitled "An act for the government of cities of the second class" is amended by adding at the end of Article XVI-A a new section to read:

Section 12 Reimbursement of Costs The municipal traffic courts in cities of the second class may submit each year an application for reimbursement to the Secretary

of Revenue containing therein an itemized account of the additional costs incurred by the traffic court each year in the collection of traffic violation fines from violators who originally paid the fines with checks which were returned to the traffic court marked "not sufficient funds." Upon approval of the account filed the Secretary of Revenue shall permit the traffic court in cities of the second class to deduct the amount of such costs from the amount of the fines due and payable to the Department of Revenue for the year following the year of application.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

## YEAS—46

Barr,	Harney,	McMenamin,	Stevenson,
Berger,	Hays,	McPherson, Jr.,	Stiefel,
Blass,	Holland,	Miller,	Taylor,
Camiel,	Kessler,	Mullin,	Van Sant,
Chapman,	Koprivier, Jr.,	Peelor,	Wade,
Dent,	Lane,	Propert,	Wagner,
Diehm,	Madigan,	Ruth,	Watkins,
DiSilvestro,	Mahany,	Schmidt,	Watson,
Donolow,	Mallery,	Scott,	Weiner,
Flack,	McCreesh,	Seyler,	Whalley,
Fleming,	McGinnis,	Silvert,	Wolfe,
Haluska,			Yosko,

## NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 1566, as follows:

An Act amending the act of March 10 1949 (P. L. 30) entitled "An act relating to the public school system including certain provisions applicable as well to private and parochial schools amending revising consolidating and changing the laws relating thereto" regulating the acceptance of non-resident school children. The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1 Subsection (a) of section 1305 act of March 10 1949 (P. L. 30) known as the "Public School Code of 1949" is amended to read:

Section 1305 Non-resident Child Placed in Home of Resident (a) When a non-resident child is placed in the home of a resident of any school district by order of court or by arrangement with an association agency or institution having the care of neglected and dependent children such resident being compensated for keeping the child any child of school age so placed shall be entitled to all free school privileges accorded to resident school children of the district including the right to attend the public high school maintained in such district or in other districts in the same manner as though such child were in fact a resident school child of the district.

[The school district may not be required to accept such children in its schools when their acceptance would involve additional provisions for transportation by the district or would require the district to provide additional teachers or rooms at an expense greater than the amount of reimbursement paid to the district by the State on account of the instruction of such children]

• • •

And said bill having been read at length the third time, and agreed to,



On the question,  
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

## YEAS—46

Barr,	Harney,	McMenamin,	Stevenson,
Berger,	Hays,	McPherson, Jr.,	Stiefel,
Blass,	Holland,	Miller,	Taylor,
Camiel,	Kessler,	Mullin,	Van Sant,
Chapman,	Koprivier, Jr.,	Peelor,	Wade,
Dent,	Lane,	Probert,	Wagner,
Diehm,	Madigan,	Ruth,	Watkins,
DiSilvestro,	Mahany,	Schmidt,	Watson,
Donolow,	Mallery,	Scott,	Weiner,
Flack,	McCreesh,	Seyler,	Whalley,
Fleming,	McGinnis,	Silvert,	Wolfe,
Haluska,			Yosko,

## NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 1567, as follows:

An Act amending the act of March 10 1949 (P. L. 30) entitled "An act relating to the public school system including certain provisions applicable as well to private and parochial schools amending revising consolidating and changing the laws relating thereto" providing for payments on account of nonresident pupil transportation The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 2541 act of March 10 1949 (P. L. 30) known as the "Public School Code of 1949" is amended by adding at the end thereof a new clause to read

Section 2541 Payments on Account of Pupil Transportation School districts shall be paid by the Commonwealth for every school year on account of pupil transportation which and the means and contracts providing for which have been approved by the Department of Public Instruction in the cases hereinafter enumerated an amount to be determined by multiplying the cost of approved reimbursable pupil transportation incurred by the district by the district standard reimbursement fraction In addition thereto the Commonwealth shall pay to school districts which own their own vehicles an annual depreciation charge of ten per centum (10%) to be calculated on the basis of the certified cost at which the district acquired the vehicle for which depreciation is claimed

Such payments for pupil transportation shall be made in the following cases

(7) To all school districts for the transportation of non-resident children who are placed in the home of a resident or who are inmates of an orphan asylum or home or a children's home or other institution for the care and training of orphans or other children and who attend the public schools and who live two miles or more from the nearest school with the proper grades

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

## YEAS—46

Barr,	Harney,	McMenamin,	Stevenson,
Berger,	Hays,	McPherson, Jr.,	Stiefel,

Blass,	Holland,	Miller,	Taylor,
Camiel,	Kessler,	Mullin,	Van Sant,
Chapman,	Koprivier, Jr.,	Peelor,	Wade,
Dent,	Lane,	Probert,	Wagner,
Diehm,	Madigan,	Ruth,	Watkins,
DiSilvestro,	Mahany,	Schmidt,	Watson,
Donolow,	Mallery,	Scott,	Weiner,
Flack,	McCreesh,	Seyler,	Whalley,
Fleming,	McGinnis,	Silvert,	Wolfe,
Haluska,			Yosko,

## NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 1579, as follows:

An Act amending the act of March 10 1949 (P. L. 30) entitled "An act relating to the public school system including certain provisions applicable as well to private and parochial schools amending revising consolidating and changing the laws relating thereto" providing for pupil transportation in institutions and providing for reimbursements

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 1306 act of March 10 1949 (P. L. 30) known as the "Public School Code of 1949" is amended to read

Section 1306 Non-resident Inmates of Children's Institutions (a) The board of school directors of any school district in which there is located any orphan asylum home for the friendless children's home or other institution for the care or training of orphans or other children shall permit any children who are inmates of such homes but not legal residents in such districts to attend the public schools in said district either with or without charge for tuition textbooks or school supplies as the directors of the district in which such institution is located may determine.

(b) Whenever non-resident children attend the public schools in such district they shall be furnished proper transportation provided for resident children and the district furnishing or providing the transportation shall be reimbursed in the same manner as provided for resident children.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

## YEAS—46

Barr,	Harney,	McMenamin,	Stevenson,
Berger,	Hays,	McPherson, Jr.,	Stiefel,
Blass,	Holland,	Miller,	Taylor,
Camiel,	Kessler,	Mullin,	Van Sant,
Chapman,	Koprivier, Jr.,	Peelor,	Wade,
Dent,	Lane,	Probert,	Wagner,
Diehm,	Madigan,	Ruth,	Watkins,
DiSilvestro,	Mahany,	Schmidt,	Watson,
Donolow,	Mallery,	Scott,	Weiner,
Flack,	McCreesh,	Seyler,	Whalley,
Fleming,	McGinnis,	Silvert,	Wolfe,
Haluska,			Yosko,

## NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the clerk return said bill to the House of



Representatives with information that the Senate has passed the same without amendments.

### BILL OVER IN ORDER

Mr. FLEMING. Mr. President, I ask unanimous consent that House Bill No. 1795, Printer's No. 1086, on third reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

### BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 1838, as follows:

An Act amending the act of March 10, 1949 (P. L. 30) entitled "An act relating to the public school system including certain provisions applicable as well to private and parochial schools amending revising consolidating and changing the laws relating thereto" further regulating the admission of beginners to the public schools The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 1304 act of March 10, 1949 (P. L. 30) known as the "Public School Code of 1949" amended July 27, 1953 (P. L. 629) is amended to read

Section 1304 Admission of Beginners The admission of beginners to the public schools shall be confined to the first two weeks of the annual school term in districts operating on an annual promotion basis and to the first two weeks of either the first or the second semester of the school term in districts operating on a semi-annual promotion basis except when a good reason satisfactory to the school board is furnished for failure of an applicant to attend at such time Admission shall be limited to beginners who have attained the age of five years and seven months before the first day of September if they are to be admitted in the fall and to those who have attained the age of five years and seven months before the first day of February if they are to be admitted at the beginning of the second semester The board of school directors of any school district may admit beginners who are less than five years and seven months of age in accordance with rules and regulations established by the State Council of Education The board of school directors may refuse to accept or retain beginners who have not attained a mental age of five years as determined by the county supervisor of special education or a properly certified public school psychologist in accordance with rules and regulations established by the State Council of Education

The term "beginners" as used in this section shall mean any child that should enter the lowest grade of the primary school or the lowest primary class above the kindergarten level

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

Mr. HAYS. Mr. President, I wish to be recorded as voting "no" on this measure.

Mr. SEYLER. Mr. President, I also desire to be recorded as voting "no."

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Barr,	Haluska,	McMenamin,	Stiefel.
Berger,	Harney,	McPherson, Jr.,	Taylor,

Blass,  
Camiel,  
Chapman,  
Dent,  
Diehm,  
DiSilvestro,  
Donolow,  
Flack,  
Fleming.

Holland,  
Kessler,  
Koprivier, Jr.,  
Lane,  
Madigan,  
Mahany,  
Mallery,  
McCreesh,  
McGinnis,

Miller,  
Mullin,  
Peelor,  
Propert,  
Ruth,  
Schmidt,  
Scott,  
Silvert,  
Stevenson,

Van Sant,  
Wade,  
Wagner,  
Watkins,  
Watson,  
Weiner,  
Whalley,  
Wolfe,  
Yosko,

NAYS—2

Hays,

Seyler,

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

### SECOND READING CALENDAR

#### HOUSE BILL No. 949 CALLED UP OUT OF ORDER

Mr. LANE. Mr. President, I call up out of order, from page 13 of today's Second Reading Calendar, House Bill No. 949, Printer's No. 1106.

#### BILL ON SECOND READING AMENDED

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 949, entitled:

An Act amending the act of March 10 1949 (P. L. 30) entitled "Public School Code of 1949" providing for courses of study in first aid to be included during the last four years of any complete high school program

The first section was read.

On the question,

Will the Senate agree to the section?

Messrs. SEYLER and WAGNER offered the following amendments:

Amend Sec. 1 (Sec. 1605), page 3, line 11, by striking out "shall" and inserting in lieu thereof: "may"; amend Sec. 1 (Sec. 1605), page 3, lines 15 to 18, by striking out "The" in line 15, both of lines 16 and 17 and "scribed by the Superintendent of Public Instruction" in line 18; amend Sec. 1 (Sec. 1605), page 3, lines 19 and 20, by striking out "instruction based upon."

They were agreed to.

The section was agreed to as amended.

The title was read and agreed to.

And said bill having been read at length the second time, as amended,

On the question,

Will the Senate agree to the bill on second reading, as amended?

### BILLS OVER IN ORDER

Mr. LANE. Mr. President, I ask unanimous consent that House Bill No. 949, Printer's No. 1106, on second reading, go over in its order, as amended.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. McCreesh. Mr. President, I ask unanimous consent that Senate Bill No. 231, Printer's No. 486, on second reading, go over in its order.



The PRESIDENT. Is there objection? The Chair hears none.

#### REMAINING BILLS ON SECOND READING CALENDAR OVER IN ORDER

Mr. FLEMING. Mr. President, I ask unanimous consent that the remaining bills, on second reading, go over in their order:

Senate Bill No. 333, Printer's No. 487;  
Senate Bill No. 382, Printer's No. 488;  
House Bill No. 407, Printer's No. 624;  
Senate Bill No. 420, Printer's No. 483;  
Senate Bill No. 651, Printer's No. 475;  
House Bill No. 655, Printer's No. 258;  
Senate Bill No. 857, Printer's No. 489;  
House Bill No. 1221, Printer's No. 931;  
House Bill No. 1224, Printer's No. 816;  
House Bill No. 1340, Printer's No. 932;  
House Bill No. 1397, Printer's No. 1345;  
House Bill No. 1398, Printer's No. 1346;  
House Bill No. 1773, Printer's No. 1347; and  
House Bill No. 1777, Printer's No. 1169.

The PRESIDENT. Is there objection? The Chair hears none.

#### BILLS INTRODUCED AND REFERRED

Mr. VAN SANT. Mr. President, I ask unanimous consent to introduce a bill at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. VAN SANT read in place and presented to the Chair Senate Bill No. 963, entitled

An Act making an appropriation to the Senate committee appointed to cooperate with certain State departments and commissions with regard to certain matters concerning stream pollution in the Lehigh Canal.

Which was committed to the Committee on Appropriations.

Mr. HOLLAND. Mr. President, I ask unanimous consent to introduce a bill at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. HOLLAND, on behalf of Mr. DENT, read in place and presented to the Chair Senate Bill No. 964, entitled:

An Act to further amend the act, approved the twenty-sixth day of March, one thousand nine hundred twenty-five (P. L. 83), entitled "An act for the protection of public health by regulating the serving of milk for drinking purposes to patrons of hotels, restaurants, lunch rooms, fountains, and dining cars; and providing penalties," by revising the definition of milk dispensers, providing for additional regulation thereof, and extending the provisions of the act to any public place.

Which was committed to the Committee on Public Health and Welfare.

#### SENATE CONCURRENT RESOLUTIONS RECALLING SENATE BILL No. 284 FROM THE GOVERNOR

Mr. WEINER. Mr. President, I ask unanimous consent to offer resolution at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. WEINER offered the following resolution which was twice read, considered and agreed to: none.

In the Senate, January 31, 1956.

Resolved (if the House of Representatives concur) that Senate Bill No. 284, Printer's No. 441, entitled "An act amending the act of April 9, 1929 (P. L. 177) entitled 'An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employees in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employees of certain departments boards and commissions shall be determined' creating the State Board of Chiropractic Examiners as a departmental administrative board in the Department of Public Instruction," be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk present the same to the House of Representatives for concurrence.

#### RECALLING SENATE BILL No. 285 FROM THE GOVERNOR

Mr. WEINER offered the following resolution which was twice read, considered and agreed to:

In the Senate, January 31, 1956.

Resolved (if the House of Representatives concur) that Senate Bill No. 285, Printer's No. 442, entitled "An act relating to the practice of chiropractic conferring powers and imposing duties on the State Board of Chiropractic Examiners and the Department of Public Instruction and providing penalties," be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk present the same to the House of Representatives for concurrence.

#### PERMISSION TO ADDRESS SENATE

Mr. HOLLAND asked and obtained unanimous consent to address the Senate.

Mr. HOLLAND. Mr. President, I have been asked by a great number of people when the sorrowful event will take place and I shall have to resign from the Senate. I say this with really some feeling because, after twenty-one years in Harrisburg, you do become attached to the people and to the place.

Although I have differed considerably with a great number, I have always believed in the principles of my Party and have tried to live up to their principles. I have fought hard because I believed in them and I will continue to fight hard. I hope that any ill feeling that I may have caused by arguments will be forgiven when I leave. Remember I am saying, "after I leave." In fact, I see a number of lobbyists sitting around here who I think are smiling very lovely right this morning. I think they would have liked to have had something to do with my going away. I have presented many bills affect-



ing the lobbyists. I might add, however, that they have made no donations to my campaigns.

Mr. President, I feel a little sorry for leaving many of the different friends I have made on both sides of the Senate. I think we have all fought and believed in what we believe in. That, after all, is the American way. If we all believed alike, we would have very poor government. It is the difference of opinion that makes America. I think you will agree with me that I have differed with you many, many times.

I just want to say that with the certification by the County Board of Elections, to the State Board and then to the Congress of the United States will take a few more days and, from all indications, I will not resign until the beginning of next week. Just as soon as certification has been made, I will resign.

I also would like to be here to vote on a Workmen's Compensation Act because I think this Workmen's Compensation Act is one that is needed a great deal in Pennsylvania. Although there are many parts I disagree with and I think there should be some amendments, it will help a great deal with men who have been totally disabled. As it now exists in Pennsylvania, a man who is totally disabled receives his compensation only for so many weeks. At the end of that time, he is thrown on the heap of the broken down machinery, just like a piece of machinery. I hope that this bill will be voted upon by Tuesday of next week.

Mr. President, I want to assure everyone that I am leaving with the best in my heart for everybody, both Republicans and Democrats. I am sorry to leave some of those old Pinchot Democrats who were with me many, many years ago. Senator Wade was a very wonderful Pinchot Democrat and I have always had a lot of respect for him, especially when he was a Pinchot Democrat. After all, I have always considered Mr. Pinchot close to the Democrats. Of course, I have always had a lot of respect for Senator Graybill Diehm, one of the finest gentlemen in the Senate, who also was with Pinchot and myself in many campaigns of the past. I am awfully sorry that I cannot say that Senator Diehm is now a Democrat. Unfortunately, he stayed with the Republican Party. For the State, it is unfortunate that he stayed with the Republican Party. Even the President pro tempore was at one time a Pinchot follower. Therefore, on the other side of the Senate, there are many who, years ago, started the revolution in Pennsylvania. I am sorry they did not stay with us in order to continue the revolution.

I think this is the last time I will talk in the Senate and I just want to say that I have enjoyed being with all of you. I have a lot of respect for the entire Membership. We have differed and if we did not differ, we would not be Americans. I wish all of you good health. I want to leave one warning with you, Mr. President, and that is to see that these fellows eat on time. I think a lot of the trouble has been caused by the irregular eating habits of the Members of the Senate. I might add that perhaps they should not eat too many of the big feeds provided for by the lobbyists. They are a little too strong for them. That, too, might help the lobbyists on their expense accounts.

I want it known that I have enjoyed the years and I want to feel that I am still a part of this great organiza-

tion, the Senate. I am leaving the Senate with sorrow, that I must leave some of the best friends I have ever had, coming from both sides of the Senate. Just as soon as the certification comes through, next week, I will take my seat in Congress. I want to offer to both the Democrats and the Republicans the use of my office in Washington at all times. Anyone who comes down to Washington as a Pennsylvanian, asking for things for Pennsylvania, I want to assure you that I will give every bit of help that I can to you, regardless of Party.

PERMISSION TO ADDRESS SENATE

Mr. LANE asked and obtained unanimous consent to address the Senate.

Mr. LANE. Mr. President, I am very sorry that Senator Dent is not on hand today to hear Senator Holland's last speech. I might say, too, that when Senator Holland leaves, I, for one, am going to miss him considerably. I will miss that occasional punch on the back and hearing him say, "Bill, what bill are we on now? Watch it real close." That has happened for quite a number of years. As a matter of fact, the Democratic State Chairman just talked with me a few moments ago and he said that he hoped when Senator Holland went to Washington, D. C., if he wrote any magazine articles, Senator Barr hopes that Senator Holland will read them before he signs them.

In all sincerity, Mr. President, I, for one, will certainly miss Senator Holland. He and I have worked closely together. I hold him in the highest esteem. I say that Senator Holland is one of the most able men that we have on the Democratic side. I know that when he goes to Congress, Senator Holland will certainly make a name for himself and the people of Pittsburgh and Allegheny County will know that they are actively represented by Senator Holland in Congress.

PERMISSION TO ADDRESS SENATE

Mr. FLEMING asked and obtained unanimous consent to address the Senate.

Mr. FLEMING. Mr. President, the Republicans in Allegheny County recognized Senator Holland's true worth in the Senate of Pennsylvania and we did everything we could to keep him here. We thought we would like to have him stay in Harrisburg but, unfortunately, we were not able to do that.

Seriously, Senator Holland, I want to say to you that all of us on this side wish you every success in your new undertaking in Congress. We feel that you will serve with distinction down there.

In so far as your reference to former Governor Pinchot, maybe we will take your advice to heart and look around and get us a new Pinchot and we will sweep you fellows out of office. Then you will be glad you are in Washington where you will not have to be troubled with another Republican Administration here.

We all wish you sincerely the best of luck in Washington. Godspeed to you.

PERMISSION TO ADDRESS SENATE

Mr. SILVERT asked and obtained unanimous consent to address the Senate.

Mr. SILVERT. Mr. President, I also wish to say that I sincerely regret to see Senator Holland leave this Body.



I want to say to the Republicans that if you think Senator Holland fought with you and you only, you are mistaken. We had plenty of fights with him, and he with us, in the Democratic Caucus. However, I always felt that Senator Elmer Holland fought for what he thought was right. I want to say to Senator Holland that I personally regret to see him leave this Body, but I am sure he is going on to greater work in Washington.

#### PERMISSION TO ADDRESS SENATE

Mr. STIEFEL asked and obtained unanimous consent to address the Senate.

Mr. STIEFEL. Mr. President, I desire to make a statement on two different subjects. However, first I want to talk about Senator Holland.

Mr. President, as you know, I am promoting a book which I hope will be published in the not too distant future. The name of the book is "I Saw Them Come and Go; McGinnis' Cavalcade of America." Now, I am going to undertake another opus and that will be "Mr. Elmer Goes to Congress."

This is not the first time that Elmer went to Congress. He was already in the Congress of the United States and he came at a crucial moment, when the fate of our Country hung in balance. There were many, many elements that were confused about the destiny of this country. It was at this time that Senator Holland, at that time Congressman Holland, did not hesitate for a moment to lock in combat with the mightiest people in Washington.

When I used to go to New York, people would ask me, "Who is that Elmer Holland?" Senator Holland is a fearless fighter and I am looking forward to great feats.

However, Mr. President, I primarily got up this morning in my capacity as amanuensis to Senator Chapman. In his absence, I must make this statement. I received in this morning's mail a letter pertaining to the dogs. As you know, this is one of those burning issues, next to taxes in Pennsylvania. The letter is addressed as follows:

"Republican Senator from Philadelphia County"

Well, Mr. President, who is it? The letter contains the following:

"Please consider this letter my protest against bill 231 pending in the Legislature—that all stray animals, etc., are to be given to hospitals and clinics for vivisection.

"This is a horrible and disgraceful bill, worthy of medieval thinking and does not belong in the laws of a civilized state."

By implication, Mr. President, this letter indicates that the Republicans are for the dogs and we are against the dogs. When the smoke of battle will lift, you will find that this issue will cross Party lines. I, for one, resent to be branded as a medieval man, you see. This is how they brand the Democrats. In other words, in the minds of the people who are the proponents of the dogs, here are the Democrats against the poor creatures and the Republicans are for them. I object.

#### PERMISSION TO ADDRESS SENATE

Mr. WADE asked and obtained unanimous consent to address the Senate.

Mr. WADE. Mr. President, I am sure it is with regret that we heard the parting address of our colleague, Senator Holland. I want to thank him for the endearing

terms that he applied to me, to Senator Diehm and others. We will miss Senator Holland here in the Senate. He has added spice, frequently, to our Senate discussions and debates. We certainly wish him well in Washington.

He referred to our irregular eating habits and asked that we correct them. He has done a great deal toward correcting them while he was here in the Senate. I would like to tell Senator Holland, soon to be Congressman Holland again, that the most important thing I think is, after all, that we do eat. Even though our Sessions seem long, tedious and tiresome, yet we do eat finally. We will miss Senator Holland and we wish him well in his new endeavors.

I do not know whether it is sabotage or not, but I am reminded by some of my colleagues, and especially our President pro tempore, that we sincerely hope Senator Holland will support the President when he gets to Washington.

#### PERMISSION TO ADDRESS SENATE

Mr. HOLLAND asked and obtained unanimous consent to address the Senate.

Mr. HOLLAND. Mr. President, I must answer that by saying that I shall support the President every time he is right. I think, if you will look at the record, the Democrats have supported the President as much, if not more, than some of the Republicans have.

#### BILLS ON FIRST READING

Mr. FLEMING. Mr. President, I move that the Senate do now proceed to the first reading of all bills reported from committees for the first time at today's session.

Mr. HOLLAND. Mr. President, I second the motion. The motion was agreed to.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 239, entitled:

An Act amending the act of June 22, 1931 (P. L. 594), entitled "Rural State Highway Law," adding a new route in Allegheny County.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 811, entitled:

An Act amending the act of June 1, 1933 (P. L. 1172), entitled "Borough Rural State Highway Law," adding a new route in the Borough of Carnegie.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 913, entitled:

An Act amending the act of June 1, 1933 (P. L. 1172), entitled "Borough Rural State Highway Law," adding new routes in Carnegie Borough, Allegheny County.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.



ADJOURNMENT

Mr. FLEMING. Mr. President, I move that the Senate do now adjourn until Monday, February 6, 1956, at 1:00 o'clock, p. m., Eastern Standard Time.

Mr. STIEFEL. Mr. President, I second the motion.  
The motion was agreed to.  
The Senate adjourned at 11:33 o'clock, a. m., Eastern Standard Time, until Monday, February 6, 1956, at 1:00 o'clock, p. m., Eastern Standard Time.



## HOUSE OF REPRESENTATIVES

TUESDAY, JANUARY 31, 1956

The House met at 2:00 p. m.

The SPEAKER (Hiram G. Andrews) in the Chair.

## PRAYER

The Reverend Howard W. Bock, Pastor of the Emmanuel Evangelical Lutheran Church, York, guest Chaplain, offered the following prayer:

O God, our Father in Heaven, Who hast created us in Thine own image, and in Whom we find rest and strength and peace; we come unto Thee in our daily need.

Because Thou hast so richly endowed our land and hast so greatly loved us, our tasks lie heavy upon us and their importance is rightly magnified. We pray that the example of Thy love may not be wasted by us in our dealings and deliberations.

Our prejudice and willfulness burden our spirits when we consider how mercifully Thou dost deal with us. As Thou dost readily hear us, so make us ever ready to listen to the pleas of others. As Thou dost forgive us our grave sins and errors, so let us deal forgivingly with the faults and foibles of our fellowmen. So also lead our fellowmen to forgive us.

Let not our prayers be vain words and meaningless phrases. By Thy Holy Spirit help us to provide by our actions the living answer to our needs. Make each of us channels through which righteous justice and good government may come to pass.

As we expect Thee to ruthlessly overlook and readily forgive the flotsam and jetsam of our chaotic and misdirected sinfulness, help us to overlook the evil in others. As Thou dost seek out only the good and worthwhile in us, so let us expect and emphasize the good in others.

In the name of Jesus Christ, the embodiment of Thy love, and our preceptor in human relations, we pray Thee, Amen.

The SPEAKER. Will the gentleman from Cambria, Mr. Lopresti, please come to the rostrum? The Chair asks the indulgence of the House for one more day and asks the gentleman from Cambria to preside.

Mr. LOPRESTI IN THE CHAIR

## JOURNAL APPROVAL POSTPONED

The SPEAKER pro tempore. If there is no objection, the approval of the Journal for Monday, January 30, 1956, will be postponed until printed. The Chair hears none.

## RESOLUTIONS INTRODUCED AND REFERRED

The SPEAKER pro tempore. The Speaker has referred the following House Resolutions:

By Messrs. BAZIN, GELFAND, EILBERG and WELSH.  
RESOLUTION No. 147.

In the House of Representatives, January 30, 1956.

With the discovery of the atom and hydrogen bombs, and with the development of the guided missiles and jet propelled planes the probabilities of sneak enemy attacks on the United States comes closer to realization. The general public should realize the seriousness of the situation. The House of Representatives recognizes the splendid

work being done by the State Council of Civil Defense, its Director and all the local civil defense units in the organization, recruiting, training, maintenance and operation of aircraft warning services, observation and listening posts, information and control centers, including the location thereof, and such other services and facilities as may be necessary for the prompt reception and transmission of air raid warnings and drills. The State Council of Civil Defense is empowered by law to formulate and execute plans for the carrying out of practice blackouts, air raid drills and warning and of all precautionary measures under actual conditions of hostile air raids or enemy attack. Presently, the method practiced in warning the general public of an air raid or enemy attack is by sirens located at so called strategic points. Due to sound proof buildings, to the tumult of crowds in department stores and places of amusements, to the noise of factory machinery, it has been pointed out that the siren warning is not audible or effective as to the public congregated in such buildings, business establishments, factories, places of amusement and many other buildings used by the general public; therefore be it

Resolved, That the House of Representatives recommends and urges the State Council of Civil Defense to promulgate and adopt regulations for establishing a system of listening posts for the purpose of communicating vital information directly and simultaneously to those people at work and in public places who do not have access to radio or other methods of communication during business or working hours or in times of any emergency when it is of extreme importance to communicate directly with a great number of people by recommending the installation of public address systems or such similar equipment in all buildings, stores, factories, places of amusement and business catering to twenty-five or more persons; and be it further

Resolved, That a copy of this resolution be sent to the State Director of Civil Defense.

Referred to the Committee on Rules.

By Messrs. WELSH, TOLL, MORAN, McKEEVER and LEVEN.  
RESOLUTION No. 148.

In the House of Representatives, January 30, 1956.

Since the Salk polio vaccine was perfected and made available to the public last year there seems to have grown a great aura of mystery or ignorance as to how this great boon to children is dispensed in this Commonwealth.

According to public figures available, twenty percent of the vaccine is channeled through the Health Department and eighty percent has been allocated to commercial use or dispensed on a fee basis.

Approximately 800,000 school children have received the first two shots and no plans are evident to provide the third shot.

Over 2,000,000 children under the age of fourteen years are yet to be inoculated, but little is being done to reach these children or stimulate the parents to request the vaccine.

We have the odd situation of vaccine becoming outdated and discarded although there is not enough vaccine available to inoculate all children in the above age group.

The National Infantile Paralysis Foundation has withdrawn from further participation in the program and refuses any assistance in providing the third and final inoculation. In spite of this there is no let-up in the fund raising effort.

Physicians generally are uninformed or have no plan for providing the Salk vaccine other than through the time honored doctor-patient relationship.

Recently the County Medical Director in Pittsburgh attempted to set up a plan to give Salk vaccine before the stock on hand became outdated, but doctors in private practice raised such strong objections that the plan was dropped and the vaccine will probably be thrown away on February 1.

Pennsylvania has 2,000,000 children who should be



protected by June 1 (polio season), and this is properly a Public Health Program.

Under the circumstances, fees to physicians should take second place and every effort be made to give the children Salk vaccine regardless of ability to pay; therefore be it

Resolved, That the House of Representatives urge the Department of Health to formulate plans to make available Salk polio vaccine so that all children under the age of fourteen years may be inoculated within the prescribed periods; and be it further

Resolved, That the Department of Health take the necessary steps to prevent the vaccine from becoming outdated; and be it further

Resolved, That a copy of this resolution be sent to the Secretary of Health.

Referred to the Committee on Rules.

### SENATE MESSAGE

#### RESOLUTION RECALLING SENATE BILL No. 284 FROM GOVERNOR

The Clerk of the Senate being introduced presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, January 30, 1956.

Resolved (if the House of Representatives concur) that Senate Bill No. 284, Printer's No. 441, entitled "An act amending the act of April 9, 1929 (P. L. 177) entitled 'An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined' creating the State Board of Chiropody Examiners as a departmental administrative board in the Department of Public Instruction," be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

On the question,

Will the House concur in the resolution of the Senate?

It was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

### SENATE MESSAGE

#### RESOLUTION RECALLING SENATE BILL No. 285 FROM GOVERNOR

The Clerk of the Senate being introduced presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, January 27, 1956.

Resolved (if the House of Representatives concur) that Senate Bill No. 285, Printer's No. 422, entitled "An act relating to the practices of chiropody conferring powers and imposing duties on the State Board of Chiropody Examiners and the Department of Public Instruction and

providing penalties," be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

On the question,

Will the House concur in the resolution of the Senate?

It was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

### SENATE MESSAGE

#### AMENDED SENATE BILL CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives to Senate Bill numbered and entitled as follows:

#### SENATE BILL No. 780.

An Act amending the act of July 2, 1937 (P. L. 2821) entitled "An act to regulate the sale and advertising for sale of goods wares and merchandise purporting to be an insurance bankruptcy mortgage insolvent assignees receivers trustees removal or closing-out sale or sale of goods damaged by fire smoke or water in cities and certain boroughs of this Commonwealth and to prevent fraudulent practices in connection therewith and providing penalties for the violation thereof and for the imposition of licensee fees for permission to conduct the same" making the provisions of the act affective in municipalities and townships further regulating statements of inventories further regulating the issuance renewal denial revocation and refusal of licenses and the conduct of sales designating certain actions as violations of the act authorizing appeals from refusal or denial to issue licenses.

### SENATE MESSAGE

#### HOUSE BILLS CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bills from the House of Representatives numbered and entitled as follows:

#### HOUSE BILL No. 151.

An Act amending the act of March ten one thousand nine hundred forty-nine (P. L. 30) entitled "An act relating to the public school system including certain provisions applicable as well to private and parochial schools amending revising consolidating and changing the laws relating thereto" increasing mileage rate and daily expense allowance of directors and mileage rate of members of joint school boards and of joint school committees.

#### HOUSE BILL No. 160.

An Act amending the act of March ten one thousand nine hundred forty-nine (P. L. 30) entitled "An act relating to the public school system including certain provisions applicable as well to private and parochial schools amending revising consolidating and changing the laws relating thereto" extending the area in which school directors may attend out of State meetings and increasing mileage rate and daily expense allowance therefor.

#### HOUSE BILL No. 623.

An Act amending the act of March 10, 1949 (P. L. 30) entitled "An act relating to the public school system including certain provisions applicable as well to private and parochial schools amending revising consolidating and changing the laws relating thereto" providing for payment by the Commonwealth to school districts for the acceptance of non-resident inmates of children's institutions into its schools.



## HOUSE BILL No. 832.

An Act amending the act of May 3, 1915 (P. L. 226) entitled "An act to establish and regulate the fees to be received and charged by the prothonotary of the courts of common pleas of this Commonwealth in counties having over eight hundred thousand and less than one million five hundred thousand inhabitants according to the last preceding United States census" changing and further fixing the fees to be charged by the prothonotary.

## HOUSE BILL No. 833.

An Act amending the act of June 12, 1919 (P. L. 476) entitled as amended "An act to regulate and establish the fees to be charged and collected by the recorder of deeds in counties of the second class" increasing amount of fees to be charged and collected by recorders in counties of the second class.

## HOUSE BILL No. 1021.

An Act amending the act of March 10, 1949 (P. L. 30) entitled "An act relating to the public school system including certain provisions applicable as well to private and parochial schools amending revising consolidating and changing the laws relating thereto" granting the right to a hearing and appeal before the State Council of Education on the creation or change of a third or fourth class school district.

## HOUSE BILL No. 1129.

An Act amending the act of May 17 1929 (P. L. 1798) entitled "An act providing a fixed charge payable by the Commonwealth on lands acquired by the State and the Federal Government for forest reserves or for the purpose of preserving and perpetuating a portion of the original forests of Pennsylvania and preserving and maintaining the same as public places and parks and the distribution of the same for county school township and road purposes in the counties school districts and townships where such forests are located and making an appropriation" requiring the Commonwealth for a limited time to pay charges to counties on certain federal forest reserves.

## HOUSE BILL No. 1248.

An Act amending the act of March 10, 1949 (P. L. 30) entitled "An act relating to the public school system including certain provisions applicable as well to private and parochial schools amending revising consolidating and changing the laws relating thereto" extending the time within which school taxes shall be levied and assessed by the board of school directors in school districts of the second third and fourth class.

## HOUSE BILL No. 1526.

An Act amending the act of March 7, 1901 (P. L. 20) entitled "An act for the government of cities of the second class" requiring reimbursement to cities of second class for costs incurred in the collection of certain fines.

## HOUSE BILL No. 1566.

An Act amending the act of March 10, 1949 (P. L. 30) entitled "An act relating to the public school system including certain provisions applicable as well to private and parochial schools amending revising consolidating and changing the laws relating thereto" regulating the acceptance of non-resident school children.

## HOUSE BILL No. 1567.

An Act amending the act of March 10, 1949 (P. L. 30) entitled "An act relating to the public school system including certain provisions applicable as well to private and parochial schools amending revising consolidating and changing the laws relating thereto" providing for payments on account of nonresident pupil transportation.

## HOUSE BILL No. 1579.

An Act amending the act of March 10, 1949 (P. L. 30) entitled "An act relating to the public school system including certain provisions applicable as well to private and parochial schools amending revising consolidating and changing the laws relating thereto" providing for pupil transportation in institutions and providing for reimbursements.

## HOUSE BILL No. 1838.

An Act amending the act of March 10, 1949 (P. L. 30) entitled "An act relating to the public school system including certain provisions applicable as well to private and parochial schools amending revising consolidating and changing the laws relating thereto" further regulating the admission of beginners to the public schools.

With the information that the Senate has passed the same without amendment.

## BILLS SIGNED BY SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows;

## HOUSE BILL No. 151.

An Act amending the act of March ten one thousand nine hundred forty-nine (P. L. 30) entitled "An act relating to the public school system including certain provisions applicable as well to private and parochial schools amending revising consolidating and changing the laws relating thereto" increasing mileage rate and daily expense allowance of directors and mileage rate of members of joint school boards and of joint school committees

## HOUSE BILL No. 160.

An Act amending the act of March ten one thousand nine hundred forty-nine (P. L. 30) entitled "An act relating to the public school system including certain provisions applicable as well to private and parochial schools amending revising consolidating and changing the laws relating thereto" extending the area in which school directors may attend out of State meetings and increasing mileage rate and daily expense allowance therefor

## HOUSE BILL No. 623.

An Act amending the act of March 10, 1949 (P. L. 30) entitled "An act relating to the public school system including certain provisions applicable as well to private and parochial schools amending revising consolidating and changing the laws relating thereto" providing for payment by the Commonwealth to school districts for the acceptance of non-resident inmates of children's institutions into its schools

## HOUSE BILL No. 832.

An Act amending the act of May 3, 1915 (P. L. 226) entitled "An act to establish and regulate the fees to be received and charged by the prothonotary of the courts of common pleas of this Commonwealth in counties having over eight hundred thousand and less than one million five hundred thousand inhabitants according to the last preceding United States census" changing and further fixing the fees to be charged by the prothonotary

## HOUSE BILL No. 833.

An Act amending the act of June 12, 1919 (P. L. 476) entitled as amended "An act to regulate and establish the fees to be charged and collected by the recorder of deeds in counties of the second class" increasing amount of fees to be charged and collected by recorders in counties of the second class



## HOUSE BILL No. 1021.

An Act amending the act of March 10, 1949 (P. L. 30) entitled "An act relating to the public school system including certain provisions applicable as well to private and parochial schools amending revising consolidating and changing the laws relating thereto" granting the right to a hearing and appeal before the State Council of Education on the creation or change of a third or fourth class school district

## HOUSE BILL No. 1129.

An Act amending the act of May 17, 1929 (P. L. 1798) entitled "An act providing a fixed charge payable by the Commonwealth on lands acquired by the State and the Federal Government for forest reserves or for the purpose of preserving and perpetuating a portion of the original forests of Pennsylvania and preserving and maintaining the same as public places and parks and the distribution of the same for county school township and road purposes in the counties school districts and townships where such forests are located and making an appropriation" requiring the Commonwealth for a limited time to pay charges to counties on certain Federal Forest Reserves

## HOUSE BILL No. 1248.

An Act amending the act of March 10, 1949 (P. L. 30) entitled "An act relating to the public school system including certain provisions applicable as well to private and parochial schools amending revising consolidating and changing the laws relating thereto" extending the time within which school taxes shall be levied and assessed by the board of school directors in school districts of the second third and fourth class

## HOUSE BILL No. 1526.

An Act amending the act of March 7, 1901 (P. L. 20) entitled "An act for the government of cities of the second class" requiring reimbursement to cities of second class for costs incurred in the collection of certain fines

## HOUSE BILL No. 1566.

An Act amending the act of March 10, 1949 (P. L. 30) entitled "An act relating to the public school system including certain provisions applicable as well to private and parochial schools amending revising consolidating and changing the laws relating thereto" regulating the acceptance of non-resident school children

## HOUSE BILL No. 1567.

An Act amending the act of March 10, 1949 (P. L. 30) entitled "An act relating to the public school system including certain provisions applicable as well to private and parochial schools amending revising consolidating and changing the laws relating thereto" providing for payments on account of nonresident pupil transportation

## HOUSE BILL No. 1579.

An Act amending the act of March 10, 1949 (P. L. 30) entitled "An act relating to the public school system including certain provisions applicable as well to private and parochial schools amending revising consolidating and changing the laws relating thereto" providing for pupil transportation in institutions and providing for reimbursements.

## HOUSE BILL No. 1838.

An Act amending the act of March 10, 1949 (P. L. 30) entitled "An act relating to the public school system including certain provisions applicable as well to private and parochial schools amending revising consolidating and changing the laws relating thereto" further regulating the admission of beginners to the public schools

## SENATE BILL No. 274.

An Act amending the act of June 3, 1937 (P. L. 1333), entitled "An act concerning elections, including general, municipal, special and primary elections, the nomination of candidates, primary and election expenses and election contests; creating and defining membership of county boards of elections; imposing duties upon the Secretary of the Commonwealth, courts, county boards of elections, county commissioners; imposing penalties for violation of the act, and codifying, revising and consolidating the laws relating thereto; and repealing certain acts and parts of acts relating to elections," increasing the terms of office of judges and inspectors of elections.

## SENATE BILL No. 475.

An Act amending the act of August 22, 1953 (P. L. 1344) entitled "An act relating to marriage and amending revising consolidating and changing the law relating thereto" further regulating the issuance of marriage licenses when applicants are infected with syphilis

## SENATE BILL No. 603.

An Act amending the act of June 24, 1937 (P. L. 2017) entitled "An act creating in each county (except of the first class) as a separate corporation and in each city of the first and second class as a part of the city government an institution district for the care and maintenance of certain indigent persons and children prescribing the powers and duties of county commissioners county treasurers city departments of public welfare the State Department of Welfare and the State Department of Public Assistance in respect thereto abolishing certain poor districts and determining the terms of directors overseers guardians and managers of the poor and poor district auditors and providing for the temporary employment of certain of them providing for the transfer vesting sale and disposition of the property of poor districts and the payment of their obligations imposing certain existing obligations on institution districts and on the Commonwealth regulating the affairs of poor districts until abolished revising amending changing and consolidating the law relating to the care of the poor and repealing existing laws" authorizing the sale of surplus farm products and other personal property

## SENATE BILL No. 685.

An Act amending the act of June 24, 1939 (P. L. 685) entitled "An act designating certain life insurance companies as limited life insurance companies and further describing the powers thereof" further regulating the powers of limited life insurance companies

## SENATE BILL No. 692.

An Act amending the act of June 28, 1951 (P. L. 638) entitled "An act relating to the jurisdiction powers and duties of registers of wills and regulating proceedings before them and the costs thereof the effects of their acts and appeals therefrom" changing the procedure on probate of wills probated outside the Commonwealth

## SENATE BILL No. 693.

An Act amending the act of August 10, 1951 (P. L. 1163) entitled as amended "An act relating to the orphans' court conferring exclusive jurisdiction on such courts over the administration and distribution of decedents' estates trust estates minors' estates and absentees' estates conferring concurrent jurisdiction over the administration and distribution of incompetents' estates and the determination of title to real estate in certain cases providing for the organization of orphans' courts the procedure therein the powers and duties of the judges thereof and appeals therefrom" conferring exclusive jurisdiction on orphans' courts (except the orphans' court of Philadelphia County) over the administration and distribution of incompetents' estates and on the orphans' court of



Philadelphia County over inter vivos trusts and revising the procedure on and effect of jury trials and the availability of jurors

SENATE BILL No. 694.

An Act repealing the act of June 7, 1917 (P. L. 337) entitled "An act relating to the jurisdiction powers and procedure of the several orphans' courts in proceedings for the partition and valuation of real estate and for the sale of real estate for the purpose of distribution and the fees costs and expenses therein" with exceptions

SENATE BILL No. 722.

An Act amending the act of May 1, 1929 (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," regulating issuance of registration plates to newspaper, newsreel or television photographers.

SENATE BILL No. 759.

An Act amending the act of March 10, 1949 (P. L. 30) entitled "An act relating to the public school system including certain provisions applicable as well to private and parochial schools amending revising consolidating and changing the laws relating thereto" limiting reimbursement for depreciation to school districts using their own vehicles in pupil transportation

SENATE BILL No. 842.

An Act amending the act of May 15, 1939 (P. L. 134) entitled as amended "An act relating to fireworks defining fireworks prohibiting the sale offering or exposing for sale and use of fireworks except in certain cases authorizing cities boroughs towns and townships to issue permits for fireworks displays and to regulate the same imposing duties on the Pennsylvania State Police sheriffs police officers and constables and providing penalties" authorizing the issuance of permits for and the use of fireworks in connection with raising and protecting crops

SENATE BILL No. 853.

An Act amending the act of May 23, 1949 (P. L. 1669) entitled as amended "An act to provide revenue for school districts of the first class by imposing a tax on persons engaging in certain businesses professions occupations trades vocations and commercial activities therein providing for its levy and collection conferring and imposing powers and duties on the Board of Public Education receiver of school taxes and school treasurer in such districts and prescribing penalties" excluding certain costs from the term receipts

SENATE BILL No. 871.

An Act authorizing certain mutual insurance companies other than life insurance companies now in existence under the provisions of the act of May 17, 1921 (P. L. 682) its supplements and amendments to rein-

corporate as mutual life insurance companies outlining the requirements and procedure and defining the rights of dissenting members

SENATE BILL No. 780.

An Act amending the act of July 2, 1937 (P. L. 2821), entitled "An act to regulate the sale and advertising for sale of goods wares and merchandise purporting to be an insurance bankruptcy mortgage insolvent assignees receivers trustees removal or closing-out sale or sale of goods damaged by fire smoke or water in cities and certain boroughs of this Commonwealth and to prevent fraudulent practices in connection therewith and providing penalties for the violation thereof and for the imposition of licensee fees for permission to conduct the same" making the provisions of the act effective in municipalities and townships further regulating statements of inventories further regulating the issuance renewal denial revocation and refusal of licenses and the conduct of sales designating certain actions as violations of the act authorizing appeals from refusal or denial to issue licenses

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1330

An Act amending the act of May 17, 1921 (P. L. 682) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies' associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" further regulating reserves with respect to certain domestic mutual insurance companies.

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments. The Clerk read the amendments as follows:

Amend Title, page 2, line 2, by inserting after the word "to" the word "certain" and striking out after the word "mutual" the word "fire"; amend Section 1, page 3, by striking out the following: "and unless the company's annual premiums exceed seventy-five thousand dollars (\$75,000)" and inserting in lieu thereof the following: "and in such case when the annual total gross premium income less return premiums of the company from such policies shall amount to seventy-five thousand dollars (\$75,000.00) or more the provisions requiring unearned premium reserve as hereinafter set forth shall thereafter apply regardless of the annual premium income of such company in any subsequent year"; Section 1, page 3, line 11, by striking out the following: "first day of January one thousand nine hundred fifty-six" and inserting in lieu thereof the following: "effective date of this act a domestic mutual fire insurance company and"; page 3, line 17, by inserting after the word "reserves"



the words "under the foregoing provisions"; page 3, line 18, by striking out after the word "policies" the words "except that" and inserting in lieu thereof the words "issued on and after the effective date of this act"; page 3, line 20, by inserting after the word "reserves" the word "progressively"; page 4, line 1, by striking out after the word "the" the following: "first day of January one thousand nine hundred fifty-six" and inserting in lieu thereof the words "effective date of this act"; page 4, by inserting all of line 3, as follows: "the year one thousand nine hundred fifty-six and"; page 4, line 4, by inserting after the word "each" the word "succeeding"; page 4, line 10, by striking out after the word "the" the words "first day of January one thousand nine hundred fifty-six" and inserting in lieu thereof the words "effective date of this act"; page 4, line 12, by striking out after the word "policies" the words "on which each premiums are payable in advance."

On the question,

Will the House concur in the amendments made by the Senate?

Mr. READINGER. Mr. Speaker, I request that the House concur in the amendments made by the Senate.

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

## YEAS—206

Adam,	Frost,	Magee,	Royer,
Agnew,	Gaffney,	Mahan,	Rubin,
Amarando,	Garlock,	Markley,	Rudisill,
Anderson, M. S.,	Gelfand,	Maxwell,	Sarraf,
Anderson, S. A.,	George,	McCann,	Scarcell,
Ashton,	Gibb,	McCormack,	Schuster,
Auker,	Gibson,	McGee,	Sherman,
Banker,	Goldstein,	McInroy,	Sigman,
Barnatovich,	Gramlich,	McKeever,	Smith, C. O.
Bazin,	Greenwood,	McLaughlin,	Smith, Wm. B.
Bell,	Guss,	McWherter,	Snider,
Blair,	Guthrie,	Meholchick,	Stank,
Boles,	Hamilton, R. K.,	Metz,	Stebbins,
Bonner,	Hass,	Mihm,	Steckel,
Boory,	Haudenshield,	Mikula,	Stephens,
Bower,	Heavey,	Miller,	Stevenson,
Branca,	Heim,	Mills,	Stone,
Brelsich,	Henzel,	Monroe,	Stoner,
Brennan, A. P.,	Hewitt,	Moody,	Strausser,
Brennan, J. J.,	Hocker,	Moran,	Stroup,
Brenninger,	Holt,	Moscrip,	Swartz,
Breth,	Horst,	Muldowney,	Taylor,
Brown,	Houk,	Mullen,	Thomas,
Bucchin,	Isaacs,	Munley,	Thompson,
Bullen,	Jenkins,	Murphy,	Toil,
Capano,	Johnson,	Murray, H. P.,	Tompkins,
Cianfrani,	Jones, G. E.,	Murray, J. J.,	Toomey,
Cloffi,	Jones, T. H. W.	Murray, P. G.,	Varallo,
Cochran,	Jump,	Musto,	Varnier,
Comer,	Kamyk,	Naugle,	Vaughan,
Connelly,	Kehler,	Needham,	Verona,
Cooper,	Keller,	Ogilvie,	Wall,
Curwood,	Kent,	Olsen,	Wallace,
Davis,	Kline,	O'Neil,	Walsh,
Donahue,	Knecht,	Pacchioli,	Wargo,
Donaldson,	Kolankiewicz,	Parry,	Waterhouse,
Dougherty,	Kooker,	Pashley,	Weldner,
Down,	Kornick,	Paulhamus,	Welsh,
Ehrgood,	Kratz,	Petrosky,	Wescott,
Ellberg,	Kromer,	Pettigrew,	Wheeler,
Erb,	Lafore,	Pollaski,	Whitenight,
Ehleman,	Lawyer,	Polen,	Willaredt,
Ewing,	Leiby,	Pomeroy,	Williams,
Farabaugh,	Leisey,	Price,	Wilt,
Filo,	Leonard,	Pursley,	Wood,
Fineman,	Leven,	Readinger,	Yetter,
Flint,	Light,	Reibman,	Yetzer,
Floyd,	Limper,	Reidenbach,	Young,
Flynn,	Lippincott,	Renwick,	Ziegler,
Foster,	Lopresti,	Rigby,	Andrews,
Frank,	Lovett,	Rosen,	Speaker
Frascella,	Lutty,	Rovansek,	

NAYS—0

NOT VOTING—1

Worley,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

## FORMER MEMBERS WELCOMED

The Speaker pro tempore. The Chair welcomes to the Hall of the House two former Members, the Honorable Henry E. Ragot and the Honorable Clair H. Peify both of Northampton County.

## LEAVES OF ABSENCE

By unanimous consent leave of absence was granted as follows:

Mr. Helm for Mr. WORLEY because of illness.

## REPORTS FROM COMMITTEE

Mrs. MARKLEY from the Committee on Child Care, reported as committed, House Bill No. 49, entitled:

An Act amending the "Child Labor Law" of May 13, 1915 (P. L. 286), entitled "An act to provide for the health, safety and welfare of minors; \* \* \*," authorizing minors to appear in entertainment performances under certain circumstances.

Mr. ASHTON from the Committee on Agriculture and Dairy Industries, reported as amended, House Bill No. 1163, entitled:

An Act amending the "Dog Law of 1921," approved May 11, 1921, (P. L. 522), requiring identifying initial on license tags issued to kennels.

Mr. CAPANO from the Committee on Judiciary, reported as amended, House Bill No. 1296, entitled:

An Act creating a court of record in each judicial district except the first and fifth districts to be known as "The Domestic Relations Court"; defining the powers of the said court with respect to the care, guidance, control, trial, placement and commitment of certain delinquent and neglected children, \* \* \*.

Mrs. REIBMAN from the Committee on Judiciary, reported as committed, House Bill No. 1770, entitled:

An Act amending "The Penal Code" approved June 24, 1939 (P. L. 872), regulating the energizing of fence wires with electricity.

Mr. CIANFRANI from the Committee on Workmen's Compensation, reported as committed, House Bill No. 1859, entitled:

An Act amending the "Unemployment Compensation Law," approved December 5, 1936 (1937 P. L. 2897), making a further exception to ineligibility for compensation.

Mr. PACCHIOLI from the Committee on Judiciary, reported as committed, House Bill No. 1886, entitled:

An Act to amend section two hundred one of the "Fiduciaries Act of 1949," approved the eighteenth day of April, one thousand nine hundred forty-nine (P. L. 512), entitled "An act relating to the administration and distribution of decedents' estates, trust estates, minors' estates and absentees' estates, both as to real and personal property, and the procedure relating thereto; \* \* \*,"



by changing the amount of wages on salary which an employer may pay to a deceased employee's spouse, or other certain persons whether or not a personal representative has been appointed.

Mr. STONER from the Committee on Agriculture and Dairy Industries, reported as amended, House Bill No. 1928, entitled:

An Act amending the 'Ice Cream Law' approved May 20, 1949 (P. L. 1594), \* \* \* extending its provisions to ice milk and ice milk confections and conferring additional powers and duties on the Department of Agriculture changing labeling requirements and regulating sales of packed ice milk.

Mr. PAULHAMUS from the Committee on Agriculture and Dairy Industries, reported as committed, House Bill No. 1977, entitled:

An Act regulating the sale and distribution of mixed fertilizers and fertilizer materials; imposing powers and duties on the Secretary of Agriculture and prescribing penalties.

Mr. LIMPER from the Committee on Workmen's Compensation, re-reported as committed, Senate Bill No. 235, entitled:

An Act amending "The Pennsylvania Occupational Disease Act" \* \* \* by including tuberculosis within the meaning of the term occupational disease in the occupation of nursing.

Mr. THOMAS H. W. JONES from the Committee on Judiciary, re-reported as committed, Senate Bill No. 698, entitled:

An Act amending the "Banking Code" \* \* \* further providing for authorized investments of savings banks.

Mr. TOLL from the Committee on Judiciary, reported as committed, Senate Bill No. 688, entitled:

An Act amending the "Fiduciaries Investment Act of 1949" \* \* \* by making further provision respecting the qualification of common stock for investment where there is a predecessor or constituent corporation and by changing the requirements of an interest bearing deposit.

Mr. LUTTY from the Committee on Workmen's Compensation, re-reported as committed, Senate Bill No. 646, entitled:

An Act amending "The Pennsylvania Occupational Disease Act" \* \* \* entitling certain unemployed persons to benefits and fixing minimum compensation payments.

Mrs. PASHLEY from the Committee on Motor Vehicles, re-reported as committed, House Bill No. 1839, entitled:

An Act amending "The Vehicle Code" \* \* \* changing the definition of the word "chassis" to include a rear bumper and requiring passenger motor vehicles to be equipped with certain types of exhaust pipes.

#### PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. AMARANDO asked and obtained permission for the Committee on Motor Vehicles to meet during the session of the House.

#### BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 776, entitled:

An Act reenacting and amending the title and "Non-profit Medical Osteopathic and Dental Service Corporation Act" of June 27, 1939 (P. L. 1125) \* \* \* including in the plan chiropody services and defining "chiropody services" for the purpose of this act only.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1176, entitled:

An Act defining and relating to installment land contracts and providing for and regulating the rights and obligations between parties to such contracts under certain terms and conditions.

The first to seventh sections were separately read and agreed to.

The eighth section was read.

On the question,

Will the House agree to the section?

Mr. TOLL offered the following amendment:

Amend Sec. 8, page 17, line 8, by striking out all of said line.

It was agreed to.

The section was agreed to as amended.

The ninth to twelfth sections and title were separately read and agreed to:

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1619, entitled:

An Act providing for the prevention and control of communicable and noncommunicable diseases including venereal diseases fixing responsibility for disease prevention and control requiring reports of diseases authorizing financial assistance to typhoid fever carriers and authorizing treatment of venereal diseases and providing for premarital and prenatal blood tests amending revising and consolidating the laws relating thereto and repealing certain acts.

The first to the eleventh sections were separately read and agreed to.

The twelfth section was read.

On the question,

Will the House agree to the section?

Mr. SARRAF offered the following amendments:

Amend Sec. 12, page 16, by inserting between lines 12 and 13

(e) Any judge of an orphans' court within the county in which the license is to be issued is authorized and empowered on joint application by both applicants for a marriage license to waive the requirements as to medical examination, laboratory tests and certificates and to authorize the clerk of the orphans' court to issue the license if all other requirements of the marriage laws have been complied with and the judge is satisfied, by affidavit or other proof, that the examination or tests are contrary to the tenets or practices of the religious creed of which the applicant is an adherent, and that the public health and welfare will not be injuriously affected thereby.



It was agreed to.

The section was agreed to as amended.

The thirteenth to the twenty-second sections and title were separately read and agreed to.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1891, entitled:

An Act amending the "Liquor Code" approved April 12, 1951 (P. L. 90) authorizing the board to investigate and cause the prosecution of unlicensed establishments authorizing the confiscation of certain property with certain limitations and changing penalties.

The first section was read.

On the question,

Will the House agree to the section?

#### BILL RECOMMITTED

Mr. READINGER. Mr. Speaker, I move that this bill be recommitted to the Committee on Law and Order for the purpose of further study.

The motion was agreed to.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1929, entitled:

An Act amending the "Public School Employees Retirement Law" approved July 18, 1917 (P. L. 1043) correcting the names of certain institutions.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

#### BILLS ON FINAL PASSAGE RECALLED FROM GOVERNOR

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 1623 as follows:

An Act extending county pension and retirement benefits to veterans of armed conflicts in counties of the second third fourth fifth sixth seventh and eighth class

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 In any county of the second third fourth fifth sixth seventh or eighth class maintaining a pension or retirement system for the employees any county employee who on and after the sixteenth day of September one thousand nine hundred forty has been employed by the county or county institution district for a period of six or more months and who on or subsequent to such date shall have enlisted or been inducted into military service of the United States in time of war or national emergency so proclaimed by the President or the Congress of the United States is engaged or shall serve in the military service of the United States during any armed conflict shall have credited to his employment record for pension or retirement benefits all of the time spent by him in such military service during the continuance of such war armed conflict national emergency or police action if such person returns or has heretofore returned to his employment within one year after his separation from military service and such payments as are required to be made by such county employee into the county employees' pension or retirement fund shall be paid into such fund by the county

or county institution district upon application by such county employee for retirement benefits any county employee who has been in military service and returned to the employ of the county or county institution district shall within one year after the effective date of this article file with the board a record of the time spent by him in such military service any county employee who has been in military service prior to the effective date of this act and has made payments into the county employees' pension or retirement fund to secure for his employment record credit for his military service shall be reimbursed to the full extent of such payments by the board

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—206

Adam,	Frost,	Magee,	Boyer,
Agnew,	Garlock,	Mahan,	Rubin,
Amarando,	Gaffney,	Markley,	Rudisill,
Anderson, M. S.,	Gelfand,	Maxwell,	Sarra,
Anderson, S. A.,	George,	McCann,	Scarcell,
Ashton,	Gibb,	McCormack,	Schuster,
Auker,	Gibson,	McGee,	Sherman,
Banker,	Goldstein,	McInroy,	Sigman,
Barnatovich,	Gramlich,	McKeever,	Smith, C. C.,
Bazin,	Greenwood,	McLaughlin,	Smith, Wm. B.,
Bell,	Guss,	McWherter,	Snider,
Blair,	Guthrie,	Meholchick,	Stank,
Boles,	Hamilton, R. K.,	Metz,	Stebbins,
Bonner,	Hass,	Mihm,	Steckel,
Boory,	Haudenshield,	Mikula,	Stephens,
Bower,	Heavey,	Miller,	Stevenson,
Branca,	Helm,	Mills,	Stone,
Breisch,	Henzel,	Monroe,	Stoner,
Brennan, A. P.,	Hewitt,	Moody,	Strausser,
Brennan, J. J.,	Hocker,	Moran,	Stroup,
Brennlinger,	Holt,	Moscrip,	Swartz,
Breth,	Horst,	Muldowney,	Taylor,
Brown,	Houk,	Mullen,	Thomas,
Bucchin,	Isaacs,	Munley,	Thompson,
Bullen,	Jenkins,	Murphy,	Toll,
Capano,	Johnson,	Murray, H. P.,	Tompkins,
Cianfrani,	Jones, G. E.,	Murray, J. J.,	Toomey,
Cioffi,	Jones, T. H. W.,	Murray, P. G.,	Varallo,
Cochran,	Jump,	Musto,	Varnier,
Comer,	Kamyk,	Naugle,	Vaughan,
Connelly,	Kehler,	Needham,	Verona,
Cooper,	Keller,	Ogilvie,	Wall,
Curwood,	Kent,	Olsen,	Wallace,
Davis,	Kline,	O'Neill,	Walsh,
Donahue,	Knecht,	Pacchioli,	Wargo,
Donaldson,	Kolankiewicz,	Parry,	Waterhouse,
Dougherty,	Kooker,	Pashley,	Weidner,
Down,	Kornick,	Paulhamus,	Welsh,
Ehrgood,	Kratz,	Petrosky,	Wescott,
Ellberg,	Kromer,	Pettigrew,	Wheeler,
Erb,	Lafore,	Polaski,	Whitenight,
Ewing,	Lawyer,	Polen,	Willaredt,
Eshleman,	Leiby,	Pomeroy,	Williams,
Farabaugh,	Lelsey,	Price,	Wilt,
Filo,	Leonard,	Pursley,	Wood,
Fineman,	Leven,	Readinger,	Yetter,
Flint,	Light,	Reibman,	Yetzer,
Floyd,	Limper,	Reidenbach,	Young,
Flynn,	Lippincott,	Renwick,	Ziegler,
Foster,	Lopresti,	Rigby,	Andrews,
Frank,	Lovett,	Rosen,	Speaker
Frascella,	Lutty,	Rovansek,	

NAYS—0

NOT VOTING—1

Worley,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.



### PERMISSION GRANTED COMMITTEES TO MEET DURING SESSION

Mr. MUSTO asked and obtained permission for the Committee on Townships to meet during the session of the House.

Mr. POLEN asked and obtained permission for the Committee on Appropriations to meet during the session of the House.

### BILLS ON FINAL PASSAGE

#### BILLS PASSED OVER

There being no objection

House Bill No. 68, Printer's No. 1302 and

House Bill No. 667, Printer's No. 1256

were passed over at the request of the SPEAKER pro tempore.

#### TIME EXTENDED ON BILLS

Mr. READINGER asked and obtained unanimous consent to extend the time five days on

House Bill No. 319, Printer's No. 1137;

House Bill No. 1219, Printer's No. 383;

House Bill No. 1379, Printer's No. 1196; and

House Bill No. 1562, Printer's No. 607

on page 4 of today's calendar, bills on final passage postponed.

### BILLS ON THIRD READING

There being no objection

House Bill No. 231, Printer's No. 1318,

was passed over at the request of the SPEAKER pro tempore.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 460 as follows:

An Act amending the act of May 22, 1933 (P. L. 851) entitled "An act fixing the pay and mileage of jurors and witnesses" prescribing daily mileage rates and allowances

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 1 act of May 22, 1933 (P. L. 851) entitled "An act fixing the pay and mileage of jurors and witnesses" amended March 22, 1951 (P. L. 56) is amended to read

Section 1 Be it enacted &c That from and after the time this act takes effect the pay of jurors in this Commonwealth shall be seven dollars (\$7) per day together with mileage at the rate of seven cents (7c) for each mile going to and returning from the county seat for each day they attend court

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

#### YEAS—206

Adam,	Frost,	Magee,	Royer,
Agnew,	Gaffney,	Mahan,	Rubin,
Amarando,	Garlock,	Markley,	Rudisill,
Anderson, M. S.,	Gelfand,	Maxwell,	Sarraff,
Anderson, S. A.,	George,	McCann,	Scarcelll,
Ashton,	Gibb,	McCormack,	Schuster,
Auker,	Gibson,	McGee,	Sherman,

Banker,	Goldstein,	McInroy,	Sigman,
Barnatovich,	Gramlich,	McKeever,	Smith, C. C.,
Bazin,	Greenwood,	McLaughlin,	Smith, Wm. B.,
Bell,	Guss,	McWherter,	Snider,
Blair,	Guthrie,	Meholchick,	Stank,
Boles,	Hamilton, R. K.,	Metz,	Stebbins,
Bonner,	Hass,	Mihm,	Steckel,
Boory,	Haudensfield,	Mikula,	Stephens,
Bower,	Heavey,	Miller,	Stevenson,
Branca,	Helm,	Mills,	Stone,
Breisch,	Henzel,	Monroe,	Stoner,
Brennan, A. P.,	Hewitt,	Moody,	Strausser,
Brennan, J. J.,	Hocker,	Moran,	Stroup,
Brenninger,	Holt,	Moscrip,	Swartz,
Breth,	Horst,	Muldowney,	Taylor,
Brown,	Houk,	Mullen,	Thomas,
Bucchin,	Isaacs,	Munley,	Thompson,
Bullen,	Jenkins,	Murphy,	Toll,
Capano,	Johnson,	Murray, H. P.,	Tompkins,
Cianfrani,	Jones, G. E.,	Murray, J. J.,	Toomey,
Cioffi,	Jones, T. H. W.,	Murray, P. G.,	Varallo,
Cochran,	Jump,	Musto,	Varner,
Comer,	Kamyrk,	Naugle,	Vaughan,
Connelly,	Kehler,	Needham,	Verona,
Cooper,	Keller,	Ogilvie,	Wall,
Curwood,	Kent,	Olsen,	Wallace,
Davis,	Kline,	O'Neill,	Walsh,
Donahue,	Knecht,	Pacchioli,	Wargo,
Donaldson,	Kolankiewicz,	Parry,	Waterhouse,
Dougherty,	Kooker,	Pashley,	Weidner,
Down,	Kornick,	Paulhamus,	Welsh,
Ehrgood,	Kratz,	Petrosky,	Wescott,
Elberg,	Kromer,	Pettigrew,	Wheeler,
Erb,	Lafore,	Polsaki,	Whitenight,
Eshleman,	Lawyer,	Polen,	Willaredt,
Ewing,	Leiby,	Pomeroy,	Williams,
Farabaugh,	Leisey,	Price,	Wilt,
Filo,	Leonard,	Pursley,	Wood,
Fineman,	Leven,	Readinger,	Yetter,
Flint,	Light,	Reibman,	Yetzer,
Floyd,	Lamper,	Reidenbach,	Young,
Flynn,	Lippincott,	Renwick,	Ziegler,
Foster,	Lopresti,	Rigby,	Andrews,
Frank,	Lovett,	Rosen,	Speaker
Frascella,	Lutty,	Rovansek,	

#### NAYS—0

#### NOT VOTING—1

Worley.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

### BILL PASSED OVER

There being no objection

House Bill No. 821, Printer's No. 1321

was passed over at the request of the SPEAKER pro tempore.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1232 as follows:

An Act to further amend clauses (f) and (g) of Section 448 and Section 450 of the act approved the ninth day of April one thousand nine hundred twenty-nine (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other



executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employees in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employees of certain departments boards and commissions shall be determined" by providing that upon each The Advisory Health Board The State Welfare Commission and the State Board of Public Assistance there shall be one representative of organized labor

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Clause (f) of Section 448 of the act approved the ninth day of April one thousand nine hundred twenty-nine (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employees in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employees of certain departments boards and commissions shall be determined" as amended by the acts approved the twenty-second day of May one thousand nine hundred forty-seven (P. L. 269) and the twenty-fifth day of June one thousand nine hundred forty-seven (P. L. 935) is hereby further amended to read as follows

Section 448 Advisory Boards and Commissions The advisory boards and commissions within the several administrative departments shall be constituted as follows

\* \* \*

(f) The Advisory Health Board shall consist of the Secretary of Health or in his place his duly authorized deputy and [seven] ten members a majority of whom shall be physicians graduates of legally constituted medical colleges and of at least ten years' experience in the practice of their profession one of whom shall be a dentist and one of whom shall be a pharmacist graduates of legally constituted dental and pharmacy colleges respectively and of at least ten years' experience in the practice of their profession and one of whom shall be a representative of organized labor and one of whom shall be a civil engineer The Secretary of Health or in his place his duly authorized deputy shall be chairman of the board [Four] Five members of the board together with the Secretary of Health or in his place his duly authorized deputy shall constitute a quorum

Section 2 Clause (g) of Section 448 of said act is hereby amended to read as follows

Section 448 Advisory Boards and Commissions The advisory boards and commissions within the several administrative departments shall be constituted as follows

\* \* \*

(g) The State Welfare Commission shall consist of the Secretary of Welfare ex officio and eight other members one of whom shall be a representative of organized labor The Secretary of Welfare shall be chairman of the board The Secretary of Welfare and four other members of the board shall constitute a quorum

Section 3 Section 450 of said act as added thereto by the act approved the twenty-fourth day of June one thousand nine hundred thirty-seven (P. L. 2003) is hereby further amended to read as follows

Section 450 State Board of Public Assistance The State Board of Public Assistance shall consist of the State Treasurer the Auditor General and seven other citizens of the Commonwealth of whom one shall be a representa-

tive of organized labor No appointed member of the board shall hold office in any political party

When this act becomes [become] effective the Governor in the manner provided in this act shall appoint two members of the board to serve for each of the three original terms hereby created which shall run until the third Tuesday of January of each year from one thousand nine hundred thirty-nine to one thousand nine hundred forty-one both inclusive and one member to serve for the original term hereby created which shall run until the third Tuesday of January one thousand nine hundred forty-two As each original or subsequent term expires the Governor in like manner shall fill each vacancy by an appointment for a term of six years After the expiration of his term a member of the board shall continue to serve until his successor shall be appointed and qualified No member of the board shall be eligible to serve consecutively for more than two terms

A vacancy occurring during a term shall be filled by the Governor for the unexpired term

Five members of the board shall constitute a quorum The members of the board shall elect a chairman from the appointed members and they shall elect a secretary who need not be a member of the board

The board shall hold at least six regular meetings each year

Section 4 That at the end of article four of the said act the following new section is hereby added

Section 451 The member of the State Board of Public Assistance representing organized labor shall be appointed upon the expiration of the term of any member of the board first occurring after the date of approval of this act

Section 5 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

#### YEAS—191

Adam,	Frank,	Lutty,	Rovansek,
Agnew,	Frascella,	Mahan,	Royer,
Amarando,	Frost,	Markley,	Rubin,
Anderson, M. S.,	Gaffney,	Maxwell,	Rudisill,
Anderson, S. A.,	Garlock,	McCann,	Sarra,
Auker,	Gelfand,	McCormack,	Scarcell,
Banker,	George,	McGee,	Schuster,
Barnatovich,	Gibb,	McInroy,	Sherman,
Bazin,	Gibson,	McKeever,	Sigman,
Bell,	Goldstein,	McLaughlin,	Smith, C. C.,
Blair,	Greenwood,	McWherter,	Smith, Wm. B.,
Boles,	Guss,	Meholchick,	Snider,
Bonner,	Guthrie,	Metz,	Stank,
Boory,	Hamilton, R. K.,	Mihm,	Stebbins,
Bower,	Hass,	Mikula,	Stephens,
Branca,	Haudensfield,	Miller,	Stevenson,
Breisch,	Heavey,	Mills,	Stone,
Brennan, A. P.,	Henzel,	Monroe,	Stoner,
Brennan, J. J.,	Hewitt,	Moody,	Swartz,
Brenninger,	Hocker,	Moran,	Taylor,
Breth,	Holt,	Muldowney,	Thomas,
Brown,	Horst,	Mullen,	Thompson,
Bucchin,	Houk,	Munley,	Toll,
Bullen,	Isaacs,	Murphy,	Tompkins,
Capano,	Jenkins,	Murray, J. J.,	Toomey,
Cianfrani,	Johnson,	Murray, P. G.,	Varallo,
Cioffi,	Jones, G. E.,	Musto,	Varner,
Cochran,	Jones, T. H. W.,	Naugle,	Vaughan,
Comer,	Jump,	Needham,	Verona,
Connelly,	Kamyk,	Oglvie,	Wall,
Cooper,	Kehler,	Olsen,	Wallace,
Curwood,	Keller,	O'Neill,	Walsh,
Donahue,	Kent,	Pacchioli,	Wargo,
Donaldson,	Kline,	Parry,	Waterhouse,
Dougherty,	Knecht,	Pashley,	Weidner,
Down,	Kolankiewicz,	Paulhamus,	Welsh,
Ehrgood,	Kornick,	Petrosky,	Wescott,
Eilberg,	Kromer,	Pettigrew,	Wheeler,
Erb,	Lafore,	Polaski,	Whitenight,
Eshleman,	Lawyer,	Polen,	Willaredt,



Ewing,  
Farabaugh,  
Filo,  
Fineman,  
Flint,  
Floyd,  
Flynn,  
Foster,

Leiby,  
Leonard,  
Leven,  
Light,  
Limper,  
Lippincott,  
Lopresti,  
Lovett,

Pomeroy,  
Price,  
Readinger,  
Reibman,  
Reidenbach,  
Renwick,  
Rigby,  
Rosen,

Williams,  
Wilt,  
Wood,  
Yetter,  
Yetzer,  
Ziegler,  
Andrews,  
Speaker

## NAYS—15

Ashton,  
Davis,  
Gramlich,  
Helm,

Kooker,  
Kratz,  
Lelsey,  
Magee,

Moscip,  
Murray, H. P.,  
Pursley,  
Steckel,

Strausser,  
Stroup,  
Young,

## NOT VOTING—1

Worley,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

## BILLS PASSED OVER

There being no objection

House Bill No. 1385, Printer's No. 1324

House Bill No. 1545, Printer's No. 939

House Bill No. 1546, Printer's No. 1341

House Bill No. 1644, Printer's No. 1198 and

House Bill No. 1782, Printer's No. 1114

were passed over at the request of the SPEAKER pro tempore.

## PERMISSION TO ADDRESS HOUSE

Mr. READINGER asked and obtained unanimous consent to address the House.

Mr. Speaker, I would like to inform the House that tomorrow's session, will be held at 10:00 o'clock, will be a consent calendar session for the purpose of moving some bills up and clearing the table of various matters.

I also would like to state that the Members should be prepared to definitely stay at least three days next week. A letter will be sent to the Members indicating that the session will be held again on Monday at 1:00 o'clock. When the letter is sent it may be possible to tell you definitely how many days we expect you to stay here next week.

## PERMISSION TO ADDRESS HOUSE

Mr. HOCKER asked and obtained unanimous consent to address the House.

Mr. Speaker, last week on Tuesday I rose in this House and made a statement that I was not cross at anybody, I was not mad at anybody and I was not going to call names.

Today I don't know whether I am or am not. I think a great injustice has been done to a great man in this House. The Speaker of this House, Mr. Andrews, took the time and a lot of effort to address this House last week and asked that a bipartisan committee be appointed on the part of both sides of this House to get together and try to work out of this deadlock which we have been in for thirteen months.

I agreed with the gentleman wholeheartedly, and I think for a man of his age to put so much effort into something is the sign of a statesman, I have every reason

to believe Mr. Andrews was sincere. In fact I know he was.

The following day the front office in this Capitol issued a statement, which was in my paper, that they thought it was the right thing to do, it would move them closer to their fifty-fifty program.

When, Oh, when, is this man in the front office going to learn to let this great body of people, the House and the Senate, alone? I think if they are left alone they will do a job. I do not think there is anyone in the House or the Senate who does not want to do a job. When is he going to learn to stop talking and listen? When is he going to depend on men like the great Speaker of this House and the Majority and the Minority Leaders to furnish him with the money that he says he needs? They will, I have every reason to believe, they will.

Again on Saturday night I listened to his speech on television. He again made the same statement that he thought through this maneuver we would get closer to his program of a fifty-fifty deal.

Let me tell you this, Mr. Speaker, and I am by no means trying to supersede that committee, I have every reason to believe that committee is going to do a good job, but if he would let them alone, let them do the job which they are going to try honestly and sincerely to do, if he would go down on that farm and take about three weeks vacation, I think we could iron out this thing and do a job.

I have no quarrel with the Governor other than the fact that he does not let this Legislature alone and do what it wants to do.

I stated I thought Mr. Andrews was a great statesman, and I do very sincerely believe he is. I have been here with him ten years and he has always tried to do a real job for the people of this Commonwealth.

With regard to this statement I would like to read into the record a copy of a letter sent to me, a letter which was sent to the Governor of this Commonwealth concerning another outspoken feeling he had about something which the letter will explain:

Mr. George M. Leader

Governor of the Commonwealth of Penna.

State Capitol

Harrisburg, Penna.

Dear Governor:

It would appear that you authorized the following statement to be issued through the Patriot, Harrisburg, Penna. The article appears on the front page of the second section, their issue of January 27, 1956: I'm for moving Boies Penrose down by the river where nobody will notice him . . . or for leaving him in the middle of the street as a pedestrian.

I feel that it is time for you to assume the High Honor that was given you, when you took the oath of office as Governor of this great Commonwealth of Pennsylvania.

Quit making attacks on everyone else, mostly by having your publicity appearing in the public press, or radio and TV. You would do well if you learn to be a leader, instead of crying on everyone's shoulder.

I feel you have stooped to the lowest level, when you issue a statement as quoted above, against a great statesman of the past.

The great Commonwealth of Pennsylvania lost one of the greatest public officials we were fortunate to have as a representative of Penn-



sylvania. From my viewpoint, this past year, you have shown yourself far from being a statesman.

I, like yourself, also was born in the County of York, and have been a resident of Pennsylvania for the past sixty-one years and during that period of time it was my endeavor to uphold those public officials who were doing their utmost to assist their fellow countrymen.

Signed:

J. Russell Sheffer  
4117 Greencourt  
Harrisburg, Penna.

I am happy to read this into the record because it is one of my constituents. Be he Republican or Democrat, I have not had an opportunity to learn, but I am going to check. If he is a Republican, I am going to use him in my next campaign.

Seriously, members, I think it is time to stop this name-calling, this tearing apart of the great men of the past and great men that are here now.

I hope that the Governor of this great Commonwealth will take heed and keep quiet until this situation is resolved in this House.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1802, as follows:

An Act relating to public works contracts providing for prevailing wages imposing duties upon the Secretary of Labor and Industry providing remedies penalties and repealing existing laws

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Short Title This act shall be known and may be cited as the "Pennsylvania Prevailing Wage Act"

Section 2 Definitions The following words and phrases unless a different meaning is plainly required by the context shall have the meanings ascribed to them in this section

"Department" The Department of Labor and Industry of the Commonwealth of Pennsylvania

"Locality" Any political subdivision combination of the same or parts thereof or any area or areas classified designated and fixed by the Secretary from time to time

"Maintenance Work" The repair of existing facilities when the size type or extent of such facilities is not thereby changed or increased

"Public Body" The Commonwealth of Pennsylvania any of its political subdivisions any body corporate and politic any authority created by the General Assembly of the Commonwealth of Pennsylvania and any instrumentality or agency of the Commonwealth of Pennsylvania

"Public Work" Construction reconstruction alteration and/or repair work other than maintenance work done under contract and paid for in whole or in part out of the funds of a public body except work performed under a rehabilitation program

"Secretary" The Secretary of Labor and Industry or his duly authorized deputy or representative

"Workman" Includes laborer mechanic skilled semi-skilled laborer and apprentices employed by any contractor or subcontractor and engaged in the performance of services directly upon the public work project regardless of whether their work becomes a component part thereof but does not include material suppliers or their employees who do not perform services at the job site

"Work Performed Under A Rehabilitation Program" Work arranged by and at a State institution primarily for teaching and upgrading the skills and employment opportunities of the inmates of such institutions

Section 3 Specifications The specifications for every contract in excess of two thousand dollars (\$2,000.00) for any public work to which any public body is a party shall contain a provision stating the minimum wage rate

which can be paid (as shall be designated by the Secretary) to the workmen employed in the performance of the contract and the contract shall contain a stipulation that such workmen shall be paid not less than such minimum wage rate

Section 4 Duty of Public Body The public body awarding any contract for public work or otherwise undertaking any public work shall ascertain from the Secretary the general prevailing minimum wage rate in the locality in which the public work is to be performed for each craft needed to perform the contract and shall specify in the contract itself what the general prevailing minimum wage rate in the locality is for each craft or needed to perform the contract

Section 5 Prevailing Wage Not less than the general prevailing minimum wage rate for work of a similar character in the locality in which the public work is performed shall be paid to all workmen employed on public work

Section 6 Duty of Contractor Every contractor and subcontractor shall keep an accurate record showing the name craft and the actual hourly rate of wage paid to each workman employed by him in connection with public work and such record shall be preserved for two years from the date of payment The record shall be open at all reasonable hours to the inspection of the public body awarding the contract and to the Secretary

Section 7 Duty of Secretary (a) The Secretary shall determine the general prevailing minimum rate of wage rate in the locality in which the public work is to be performed for each craft needed to perform public work contracts Nothing in this act however shall prohibit the payment of more than the general prevailing minimum wage rate to any workman employed on public work Provided however that the payment by an employer of contributions for employee benefits pursuant to a bona fide collective bargaining agreement shall be considered wages for the purposes of this act the Secretary shall forthwith give notice by mail of all determinations of general prevailing minimum wage rates made pursuant to this section to any representative of any craft any employer or any representative of any group of employers who shall in writing request the Secretary so to do

(b) In determining such rates the Secretary shall ascertain and consider the applicable wage rates established by bona fide collective bargaining agreements between the historically established and recognized bargaining representatives of the workmen in the particular crafts involved and their employers or the bargaining representatives of the employers employing workmen in such crafts

Section 8 Review of Rates Petition and Hearing Any prospective bidder or his representative any representative of any group of employers engaged in the particular type of construction reconstruction alteration and diagonal or repair work involved any representative of any craft of workmen or the public body may within ten (10) days after the publication and issue of the specifications covering the particular contract for public work involved may file with the Secretary a verified petition to review the determination of any such rate or rates Within two (2) days thereafter a copy of such petition shall be filed with the public body authorizing the public work The petition shall set forth the facts upon which it is based The Secretary shall upon notice to the petitioner the public body authorizing the public work and the recognized collective bargaining representatives for the particular crafts involved and also to all persons entitled to receive notice pursuant to section seven (a) hereof institute an investigation and hold a public hearing within twenty (20) days after the filing of such petition Within ten (10) days thereafter the Secretary shall make a determination and transmit it in writing to the public body and to the interested parties Such determination shall be final

Upon receipt by the public body of the notice of the filing of such petition the public body awarding the contract or authorizing the public work shall extend the closing date for the submission of bids until five (5) days after the determination of the general prevailing



minimum wage rates pursuant to this section and the publication of such findings

Upon the filing of any such petition notice thereof and of the extension of the closing date for submission of bids shall be given forthwith by the awarding public body in a special bulletin to all interested parties as defined herein notice shall also be given to the bidders by the awarding body of the final determination of the Secretary which shall also be included in the contract The determination of the Secretary shall be included in the contract

Section 9 Posting of Rates Contractors and subcontractors performing public work for a public body subject to the provisions of this act shall post the general prevailing minimum wage rates for each craft involved as determined by the Secretary in prominent and easily accessible places at the site of the work or at such place or places as are used by them to pay workmen their wages

Section 10 Duty of Public Body (a) Before final payment is made by or on behalf of any public body of any sum or sums due on public work it shall be the duty of the treasurer of the public body or other officer or person charged with the custody and disbursement of the funds of the public body to require the contractor and sub-contractor to file statements in writing in form satisfactory to the Secretary certifying to the amounts then due and owing from such contractor and sub-contractor filing such statement to any and all workmen for wages due on account of public work setting forth therein the names of the persons whose wages are unpaid and the amount due to each respectively which statement so to be filed shall be verified by the oath of the contractor and sub-contractor as the case may be that he has read such statement subscribed by him knows the contents thereof and that the same is true of his own knowledge provided nevertheless that nothing herein shall impair the right of a contractor to receive final payment because of the failure of any subcontractor to comply with provisions of this act

(b) In case any workman shall have filed a portest in writing within three (3) months from the date of the occurrence of the incident complained of with the Secretary objecting to the payment to any contractor to the extent of the amount or amounts due or to become due to him for wages for labors performed on public works The Secretary shall direct the fiscal or financial officer of the public body or other person charged with the custody and disbursements of the funds of the public body to deduct from the whole amount of any payment on account thereof the sum or sums admitted by any contractor in such statement or statements so filed to be due and owing by him on account of wages earned on such public work before making payment of the amount certified for payment and may withhold the amount so deducted for the benefit of the workmen whose wages are unpaid as shown by the verified statement filed by any contractor and may pay directly to any workmen the amount shown to be due to him for such wages by the statements filed as hereinbefore required thereby discharging the obligation of the contractor to the person receiving such payment to the extent of the amount there-of

(c) Any contractor or subcontractor who shall under oath verify the statement required to be filed under this section which is known to him to be false shall be guilty of a misdemeanor and shall upon conviction be sentenced to pay a fine of not exceeding two thousand five hundred dollars (\$2,500.00) or to undergo imprisonment not exceeding five (5) years or both

Section 11 Remedies and penalties (a) The fiscal or financial officer or any public body having public work performed under which any workman shall have been paid less than the prevailing wage shall forthwith notify the Secretary in writing of the name of the person or firm failing to pay the prevailing wages

(b) Any workman may within three (3) months from the date of the occurrence of the incident complained of file a protest in writing with the Secretary objecting to the amount of wages paid for services performed by him on public work as being less than the prevailing wages for such services

(c) Whenever a fiscal or financial officer of any public body shall notify the Secretary that any person or firm required to pay its workmen the prevailing wage under this act has failed so to do or whenever any workman employed upon public work shall have filed a timely protest objecting that he has been paid less than prevailing wages as required by this act it shall be the duty of and the Secretary shall forthwith investigate the matter and determine whether or not there has been a failure to pay the prevailing wages and whether such failure was intentional or otherwise in any such investigation the Secretary shall provide for an appropriate hearing upon due notice to interested parties including the workmen the employer and their respective representatives if any

(d) In the event that the Secretary shall determine after notice and hearing as required by this section that any person or firm has failed to pay the prevailing wages and that such failure was not intentional he shall afford such person or firm a reasonable opportunity to adjust the matter by making payment or providing adequate security for the payment of the amounts required to be paid under this act as prevailing wages to the workmen affected on such terms and conditions as shall be approved by the Secretary

(e) In the event that the Secretary shall determine after notice and hearing as required by this section that any person or firm has failed to pay the prevailing wages and that such failure was intentional he shall thereupon notify all public bodies of the name or names of such persons or firms and no contract shall be awarded to such persons or firms or to any firm corporation or partnership in which such persons or firms have an interest until three (3) years have elapsed from the date of the notice to the public bodies aforesaid the secretary may in addition thereto request the attorney general to proceed to recover the penalties for the Commonwealth of Pennsylvania which are payable under subsection (f) of this section

(f) Whenever it shall be determined by the secretary after notice and hearing as required by this section that any person or firm has failed to pay the prevailing wages and that such failure was intentional such person or firm shall be liable to the Commonwealth of Pennsylvania for liquidated damages in addition to damages for any other breach of the contract in the amount of the underpayment of wages due any workman engaged in the performance of such contract

(g) It shall not constitute a failure to pay the prevailing wage rates for the work of a particular craft where the prevailing wage rates determined for a specific craft has been paid and it is asserted that one or more bona fide craft unions contend that the work should have been assigned to their members instead of the members of the specific craft to whom it was assigned or by whom it was performed

(h) The following shall constitute substantial evidence of intentional failure to pay prevailing wage rates

(1) Any acts of omission or commission done wilfully or with a knowing disregard of the rights of workmen resulting in the payment of less than prevailing wage rates

(2) After there has been a finding by the secretary in the manner required by this section that any person or firm has failed to pay the prevailing wages prescribed by this act and thereafter there shall be a failure by such person or firm to pay the prevailing wages prescribed by this act or there shall be a subsequent failure of such person or firm to comply with any opportunity to adjust any differences which shall be afforded him by the secretary.

Section 12 In any case where the secretary shall have determined that any person or firm has failed to pay the prevailing wages under subparagraph (e) and (f) of section eleven hereof he may direct the public body to terminate and the public body may terminate any such contractor's right to proceed with the public work

Section 13 Workmen's Rights Any workmen paid less than the rates specified in the contract shall have a right of action for the difference between the wages so paid and



the wages stipulated in the contract which right of action shall be instituted within six (6) months from the occurrence of the event creating such right

Section 14 Rules and Regulations The Secretary is hereby authorized and empowered to prescribe adopt promulgate rescind and enforce rules and regulations pertaining to the administration and enforcement of the provisions of this act

Section 15 Application of Act This act shall have no application to any public works subject to the Walsh-Healey Act the Act of June 30, 1936 ch 881 49 Stat 2036 41 USCA § 35-45 or the Davis Bacon Act the Act of March 3, 1931 40 U S Code 276(a)

Section 16 Repealer All acts and parts of acts inconsistent with the provisions of this act are hereby repealed

Section 17 The provisions of this act shall become effective the first day of May one thousand nine hundred fifty-six

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

## YEAS—206

Adam,	Frost,	Magee,	Royer,
Agnew,	Gaffney,	Mahan,	Rubin,
Amarando,	Garlock,	Markley,	Rudisill,
Anderson, M. S.,	Gelfand,	Maxwell,	Sarraf,
Anderson, S. A.,	George,	McCann,	Scarcelll,
Ashton,	Gibb,	McCormack,	Schuster,
Auker,	Gibson,	McGee,	Sherman,
Banker,	Goldstein,	McInroy,	Sigman,
Barnatovich,	Gramlich,	McKeever,	Smith, C. C.,
Bazin,	Greenwood,	McLaughlin,	Smith, Wm. B.,
Bell,	Guss,	McWherter,	Snider,
Blair,	Guthrie,	Meholchick,	Stank,
Boles,	Hamilton, R. K.,	Metz,	Stebbins,
Bonner,	Hass,	Mihm,	Steckel,
Boory,	Haudenshield,	Mikula,	Stephens,
Bower,	Heavey,	Miller,	Stevenson,
Branca,	Helm,	Mills,	Stone,
Brelsich,	Henzel,	Monroe,	Stoner,
Brennan, A. P.,	Hewitt,	Moody,	Strausser,
Brennan, J. J.,	Hocker,	Moran,	Stroup,
Brenninger,	Holt,	Moscrip,	Swartz,
Breth,	Horst,	Muldowney,	Taylor,
Brown,	Houk,	Mullen,	Thomas,
Bucchin,	Isaacs,	Munley,	Thompson,
Bullen,	Jenkins,	Murphy,	Toll,
Capano,	Johnson,	Murray, H. P.,	Tompkins,
Cianfrani,	Jones, G. E.,	Murray, J. J.,	Toomey,
Cioffi,	Jones, T. H. W.,	Murray, P. G.,	Varallo,
Cochran,	Jump,	Musto,	Varnier,
Comer,	Kamyk,	Naugle,	Vaughan,
Connelly,	Kehler,	Needham,	Verona,
Cooper,	Keller,	Oglvie,	Wall,
Curwood,	Kent,	Olsen,	Wallace,
Davis,	Kline,	O'Neil,	Walsh,
Donahue,	Knecht,	Pacchioli,	Wargo,
Donaldson,	Kolankiewicz,	Parry,	Waterhouse,
Dougherty,	Kooker,	Pashley,	Weidner,
Down,	Kornick,	Paulhamus,	Welsh,
Ehrgood,	Kratz,	Petrosky,	Wescott,
Ellberg,	Kromer,	Pettigrew,	Wheeler,
Erb,	Lafore,	Polaski,	Whitenight,
Eshleman,	Lawyer,	Polen,	Willaredt,
Ewing,	Leiby,	Pomeroy,	Williams,
Farabaugh,	Lelsey,	Price,	Wilt,
Flo,	Leonard,	Pursley,	Wood,
Fineman,	Leven,	Readinger,	Yetter,
Flint,	Light,	Reibman,	Yetzer,
Floyd,	Limper,	Reidenbach,	Young,
Flynn,	Lippincott,	Renwick,	Ziegler,
Foster,	Lopresti,	Rigby,	Andrews,
Frank,	Lovett,	Rosen,	Speaker
Frascella,	Lutty,	Rovansek,	

## NAYS—0

## NOT VOTING—1

Worley,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

## BILL PASSED OVER

There being no objection

House Bill No. 1829, Printer's No. 1203

was passed over at the request of the SPEAKER pro tempore.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1856, as follows:

An Act making an appropriation to the Department of Welfare for the maintenance of certain hospitals.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. The sum of twenty-one million four hundred thirty-seven thousand dollars (\$21,437,000) or as much thereof as is necessary is appropriated to the Department of Welfare for the two fiscal years beginning June 1, 1955 to be by it paid to the hospitals hereinafter designated in the amounts hereinafter specified for the purpose of the maintenance of such hospitals in the manner prescribed by law at the rate for each day of full pay service of (1) eight dollars (\$8) to the hospitals fully or provisionally accredited and at the rate of seven dollars (\$7) to the non-accredited hospitals or (2) the regularly established ward rate nursery rate pediatric rate or any reduced rate for the medical and surgical services rendered to and maintenance of persons treated in the hospital who are entitled to free service such rates to include only room board and general bed care but not to exceed rates charged other classes of patients or (3) the actual cost to the hospital of such services and maintenance whichever is the least and for each day or part pay service the proportion of the applicable full pay per diem rate (1) (2) or (3) above which the person treated is not able to pay bears to the regular ward rate nursery rate pediatric rate or reduced rate for free service.

Abington Memorial Hospital .....	\$140,000
Adrian Hospital Association Punxsutawney ....	56,000
Albert Einstein Medical Center .....	400,000
Allegheny General Hospital Pittsburgh .....	375,000
Allegheny Valley Hospital Tarentum .....	95,000
Allentown Hospital .....	510,000
Altoona Hospital .....	280,000
American Hospital for Diseases of Stomach Philadelphia .....	11,000
American Oncologic Hospital Philadelphia ....	50,000
Armstrong County Memorial Hospital Kittanning ..	58,000
Barnes Simon H Memorial Hospital Susquehanna ..	9,000
Beaver Valley General Hospital New Brighton ..	26,000
Belvedere General Hospital Pittsburgh .....	6,000
Berwick Hospital .....	30,000
Black F W Community Hospital Lewistown ..	20,000
Blair J C Memorial Hospital Huntingdon .....	90,000
Bloomsburg Hospital .....	65,000
Braddock General Hospital .....	120,000
Bradford Hospital .....	85,000
Brookville Hospital .....	45,000
Brownsville General Hospital .....	30,000
Bryn Mawr Hospital .....	130,000
Butler County Memorial Hospital .....	115,000
Canonsburg General Hospital .....	16,000
Carbondale General Hospital .....	60,000
Carlisle Hospital .....	58,000
Centre County Hospital Bellefonte .....	60,000
Chambersburg Hospital .....	60,000
Charleroi-Monessen Hospital Association .....	50,000
Chester County Hospital West Chester .....	100,000
Chester Hospital .....	235,000
Chestnut Hill Hospital Philadelphia .....	60,000



Children's Heart Hospital Philadelphia .....	95,000	Mercy Douglass Hospital Philadelphia .....	250,000
Children's Hospital of Philadelphia .....	162,000	Mercy Hospital Altoona .....	105,000
Children's Hospital of Pittsburgh .....	240,000	Mercy Hospital Wilkes-Barre .....	210,000
Citizens General Hospital New Kensington ....	90,000	Meyersdale Community Hospital .....	11,000
Clearfield Hospital .....	95,000	Mid-Valley Hospital Association Peckville ....	64,000
Clement Atkinson Memorial Hospital Coatesville	20,000	Milliken A C Hospital Pottsville .....	120,000
Coatesville Hospital .....	80,000	Miner's Hospital of Northern Cambria Spangler	130,000
Columbia Hospital Columbia .....	22,000	Montefiore Hospital Pittsburgh .....	210,000
Columbia Hospital Wilkesburg .....	60,000	Montgomery Hospital Norristown .....	120,000
Community General Hospital Reading .....	145,000	Muncy Valley Hospital .....	10,000
Community Hospital Kane .....	13,000	Nason Hospital Association Roaring Spring ....	52,000
Conemaugh Valley Memorial Hospital Johnstown	260,000	North Penn Hospital Lansdale .....	6,000
Corry Memorial Hospital .....	20,000	Northeastern Hospital of Philadelphia .....	45,000
Crozer J Lewis Homeopathic Hospital Chester ..	28,000	Northwestern General Hospital Philadelphia ....	70,000
Delaware County Hospital Drexel Hill .....	42,000	Oakbourne Colony Hospital West Chester .....	110,000
Devitt's Camp Inc for Treatment of Tuberculosis		Ohio Valley General Hospital McKees Rocks ..	38,000
Allenwood .....	5,000	Oil City Hospital .....	58,000
Eagleville Sanatorium for Consumptives .....	290,000	Osteopathic Hospital of Philadelphia (48th and	
Easton Hospital .....	140,000	Spruce) .....	7,000
Elizabeth Steel Magee Hospital Pittsburgh ....	335,000	Osteopathic Hospital of Philadelphia (20th and	
Elk County General Hospital Ridgway .....	25,000	Susquehanna) .....	22,000
Ellwood City Hospital .....	27,000	Packer Robert Hospital Sayre .....	245,000
Ephrata Community Hospital .....	8,000	Passavant Hospital Pittsburgh .....	70,000
Episcopal Hospital Philadelphia .....	260,000	Pennsylvania Hospital of Philadelphia	
Evangelical Community Hospital Lewisburg ...	30,000	(Contributors) .....	385,000
Eye and Ear Hospital Pittsburgh .....	50,000	Phoenixville Hospital .....	35,000
Frankford Hospital Philadelphia .....	45,000	Pittsburgh Hospital Association .....	260,000
Franklin City Hospital .....	48,000	Pittston Hospital .....	110,000
Frick Henry Clay Memorial Hospital Mt Pleasant	46,000	Port Allegany Community Hospital .....	5,000
Fulton County Medical Center McConnellsburg..	7,000	Potter County Memorial Hospital Coudersport ..	17,000
Geisinger G F Memorial Hospital Danville .....	120,000	Pottstown Hospital .....	53,000
General Hospital of Monroe County East Strouds		Pottsville Hospital .....	240,000
burg .....	90,000	Presbyterian Hospital Pittsburgh .....	235,000
Germantown Dispensary and Hospital Philadel-		Providence Hospital Beaver Falls .....	52,000
phia .....	325,000	Quakertown Hospital Association .....	28,000
Gnaden Huetten Memorial Hospital Lehighton	8,000	Reading Hospital .....	250,000
Good Samaritan Hospital Lebanon .....	110,000	Renovo Hospital .....	20,000
Grandview Hospital Sellersville .....	20,000	Rochester General Hospital .....	95,000
Greene County Memorial Hospital Waynesburg	45,000	Rush Hospital for Consumptives Philadelphia ..	195,000
Greenville Hospital .....	28,000	Sewickley Valley Hospital .....	42,000
Grove City Hospital .....	20,000	Shady Side Hospital Pittsburgh .....	150,000
Hahnemann Medical College Hospital Philadel-		Sharon General Hospital .....	98,000
phia .....	500,000	Somerset Community Hospital .....	70,000
Hahnemann Hospital Scranton .....	110,000	South Side Hospital Pittsburgh .....	200,000
Hamot Hospital Association Erie .....	235,000	Spencer Hospital Meadville .....	72,000
Hanover General Hospital .....	27,000	St Christopher's Hospital for Children Phila-	
Harrisburg Hospital .....	350,000	delphia .....	170,000
Harrisburg Polyclinic Hospital .....	210,000	St Francis Hospital Pittsburgh .....	350,000
Homestead Hospital .....	92,000	St John's General Hospital Pittsburgh .....	78,000
Indiana Hospital .....	100,000	St Joseph's Hospital Carbondale .....	87,000
Jameson Memorial Hospital New Castle .....	80,000	St Joseph's Hospital Reading .....	114,000
Jefferson Medical College Hospital Philadelphia	700,000	St Luke's Hospital Bethlehem .....	240,000
Jefferson Medical College Memorial Hospital		St Luke's & Children's Medical Center Philadel-	
(Barton Division) Philadelphia .....	41,000	phia .....	105,000
Jersey Shore Hospital .....	20,000	St Vincent's Hospital Erie .....	260,000
Kane Summit Hospital Association .....	8,000	Stetson Hospital Philadelphia .....	20,000
Kensington Hospital Philadelphia .....	30,000	Suburban General Hospital Pittsburgh .....	32,000
Lancaster Cleft Palate Clinic .....	10,000	Sunbury Community Hospital .....	95,000
Lancaster County T B Society Rossmere .....	115,000	Taylor Hospital Association Taylor .....	100,000
Lancaster General Hospital .....	220,000	Taylor Hospital Ridley Park .....	20,000
Lancaster Heart Association .....	16,000	Temple University Hospital Philadelphia .....	650,000
Lancaster Osteopathic Hospital .....	10,000	Titusville Hospital .....	30,000
Lankenau Hospital Philadelphia .....	65,000	Tyler Memorial Hospital Meshoppen .....	9,000
Latrobe Hospital Association .....	100,000	Tyrone Hospital .....	10,000
Lee Hospital Johnstown .....	75,000	Uniontown Hospital Association .....	170,000
Lewistown Hospital .....	170,000	University of Pennsylvania Hospital Philadelphia	550,000
Lock Haven Hospital .....	110,000	University of Pennsylvania Graduate Hospital	
Lower Bucks County Hospital Bristol .....	50,000	Philadelphia .....	275,000
Lying-in-Charity Hospital Philadelphia .....	110,000	Warner Annie M Hospital Gettysburg .....	28,000
Maple Avenue Hospital Association DuBois .....	42,000	Warren General Hospital .....	50,000
Maternity Hospital Philadelphia .....	60,000	Washington Hospital .....	130,000
McKeesport Hospital .....	220,000	Wayne County Memorial Hospital Honesdale ...	20,000
Meadville City Hospital .....	60,000	Waynesboro Hospital .....	28,000
Memorial Hospital Association Monongahela ...	25,000	Western Pennsylvania Hospital Pittsburgh ....	285,000
Memorial Hospital of Bedford County Everett ..	16,000	West Side Hospital Scranton .....	112,000
Memorial Hospital of Chester County West		West Side Osteopathic Hospital of York .....	2,000
Chester .....	76,000	Westmoreland Hospital Association Greensburg	125,000
Memorial Hospital of Pottstown .....	40,000	Wilkes-Barre General Hospital .....	490,000
Memorial Hospital of Roxborough Philadelphia	70,000	Williamsport Hospital .....	240,000



Wills Eye Hospital Philadelphia .....	200,000
Women's Hospital of Philadelphia .....	96,000
Women's Hospital of Pittsburgh .....	44,000
Women's Medical College Hospital Philadelphia .....	130,000
Wyoming Valley Hospital Wilkes-Barre .....	95,000
York Hospital .....	275,000
Zem Zem Hospital for Crippled Children Erie ..	95,000

Section 2. Any unexpended balance of the appropriation as determined by the Department of the Auditor General shall be allocated by the Department of Welfare among the hospitals the amounts for which herein specified have not been sufficient to pay for the services rendered by them to persons entitled to free service in the proportion which the total amount to which each hospital is entitled under the formulae set forth in section one hereof and for which it has not been paid bears to the total of such amounts of all the hospitals that have not been paid in full. The amount allocated to any hospital shall not be greater than the amount to which the hospital is entitled under the formulae set forth in section one. All amounts so allocated shall be paid by the department to the hospitals entitled thereto in the manner prescribed by law.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

## YEAS—206

Adam,	Frost,	Magee,	Royer,
Agnew,	Gaffney,	Mahan,	Rubin,
Amarando,	Garlock,	Markley,	Rudisill,
Anderson, M. S.,	Gelfand,	Maxwell,	Sarra,
Anderson, S. A.,	George,	McCann,	Scarcell,
Ashton,	Gibb,	McCormack,	Schuster,
Auker,	Gibson,	McGee,	Sherman,
Banker,	Goldstein,	McInroy,	Sigman,
Barnatorich,	Guss,	McKeever,	Smith, C. C.,
Bazin,	Gramlich,	McLaughlin,	Smith, Wm. B.,
Bell,	Greenwood,	McWherter,	Snider,
Blair,	Guthrie,	Meholchick,	Stank,
Boles,	Hamilton, R. K.,	Metz,	Stebbins,
Bonner,	Hass,	Mihm,	Steckel,
Boory,	Haudensfield,	Mikula,	Stephens,
Bower,	Heavey,	Miller,	Stevenson,
Branca,	Helm,	Mills,	Stone,
Breisich,	Henzel,	Monroe,	Stoner,
Brennan, A. P.,	Hewitt,	Moody,	Strausser,
Brennan, J. J.,	Hoeker,	Moran,	Stroup,
Brenninger,	Holt,	Moscrip,	Swartz,
Breth,	Horst,	Muldowney,	Taylor,
Brown,	Houk,	Mullen,	Thomas,
Bucchin,	Isaacs,	Munley,	Thompson,
Bullen,	Jenkins,	Murphy,	Toll,
Capano,	Johnson,	Murray, H. P.,	Tompkins,
Cianfrani,	Jones, G. E.,	Murray, J. J.,	Toomey,
Cioffi,	Jones, T. H. W.,	Murray, P. G.,	Varallo,
Cochran,	Jump,	Musto,	Varnier,
Comer,	Kamyk,	Naugle,	Vaughan,
Connelly,	Kehler,	Needham,	Verona,
Cooper,	Keller,	Ogilvie,	Wall,
Gurwood,	Kent,	Olsen,	Wallace,
Davis,	Kline,	O'Neil,	Walsh,
Donahue,	Knecht,	Pacchioni,	Wargo,
Donaldson,	Kolankiewicz,	Parry,	Waterhouse,
Dougherty,	Kooker,	Pashley,	Weidner,
Down,	Kornick,	Paulhamus,	Welsh,
Ehrgood,	Kratz,	Petrosky,	Wescott,
Eilberg,	Kromer,	Pettigrew,	Wheeler,
Erb,	Lafore,	Polaski,	Whitenight,
Eshleman,	Lawyer,	Polen,	Willaredt,
Ewing,	Leiby,	Pomeroy,	Williams,
Farabaugh,	Leisey,	Price,	Wilt,
Filo,	Leonard,	Pursley,	Wood,
Fineman,	Leven,	Readinger,	Yetzer,
Flint,	Light,	Reibman,	Yetter,
Floyd,	Lamper,	Reidenbach,	Young,
Flynn,	Lippincott,	Renwick,	Ziegler,
Foster,	Lopresti,	Rigby,	Andrews,
Frank,	Lovett,	Rosen,	Speaker
Frascella,	Lutty,	Rovansek,	

## NAYS—0

## NOT VOTING—1

Worley,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1866 as follows:

An Act amending the act of June 27, 1923 (P. L. 858) entitled "An act establishing a State employees' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing State employees defining the use and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon the heads of departments in which State employees serve excepting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" further regulating the rights of employees of county health departments"

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Clause 6 of section 1 act of June 27, 1923 (P. L. 858) entitled "An act establishing a State employees' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing State employees defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon the heads of departments in which State employees serve excepting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" amended January 14, 1952 (P. L. 1911) is amended to read

Section 1 Be it enacted &c That the following words and phrases as used in this act unless a different meaning is plainly required by the context shall have the following meanings

\* \* \*

6 "State employee" shall mean any person holding a State office or position under the Commonwealth of Pennsylvania employed and paid on a yearly or monthly basis by the State Government of the Commonwealth of Pennsylvania in any capacity whatsoever and shall include also any attorney solicitor investigator appraiser and clerk employed by the year or by the month in the office of any register of wills howsoever appointed whose compensation is actually paid from Commonwealth moneys and shall also include all judges of the several courts of this Commonwealth whose salaries are paid by the Commonwealth and also all clerks and secretaries employed by judges and paid on a yearly or monthly basis by such judges from moneys appropriated by the Commonwealth for such purposes and also all persons employed by the State Board of Law Examiners of the Supreme Court of Pennsylvania and also all present future or former members of the General Assembly who receive or have received their salaries for regular and special sessions of the Legislature as fixed by law and also all officers and employees of the Pennsylvania State [College] University paid on a yearly or monthly basis other than those paid wholly from Federal funds also all employees of any single county department of health or any joint county department of health created under the Local Health Administration Law being Act No 315 approved August 24, 1951 paid on a yearly or monthly basis except employees of such county department of health who shall choose to retain membership in the retirement system of the political subdivision by which they



were employed prior to becoming employees of any such county department of health or who choose to join the retirement system of the county by which they are employed and also all officers and employees of the Interstate Commission on the Delaware River Basin and of the Pennsylvania Turnpike Commission as of the date of entering the service of such commissions and of the Delaware River Joint Commission and the Delaware River Joint Toll Bridge Commission The State Public School Building Authority The General State Authority and of The State Highway and Bridge Authority paid on a yearly or monthly basis if the Interstate Commission on the Delaware River Basin and the Delaware River Joint Commission the Delaware River Joint Toll Bridge Commission the Pennsylvania Turnpike Commission The State Public School Building Authority The General State Authority and The State Highway and Bridge Authority shall agree to contribute and contribute to the State Employees' Retirement Fund from time to time the moneys required to build up the reserves necessary for the payment of the State annuities of such officers and employees without any liability on the part of the Commonwealth to make appropriations for such purposes and also but only for the purposes of this act all officers and employees of any separate independent public corporation created by act of Assembly (not including however any municipal or quasi-municipal corporation) who immediately prior to their employment by such public corporation were employees of the Commonwealth so long as they remain officers or employees of such corporation if such public corporation shall agreed to contribute and contribute to the State Employees' Retirement Fund from time to time the moneys required to build up the reserve necessary for the payment of the State annuities of such officers and employees without any liability on the part of the Commonwealth to make appropriations for such purposes But the term "State employee" shall not include those persons defined as employees in section one paragraph seven of the act approved the eighteenth day of July one thousand nine hundred and seventeen (P. L. 1043) entitled "An act establishing a public employees' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing employees defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon boards having the employment of public school employees exempting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" as amended by section one paragraph seven of the act approved the twenty-first day of April one thousand nine hundred and twenty-one (P. L. 245) expecting such officers and employees of the Department of Public Instruction State Teachers' Colleges Thaddeus Stevens Trade School Pennsylvania State Oral School for the Deaf and Pennsylvania Soldiers' Orphan School as are not members of or who may withdraw from the public school employees' retirement association provided by said act and no member shall be deprived of credit for prior service as a State employee because of the fact that such service was rendered while he or she was a member of the public school employees' retirement association and that all service credited as a member of the public school employees' retirement system will be considered as having been rendered as a State employee The rates of deduction from salaries of such officers and employees to the State Employees' Retirement Fund shall be determined by the age at which the employee began to contribute to the Public School Employees' Retirement Fund

The term "State employee" shall also include all State officers and employees regularly employed by the year or by the month at a fixed annual or monthly compensation when the General Assembly is not in session but who during a legislative session instead of a fixed annual or monthly salary or compensation are paid upon a per diem basis or by a fixed salary or compensation from the legislative session or who receive no fixed annual or monthly salary but are paid only upon a per diem basis during legislative sessions and subsequent thereto

Employees of the respective institutions acquired by the Commonwealth from counties cities wards boroughs townships institution districts and other political subdivisions that are actually used as State mental hospitals under the provisions of the act approved the twenty-ninth day of September one thousand nine hundred thirty-eight (P. L. 53) or its amendments who as of the effective date of this act are contributors or who on or before the thirty-first day of May one thousand nine hundred fifty-two become contributors to this fund shall for the purpose of this act be deemed to have been "State employees" from the time they first entered the employ of such institution even though the same may have been prior to the acquisition of the institution by the Commonwealth if such employee shall pay to the retirement association a sum equal to all the back payments which such employee would have made had he or she become a member of the retirement association at the time he or she was first employed by such institution Such back payments may be spread over a period of years by having the regular payroll deduction of such employee increased by not less than one-third of the amount thereof which deduction increase shall be credited to such back payments owing and shall be continued until the amount thereof shall be paid in full unless such member is retired under the provisions of this act before such back payments have been completed Any such deduction increase may be anticipated in full by the member at any time and shall be anticipated in full at the time of retirement before a retirement allowance is granted If not so anticipated then the member's annuity shall be calculated on the total accumulated deductions standing to his credit and his State annuity shall be reduced by an amount equivalent to the reduction which occurs in the member's annuity due to the amount of the back payments not so anticipated

An employee of a political subdivision who becomes an employee of any single county department of health or any joint county department of health created under the act of August 24, 1951 (P. L. 1304) known as the "Local Health Administration Law" and who becomes a contributor to this fund shall for the purposes of this act be deemed to have been a State employee from the time he first entered the employ of the political subdivision if he shall pay to the retirement association a sum equal to all the back payments which he would have made had he become a member of the retirement association at the time he was first employed by a political subdivision The back payments may be spread over a period of years by having the regular payroll deduction of the employee increased by not less than one-third of the amount thereof which deduction increase shall be credited to the back payments owing and shall be continued until the amount thereof shall be paid in full unless the member is retired under the provisions of this act before the back payments have been completed Any deduction increase may be anticipated in full by the member at any time and shall be anticipated in full at the time of retirement before a retirement allowance is granted If not so anticipated then the members' annuity shall be calculated on the total accumulated deductions standing to his credit and his State annuity shall be reduced by an amount equivalent to the reduction which occurs in the members' annuity due to the amount of the back payment not so anticipated

The term "State employee" shall also include officers and employees regularly employed on a per diem or hourly basis or partly at a fixed annual or monthly salary and partly on a per diem or hourly basis Regular employment shall not be construed to include employment of less than one hundred days or seven hundred fifty hours in any year In all cases of doubt the retirement board shall determine whether any person is a State employee as defined in this paragraph and its decision shall be final

\* \* \*

And said bill having been read at length the third time, considered and agreed to.

On the question,



Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

## YEAS—206

Adam,	Frost,	Lutty,	Rovansek,
Agnew,	Gaffney,	Magee,	Royer,
Amarando,	Garlock,	Mahan,	Rubin,
Anderson, M. S.,	Gelfand,	Markley,	Rudisill,
Anderson, S. A.,	George,	Maxwell,	Sarrafi,
Ashton,	Gibb,	McCann,	Scarcelll,
Auker,	Gibson,	McCormack,	Schuster,
Banker,	Goldstein,	McGee,	Sherman,
Barnatovich,	Gramlich,	McInroy,	Sigman,
Bazin,	Greenwood,	McKeever,	Smith, C. C.,
Bell,	Guss,	McLaughlin,	Smith, Wm. B.,
Blair,	Guthrie,	McWherter,	Snider,
Boles,	Hamilton, R. K.,	Meholchick,	Stank,
Bonner,	Hass,	Metz,	Stebbins,
Boory,	Haudenschild,	Mihm,	Steckel,
Bower,	Heavey,	Mikula,	Stephens,
Branca,	Helm,	Miller,	Stevenson,
Breisch,	Henzel,	Mills,	Stone,
Brennan, A. P.,	Hewitt,	Monroe,	Stoner,
Brennan, J. J.,	Hocker,	Moody,	Strausser,
Brenninger,	Holt,	Moran,	Stroup,
Breth,	Horst,	Moscrip,	Swartz,
Brown,	Houk,	Muldowney,	Taylor,
Bucchin,	Isaacs,	Mullen,	Thomas,
Bullen,	Jenkins,	Munley,	Thompson,
Capano,	Johnson,	Murphy,	Toll,
Cianfrani,	Jones, G. E.,	Murray, H. P.,	Tompkins,
Cioffi,	Jones, T. H. W.,	Murray, J. J.,	Toomey,
Cochran,	Jump,	Murray, P. G.,	Varallo,
Comer,	Kamyk,	Naugle,	Varner,
Connelly,	Kehler,	Needham,	Vaughan,
Cooper,	Keller,	Ogilvie,	Verona,
Curwood,	Kent,	Olsen,	Wall,
Davis,	Kline,	O'Neill,	Wallace,
Donahue,	Knecht,	Pacchioli,	Walsh,
Donaldson,	Kolankiewicz,	Parry,	Wargo,
Dougherty,	Kooker,	Pashley,	Waterhouse,
Down,	Kornick,	Paulhamus,	Weldner,
Ehrgood,	Kratz,	Petrosky,	Welsh,
Ellberg,	Kromer,	Pettigrew,	Wescott,
Erb,	Lafore,	Polaski,	Wheeler,
Eshleman,	Lawyer,	Polen,	Whitenight,
Ewing,	Leiby,	Pomeroy,	Willaredt,
Farabaugh,	Leisey,	Price,	Williams,
Filo,	Leonard,	Pursley,	Wilt,
Fineman,	Leven,	Readinger,	Wood,
Flint,	Light,	Reibman,	Yetter,
Floyd,	Limper,	Reidenbach,	Yetzer,
Flynn,	Lippincott,	Renwick,	Young,
Foster,	Lopresti,	Rigby,	Ziegler,
Frank,	Lovett,	Rosen,	Andrews,
Frascella,			Speaker

## NAYS—0

## NOT VOTING—1

Worley,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1870, entitled:

An Act amending the act of May 28, 1937 (P. L. 1053), entitled "An act relating to the regulation of public utilities; defining as public utilities certain corporations, companies, associations, and persons; providing for the regulation of public utilities, including to a limited extent, municipalities engaging in public utility business, by prescribing, defining, and limiting their duties, powers, and liabilities, and regulating the exercise, surrender, or abandonment of their powers, privileges, and franchises; defining and regulating contract carriers by motor vehicle and brokers in order to regulate effectively com-

mon carriers by motor vehicle; conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons, associations, companies and corporations, including, to a limited extent, municipal corporations subject to this act, and administering the provisions of this act; authorizing the commission to fix temporary rates; placing the burden of proof on public utilities to sustain their rates and certain other matters; authorizing a permissive or mandatory sliding scale method of regulating rates; providing for the supervision of financial and contractual relations between public utilities and affiliated interests, and supervision and regulation of accounts and securities or obligations issued, assumed or kept by persons, associations, companies, corporations, or municipal corporations subject to this act; conferring upon the commission power to vary, reform, or revise certain contracts; conferring upon the commission the exclusive power to regulate or order the construction, alteration, relocation, protection, or abolition of crossings of facilities of public utilities and of such facilities by or over public highways, to appropriate property for the construction or improvement of such crossings, and to award or apportion resultant costs and damages; authorizing owners of such property to sue the Commonwealth for such damages; providing for ejectment proceedings in connection with the appropriation of property for crossings; conferring upon the commission power to control and regulate budgets of public utilities; imposing upon persons, associations, companies and corporations (except municipal corporations) subject to regulation, the cost of administering this act; prescribing and regulating practice and procedure before the commission and procedure for review by the courts of the commission action; giving the court of common pleas of Dauphin County exclusive original jurisdiction over certain proceedings; prescribing penalties, fines, and imprisonment for violations of the provisions of this act and regulations and orders of the commission, and the procedure for enforcing such fines and penalties; and repealing legislation supplied and superseded by or inconsistent with this act," exempting from the provisions thereof transportation of school children of private, church and parochial schools in certain cases.

On the question,

Will the House agree to the bill on third reading?

## BILL RECOMMENDED

Mr. READINGER. Mr. Speaker, I move that this bill be recommended to the Committee on Public Utilities for the purpose of further study.

The motion was agreed to.

## BILLS PASSED OVER

There being no objection

House Bill No. 1892, Printer's No. 1330, and

House Bill No. 1894, Printer's No. 1232,

were passed over at the request of the SPEAKER pro tempore.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1908, as follows:

An Act authorizing abatement of real estate taxes because of destruction or damage of property by flood or the refund or credit of the amount of such taxes against future taxes by certain political subdivisions

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The taxing bodies of the various counties cities boroughs towns townships and school districts may abate real estate taxes imposed by them for the tax year 1955 if the real property upon which the tax was imposed was destroyed by flood or where such property



suffered damage in the amount of ten per centum or more of the assessed value thereof In the event that such tax has been paid the taxing bodies may refund such taxes or provide for giving credit for the amount paid against any future real estate taxes imposed upon the property subsequent to the tax year 1955

Section 2 No abatement refund or credit shall be allowed unless the property owner petitions the taxing body for the abatement refund or credit on or prior to September 1 1956

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

## YEAS—206

Adam,	Frost,	Lutty,	Rovansek,
Agnew,	Gaffney,	Magee,	Royer,
Amarando,	Garlock,	Mahan,	Rubin,
Anderson, M. S.,	Gelfand,	Markley,	Rudisill,
Anderson, S. A.,	George,	Maxwell,	Sarra,
Ashton,	Gibb,	McCann,	Scarcell,
Auker,	Gibson,	McCormack,	Schuster,
Banker,	Goldstein,	McGee,	Sherman,
Barnatovich,	Gramlich,	McInroy,	Sigman,
Bazin,	Greenwood,	McKeever,	Smith, C. C.,
Bell,	Guss,	McLaughlin,	Smith, Wm. B.,
Blair,	Guthrie,	McWherter,	Snider,
Boles,	Hamilton, R. K.,	Meholchick,	Stank,
Bonner,	Hass,	Metz,	Stebbins,
Boory,	Haudenshield,	Mihm,	Steckel,
Bower,	Heavey,	Mikula,	Stephens,
Branca,	Helm,	Miller,	Stevenson,
Breisch,	Henzel,	Mills,	Stone,
Brennan, A. P.,	Hewitt,	Monroe,	Stoner,
Brennan, J. J.,	Hocker,	Moody,	Strausser,
Brenninger,	Holt,	Moran,	Stroup,
Breth,	Horst,	Moscrip,	Swartz,
Brown,	Houk,	Muldowney,	Taylor,
Bucchin,	Isaacs,	Mullen,	Thomas,
Bullen,	Jenkins,	Munley,	Thompson,
Capano,	Johnson,	Murphy,	Toll,
Cianfrani,	Jones, G. E.,	Murray, H. P.,	Tompkins,
Cioffi,	Jones, T. H. W.,	Murray, J. J.,	Toomey,
Cochran,	Jump,	Murray, P. G.,	Varallo,
Comer,	Kamyk,	Musto,	Varnier,
Connelly,	Kehler,	Naugle,	Vaughan,
Cooper,	Keller,	Needham,	Verona,
Curwood,	Kent,	Ogilvie,	Wall,
Davis,	Kline,	Olsen,	Wallace,
Donahue,	Knecht,	O'Neill,	Walsh,
Donaldson,	Kolankiewicz,	Pacchioli,	Wargo,
Dougherty,	Kooker,	Parry,	Waterhouse,
Down,	Kornick,	Pashley,	Weldner,
Ehrgood,	Kratz,	Paulhamus,	Welsh,
Ellberg,	Kromer,	Petrosky,	Wescott,
Erb,	Lafore,	Pettigrew,	Wheeler,
Eshleman,	Lawyer,	Polaski,	Whitenight,
Ewing,	Leiby,	Polen,	Willaredt,
Farabaugh,	Lelsey,	Pomeroy,	Williams,
Filo,	Leonard,	Price,	Wilt,
Fineman,	Leven,	Pursley,	Wood,
Flint,	Light,	Readinger,	Yetter,
Floyd,	Limper,	Reibman,	Yetzer,
Flynn,	Lippincott,	Reidenbach,	Young,
Foster,	Lopresti,	Renwick,	Ziegler,
Frank,	Lovett,	Rigby,	Andrews,
Frascella,		Rosen,	Speaker

## NAYS—0

## NOT VOTING—1

Worley,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1931, as follows:

An Act authorizing the Department of Property and Supplies to exchange certain lands located in Union Township Bedford County Pennsylvania necessary for improved administration of Blue Knob State Park  
The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The Department of Property and Supplies with the approval of the Governor is hereby authorized on behalf of the Commonwealth of Pennsylvania to convey to the Pavia Cemetery Association the following tract or parcel of land situate in Union Township Bedford County Pennsylvania being a part of land now owned by the Commonwealth of Pennsylvania and more fully described pursuant to a survey made by Harry W. Cunard a Registered Surveyor on December 30, 1952 as Beginning at a concrete marker at a corner common to land of the Pavia Cemetery Association and in a westerly line of land now or formerly of Elmer Dibert as delineated and depicted on that plat of a survey of December 30, 1952 by Harry W. Cunard Registered Surveyor No. 5389 thence from the initial point by 1952 magnetic bearings and distances along land of the said Pavia Cemetery Association North 87 degrees 30 minutes West 266.2 feet to a concrete marker South 50 degrees 02 minutes West 35.8 feet to a concrete marker North 84 degrees 55 minutes West 87.9 feet to a concrete marker in an easterly line of land of Blue Knob State Park thence leaving said Pavia Cemetery Association land and along land of said Blue Knob State Park North 8 degrees 44 minutes East 157.35 feet to a plug and tack South 87 degrees 30 minutes East 352.5 feet to a plug and tack in line of land of said Elmer Dibert thence leaving said Blue Knob State Park land and along land of said Elmer Dibert South 8 degrees 48 minutes West 125 feet to the place of beginning containing 1.07 acres and being part of the same land conveyed to the Commonwealth of Pennsylvania by deed of the United States of America dated September 26, 1945 the same part being released from reversionary conditions contained in said deed by Deed of Release from the United States of America dated October 14, 1955

Section 2 The aforementioned conveyance is made in exchange for a grant and conveyance of a tract or parcel of land situate in Union Township Bedford County Pennsylvania being a part of that tract now opened by A. Rush Burkett and more fully described pursuant to a survey made by Harry W. Cunard a Registered Surveyor on December 30, 1952 as beginning at a concrete marker a corner of Blue Knob State Park northeastwardly along line of said park and lands of A. R. Burkett as delineated and depicted on that plat of a survey of December 1952 by Harry W. Cunard Registered Surveyor No. 5389 thence from the initial point by 1952 magnetic bearings and distances North 33 degrees 45 minutes East 3098.3 feet more or less to a concrete marker thence by same North 89 degrees 15 minutes East 17 feet to a plug and tack thence by the lands of A. R. Burkett and parcel herein described South 33 degrees 45 minutes West 3099.5 feet more or less to a plug and tack thence by same North 82 degrees 45 minutes West 17 feet to a concrete marker the point of beginning containing 1.04 acres more or less said exchange being necessary for improved administration of Blue Knob State Park

Section 3 The deed of conveyance by the Commonwealth shall be approved by the Department of Justice and shall be executed by the Secretary of Property and Supplies in the name of the Commonwealth of Pennsylvania

Section 4 The title to the tract or parcel of land to be acquired by the Commonwealth shall not be acquired until its title be approved by the Department of Justice

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?



Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

## YEAS—206

Adam,	Frost,	Magee,	Royer,
Agnew,	Gaffney,	Mahan,	Rubin,
Amarando,	Garlock,	Markley,	Rudisill,
Anderson, M. S.,	Gelfand,	Maxwell,	Sarraf,
Anderson, S. A.,	George,	McCann,	Scarcell,
Ashton,	Gibb,	McCormack,	Schuster,
Auker,	Gibson,	McGee,	Sherman,
Banker,	Goldstein,	McInroy,	Sigman,
Barnatovich,	Gramlich,	McKeever,	Smith, C. C.,
Bazin,	Greenwood,	McLaughlin,	Smith, Wm. B.,
Bell,	Guss,	McWherter,	Snider,
Blair,	Guthrie,	Meholchick,	Stank,
Boles,	Hamilton, R. K.,	Metz,	Stebbins,
Bonner,	Hass,	Mihm,	Steckel,
Boory,	Haudenschild,	Mikula,	Stevens,
Bower,	Heavey,	Miller,	Stevenson,
Branca,	Helm,	Mills,	Stone,
Breisch,	Henzel,	Monroe,	Stoner,
Brennan, A. P.,	Hewitt,	Moscrip,	Strausser,
Brennan, J. J.,	Hocker,	Moody,	Stroup,
Brenninger,	Holt,	Moran,	Swartz,
Breth,	Horst,	Muldowney,	Taylor,
Brown,	Houk,	Mullen,	Thomas,
Bucchin,	Isaacs,	Munley,	Thompson,
Bullen,	Jenkins,	Murphy,	Toll,
Capano,	Johnson,	Murray, H. P.,	Tompkins,
Cianfrani,	Jones, G. E.,	Murray, J. J.,	Toomey,
Cioffi,	Jones, T. H. W.,	Murray, P. G.,	Varallo,
Cochran,	Jump,	Musto,	Varnier,
Comer,	Kamyk,	Naugle,	Vaughan,
Connelly,	Kehler,	Needham,	Verona,
Cooper,	Keller,	Ogilvie,	Wall,
Curwood,	Kent,	Olsen,	Wallace,
Davis,	Kline,	O'Neil,	Walsh,
Donahue,	Knecht,	Pacchioli,	Wargo,
Donaldson,	Kolankiewicz,	Parry,	Waterhouse,
Dougherty,	Kooker,	Pashley,	
Down,	Kornick,	Paulhamus,	
Ehrgood,	Kratz,	Petrosky,	
Ellberg,	Kromer,	Pettigrew,	
Erb,	Lafore,	Polaski,	
Eshleman,	Lawyer,	Polen,	
Ewing,	Lelby,	Pomeroy,	
Farabaugh,	Leisey,	Price,	
Filo,	Leonard,	Pursley,	
Fineman,	Leven,	Readinger,	
Flint,	Limper,	Reibman,	
Floyd,	Light,	Renwick,	
Flynn,	Lippincott,	Reidenbach,	
Foster,	Lopresti,	Rigby,	
Frank,	Lovett,	Rosen,	
Frascella,	Lutty,	Rovansek,	

## NAYS—0

## NOT VOTING—1

Worley,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

## BILLS PASSED OVER

There being no objection,

House Bill No. 1932, Printer's No. 1334,

House Bill No. 1939, Printer's No. 1266, and

House Bill No. 1940, Printer's No. 1267,

were passed over at the request of the SPEAKER pro tempore.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1955 as follows:

An Act amending the act of September 3, 1955 (Appropriation Act No 17-A) entitled "An act making an ap-

propriation to the Council of Civil Defense for disaster relief in connection with the hurricane and flood damage of August one thousand nine hundred fifty-five" making the moneys appropriated available for flood damage of October 1955

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 1 act of September 3, 1955 (Appropriation Act No 17-A) entitled "An act making an appropriation to the Council of Civil Defense for disaster relief in connection with the hurricane and flood damage of August one thousand nine hundred fifty-five" is amended to read

Section 1 The sum of twelve million dollars (\$12,000,000) is hereby appropriated out of the special disaster relief fund to the Council of Civil Defense for disaster relief in connection with the hurricane and flood damage of August and October one thousand nine hundred fifty-five and for the reimbursement to the various departments and agencies of the Commonwealth for their participation in disaster relief activities including but not limited to materials supplies services food clothing equipment drugs and medicines channel enlargement rectification and realignment side slope paving and transportation

No payment shall be made from the appropriation herein until the various departments and agencies of the Commonwealth shall have first filed with the Council of Civil Defense sworn proofs of loss expenditures losses and damages in detailed statements

The Department of Property and Supplies and such other State agencies as the Governor may designate shall review the same and recommend to the Governor the amounts which in their opinion represent the value of the expenditures losses and damages by reason of the hurricane and floods of August and October one thousand nine hundred fifty-five Payment from said appropriation shall be made by requisition of the Council of Civil Defense in the manner provided by law

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

## YEAS—206

Adam,	Frost,	Magee,	Royer,
Agnew,	Gaffney,	Mahan,	Rubin,
Amarando,	Garlock,	Markley,	Rudisill,
Anderson, M. S.,	Gelfand,	Maxwell,	Sarraf,
Anderson, S. A.,	George,	McCann,	Scarcell,
Ashton,	Gibb,	McCormack,	Schuster,
Auker,	Gibson,	McGee,	Sherman,
Banker,	Goldstein,	McInroy,	Sigman,
Barnatovich,	Gramlich,	McKeever,	Smith, C. C.,
Bazin,	Guss,	McLaughlin,	Smith, Wm. B.,
Bell,	Greenwood,	McWherter,	Snider,
Blair,	Guthrie,	Meholchick,	Stank,
Boles,	Hamilton, R. K.,	Metz,	Stebbins,
Bonner,	Hass,	Mihm,	Steckel,
Boory,	Haudenschild,	Mikula,	Stevens,
Bower,	Heavey,	Miller,	Stevenson,
Branca,	Helm,	Mills,	Stone,
Breisch,	Henzel,	Monroe,	Stoner,
Brennan, A. P.,	Hewitt,	Moscrip,	Strausser,
Brennan, J. J.,	Hocker,	Moody,	Stroup,
Brenninger,	Holt,	Moran,	Swartz,
Breth,	Horst,	Muldowney,	Taylor,
Brown,	Houk,	Mullen,	Thomas,
Bucchin,	Isaacs,	Munley,	Thompson,
Bullen,	Jenkins,	Murphy,	Toll,
Capano,	Johnson,	Murray, H. P.,	Tompkins,
Cianfrani,	Jones, G. E.,	Murray, P. G.,	Toomey,
Cioffi,	Jones, T. H. W.,	Murray, J. J.,	Varallo,
Cochran,	Jump,	Musto,	Varnier,
Comer,	Kamyk,	Naugle,	Vaughan,
Connelly,	Kehler,	Needham,	Verona,
Cooper,	Keller,	Ogilvie,	Wall,
Curwood,	Kent,	Olsen,	Wallace,
Davis,	Kline,	O'Neil,	Walsh,
Donahue,	Knecht,	Pacchioli,	Wargo,
Donaldson,	Kolankiewicz,	Parry,	Waterhouse,



Dougherty,	Kooker,	Paulhamus,	Weldner,
Down,	Kornick,	Pashley,	Welsh,
Ehrgood,	Kratz,	Petrosky,	Wescott,
Ellberg,	Kromer,	Pettigrew,	Wheeler,
Erb,	Lafore,	Polaski,	Whitenight,
Eshleman,	Lawyer,	Polen,	Willaredt,
Ewing,	Leiby,	Pomeroy,	Williams,
Farabaugh,	Lelsey,	Price,	Wilt,
Filo,	Leonard,	Pursley,	Wood,
Fineman,	Leven,	Readinger,	Yetter,
Flint,	Light,	Reibman,	Yetzer,
Floyd,	Limper,	Reidenbach,	Young,
Flynn,	Lippincott,	Renwick,	Ziegler,
Foster,	Lopresti,	Rigby,	Andrews,
Frank,	Lovett,	Rosen,	Speaker
Frascella,	Lutty,	Rovansek,	

## NAYS—0

## NOT VOTING—1

Worley,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

## BILLS PASSED OVER

There being no objection,

House Bill No. 1957, Printer's No. 1281, and

House Bill No. 1960, Printer's No. 1279,

were passed over at the request of the SPEAKER pro tempore.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1962, as follows:

An Act amending the act of June 9, 1911 (P. L. 756) entitled "An act to provide for the health and safety of persons employed in and about the bituminous coal-mines of Pennsylvania and for the protection and preservation of property connected therewith" changing qualification requirements of candidates for the office of mine inspector and changing provisions concerning reappointment and certification of inspectors. The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Sections 3 and 4 of Article XIX act of June 9, 1911 (P. L. 756) entitled "An act to provide for the health and safety of persons employed in and about the bituminous coal-mines of Pennsylvania and for the protection and preservation of property connected therewith" amended August 19, 1953 (P. L. 1128) are amended to read

Section 3 The qualifications of candidates for the office of bituminous mine inspector shall be certified under oath to the Examining Board and shall be as follows

The candidates shall be citizens of Pennsylvania of temperate habits of good repute as men of personal integrity in good physical condition and shall be between the ages of thirty and [fifty years] fifty-five years Any inspector appointed under the provisions of the act of May 15, 1893 (P. L. 52) entitled "An act relating to bituminous coal mines and providing for the lives health safety and welfare of person employed therein" or under the provisions of this act shall be eligible for reappointment without further examination even if beyond fifty-five years of age if he served as an inspector for a period of four or more years The candidates shall have a knowledge of the different systems of working coal seams and shall have had at least ten years' practical experience in bituminous mines five years of which immediately preceding their examination shall have been in bituminous mines of this Commonwealth and shall have had practical experience with explosive gas and other dangerous gases found in coal mines and upon examination shall give evidence of such theoretical as well as practical knowl-

edge and general intelligence respecting mines and mining and the working and ventilation of mines as will satisfy the Examining Board of their capability and fitness for the duties imposed upon inspectors of mines by the provisions of this act Provided however That any candidate who has honorably served in the armed forces of the United States or any ally thereof shall be eligible to take such examination where the required continuity of practical experience has been interrupted by such military service.

Section 4 The principal examination shall be in writing and each candidate shall also undergo an oral examination pertaining to explosive gas safety lamps methods of ventilation and mine management and such other matters as the Examining Board shall deem relevant The questions and answers thereto in the oral examination shall be reported verbatim by an expert stenographer and typewritten fully to assist the board in the work of rating the qualifications of the candidates Any candidate who shall make a general average of at least ninety per centum shall be deemed successful The manuscripts and other papers of all applicants in the principal examination together with the tally sheets and the correct solution of each question as prepared by the Examining Board and also the stenographer's report of the oral examination shall be filed in the Department of Mines The names and percentages of all successful candidates who are properly qualified under the provisions of this article to fill the office of bituminous mine spector shall be certified to the Governor and the Department of Mines A certificate of qualification prepared by the Secretary of Mines shall be issued to each successful candidate A certificate so issued shall remain in force for [only] a period of four years from the date of the examination unless the holder thereof has received an appointment as bituminous mine inspector and has served as such for a period of four years in which case the certificate shall become permanent Provided That a certificate of qualification of a person honorably discharged from the armed forces of the United States or an ally thereof shall not expire until the first examination occurring more than six months following his release from military service

The Examining Board shall after the examination furnish to any candidate on request a copy of all questions (oral and written) given at the examination marked "solved right" "imperfect" or "wrong" as the case may be

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

## YEAS—206

Adam,	Frost,	Magee,	Boyer,
Agnew,	Gaffney,	Mahan,	Rubin,
Amarando,	Garlock,	Markley,	Rudisill,
Anderson, M. S.,	Gelfand,	Maxwell,	Sarra,
Anderson, S. A.,	George,	McCann,	Scarcell,
Ashton,	Gibb,	McCormack,	Schuster,
Auker,	Gibson,	McGee,	Sherman,
Banker,	Goldstein,	McInroy,	Sigman,
Barnatovich,	Gramlich,	McKeever,	Smith, C. C.,
Bazin,	Greenwood,	McLaughlin,	Smith, Wm. B.,
Bell,	Guss,	McWherter,	Snider,
Blair,	Guthrie,	Meholchick,	Stank,
Boles,	Hamilton, R. K.,	Metz,	Stebbins,
Bonner,	Hass,	Mihm,	Steckel,
Boory,	Haudenshield,	Mikula,	Stephens,
Bower,	Heavey,	Miller,	Stevenson,
Branca,	Helm,	Mills,	Stone,
Brelsich,	Henzel,	Monroe,	Stoner,
Brennan, A. P.,	Hewitt,	Moody,	Strausser,
Brennan, J. J.,	Hocker,	Moran,	Stroup,
Brenninger,	Holt,	Moscrip,	Swartz,
Breth,	Horst,	Muldowney,	Taylor,
Brown,	Houk,	Mullen,	Thomas,
Buccchin,	Isaacs,	Munley,	Thompson,
Bullen,	Jenkins,	Murphy,	Toll,
Capano,	Johnson,	Murray, H. P.,	Tompkins,
Clanfrani,	Jones, G. E.,	Murray, J. J.,	Toomey,



Cloffi,	Jones, T. H. W.,	Murray, P. G.,	Varallo,
Cochran,	Jump,	Musto,	Varner,
Comer,	Kamyk,	Naugle,	Vaughan,
Connelly,	Kehler,	Needham,	Verona,
Cooper,	Keller,	Ogilvie,	Wall,
Curwood,	Kent,	Olsen,	Wallace,
Davis,	Kline,	O'Neill,	Walsh,
Donahue,	Knecht,	Pacchioli,	Wargo,
Donaldson,	Kolankiewicz,	Parry,	Waterhouse,
Down,	Kooker,	Pashley,	Weidner,
Dougherty,	Kornick,	Paulhamus,	Welsh,
Ehrgood,	Kratz,	Petrosky,	Wescott,
Ellberg,	Kromer,	Pettigrew,	Wheeler,
Erb,	Lafore,	Polaski,	Whitenight,
Eshleman,	Lawyer,	Polen,	Willaredt,
Ewing,	Leiby,	Pomeroy,	Williams,
Farabaugh,	Lelsey,	Price,	Wilt,
Filo,	Leonard,	Pursley,	Wood,
Fineman,	Leven,	Readinger,	Yetter,
Flint,	Light,	Reibman,	Yetzer,
Floyd,	Limper,	Reidenbach,	Young,
Flynn,	Lippincott,	Renwick,	Ziegler,
Foster,	Lopresti,	Rigby,	Andrews,
Frank,	Lovett,	Rosen,	Speaker
Frascella,	Lutty,	Rovansek,	

## NAYS—0

## NOT VOTING—1

Worley,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1963, as follows:

An Act amending the act of July 1, 1937 (P. L. 2461) entitled "An act providing for the qualifications examination appointment term of office and removal of Anthracite Mine Inspectors conferring powers and imposing duties in connection therewith upon the Governor the Anthracite Mine Inspectors' Examining Board the Department of Mines and the courts and imposing penalties" making certain mine inspectors eligible for reappointment without examination

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Section 6 act of July 1, 1937 (P. L. 2461) entitled "An act providing for the qualifications examination appointment term of office and removal of Anthracite Mine Inspectors conferring powers and imposing duties in connection therewith upon the Governor the Anthracite Mine Inspectors' Examining Board the Department of Mines and the courts and imposing penalties" is amended to read:

Section 6. The anthracite mine inspectors holding office on the date this act becomes effective shall continue to serve until the expiration of their respective terms and such persons shall thereafter be eligible for reappointment as anthracite mine inspectors without examination provided they have served as anthracite mine inspectors for a period of four (4) years or longer. Any person who has served as an anthracite mine inspector for four (4) or more years shall be eligible for reappointment as mine inspector even if beyond fifty-five (55) years of age without further examination. Such reappointment shall not be governed by the provisions of section seven of this act.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

## YEAS—206

Adam,	Frost,	Magee,	Royer,
Agnew,	Gaffney,	Mahan,	Rubin,
Amarando,	Garlock,	Markley,	Rudisill,
Anderson, M. S.,	Gelfand,	Maxwell,	Sarra,
Anderson, S. A.,	George,	McCann,	Scarcell,
Ashton,	Gibb,	McCormack,	Schuster,
Auker,	Gibson,	McGee,	Sherman,
Banker,	Goldstein,	McInroy,	Sigman,
Barnatovich,	Gramlich,	McKeever,	Smith, C. C.,
Bazin,	Greenwood,	McLaughlin,	Smith, Wm. B.,
Bell,	Guss,	McWherter,	Snider,
Blair,	Guthrie,	Meholchick,	Stank,
Boles,	Hamilton, R. K.,	Metz,	Stebbins,
Bonner,	Hass,	Mihm,	Steckel,
Boory,	Haudenshield,	Mikula,	Stephens,
Bower,	Heavy,	Miller,	Stevenson,
Branca,	Helm,	Mills,	Stone,
Brelsch,	Henzel,	Monroe,	Stoner,
Brennan, A. F.,	Hewitt,	Moody,	Strausser,
Brennan, J. J.,	Hocker,	Moran,	Stroup,
Brenninger,	Holt,	Moscrip,	Swartz,
Breth,	Horst,	Muldorney,	Taylor,
Brown,	Houk,	Mullen,	Thomas,
Bucchin,	Isaacs,	Munley,	Thompson,
Bullen,	Jenkins,	Murphy,	Toll,
Capano,	Johnson,	Murray, H. P.,	Tompkins,
Cianfrani,	Jones, G. E.,	Murray, J. J.,	Toomey,
Cloffi,	Jones, T. H. W.,	Murray, P. G.,	Varallo,
Cochran,	Jump,	Musto,	Varner,
Comer,	Kamyk,	Naugle,	Vaughan,
Connelly,	Kehler,	Needham,	Verona,
Cooper,	Keller,	Ogilvie,	Wall,
Curwood,	Kent,	Olsen,	Wallace,
Davis,	Kline,	O'Neill,	Walsh,
Donahue,	Knecht,	Pacchioli,	Wargo,
Donaldson,	Kolankiewicz,	Parry,	Waterhouse,
Dougherty,	Kooker,	Pashley,	Weidner,
Down,	Kornick,	Paulhamus,	Welsh,
Ehrgood,	Kratz,	Petrosky,	Wescott,
Ellberg,	Kromer,	Pettigrew,	Wheeler,
Erb,	Lafore,	Polaski,	Whitenight,
Eshleman,	Lawyer,	Polen,	Willaredt,
Ewing,	Leiby,	Pomeroy,	Williams,
Farabaugh,	Lelsey,	Price,	Wilt,
Filo,	Leonard,	Pursley,	Wood,
Fineman,	Leven,	Readinger,	Yetter,
Flint,	Light,	Reibman,	Yetzer,
Floyd,	Limper,	Reidenbach,	Young,
Flynn,	Lippincott,	Renwick,	Ziegler,
Foster,	Lopresti,	Rigby,	Andrews,
Frank,	Lovett,	Rosen,	Speaker
Frascella,	Lutty,	Rovansek,	

## NAYS—0

## NOT VOTING—1

Worley,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1964, as follows:

An Act making the offices of constable and justice of the peace or alderman incompatible.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. It shall not be lawful for any constable to hold or exercise the office of justice of the peace or alderman.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:



## YEAS—206

Adam,	Frost,	Magee,	Royer,
Agnew,	Gaffney,	Mahan,	Rubin,
Amarando,	Garlock,	Markley,	Rudisill,
Anderson, M. S.,	Gelfand,	Maxwell,	Sarra,
Anderson, S. A.,	Gibb,	McCann,	Scarcell,
Ashton,	Gibson,	McCormack,	Schuster,
Auker,	George,	McGee,	Sherman,
Banker,	Goldstein,	McInroy,	Sigman,
Barnatovich,	Gramlich,	McKeever,	Smith, C. O.,
Bazin,	Greenwood,	McLaughlin,	Smith, Wm. B.,
Bell,	Guss,	McWherter,	Snider,
Blair,	Guthrie,	Meholchick,	Stank,
Boles,	Hamilton, R. K.,	Metz,	Stebbins,
Bonner,	Hass,	Mihm,	Steckel,
Boory,	Haudenshield,	Mikula,	Stephens,
Bower,	Heavey,	Miller,	Stevenson,
Branca,	Helm,	Mills,	Stone,
Brelschi,	Henzel,	Monroe,	Stoner,
Brennan, A. P.,	Hewitt,	Moody,	Strausser,
Brennan, J. J.,	Hocker,	Moran,	Stroup,
Brenninger,	Holt,	Moscrip,	Swartz,
Breth,	Horst,	Muldowney,	Taylor,
Brown,	Houk,	Mullen,	Thomas,
Bucchin,	Isaacs,	Munley,	Thompson,
Bullen,	Jenkins,	Murphy,	Toll,
Capano,	Johnson,	Murray, H. P.,	Tompkins,
Cianfrani,	Jones, G. E.,	Murray, J. J.,	Toomey,
Cioffi,	Jones, T. H. W.,	Murray, P. G.,	Varallo,
Cochran,	Jump,	Musto,	Varner,
Comer,	Kamyk,	Naugle,	Vaughan,
Connelly,	Kehler,	Needham,	Verona,
Cooper,	Keller,	Ogilvie,	Wall,
Curwood,	Kent,	Olsen,	Wallace,
Davis,	Kline,	O'Neill,	Walsh,
Donahue,	Knecht,	Pacchioli,	Wargo,
Donaldson,	Kolankiewicz,	Parry,	Waterhouse,
Dougherty,	Kooker,	Pashley,	Weldner,
Down,	Kornick,	Paulhamus,	Welsh,
Ehrgood,	Kratz,	Petrosky,	Wescott,
Ellberg,	Kromer,	Pettigrew,	Wheeler,
Erb,	Lafore,	Polaski,	Whitenight,
Eshleman,	Lawyer,	Polen,	Willaredt,
Ewing,	Leiby,	Pomeroy,	Williams,
Farabaugh,	Leisey,	Price,	Wilt,
Filo,	Leonard,	Pursley,	Wood,
Fineman,	Leven,	Readinger,	Yetter,
Flint,	Light,	Reibman,	Yetzer,
Floyd,	Limper,	Reidenbach,	Young,
Flynn,	Lippincott,	Renwick,	Ziegler,
Foster,	Lopresti,	Rigby,	Andrews,
Frank,	Lovett,	Rosen,	Speaker
Frascella,	Lutty,	Rovanssek,	

## NAYS—0

## NOT VOTING—1

Worley,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

## BILLS PASSED OVER

There being no objection

House Bill No. 1974, Printer's No. 1340 and

Senate Bill No. 257, Printer's No. 328

were passed over at the request of the SPEAKER pro tempore.

Agreeably to order,

The House proceeded to the third reading and consideration of Senate Bill No. 332, as follows:

An Act amending the act of May 1, 1929 (P. L. 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing

for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" authorizing the issuance of duplicate registration cards at the option of the owner and fixing the fee therefor

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 405 act of May 1, 1929 (P. L. 905) known as "The Vehicle Code" amended June 29, 1937 (P. L. 2329) is amended by adding after subsection (e) a new subsection to read

## Section 405 Registration Cards

\* \* \*

(f) The owner may at any time be issued as many duplicate registration cards as he makes application for accompanied by the fee provided in this act

\* \* \*

Section 2 Subsection (c) of section 713 of the act amended January 8, 1952 (P. L. 1859) is amended to read

## Section 713 Operators' Licenses Duplicate Registration or Operators' License Card

\* \* \*

(c) The fee for a duplicate operator's license card or a duplicate registration card in the event of a lost destroyed or illegible registration card shall be fifty (\$.50) cents The fee for each duplicate registration card in other cases shall be one (\$1) dollar

\* \* \*

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

## YEAS—206

Adam,	Frost,	Lutty,	Rovanssek,
Agnew,	Gaffney,	Magee,	Royer,
Amarando,	Garlock,	Mahan,	Rubin,
Anderson, M. S.,	Gelfand,	Markley,	Rudisill,
Anderson, S. A.,	Gibb,	Maxwell,	Sarra,
Ashton,	George,	McCann,	Scarcell,
Auker,	Gibson,	McCormack,	Schuster,
Banker,	Goldstein,	McGee,	Sherman,
Barnatovich,	Gramlich,	McInroy,	Sigman,
Bazin,	Greenwood,	McKeever,	Smith, C. O.,
Bell,	Guss,	McLaughlin,	Smith, W. B.,
Blair,	Guthrie,	McWherter,	Snider,
Boles,	Hamilton, R. K.,	Metz,	Stank,
Bonner,	Hass,	Mihm,	Stebbins,
Boory,	Haudenshield,	Mikula,	Steckel,
Bower,	Heavey,	Miller,	Stephens,
Branca,	Helm,	Mills,	Stevenson,
Brelschi,	Henzel,	Monroe,	Stone,
Breth,	Hewitt,	Moody,	Stoner,
Brennan, A. P.,	Hocker,	Moran,	Strausser,
Brennan, J. J.,	Holt,	Moscrip,	Stroup,
Brenninger,	Horst,	Muldowney,	Swartz,
Brown,	Houk,	Mullen,	Taylor,
Bucchin,	Isaacs,	Munley,	Thomas,
Bullen,	Jenkins,	Murphy,	Thompson,
Capano,	Johnson,	Murray, H. P.,	Toll,
Cianfrani,	Jones, G. E.,	Murray, J. J.,	Tompkins,
Cioffi,	Jones, T. H. W.,	Murray, P. G.,	Toomey,
Cochran,			Varallo,



Comer,	Jump,	Musto,	Varner,
Connelly,	Kamyk,	Naugle,	Vaughan,
Cooper,	Kehler,	Needham,	Verona,
Curwood,	Keller,	Ogilvie,	Wall,
Davis,	Kent,	Olsen,	Wallace,
Donahue,	Kline,	O'Neill,	Walsh,
Donaldson,	Knecht,	Pacchioli,	Wargo,
Dougherty,	Kolankiewicz,	Parry,	Waterhouse,
Down,	Kooker,	Pashley,	Weldner,
Ehrgood,	Kornick,	Paulhamus,	Welsh,
Ellberg,	Kratz,	Petrosky,	Wescott,
Erb,	Kromer,	Pettigrew,	Wheeler,
Eshleman,	Lafore,	Polaski,	Whitenight,
Ewing,	Lawyer,	Polen,	Willaredt,
Farabaugh,	Leiby,	Pomeroy,	Williams,
Filo,	Lelsey,	Price,	Wilt,
Fineman,	Leonard,	Pursley,	Wood,
Flint,	Leven,	Readinger,	Yetter,
Floyd,	Light,	Reibman,	Yetter,
Flynn,	Limper,	Reidenbach,	Young,
Foster,	Lippincott,	Renwick,	Ziegler,
Frank,	Lopresti,	Rigby,	Andrews,
Frascella,	Lovett,	Rosen,	Speaker

## NAYS—0

## NOT VOTING—1

Worley,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House of Representatives has passed the same without amendment.

## BILLS PASSED OVER

There being no objection

Senate Bill No. 383, Printer's No. 492

Senate Bill No. 524, Printer's No. 339

Senate Bill No. 530, Printer's No. 484 and

Senate Bill No. 543, Printer's No. 231

were passed over at the request of the SPEAKER pro tempore.

Agreeably to order,

The House proceeded to the third reading and consideration of Senate Bill No. 655, entitled:

An Act amending the act of December 27, 1951 (P. L. 1742) entitled as amended "An act to provide revenue by imposing a State tax relating to certain documents and transactions prescribing and regulating the method and manner of evidencing the payment of such tax conferring powers and imposing duties upon certain persons partnerships associations and corporations sheriffs recorders of deeds and the Department of Revenue saving certain State and local taxes and authorizing amendments extensions and supplement to the ordinances and resolutions relating thereto and providing penalties" exempting from the tax certain trustee and correctional deeds certain straw transactions and certain transfers to the United States the Commonwealth or their agencies instrumentalities or political subdivisions.

On the question,

Will the House agree to the bill on third reading?

Mr. SARRAF. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

Amend Section 1 (Sec. 2), page 3, line 11, by inserting after "child" "or the spouse of such child."

The SPEAKER. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

## BILL PASSED OVER

There being no objection

Senate Bill No. 697, Printer's No. 359

was passed over at the request of the SPEAKER pro tempore.

Agreeably to order,

The House proceeded to the third reading and consideration of Senate Bill No. 776, as follows:

An Act amending the act of May 16 1921 (P. L. 579) entitled as amended "An act providing for the better management of the jails or County prisons in the several counties of this Commonwealth of the third fourth and fifth classes by creating in such counties a board to be known by the name and style of inspectors of the jail or county prison with authority to appoint a warden of such prison and by vesting in said board and the officers appointed by it the safe-keeping discipline and employment of prisoners and the government and management of said jails or county prisons" giving wardens deputies and other appointees of the board powers of peace officers

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The act of May 16 1921 (P. L. 579) entitled as amended "An act providing for the better management of the jails or county prisons in the several counties of this Commonwealth of the third fourth and fifth classes by creating in such counties a board to be known by the name and style of inspectors of the jail or county prison with authority to appoint a warden of such prison and by vesting in said board and the officers appointed by it the safe-keeping discipline and employment of prisoners and the government and management of said jails or county prisons" reenacted and amended July 29 1953 (P. L. 1013) is amended by adding after section 2 a new section to read

Section 2.1 All wardens deputy wardens keepers guards turnkeys and matrons shall have and may exercise the powers of peace officers in the performance of their duties generally in guarding protecting and delivering prisoners in protecting the property and interests of the county and in capturing and returning prisoners that may have escaped

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

## YEAS—206

Adam,	Frost,	Magee,	Boyer,
Agnew,	Gaffney,	Mahan,	Rubin,
Amarando,	Garlock,	Markley,	Rudisill,
Anderson, M. S.,	Gelfand,	Maxwell,	Sarrafi,
Anderson, S. A.,	George,	McCann,	Scarcelll,
Ashton,	Gibb,	McCormack,	Schuster,
Auker,	Gibson,	McGee,	Sherman,
Banker,	Goldstein,	McInroy,	Sigman,
Barnatovich,	Gramlich,	McKeever,	Smith, C. C.,
Bazin,	Greenwood,	McLaughlin,	Smith, Wm. B.,
Bell,	Guss,	McWherter,	Snider,
Blair,	Guthrie,	Meholchick,	Stank,
Boles,	Hamilton, R. K.,	Metz,	Stebbins,



Bonner,	Hass,	Mihm,	Steckel,
Boory,	Haudenshield,	Mikula,	Stephens,
Bower,	Heavey,	Miller,	Stevenson,
Branca,	Helm,	Mills,	Stone,
Breisch,	Henzel,	Monroe,	Stoner,
Brennan, A. P.,	Hewitt,	Moody,	Strausser,
Brennan, J. J.,	Hocker,	Moran,	Stroup,
Brenninger,	Holt,	Moscrip,	Swartz,
Breth,	Horst,	Muldowney,	Taylor,
Brown,	Houk,	Mullen,	Thomas,
Bucchin,	Isaacs,	Munley,	Thompson,
Bullen,	Jenkins,	Murphy,	Toll,
Capano,	Johnson,	Murray, H. P.,	Tompkins,
Cianfrani,	Jones, G. E.,	Murray, J. J.,	Toomey,
Cioffi,	Jones, T. H. W.,	Murray, P. G.,	Varallo,
Cochran,	Jump,	Musto,	Varnier,
Comer,	Kamyk,	Naugle,	Vaughan,
Connelly,	Kehler,	Needham,	Verona,
Cooper,	Keller,	Ogilvie,	Wall,
Curwood,	Kent,	Olsen,	Wallace,
Davis,	Kline,	O'Neill,	Walsh,
Donahue,	Knecht,	Pacchioli,	Wargo,
Donaldson,	Kolankiewicz,	Parry,	Waterhouse,
Dougherty,	Kooker,	Pashley,	Weidner,
Down,	Kornick,	Paulhamus,	Welsh,
Ehrgood,	Kratz,	Petrosky,	Wescott,
Ellberg,	Kromer,	Pettigrew,	Wheeler,
Erb,	Lafore,	Polaski,	Whitenight,
Eshleman,	Lawyer,	Polen,	Willaredt,
Ewing,	Leiby,	Pomeroy,	Williams,
Farabaugh,	Leisey,	Price,	Wilt,
Filo,	Leonard,	Pursley,	Wood,
Fineman,	Leven,	Readinger,	Yetter,
Flint,	Light,	Reibman,	Yetzer,
Floyd,	Limper,	Reidenbach,	Young,
Flynn,	Lippincott,	Renwick,	Ziegler,
Foster,	Lopresti,	Rosen,	Andrews,
Frank,	Lovett,	Rovansek,	Speaker
Frascella,	Lutty,	Rigby,	

## NAYS—0

## NOT VOTING—1

Worley,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House of Representatives has passed the same without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of Senate Bill No. 852, as follows:

An Act amending the act of April 12, 1951 (P. L. 90) entitled "An act relating to alcoholic liquors alcohol and malt and brewed beverages amending revising consolidating and changing the laws relating thereto regulating and restricting the manufacture purchase sale possession consumption importation transportation furnishing holding in bond holding in storage traffic in and use of alcoholic liquors alcohol and malt and brewed beverages and the persons engaged or employed therein defining the powers and duties of the Pennsylvania Liquor Control Board providing for the establishment and operation of State liquor stores for the payment of certain license fees to the respective municipalities and townships for the abatement of certain nuisances and in certain cases for search and seizure without warrant prescribing penalties and forfeitures providing for local option and repealing existing laws" permitting holders of bonded warehouse licenses issued by the Pennsylvania Liquor Control Board to receive in bond certain liquor and alcohol for storage in bond in this Commonwealth regulating the release of such liquor and alcohol for delivery

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The act of April 12, 1951 (P. L. 90) known as the "Liquor Code" is amended by adding after section 505 a new section to read

Section 505.1 Bonded Warehouse License Privilege Restrictions Holders of bonded warehouse licenses may

(a) Receive and store in bond liquor owned by Pennsylvania licensed manufacturers and importers

(b) Receive and store in bond alcohol owned by Pennsylvania licensed manufacturers

(c) Receive and store in bond liquor owned by licensees outside this Commonwealth Such liquor shall be released from the bonded warehouse for delivery within this Commonwealth only to persons holding a liquor importer's license issued by the Pennsylvania Liquor Control Board authorizing the importation of liquor or to other storage facilities or persons outside this Commonwealth

(d) Receive and store in bond alcohol owned by licensees outside this Commonwealth Such alcohol shall be released from the bonded warehouse for delivery within this Commonwealth only to persons holding an alcohol permit issued by the Pennsylvania Liquor Control Board authorizing the importation of alcohol or to other storage facilities or persons outside this Commonwealth

All liquor and alcohol received and stored pursuant to this section shall be in original containers of ten gallons or greater capacity Liquor and alcohol placed in storage in accordance with the foregoing provisions may remain in storage notwithstanding any change in ownership

Section 2 This act shall take effect immediately

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

## YEAS—206

Adam,	Frost,	Magee,	Royer,
Agnew,	Gaffney,	Mahan,	Rubin,
Amarando,	Garlock,	Markley,	Rudisill,
Anderson, M. S.,	Gelfand,	Maxwell,	Sarra,
Anderson, S. A.,	George,	McCann,	Scarcell,
Ashton,	Gibb,	McCormack,	Schuster,
Auker,	Gibson,	McGee,	Sherman,
Banker,	Goldstein,	McInroy,	Sigman,
Barnatovich,	Gramlich,	McKeever,	Smith, C. C.,
Bazin,	Greenwood,	McLaughlin,	Smith, Wm. B.,
Bell,	Guss,	McWherter,	Snider,
Blair,	Guthrie,	Meholchick,	Stank,
Boles,	Hamilton, R. K.,	Metz,	Stebbins,
Bonner,	Hass,	Mihm,	Steckel,
Boory,	Haudenshield,	Mikula,	Stephens,
Bower,	Heavey,	Miller,	Stevenson,
Branca,	Helm,	Mills,	Stone,
Breisch,	Henzel,	Monroe,	Stoner,
Brennan, A. P.,	Hewitt,	Moody,	Strausser,
Brennan, J. J.,	Hocker,	Moran,	Stroup,
Brenninger,	Holt,	Moscrip,	Swartz,
Breth,	Horst,	Muldowney,	Taylor,
Brown,	Houk,	Mullen,	Thomas,
Bucchin,	Isaacs,	Munley,	Thompson,
Bullen,	Jenkins,	Murphy,	Toll,
Capano,	Johnson,	Murray, H. P.,	Tompkins,
Cianfrani,	Jones, G. E.,	Murray, J. J.,	Toomey,
Cioffi,	Jones, T. H. W.,	Murray, P. G.,	Varallo,
Cochran,	Jump,	Musto,	Varnier,
Comer,	Kamyk,	Naugle,	Vaughan,
Connelly,	Kehler,	Needham,	Verona,
Cooper,	Keller,	Ogilvie,	Wall,
Curwood,	Kent,	Olsen,	Wallace,
Davis,	Kline,	O'Neill,	Walsh,
Donahue,	Knecht,	Pacchioli,	Wargo,
Dougherty,	Kolankiewicz,	Parry,	Waterhouse,
Donaldson,	Kooker,	Pashley,	Weidner,
Down,	Kornick,	Paulhamus,	Welsh,
Ehrgood,	Kratz,	Petrosky,	Wescott,
Ellberg,	Kromer,	Pettigrew,	Wheeler,
Erb,	Lafore,	Polaski,	Whitenight,
Eshleman,	Lawyer,	Polen,	Willaredt,
Ewing,	Leiby,	Pomeroy,	Williams,
Farabaugh,	Leisey,	Price,	Wilt,
Filo,	Leonard,	Pursley,	Wood,
Fineman,	Leven,	Readinger,	Yetter,
Flint,	Light,	Reibman,	Yetzer,
Floyd,	Limper,	Reidenbach,	Young,
Flynn,	Lippincott,	Renwick,	Ziegler,
Foster,	Lopresti,	Rigby,	Andrews,
Frank,	Lovett,	Rosen,	Speaker
Frascella,	Lutty,	Rovansek,	



## NAYS—0

## NOT VOTING—1

Worley,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House of Representatives has passed the same without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of Senate Bill No. 867, as follows:

An Act amending the act of April 12, 1951 (P. L. 90) entitled "An act relating to alcoholic liquors alcohol and malt and brewed beverages amending revising consolidating and changing the laws relating thereto regulating and restricting the manufacture purchase sale possession consumption importation transportation furnishing holding in bond holding in storage traffic in and use of alcoholic liquors alcohol and malt and brewed beverages and the persons engaged or employed therein defining the powers and duties of the Pennsylvania Liquor Control Board providing for the establishment and operation of State liquor stores for the payment of certain license fees to the respective municipalities and townships for the abatement of certain nuisances and in certain cases for search and seizure without warrant prescribing penalties and forfeitures providing for local option and repealing existing laws" permitting the sale and possession of wine in package not bearing the official seal of the board

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Subsection (f) of section 208 subsection (d) of section 305 subsection (e) of section 409 and clause (4) of section 491 act of April 12, 1951 (P. L. 90) known as the "Liquor Code" are amended to read

Section 208 Specific Subjects on Which Board May Adopt Regulations Subject to the provisions of this act and without limiting the general power conferred by the preceding section the board may make regulations regarding

\* \* \*

(f) The sealing and labeling of liquor and alcohol sold under this act and of liquor and alcohol lawfully acquired by any person prior to January first one thousand nine hundred thirty-four This section shall not be construed to authorize the board to require that packages containing wine have affixed thereto the official seal of the board

\* \* \*

Section 305 Sales by Pennsylvania Liquor Stores \* \* \*

(d) No liquor or alcohol except wine shall be sold to any purchaser except in a package bearing the official seal of the board required by this act [which] and no package shall [not] be opened on the premises of a Pennsylvania Liquor Store No manager or other employee of the board employed in a Pennsylvania Liquor Store shall allow any liquor or alcohol to be consumed on the store premises nor shall any person consume any liquor or alcohol on such premises

\* \* \*

Section 409 Sacramental Wine Licenses Fees Privileges Restrictions

\* \* \*

(e) Any wine purchased under the authority of this section shall not be used for any other than sacramental or religious purposes Sacramental wine may not be sold by any person except the holder of a sacramental wine license [All original containers from which sacramental wine is dispensed shall bear the official seal of the board]

\* \* \*

Section 491 Unlawful Acts Relative to Liquor Alcohol and Liquor Licensees

It shall be unlawful

\* \* \*

(4) Liquor Packages Without Official Seal For any person except a manufacturer or the board or the holder [of a sacramental wine license or] of an importer's license [for a priest clergyman or rabbi who has purchased wine from the holder of a sacramental wine license] to have or keep any liquor except wine within the Commonwealth unless the package (except the decanter or other receptacle containing liquor for immediate consumption) in which the liquor is contained while containing that liquor bears the official seal of the board The use of decanters or other similar receptacles by licensees shall be permitted only in the case of wines and then only in accordance with the regulations of the board but nothing herein contained shall prohibit the manufacture and possession of wine as provided in (2) of this section

\* \* \*

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

## YEAS—202

Adam,	Frost,	Lutty,	Rovansek,
Agnew,	Gaffney,	Magee,	Royer,
Amarando,	Garlock,	Mahan,	Rubin,
Anderson, M. S.,	Gelfand,	Markley,	Rudisill,
Anderson, S. A.,	Gibb,	Maxwell,	Sarra,
Ashton,	Gibson,	McCann,	Scarcell,
Auker,	Goldstein,	McCormack,	Scherman,
Banker,	Gramlich,	McGee,	Sigman,
Barnatovich,	Greenwood,	McInroy,	Smith, C. G.,
Bazin,	Guss,	McKeever,	Smith, Wm. B.,
Bell,	Guthrie,	McLaughlin,	Snider,
Blair,	Hamilton, R. K.,	McWherter,	Stank,
Boles,	Hass,	Meholchick,	Stebbins,
Bonner,	Metz,	Milhm,	Steckel,
Boory,	Haudenshield,	Mikula,	Stephens,
Bower,	Heavey,	Miller,	Stevenson,
Branca,	Helm,	Mills,	Stone,
Brennan, A. P.,	Henzel,	Monroe,	Stoner,
Brennan, J. J.,	Hewitt,	Moody,	Strausser,
Brenninger,	Hocker,	Moran,	Swartz,
Brelsach,	Holt,	Moscrip,	Taylor,
Breth,	Horst,	Muldoney,	Thomas,
Brown,	Houk,	Mullen,	Thompson,
Bucchm,	Isaacs,	Munley,	Toll,
Bullen,	Jenkins,	Murphy,	Tompkins,
Capano,	Johnson,	Murray, H. P.,	Toomey,
Clanfrani,	Jones, G. E.,	Murray, J. J.,	Varallo,
Cloff,	Jones, T. H. W.,	Murray, P. G.,	Vanner,
Cochran,	Jump,	Musto,	Vaughan,
Comer,	Kamyk,	Naugle,	Verona,
Connelly,	Kehler,	Needham,	Wall,
Cooper,	Keller,	Ogilvie,	Wallace,
Curwood,	Kent,	Olsen,	Walsh,
Davis,	Kline,	O'Neil,	Wargo,
Donaldson,	Knecht,	Pachiolli,	Waterhouse,
Dougherty,	Kolankiewicz,	Parry,	Weldner,
Down,	Kooker,	Pashley,	Welsh,
Ehrgood,	Kornick,	Paulhamus,	Wescott,
Ellberg,	Kratz,	Petrosky,	Wheeler,
Erb,	Kromer,	Pettigrew,	Whitnight,
Eshleman,	Lafore,	Polaski,	Willaredt,
Ewing,	Lawyer,	Polen,	Williams,
Farabaugh,	Leiby,	Pomeroy,	Wilt,
Flio,	Leisey,	Price,	Wood,
Fineman,	Leonard,	Pursley,	Yetter,
Flint,	Leven,	Readinger,	Yetzer,
Floyd,	Light,	Reidenbach,	Young,
Flynn,	Limper,	Renwick,	Ziegler,
Foster,	Lippincott,	Rigby,	Andrews,
Frank,	Lopresti,	Rosen,	Speaker
Frascella,	Lovett,		

## NAYS—4

Donahue, George, Reibman, Stroup,

## NOT VOTING—1

Worley,



The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House of Representatives has passed the same without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of Senate Bill No. 881, as follows:

An Act declaring the public interest in certain historic sites and buildings and providing for certificates and markers

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 All the historic sites and buildings listed in the Report of the Joint State Government Commission of March 1949 entitled "Catalog of Historical Buildings Sites and Remains in Pennsylvania" and any other historic sites and buildings which may be designated by the Pennsylvania Historical and Museum Commission are hereby declared to be of significance and value to the history of this Commonwealth and their protection and preservation are hereby declared to be a matter of public interest

Section 2 In designating historic sites and buildings not contained in the "Catalog of Historical Buildings Sites and Remains in Pennsylvania" the Pennsylvania Historical and Museum Commission shall be guided by the standards followed by the Joint State Government Commission in preparing this report and shall consider these sites and buildings in terms of generality of historical significance uniqueness accessibility and present condition

Section 3 The Pennsylvania Historical and Museum Commission shall issue and deliver a certificate to each individual agency or organization owning or administering a historic site or building which has thus been declared to be of significance and value of the history of this Commonwealth This certificate shall state that the site or building has been designated as a historic site or building of Pennsylvania and shall give recognition to the owner or administrator for maintaining and preserving a distinctive part of Pennsylvania's historic heritage

Section 4 To distinguish these historic sites and buildings of Pennsylvania each such site or building may be marked by a suitable plaque or marker Upon the petition of the county historical society or of not less than twenty citizens of the county the board of county commissioners of each county is hereby authorized to appropriate moneys from the county funds for the purchase and placing of such plaques or markers within the county by the Pennsylvania Historical and Museum Commission The Commission shall plan and determine the size text and construction of these plaques or markers so that they will be uniformly applicable throughout the Commonwealth and not detract from the appearance of any building or site where they may be used

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

#### YEAS—206

Adam,	Frost,	Lutty,	Rovansek,
Agnew,	Gaffney,	Magee,	Royer,
Amarando,	Garlock,	Mahan,	Rubin,
Anderson, M. S.,	Gelfand,	Markley,	Rudisill,
Anderson, S. A.,	George,	Maxwell,	Sarra,
Ashton,	Gibb,	McCann,	Scarcell,
Auker,	Gibson,	McCormack,	Schuster,
Banker,	Goldstein,	McGee,	Sherman,
Barnatovich,	Gramlich,	McInroy,	Sigman,

Bazin,	Greenwood,	McKeever,	Smith, C. C.,
Bell,	Guss,	McLaughlin,	Smith, Wm. B.,
Blair,	Guthrie,	McWherter,	Snider,
Boles,	Hamilton, R. K.,	Meholchick,	Stank,
Bonner,	Hass,	Metz,	Stebbins,
Boory,	Haudenschild,	Mihm,	Steckel,
Bower,	Heavey,	Mikula,	Stephens,
Branca,	Miller,	Miller,	Stevenson,
Breisch,	Helm,	Mills,	Stone,
Brennan, A. P.,	Henzel,	Monroe,	Stoner,
Brennan, J. J.,	Hewitt,	Moody,	Strausser,
Brenninger,	Hocker,	Moran,	Stroup,
Breth,	Holt,	Moscrip,	Swartz,
Brown,	Horst,	Muldowney,	Taylor,
Bucchin,	Houk,	Mullen,	Thomas,
Bullen,	Isaacs,	Munley,	Thompson,
Capano,	Jenkins,	Murphy,	Toll,
Cianfrani,	Johnson,	Murray, H. P.,	Tompkins,
Cioffi,	Jones, G. E.,	Murray, J. J.,	Toomey,
Cochran,	Jones, T. H. W.,	Murray, P. G.,	Varallo,
Comer,	Jump,	Musto,	Varner,
Connelly,	Kamyk,	Naugle,	Vaughan,
Cooper,	Kehler,	Needham,	Verona,
Curwood,	Keller,	Ogilvie,	Wall,
Davis,	Kent,	Olsen,	Wallace,
Donahue,	Kline,	O'Neil,	Walsh,
Donaldson,	Knecht,	Pacchioli,	Wargo,
Dougherty,	Kolankiewicz,	Parry,	Waterhouse,
Down,	Kooker,	Pashley,	Weidner,
Ehrgood,	Kornick,	Paulhamus,	Welsh,
Eilberg,	Kratz,	Petrosky,	Wescott,
Erb,	Kromer,	Pettigrew,	Wheeler,
Eshleman,	Lafore,	Polaski,	Whitenight,
Ewing,	Lawyer,	Polen,	Willaredt,
Farabaugh,	Leiby,	Pomeroy,	Williams,
Filo,	Leisey,	Price,	Wilt,
Fineman,	Leonard,	Pursley,	Wood,
Flint,	Leven,	Readinger,	Yetter,
Floyd,	Light,	Reibman,	Yetter,
Flynn,	Limper,	Reidenbach,	Young,
Poster,	Lippincott,	Renwick,	Ziegler,
Frank,	Lopresti,	Rigby,	Andrews,
Frascella,	Lovett,	Rosen,	Speaker

#### NAYS—0

#### NOT VOTING—1

Worley.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House of Representatives has passed the same without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of Senate Bill No. 901, as follows:

An Act amending the act of August 9, 1955 (Act No. 130) entitled "An act relating to counties of the third fourth fifth sixth seventh and eighth classes amending revising consolidating and changing the laws relating thereto" fixing the time for the annual report by the county auditors to the court of common pleas and changing the provisions relating to the appointment of depositories of county funds

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Subsection (a) section 1721 act of August 9, 1955 (Act No. 130) known as "The County Code" is amended to read

Section 1721 Audit of Accounts by Auditors Report to Common Pleas Publications Financial Report to Department of Internal Affairs (a) The auditors shall audit settle and adjust the accounts of all county officers of the county and make an annual report thereof on or before the first Monday of [March] April to the court of common pleas unless upon due cause shown the court shall grant an extension of time therefor Said report shall be in detail showing distinctly and separately all receipts and expenditures of the several offices and all debts and accounts due and the amount raised from each source of



revenue and the expenditures in detail and classified by reference to the object thereof together with a full statement of the financial conditions of the county and a statement of the balance due from or to such county officers

\* \* \*

Section 2 Sections 1763 and 1764 of the act are repealed

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

#### YEAS—206

Adam,	Frost,	Lutty,	Rovansek,
Agnew,	Gaffney,	Magee,	Royer,
Amarando,	Garlock,	Mahan,	Rubin,
Anderson, M. S.,	Gelfand,	Markley,	Rudisill,
Anderson, S. A.,	George,	Maxwell,	Sarra,
Ashton,	Gibb,	McCann,	Scarcelll,
Auker,	Gibson,	McCormack,	Schuster,
Banker,	Goldstein,	McGee,	Sherman,
Barnatovich,	Gramlich,	McInroy,	Sigman,
Bazin,	Greenwood,	McKeever,	Smith, C. O.,
Bell,	Guss,	McLaughlin,	Smith, Wm. B.,
Blair,	Guthrie,	McWherter,	Snider,
Boles,	Hamilton, R. K.,	Meholchick,	Stank,
Bonner,	Hass,	Metz,	Stebbins,
Boory,	Haudenschild,	Mihm,	Steckel,
Bower,	Heavey,	Mikula,	Stephens,
Branca,	Helm,	Miller,	Stevenson,
Brelsich,	Henzel,	Mills,	Stone,
Brennan, A. P.,	Hewitt,	Monroe,	Stoner,
Brennan, J. J.,	Hocker,	Moody,	Strausser,
Brenninger,	Holt,	Moran,	Stroup,
Breth,	Horst,	Moscrip,	Swartz,
Brown,	Houk,	Muldowney,	Taylor,
Buechin,	Isaacs,	Mullen,	Thomas,
Bullen,	Jenkins,	Munley,	Thompson,
Capano,	Johnson,	Murphy,	Toll,
Cianfrani,	Jones, G. E.,	Murray, H. P.,	Tompkins,
Cioffi,	Jones, T. H. W.,	Murray, J. J.,	Toomey,
Cochran,	Jump,	Murray, P. G.,	Varallo,
Comer,	Kamyk,	Musto,	Varner,
Connelly,	Kehler,	Naugle,	Vaughan,
Cooper,	Keller,	Needham,	Verona,
Curwood,	Kent,	Ogilvie,	Wall,
Davis,	Kline,	Olsen,	Wallace,
Donahue,	Knecht,	O'Neil,	Walsh,
Donaldson,	Kolankiewicz,	Pacchioli,	Wargo,
Dougherty,	Kooker,	Parry,	Waterhouse,
Down,	Kornick,	Pashley,	Wiedner,
Ehrgood,	Kratz,	Paulhamus,	Weish,
Ellberg,	Kromer,	Petrosky,	Wescott,
Erb,	Lafore,	Pettigrew,	Wheeler,
Eshleman,	Lawyer,	Polaski,	Willaredt,
Ewing,	Leiby,	Polen,	Whitenight,
Farabaugh,	Lelsey,	Pomeroy,	Williams,
Filo,	Leonard,	Price,	Wilt,
Fineman,	Leven,	Puraley,	Wood,
Flint,	Light,	Readinger,	Yetter,
Floyd,	Limper,	Reibman,	Yetzer,
Flynn,	Lippincott,	Reidenbach,	Young,
Foster,	Lopresti,	Renwick,	Ziegler,
Frank,	Lovett,	Rigby,	Andrews,
Frascella,		Rosen,	Speaker

#### NAYS—0

#### NOT VOTING—1

Worley,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House of Representatives has passed the same without amendment.

#### REPORT OF COMMITTEE OF CONFERENCE ON HOUSE BILL No. 728

Mr. KOLANKIEWICZ. Mr. Speaker, I call up the report of the Committee of Conference on House Bill No. 728.

The report was read as follows:

To the Members of the Senate and House of Representatives:

We, the undersigned, Committee of Conference on the part of the Senate and House of Representatives for the purpose of considering House Bill No. 728, entitled: "An act amending the act of April 9, 1929 (P. L. 177), entitled 'An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions and officers thereof, including the boards of trustees of State Normal Schools or Teachers Colleges; \* \* \*,' authorizing the lease or grant of real estate under the jurisdiction of the Department of Forests and Waters in the City of Philadelphia for the purpose of aiding the establishment of parking services and facilities within State Park Areas situate within the city."

Respectfully submit the following bill as our report:

G. ROBERT WATKINS,  
HENRY J. PROPERT,  
ISRAEL STIEFEL,  
(Committee on the part of the Senate.)

LEON J. KOLANKIEWICZ,  
HERMAN TOLL,  
JOHN N. POMEROY, JR.,  
(Committee on the part of the House of Representatives.)

An Act amending the act of April 9, 1929 (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employees in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employees of certain departments boards and commissions shall be determined" authorizing the lease or grant of real estate under the jurisdiction of the Department of Forests and Waters in the City of Philadelphia for the purpose of aiding the establishment of parking services and facilities within State Park Areas situate within the city

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 1806 act of April 9 1929 (P L 177) known as "The Administrative Code of 1929" is amended by adding at the end thereof a new clause to read

Section 1806 Parks The Department of Forests and Waters shall have the power and its duty shall be

\* \* \*

(i) For the purpose of providing parking facilities and incidental services within the borders of any State Park Area situate in the City of Philadelphia to lease or grant by and with the written approval of the Governor any portion of any such State Park Area underground above-ground or both to the city or to any parking authority now or hereafter existing in the city pursuant to the provisions of the act of June 5 1947 (P L 458) known as the "Parking Authority Law" as the same may now or hereafter be amended if

(1) The City of Philadelphia or the parking authority agrees that the lands and interests and privileges therein shall be used by the city or parking authority or any



lessee or sub-lessee holding under either of them pursuant to any lease or sub-lease granted by the city or parking authority as may be permitted by law to promote the establishment of parking services and facilities but portions of the street level or lower floors of the parking facilities may be leased for commercial use including emergency automobile repair service and the sale by the lessee of any commodity of trade or commerce or any service except the sale of gasoline or automobile accessories and

(2) the Department with the written approval of the Governor determines that the lease or grant

(i) will aid in promoting the public safety convenience and welfare of the people of Philadelphia by aiding in the establishment of adequate parking services for the convenience of the public and otherwise promoting the public policy of the Commonwealth in authorization for the creation of parking authorities and

(ii) will not unduly interfere with the promotion of those public objects for which the State Park Area was acquired and for which it is held

Any lease or grant shall be upon the terms and conditions and for the period or periods of time the Department with the written approval of the Governor may prescribe. The Department shall execute and deliver and is empowered to receive deeds or other legal instruments necessary to effectuate any lease or grant. All deeds and instruments shall have the prior approval of the Department of Justice and a copy thereof shall be filed with the Department of Internal Affairs.

Section 2 This act shall take effect immediately

On the question,

Will the House adopt the report of the Committee of Conference?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

#### YEAS—206

Adam,	Frost,	McCann,	Royer,
Agnew,	Gaffney,	Magee,	Rubin,
Amarando,	Garlock,	Mahan,	Rudisill,
Anderson, M. S.,	Gelfand,	Markley,	Sarrar,
Anderson, S. A.,	George,	Maxwell,	Scarcelli,
Ashton,	Gibb,	McCormack,	Schuster,
Auker,	Gibson,	McGee,	Sherman,
Banker,	Goldstein,	McInroy,	Sigman,
Barnatovich,	Gramlich,	McKeever,	Smith, O. O.
Bazin,	Greenwood,	McLaughlin,	Smith, Wm. B.
Bell,	Guss,	McWhorter,	Snider,
Blair,	Guthrie,	Meholchick,	Stank,
Boles,	Hamilton, R. K.,	Metz,	Stebbins,
Bonner,	Hass,	Mihm,	Steckel,
Boory,	Haudenschild,	Mikula,	Stephens,
Bower,	Heavey,	Miller,	Stevenson,
Branca,	Helm,	Mills,	Stone,
Brelsich,	Henzel,	Monroe,	Stoner,
Brennan, A. P.,	Hewitt,	Moody,	Strausser,
Brennan, J. J.,	Hocker,	Moran,	Stroup,
Brenninger,	Holt,	Moscrip,	Swartz,
Breth,	Horst,	Muldowney,	Taylor,
Brown,	Houk,	Mullen,	Thomas,
Bucchin,	Isaacs,	Munley,	Thompson,
Bullen,	Jenkins,	Murphy,	Toll,
Capano,	Johnson,	Murray, H. P.,	Tompkins,
Cianfrani,	Jones, G. H.,	Murray, J. J.,	Toomey,
Cioffi,	Jones, T. H. W.,	Murray, P. G.,	Varallo,
Cochran,	Jump,	Musto,	Varnar,
Comar,	Kamyk,	Naugle,	Vaughan,
Connelly,	Kehler,	Needham,	Verona,
Cooper,	Keller,	Ogilvie,	Wall,
Curwood,	Kent,	Olsen,	Wallace,
Davis,	Kline,	O'Neill,	Walsh,
Donahue,	Knecht,	Pacchioli,	Wargo,
Donaldson,	Kolankiewicz,	Parry,	Waterhouse,
Dougherty,	Kooker,	Pashley,	Weldner,
Down,	Kornick,	Paulhamus,	Welsh,
Ehrgood,	Kratz,	Petrosky,	Wescott,
Ellberg,	Kromer,	Pettigrew,	Wheeler,
Erb,	Lafore,	Polaski,	Whitenight,
Eshleman,	Lawyer,	Polen,	Willaredt,
Ewing,	Leiby,	Pomeroy,	Williams,
Farabaugh,	Leisey,	Price,	Wilt,

Filo,  
Fineman,  
Flint,  
Floyd,  
Flynn,  
Foster,  
Frank,  
Frascella,

Leonard,  
Leven,  
Light,  
Limper,  
Lippincott,  
Lopresti,  
Lovett,  
Lutty,

Pursley,  
Readinger,  
Reibman,  
Reidenbach,  
Renwick,  
Rigby,  
Rosen,  
Rovansek,

Wood,  
Yetter,  
Yetzer,  
Young,  
Ziegler,  
Andrews,  
Speaker

NAYS—0

NOT VOTING—1

Worley,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the report of the Committee of Conference was adopted.

Ordered, That the Clerk inform the Senate accordingly.

#### RESOLUTION

##### COMMEMORATING BIRTHDAY OF FRANKLIN DELANO ROOSEVELT

Messrs. TOLL, LAWYER, LEVEN, WELSH, AMARANDO and KOLANKIEWICZ offered a resolution and asked and obtained unanimous consent for its immediate consideration.

The resolution was read, considered and adopted as follows:

In the House of Representatives, January 31, 1956.

Whereas, January 30th, 1956 was the 74th anniversary of the birth of Franklin D. Roosevelt; and

Whereas, the former President of the United States brought a new era of strength, courage and determination to this Country; and

Whereas, much of the liberal legislation which prevails today in this Country was originally sponsored by Franklin D. Roosevelt with courage and conviction; and

Whereas, the leadership of Franklin D. Roosevelt restored the confidence of the American people in their heritage and in their future; therefore be it

Resolved, that the House of Representatives pay special tribute to the late Franklin Delano Roosevelt on his 74th birthday anniversary as of yesterday, January 30th, 1956 because he fully deserves to be enshrined in the hearts of the American people forever.

#### REPORTS FROM COMMITTEE

Mr. Thomas H. W. JONES from the Committee on Judiciary, reported as amended, House Bill No. 1498, entitled:

An Act regulating advertising relative to the sale or offering for sale of merchandise, commodities and service; and providing for injunctive action against the violators thereof.

Mr. WOOD from the Committee on Appropriations, reported as amended, House Bill No. 1756, entitled:

An Act amending the "Public School Employees Retirement Law" of July 18, 1917 (P. L. 1043) \* \* \* extending the time for employees of the Department of Health engaged as teachers to withdraw from the retirement system and receive reimbursement for moneys paid in; and validating past membership.

Mr. Wood from the Committee on Appropriations, reported as amended, House Bill No. 1757, entitled:

An Act amending the "State Employees' Retirement Law," approved June 27, 1923 (P. L. 858) \* \* \* specifically including employees of the Department of Health engaged as teachers in the definition of "State employee," \* \* \*



Mr. SARRAF from the Committee on Appropriations, reported as committed, House Bill No. 1854, entitled:

An Act making an appropriation to the Department of Welfare for the maintenance of certain homes.

Mr. SNIDER from the Committee on Appropriations, reported as committed, House Bill No. 1975, entitled:

An Act making an appropriation to the Department of Property and Supplies to be used for rehabilitating and reinscribing Chief Cornplanter's monument.

Mr. VARNER from the Committee on Townships, reported as amended, Senate Bill No. 797, entitled:

An Act amending "The First Class Township Code" \* \* \* requiring entrance of bond in appeals from board of adjustment rulings affecting zoning regulations.

Mr. COCHRAN from the Committee on Appropriations, re-reported as amended, House Bill No. 1226, entitled:

An Act requiring the State Treasurer and other State officials to deduct the tax imposed by any first class city upon salaries wages and other compensation paid to officers and employes of the Commonwealth residing within that city and to make a return and remit the tax so deducted to the Revenue Commissioner of the city.

### BILLS INTRODUCED AND REFERRED

The SPEAKER pro tempore. The Speaker has referred the following bills:

By Mr. MULDOWNEY. HOUSE BILL No. 1997.

An Act making an appropriation to the State Athletic Commission for defraying expenses of Pennsylvania resident athletes participating in the 1956 Olympic games.

Referred to the Committee on Appropriations.

By Mr. MULDOWNEY. HOUSE BILL No. 1998.

An Act amending the act of June 24, 1939 (P. L. 872) entitled "An act to consolidate, amend and revise the penal laws of the Commonwealth," requiring employers to pay employes within seven days after their wages are due and payable.

Referred to the Committee on Labor Relations.

By Messrs. GOLDSTEIN and SARRAF.

HOUSE BILL No. 1999.

An Act amending the act of June 20, 1947 (P. L. 745) entitled "An act to provide revenue for school districts of the first class by imposing a temporary mercantile license tax on persons engaging in certain occupations and businesses therein; providing for its levy and collection; for the issuance of mercantile licenses upon the payment of fees therefor; conferring and imposing powers and duties on boards of public education receivers of school taxes and school treasurers in such districts; saving certain ordinances of council of certain cities, and providing compensation for certain officers and employes and imposing penalties," providing for the taxation of cooperatives, fixing a period of limitations for making assessments and for beginning suits for collection of unpaid taxes and reducing the penalty on unpaid taxes.

Referred to the Committee on Education.

By Messrs. GOLDSTEIN and SARRAF.

HOUSE BILL No. 2000.

An Act amending the act of June 20, 1947 (P. L. 745), entitled "An act to provide revenue for school districts of the first class by imposing a temporary mercantile license

tax on persons engaging in certain occupations and businesses therein; providing for its levy and collection; for the issuance of mercantile licenses upon the payment of fees therefor; conferring and imposing powers and duties on boards of public education, receivers of school taxes and school treasurers in such districts; saving certain ordinances of council of certain cities, and providing compensation for certain officers, and employes and imposing penalties," providing for the taxation of cooperatives.

Referred to the Committee on Education.

By Messrs. GOLDSTEIN and SARRAF.

HOUSE BILL No. 2001.

An Act amending the act of June 20, 1947 (P. L. 745), entitled "An act to provide revenue for school districts of the first class by imposing a temporary mercantile license tax on persons engaging in certain occupations and businesses therein; providing for its levy and collection; for the issuance of mercantile licenses upon the payment of fees therefor; conferring and imposing powers and duties on boards of public education, receivers of school taxes and school treasurers in such districts; saving certain ordinances of council of certain cities, and providing compensation for certain officers, and employes and imposing penalties," fixing a period of limitations for making assessments and for beginning suits for collection of unpaid taxes and reducing the penalty on unpaid taxes.

Referred to the Committee on Education.

By Mr. BONNER.

HOUSE BILL No. 2002.

An Act providing for the establishment of a hospitalization insurance system for residents of Pennsylvania; providing for its administration by the Department of Revenue and the payment of premiums.

Referred to the Committee on Rules.

By Messrs. JOHN J. MURRAY and JENKINS.

HOUSE BILL No. 2003.

An Act amending the act of May 1, 1929 (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims, registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," further regulating the issuance of certificates of inspection and prescribing penalties.

Referred to the Committee on Motor Vehicles.

By Messrs. JOHN J. MURRAY and JENKINS.

HOUSE BILL No. 2004.

An Act amending the act of May 1, 1929 (P. L. 905) entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling,



including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," changing gross weights allowed for commercial vehicles.

Referred to the Committee on Motor Vehicles.

By Messrs. FRANK and FLINT.

#### HOUSE BILL No. 2005.

An Act amending the act of May 1, 1929 (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," providing for probationary operators' licenses for certain minors.

Referred to the Committee on Motor Vehicles.

### SENATE MESSAGE

#### SENATE BILLS FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence, bills numbered and entitled as follows:

#### SENATE BILL No. 26.

An Act authorizing the Departments of Highways with the approval of the Governor to erect and construct a toll bridge over the Monongahela River connecting the State highway system in Washington County with the system of State highways in Fayette County and to provide the necessary approaches and connections with such State highways empowering counties to pay certain damages providing for the collection of tolls and making an appropriation.

Referred to the Committee on Highways.

#### SENATE BILL No. 843.

An Act amending the "Borough Rural State Highway Law" of June 1, 1933 (P. L. 1172) entitled "Borough Rural State Highway Law" adding a new route in the Borough of Coudersport.

Referred to the Committee on Highways.

#### SENATE BILL No. 866.

An Act to further amend section nine hundred two of "The Vehicle Code" approved the first day of May one thousand nine hundred twenty-nine (P. L. 905) \* \* \* by changing the total maximum length of certain vehicles.

Referred to the Committee on Motor Vehicles.

#### SENATE BILL No. 905.

An Act authorizing the Department of Property and Supplies to acquire by gift ninety-three acres more or less of land with buildings thereon in the City of Pittsburgh Allegheny County for maintenance by the Department of Health as a sanatorium or hospital for the reception and treatment of indigent persons affected with tuberculosis and making an appropriation.

Referred to the Committee on State Government.

#### SENATE BILL No. 916.

An Act authorizing the Pennsylvania Historical and Museum Commission to make a study of appropriate ways and methods for developing and promoting the historical interest of Philadelphia and vicinity and specifically for developing a "colonial compound" in Germantown.

Referred to the Committee on State Government.

### RESOLUTIONS INTRODUCED AND REFERRED

By Messrs. TOLL, LEVEN, WELSH, AMARANDO and GRANVILLE E. JONES. RESOLUTION No. 149.

#### RESOLUTION

Advocating United States' efforts to Secure Permanent Peace in Middle East

In the House of Representatives, January 31, 1956.

Whereas, former President Truman and Mrs. Eleanor Roosevelt issued a joint statement containing the following plea to the United States Government on January 28, 1956:

1. "It is for the United States to restate and implement its basic principles in such a way that there can be no uncertainty as to where it stands."

"The cynical invitation to an arms race, the spreading of confusion and the exciting of mutual fear and hostility by the shipment of Communist arms to Egypt can be offset only by the clarification of our position, persistent efforts towards mutual confidence and our active efforts toward achieving peace.

"We must counteract every attempt by the Soviet Union to upset the present precarious balance of power in this area. This requires that the United States should now provide the defensive arms needed by Israel to protect itself against any aggression made possible or incited by the introduction of Communist arms."

2. "The threat to peace in the Middle East is a threat to world peace." "Border clashes with increasing frequency may at any time erupt into war which may spread far beyond the Middle East.

"The problems which have arisen between the Arab states and Israel, difficult though they are, can be solved, given good will and the sincere desire for peace," and

Whereas, the plea is timely in that it coincides with the visit of Prime Minister Eden of England to the United States; therefore be it

Resolved; that the recommendation of our senior citizens Truman and Roosevelt be adopted and followed by the United States Government and that copies of this Resolution be transmitted to the President of the United States, the Secretary of State and the Foreign Relations Committees of the United States, Senate and House of Representatives.

Referred to the Committee on Rules.



By Mr. HASS.

RESOLUTION No. 150.

In the House of Representatives, January 31, 1956.

Resolved, That the Department of Highways is urged and requested to erect and maintain a toll bridge over the Susquehanna River from a point between Safe Harbor, and Holtwood, in Lancaster County, to a point on the opposite side of the river, in York County, in accordance with the authority granted to the department by the act of January 14, 1952 (P. L. 2046).

Referred to the Committee on Rules.

## SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR  
CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 756.

An Act amending the act of May 1 1929 (P. L. 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon providing for the disposition of fines forfeitures fees and owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties miscellaneous receipts making an appropriation and providing for refunds" changing the requirements regarding use of different types of danger and caution signals and eliminating penalty provision

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.  
The Clerk read the amendments as follows:

Amend Title, page 2, line 13, by inserting after the word "signals" the following: "and eliminating penalty provision";

Amend Section 1, page 4, line 4, by inserting after the word "flares" the words "or other type flares"; line 6, by inserting after the second word "signals" the words "or flares" and striking out after the words "or flares" the words "giving a red light and"; line 7, by striking out after the word "a" the word "red"; line 12, by inserting after the word "district" the following: "and the equipment specified by this subsection shall" and striking out the word "not" and inserting the following: "be made a requirement for the official inspection provided for in section 823 of this act"; page 7 line 12, by inserting after the word "fusee" the word "flare";

Amend Section 2, page 8, line 14, by striking out after the word "effect" the words "November 1 1955" and inserting in lieu thereof the words "May 1 1956."

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—206

Adam,	Frost,	Lutty,	Rovansek,
Agnew,	Gaffney,	Magee,	Royer,
Amarando,	Garlock,	Mahan,	Rubin,
Anderson, M. S.,	Gelfand,	Markley,	Rudisall,
Anderson, S. A.,	George,	Maxwell,	Sarra,
Ashton,	Gibb,	McCann,	Scarcell,
Auker,	Gibson,	McCormack,	Schuster,
Banker,	Goldstein,	McGee,	Sherman,
Barnatovich,	Gramlich,	McInroy,	Sigman,
Bazin,	Greenwood,	McKeever,	Smith, O. C.,
Bell,	Guss,	McLaughlin,	Smith, Wm. B.,
Blair,	Guthrie,	McWherter,	Snider,
Boles,	Hamilton, R. K.,	Meholchick,	Stank,
Bonner,	Hass,	Metz,	Stebbins,
Boory,	Haudenshield,	Mihm,	Steckel,
Bower,	Heavey,	Mikula,	Stephens,
Branca,	Helm,	Miller,	Stevenson,
Breisch,	Henzel,	Mills,	Stone,
Brennan, A. P.,	Hewitt,	Monroe,	Stoner,
Brennan, J. J.,	Hocker,	Moody,	Strausser,
Brenninger,	Holt,	Moran,	Stroup,
Breth,	Houk,	Moscrip,	Swartz,
Brown,	Horst,	Muldowney,	Taylor,
Buechin,	Isaacs,	Mullen,	Thomas,
Bullen,	Jenkins,	Munley,	Thompson,
Capano,	Johnson,	Murphy,	Toll,
Cianfrani,	Jones, G. E.,	Murray, H. P.,	Tompkins,
Ciom,	Jones, T. H. W.,	Murray, J. J.,	Toomey,
Cochran,	Jump,	Murray, P. G.,	Varallo,
Comer,	Kamyk,	Musto,	Varnier,
Connelly,	Kehler,	Nagle,	Vaughan,
Cooper,	Keller,	Needham,	Verona,
Curwood,	Kent,	Ogilvie,	Wall,
Davis,	Kline,	Olsen,	Wallace,
Donahue,	Knecht,	O'Neil,	Walsh,
Donaldson,	Kolankiewicz,	Pacchioli,	Wargo,
Dougherty,	Kooker,	Parry,	Waterhouse,
Down,	Kornick,	Pashley,	Weidner,
Ehrgood,	Kratz,	Paulhamus,	Welsh,
Ellberg,	Kromer,	Petrosky,	Wescott,
Erb,	Lafore,	Pettigrew,	Wheeler,
Eshleman,	Lawyer,	Polaski,	Whitnigh,
Ewing,	Leiby,	Polen,	Willard,
Farabaugh,	Leisey,	Pomeroy,	Williams,
Filo,	Leonard,	Price,	Wilt,
Fineman,	Leven,	Pursley,	Wood,
Flint,	Light,	Readinger,	Yetter,
Floyd,	Limper,	Reibman,	Yetzer,
Flynn,	Lippincott,	Reidenbach,	Young,
Foster,	Lopresti,	Renwick,	Ziegler,
Frank,	Lovett,	Rigby,	Andrews,
Frascella,		Rosen,	Speaker

NAYS—0

NOT VOTING—1

Worley.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

## PERMISSION TO ADDRESS HOUSE

Mr. FRANK asked and obtained unanimous consent to address the House.

Mr. Speaker, for the purpose of the record and in reply to references of the gentleman on the other side of the House as to the permanent allocation setup in this bill, in the morning paper, if you ever take notice in the corner here, they always have a "Food for Thought," or they always mention something about, for instance this morning's is, "Good Morning if you don't have your driver's license by midnight, better take a cab or bus."

Now, I have a thought that I would like to read some-



thing worthwhile thinking about. I read in the paper the other week, that the State of New Jersey reported for the year of 1955, the skillo or bingo gross receipts were \$18,500,000. Believe me, that could buy and awful lot of pencils in the state of Pennsylvania.

I do hope that the committee that has that bill will consider exactly what I am telling you—\$18,500,000.

#### ADJOURNMENT

Mr. ROYER. Mr. Speaker, I move that this House do now adjourn until Wednesday, February 1, 1956 at 10:00 a.m.

The motion was agreed to, and (at 4:01 p.m.) the House adjourned.



# Legislative Journal.

Session 1955.

141st of the General Assembly.

Vol. 34.

HARRISBURG, PA., WEDNESDAY, FEBRUARY 1, 1956.

No. 133.

## HOUSE OF REPRESENTATIVES

WEDNESDAY, February 1, 1956.

The House met at 10:00 a. m.

The CHIEF CLERK. The Chief Clerk has been directed by the Speaker to announce to the House that he has appointed the gentleman from Columbia, Mr. Strausser, to preside during today's session.

Mr. STRAUSSER IN THE CHAIR.

### JOURNAL APPROVAL POSTPONED

The SPEAKER pro tempore. If there is no objection, the approval of the Journal for Tuesday, January 31, 1956, will be postponed until printed. The Chair hears none.

### COMMUNICATIONS FROM GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

#### APPROVAL OF HOUSE BILLS Nos. 874, 1621 and 1622

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, January 31, 1956.  
To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 874, Printer's No. 1218, entitled "An Act amending the act of June 24, 1931 (P. L. 1206) entitled 'An act concerning townships of the first class amending revising consolidating and changing the law relating thereto' increasing millage of annual tax for general township purposes."

GEORGE M. LEADER.

January 31, 1956.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 1621, Printer's No. 1275, entitled "An Act amending the act of August 9, 1955 (P. L. ) (Act No. 130) entitled 'An act relating to counties of the third fourth fifth sixth seventh and eighth classes amending revising consolidating and changing the laws relating thereto' authorizing collection of data concerning deceased veterans of armed conflicts authorizing the erection of monuments for veterans of armed conflicts."

GEORGE M. LEADER.

January 31, 1956.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day

approved and signed House Bill No. 1622, Printer's No. 1274, entitled "An Act amending the act of August 9, 1955 (P. L. ) (Act No. 130), entitled 'An act relating to counties of the third fourth fifth sixth seventh and eighth classes amending revising consolidating and changing the laws relating thereto' extending the definition of 'deceased service persons' to include service personnel serving in an armed conflict."

GEORGE M. LEADER.

### REPORT FROM COMMITTEE

Mr. READINGER from the Committee on Rules, reported as committed, House Resolution No. 146.

### BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 49, entitled:

An Act amending the "Child Labor Law" of May 13, 1915 (P. L. 286) entitled "An act to provide for the health safety and welfare of minors \* \* \*" authorizing minors to appear in entertainment performances under certain circumstances.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1163, entitled:

An Act amending the "Dog Law of 1921" approved May 11, 1921 (P. L. 522) requiring identifying initial on license tags issued to kennels.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1296, entitled:

An Act creating a court of record in each judicial district except the first and fifth districts to be known as "The Domestic Relations Court" defining the powers of the said court with respect to the care guidance control trial placement and commitment of certain delinquent and neglected children \* \* \*.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1498, entitled:

An act regulating advertising relative to the sale or offering for sale of merchandise commodities and service



and providing for injunctive action against the violators thereof.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,  
The House proceeded to the first reading and consideration of House Bill No. 1756, entitled:

An Act amending the "Public School Employees Retirement Law" of July 18, 1917 (P. L. 1043) \* \* \* extending the time for employees of the Department of Health engaged as teachers to withdraw from the retirement system and receive reimbursement for moneys paid in and validating past membership.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,  
The House proceeded to the first reading and consideration of House Bill No. 1757, entitled:

An Act amending the "State Employees' Retirement Law" approved June 27, 1923 (P. L. 858) \* \* \* specifically including employees of the Department of Health engaged as teachers in the definition of "State employee" \* \* \*.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,  
The House proceeded to the first reading and consideration of House Bill No. 1770, entitled:

An Act amending "The Penal Code" approved June 24, 1939 (P. L. 872) regulating the energizing of fence wires with electricity.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,  
The House proceeded to the first reading and consideration of House Bill No. 1854, entitled:

An Act making an appropriation to the Department of Welfare for the maintenance of certain homes.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,  
The House proceeded to the first reading and consideration of House Bill No. 1859, entitled:

An Act amending the "Unemployment Compensation Law" approved December 5, 1936 (1937 P. L. 2897) making a further exception to ineligibility for compensation.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,  
The House proceeded to the first reading and consideration of House Bill No. 1886, entitled:

An Act to amend section two hundred one of the "Fiduciaries Act of 1949" approved the eighteenth day of April one thousand nine hundred forty-nine (P. L. 512) entitled "An act relating to the administration and distribution of decedents' estates trust estates minors' estates and absentees' estates both as to real and personal property and the procedure relating thereto \* \* \*" by changing

the amount of wages on salary which an employer may pay to a deceased employee's spouse or other certain persons whether or not a personal representative has been appointed.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,  
The House proceeded to the first reading and consideration of House Bill No. 1928, entitled:

An Act amending the "Ice Cream Law" approved May 20, 1949 (P. L. 1594) \* \* \* extending its provisions to ice milk and ice milk confections and conferring additional powers and duties on the Department of Agriculture changing labeling requirements and regulating sales of packaged ice milk.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,  
The House proceeded to the first reading and consideration of House Bill No. 1975, entitled:

An Act making an appropriation to the Department of Property and Supplies to be used for rehabilitating and reinscribing Chief Cornplanter's monument.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,  
The House proceeded to the first reading and consideration of House Bill No. 1977, entitled:

An Act regulating the sale and distribution of mixed fertilizers and fertilizer materials imposing powers and duties on the Secretary of Agriculture and prescribing penalties.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,  
The House proceeded to the first reading and consideration of Senate Bill No. 688, entitled:

An Act amending the "Fiduciaries Investment Act of 1949" \* \* \* by making further provision respecting the qualification of common stock for investment where there is a predecessor or constituent corporation and by changing the requirements of an interest bearing deposit.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,  
The House proceeded to the first reading and consideration of Senate Bill No. 698, entitled:

An Act amending the "Banking Code" \* \* \* further providing for authorized investments of savings banks.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,  
The House proceeded to the first reading and consideration of Senate Bill No. 797, entitled:

An Act amending "The First Class Township Code" \* \* \* requiring entrance of bond in appeals from board of adjustment rulings affecting zoning regulations.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.



## BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of Senate Bill No. 235, entitled:

An Act amending "The Pennsylvania Occupational Disease Act" \* \* \* by including tuberculosis within the meaning of the term occupational disease in the occupation of nursing

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate Bill No. 646, entitled:

An Act amending "The Pennsylvania Occupational Disease Act" \* \* \* entitling certain unemployed persons to benefits and fixing minimum compensation payments

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate Bill No. 830, entitled:

An Act amending the "Fourth to Eighth Class County Assessment Law \* \* \*" requiring notice of certain changes in property valuations be given to political subdivisions in which the properties are located

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate Bill No. 831, entitled:

An Act amending the "Fourth to Eighth Class County Assessment Law \* \* \*" requiring notice of certain changes in property valuations be given to political subdivisions in which the properties are located

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate Bill No. 832, entitled:

An Act amending "The General County Assessment Law approved May 22, 1933 (P. L. 853) \* \* \*" requiring notice of certain changes in property valuations be given to political subdivisions in which the properties are located

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

## BILLS ON FINAL PASSAGE

## BILLS PASSED OVER

There being no objection

House Bill No. 68, Printer's No. 1302

Senate Bill No. 655, Printer's No. 498, and

House Bill No. 667, Printer's No. 1256

were passed over at the request of the SPEAKER pro tempore.

## BILLS ON THIRD READING

## BILLS PASSED OVER

There being no objection

House Bill No. 231, Printer's No. 1318

House Bill No. 776, Printer's No. 1300

House Bill No. 821, Printer's No. 1321

House Bill No. 1176, Printer's No. 1352

House Bill No. 1226, Printer's No. 1353

House Bill No. 1385, Printer's No. 1324, and

House Bill No. 1545, Printer's No. 939

were passed over at the request of the SPEAKER pro tempore.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1546, as follows:

An Act relating to and providing for the promotion and development of a Statewide recreation program in the Commonwealth conferring powers and duties upon the Department of Recreation

On the question,

Will the House agree to the bill on third reading?

Mr. READINGER. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

Amend page 5, lines 2 to 9, by striking out all of said lines.

Amend Section 8, page 5, line 10, by striking out "8" and inserting "6."

The SPEAKER. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

## BILLS PASSED OVER

The SPEAKER pro tempore. Without objection, all other bills on the third reading calendar will be passed over. The Chair hears none.

## COMMUNICATION AND BILL TAKEN FROM TABLE

Mr. READINGER. Mr. Speaker, I move that House Bill No. 53, Printer's No. 1307 together with the communication from the Senate be taken from the table.

The motion was agreed to.

## SENATE MESSAGE

## AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:



## HOUSE BILL No. 53.

An Act amending the act of May one one thousand nine hundred twenty-nine (P. L. 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" prohibiting throwing of certain material from motor vehicles

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments. The Clerk read the amendments as follows:

Amend Section 1, page 2, line 4, by striking out after the word "No" the words "owner or operator" and inserting in lieu thereof the word "person"; page 3, line 1, by striking out after the word "any" the word "missile"; by striking out after the word "glass" the word "paper" and inserting in lieu thereof the word "or"; line 2, by striking out after the word "boxes" the following: "or any other type of debris or trash."

On the question,

Will the House concur in the amendments made by the Senate?

Mr. READINGER. Mr. Speaker, I request that the House concur in the amendments made by the Senate.

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

## YEAS—207

Adam,	Frost,	Magee,	Royer,
Agnew,	Gaffney,	Mahan,	Rubin,
Amarando,	Garlock,	Markley,	Rudisill,
Anderson, M. S.,	Gelfand,	Maxwell,	Sarraf,
Anderson, S. A.,	Gibb,	McCann,	Scarcelli,
Ashton,	Gibson,	McCormack,	Schuster,
Auker,	George,	McGee,	Sherman,
Banker,	Goldstein,	McInroy,	Sigman,
Barnatovich,	Gramlich,	McKeever,	Smith, C. C.,
Bazin,	Greenwood,	McLaughlin,	Smith, Wm. B.,
Bell,	Guss,	McWherter,	Snider,
Blair,	Guthrie,	Meholchick,	Stank,
Boles,	Hamilton, R. K.,	Metz,	Stebbins,
Bonner,	Hass,	Mihm,	Steckel,
Boory,	Haudenshield,	Mikula,	Stephens,
Bower,	Heavey,	Miller,	Stevenson,
Brance,	Helm,	Millis,	Stone,
Brelsch,	Henzel,	Monroe,	Stoner,
Brennan, A. P.,	Hewitt,	Moody,	Strausser,
Brennan, J. J.,	Hocker,	Moran,	Stroup,
Brenninger,	Holt,	Moscrip,	Swartz,
Breth,	Horst,	Muldowney,	Taylor,
Brown,	Houk,	Mullen,	Thomas,
Bucchin,	Isaacs,	Munley,	Thompson,
Bullen,	Jenkins,	Murphy,	Toll,
Capano,	Johnson,	Murray, H. P.,	Tompkins,
Cianfrani,	Jones, G. E.,	Murray, J. J.,	Toomey,
Cioffi,	Jones, T. H. W.,	Murray, P. G.,	Varallo,
Cochran,	Jump,	Musto,	Vaughan,
Comer,	Kamyk,	Naugle,	Varner,

Connelly,	Kehler,	Needham,	Verona,
Cooper,	Keller,	Ogilvie,	Wall,
Curwood,	Kent,	Olsen,	Wallace,
Davis,	Kline,	O'Neill,	Walsh,
Donahue,	Knecht,	Pacchioll,	Wargo,
Donaldson,	Kolankiewicz,	Parry,	Waterhouse,
Dougherty,	Kooker,	Pashley,	Weidner,
Down,	Kornick,	Paulhamus,	Welsh,
Ehrgood,	Kratz,	Petrosky,	Wescott,
Ellberg,	Kromer,	Pettigrew,	Wheeler,
Erb,	Lafore,	Polaski,	Whitenight,
Eshleman,	Lawyer,	Polen,	Willaredt,
Ewing,	Leiby,	Pomeroy,	Williams,
Farabaugh,	Leisey,	Price,	Wilt,
Filo,	Leonard,	Pursley,	Wood,
Fineman,	Leven,	Readinger,	Worley,
Flint,	Light,	Reibman,	Yetter,
Floyd,	Limper,	Reidenbach,	Yetzer,
Flynn,	Lippincott,	Renwick,	Young,
Poster,	Lopresti,	Rigby,	Ziegler,
Frank,	Lovett,	Rosen,	Andrews,
Frascella,	Lutty,	Rovansek,	Speaker

NAYS—0

NOT VOTING—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

### COMMUNICATION AND BILL TAKEN FROM TABLE

Mr. READINGER. Mr. Speaker, I move that House Bill No. 1361, Printer's No. 1135, together with the communication from the Senate be taken from the table.

The motion was agreed to.

### SENATE MESSAGE

#### AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

#### HOUSE BILL No. 1361.

An Act authorizing the creation of regional planning commissions by counties cities boroughs towns or townships authorizing interstate participation in regional planning under certain conditions and conferring powers and imposing duties on regional planning commissions

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend Article 11, page 3, line 1, by striking out after the word "regions" the following: and in recognition of the need for procedures which will provide foresight and coordination in determining the nature location and extent of the uses of land and the structures upon it including among other things adequate provision for traffic the promotion of safety from fire and other dangers adequate provisions for light and air the promotion of the healthful and convenience distribution and density of population the promotion of good civic design efficiency and economy in the expenditure of public funds and the adequate provision of public utilities and other public improvements; page 3, line 19, by striking out after the word "bodies" the word "The" and inserting in lieu thereof the following: "A majority of the"; page 4, line 13, by striking out after the word "any" the words "officers or"; page 4, line 18, by inserting after the word "may" the following: "with the consent of the Legislative



bodies"; page 5, line 1, by striking out after the word "governments" the following: "or from individuals corporations or foundations"; page 5, by striking out all of line 17, as follows: "government or any of its agencies or made available from any other source public or private" and inserting in lieu thereof the following: "or state governments or any of their agencies"; page 5, line 20, by inserting after the word "Federal" the words "or state"; page 6, by striking out all of lines 7 to 13 inclusive, as follows: Section 205 Delegated Powers of Regional Planning Commission The legislative body of any political subdivision except any city of the first class which is governed by a Home Rule Charter may delegate to the regional planning commission by ordinance or resolution any or all of the powers and duties of the local planning commission of the political subdivision with respect to the territory of the political subdivision; page 6, line 13, by striking out after the word "Section" the figures "206" and inserting in lieu thereof the figures "205"; line 18, by inserting after the word "subdivisions" the word "and"; line 18, by striking out after the word "officials" the words "and all quasi public agencies"; page 7, line 3, by striking out after the word "Section" the figures "207" and inserting in lieu thereof the figures "206"; line 14, by striking out after the word "Section" the figures "208" and inserting in lieu thereof the figures "207"; line 18, by striking out after the word "Section"

the figures "209" and inserting in lieu thereof the figures "208."

On the question,

Will the House concur in the amendments made by the Senate?

Mr. READINGER. Mr. Speaker, I move that the House do non-concur in the amendments made by the Senate. The motion was agreed to.

Ordered, That the Clerk inform the Senate accordingly.

### RESOLUTION

Mr. READINGER offered a resolution which was filed with the Clerk under the Rules.

### ADJOURNMENT

Mr. HOCKER. Mr. Speaker, I move that this House do now adjourn until Monday, February 6, 1956 at 1:00 p. m.

The motion was agreed to, and (at 11:01 a. m.) the House adjourned.







# Legislative Journal.

Session 1955.

141st of the General Assembly.

Vol. 34.

HARRISBURG, PA., MONDAY, FEBRUARY 6, 1956.

No. 134.

## SENATE

MONDAY, February 6, 1956.

The Senate met at 1:00 o'clock, p. m., Eastern Standard Time.

The PRESIDING OFFICER (Rowland B. Mahany) in the Chair.

### PRAYER

In the absence of the Chaplain, the following prayer was offered by the gentleman from Lancaster, Mr. KESSLER.

O Lord, our Lord, how excellent is Thy Name in all the earth. In Thee do we put our trust.

Lead us in the paths of righteousness and make Thy way straight before our faces. Lord God of Hosts, be with us yet, lest we forget, lest we forget, Amen.

### JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. FLEMING and Mr. BLASS, further reading was dispensed with, and the Journal was approved.

### LEAVES OF ABSENCE

Mr. FLEMING asked and obtained leave of absence for Mr. SCOTT, for today and tomorrow's Session, due to a death in the family.

He also asked and obtained leave of absence for Mr. WATSON, due to illness.

He also asked and obtained leave of absence for Mr. DERK, due to illness.

### NOMINATIONS BY THE GOVERNOR REFERRED TO COMMITTEE

The Secretary to the Governor being introduced, presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Executive Nominations:

### MEMBERS OF BOARD OF TRUSTEES OF EASTERN PENNSYLVANIA PSYCHIATRIC INSTITUTE

Commonwealth of Pennsylvania,

Governor's Office, Harrisburg, February 6, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as members of the Board of Trustees of Eastern Pennsylvania Psychiatric Institute:

Dr. George A. Bennett, Dean, Jefferson Medical College and Medical Center, 1025 Walnut Street, Philadelphia, Philadelphia County, to serve until May 13, 1957, and until his successor shall have been appointed and qualified, vice Dr. Hayward R. Hamrick, Philadelphia, resigned.

Dr. William W. Tomlinson, Vice-President, Temple University, Philadelphia 22, Philadelphia County, to serve until May 13, 1957, and until his successor shall have been appointed and qualified. (Reappointment)

Hon. James C. Crumlish, Common Pleas Court No. 7, 481 City Hall, Philadelphia, Philadelphia County, to serve until May 13, 1959, and until his successor shall have been appointed and qualified, vice Dr. Charles L. Brown, Philadelphia, resigned.

Dr. Harold A. Taggart, Acting Dean, Hahnemann Medical College, Philadelphia, Philadelphia County, to serve until May 13, 1958, and until his successor shall have been appointed and qualified, vice Charles A. Allen, Philadelphia, resigned.

Dr. Madison B. Brown, Executive Vice-President, Hahnemann Medical College, Philadelphia, Philadelphia County, to serve until May 13, 1957, and until his successor shall have been appointed and qualified, vice Hon. L. Stauffer Oliver, Philadelphia, resigned.

GEORGE M. LEADER.

### MEMBERS OF COUNTY BOARDS OF ASSISTANCE

Commonwealth of Pennsylvania,

Governor's Office, Harrisburg, February 6, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for reappointment as members of County Boards of Assistance, to serve until December 31, 1958, and until their successors are duly appointed and qualified:

#### GREENE COUNTY

Charles L. Carpenter (Dem.), Graysville.  
Ezra D. Hoge (Dem.), R. D. 2, Dunns Station.  
Andrew T. Urda (Dem.), 371 Sherman Avenue, Nema-colin.

#### JEFFERSON COUNTY

Samuel P. Hewlett (Dem.), 202 Hill Street, Reynolds-ville.

G. Emery Schwartz (Rep.), Anita.  
Mrs. Katherine P. Shaw (Dem.), Big Run.

#### SULLIVAN COUNTY

Mrs. Gladys Hallabuk (Dem.), Muncy Street, Laporte.



Mrs. Juniata Burnasky (Dem.), Lopez.  
Roscoe Burgess (Rep.), R. D. 1, Forksville.

GEORGE M. LEADER.

#### MEMBERS OF COUNTY BOARDS OF ASSISTANCE

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, February 6, 1956.  
To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as members of County Boards of Assistance:

#### ADAMS COUNTY

Miss Sylvia E. Klunk (Dem.), 15 North Peter Street, New Oxford, to serve until December 31, 1957, and until her successor is duly appointed and qualified, vice Mrs. Vivian M. Hamm, New Oxford, resigned.

Allen Stauffer (Rep.), West Hanover Street, Biglerville, to serve until December 31, 1958, and until his successor is duly appointed and qualified, vice Leslie V. Stock, Biglerville, whose term expired.

Mrs. Katherine Hereter (Dem.), 39 Howard Street, Gettysburg, to serve until December 31, 1958, and until her successor is duly appointed and qualified. (Reappointment)

William M. Weidner (Dem.), York Springs, to serve until December 31, 1958, and until his successor is duly appointed and qualified. (Reappointment)

#### CLEARFIELD COUNTY

Miss Julia Maietta (Dem.), Curwensville, to serve until December 31, 1958, and until her successor is duly appointed and qualified, vice Miss Elva M. Walker, Clearfield, whose term expired.

Mrs. Lila Boyer (Dem.), 19 South State Street, DuBois, to serve until December 31, 1958, and until her successor is duly appointed and qualified, vice Mrs. Viola M. Rickenzaugh, Smithmill, whose term expired.

Rev. Robert R. Croyle (Rep.), 115 South Second Street, Clearfield, to serve until December 31, 1958, and until his successor is duly appointed and qualified, vice Mrs. Della Patchin, Burnside, whose term expired.

Mrs. Lillian Ashcroft (Dem.), Morrisdale, to serve until December 31, 1957. (Reappointment)

#### WAYNE COUNTY

Mrs. Mary Suhosky (Dem.), R. D. 2, Honesdale, to serve until December 31, 1958, and until her successor is duly appointed and qualified, vice Mrs. Blanche Lorenson, South Canaan, whose term expired.

Mrs. Hazel A. Hill (Rep.), Fair Avenue, Honesdale, to serve until December 31, 1958, and until her successor is duly appointed and qualified. (Reappointment)

Emeric Hirsch (Rep.), 315 Main Street, Hawley, to serve until December 31, 1958, and until his successor is duly appointed and qualified. (Reappointment)

GEORGE M. LEADER.

#### COMMUNICATIONS FROM THE GOVERNOR

He also presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows:

APPROVED AND SIGNED SENATE BILL No. 442,  
PRINTER'S No. 463

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, February 2, 1956.  
To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day

approved and signed Senate Bill No. 442, Printer's No. 463, entitled "An Act amending the act of April 9, 1929 (P. L. 177) entitled 'An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employees in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employees of certain departments boards and commissions shall be determined' abolishing the State Osteopathic Surgeons' examining board and changing the character of the membership of the State Board of Osteopathic Examiners."

GEORGE M. LEADER.

APPROVED AND SIGNED SENATE BILL No. 443,  
PRINTER'S No. 443

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, February 2, 1956.  
To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed Senate Bill No. 443, Printer's No. 443, entitled "An Act amending the act of March 19, 1909 (P. L. 46) entitled 'An act to regulate the practice of osteopathy in the State of Pennsylvania to provide for the establishment of a State Board of Osteopathic Examiners to define the powers and duties of said Board of Osteopathic Examiners to provide for the examining and licensing of osteopaths in this State and to provide penalties for the violation of this act' redefining osteopathy changing the provisions relating to qualifications and licensing of osteopathic physicians and surgeons and abolishing the State Osteopathic Surgeons' Examining Board."

GEORGE M. LEADER.

APPROVED AND SIGNED SENATE BILL No. 523,  
PRINTER'S No. 169

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, January 31, 1956.  
To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed Senate Bill No. 523, Printer's No. 169, entitled "An Act amending the act of May 29, 1931 (P. L. 280) entitled 'An act relating to delinquent taxes on seated lands and prescribing interest charges on non-payment thereof requiring the receivers and collectors of county city borough town township school district and poor district taxes to make a return to the county commissioners of such unpaid taxes and providing for the lien thereof authorizing the county treasurers to collect such taxes and to sell seated lands at public sale for taxes heretofore or hereafter returned as unpaid and authorizing the county commissioners to purchase such lands and resell the same under certain circumstances' further regulating the tax sales and payment of the purchase money."

GEORGE M. LEADER.

APPROVED AND SIGNED SENATE BILL No. 582,  
PRINTER'S No. 343

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, January 31, 1956.  
To the Honorable, the Senate of the Commonwealth of Pennsylvania:



I have the honor to inform you that I have this day approved and signed Senate Bill No. 582, Printer's No. 343, entitled "An Act amending the act of August 19, 1953 (P. L. 1104) entitled 'An act relating to the acknowledgment of instruments the attestation of documents the administration of oaths and affirmations the execution of depositions and affidavits and other notarial acts heretofore or hereafter taken before any commissioned officer of the armed forces of the United States and providing that such instruments and documents executed by any person who is a member of or actually present with the armed forces of the United States or is outside the United States for certain purposes shall be legal valid and binding and providing for the form of the instrument or document and what proof shall be sufficient of the authority of such commissioned officer so to act' extending affidavit provisions to include the spouse of a member of the armed forces."

GEORGE M. LEADER.

APPROVED AND SIGNED SENATE BILL No. 593,  
PRINTER'S No. 386

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, February 1, 1956.  
To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed Senate Bill No. 593, Printer's No. 386, entitled "An Act amending the act of May 28, 1915 (P. L. 596) entitled 'An act requiring cities of the second class to establish a pension fund for employes of said cities and regulating the administration and the payment of such pensions' extending the benefits to employes of certain authorities created jointly with other political subdivisions or joined in by the cities and authorizing credit for past service on making back payments."

GEORGE M. LEADER.

APPROVED AND SIGNED SENATE BILL No. 685,  
PRINTER'S No. 317

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, February 3, 1956.  
To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed Senate Bill No. 685, Printer's No. 317, entitled "An Act amending the act of June 24, 1939 (P. L. 685) entitled 'An act designating certain life insurance companies as limited life insurance companies and further describing the powers thereof' further regulating the powers of limited life insurance companies."

GEORGE M. LEADER.

APPROVED AND SIGNED SENATE BILL No. 694,  
PRINTER'S No. 347

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, February 3, 1956.  
To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed Senate Bill No. 694, Printer's No. 347, entitled "An Act repealing the act of June 7, 1917 (P. L. 337) entitled 'An act relating to the jurisdiction powers procedure of the several orphans' courts in proceedings for the partition and valuation of real estate and for the sale of real estate for the purpose of distribution and the fees costs and expenses therein' with exceptions."

GEORGE M. LEADER.

APPROVED AND SIGNED SENATE BILL No. 758,  
PRINTER'S No. 277

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, January 31, 1956.  
To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed Senate Bill No. 758, Printer's No. 277, entitled "An Act amending the act of June 25, 1947 (P. L. 1145) entitled as amended 'An act empowering cities of the second class cities of the second class A cities of the third class boroughs towns townships of the first class townships of the second class school districts of the second class school districts of the third class and school districts of the fourth class to levy assess and collect or to provide for the levying assessment and collection of certain additional taxes subject to maximum limitations for general revenue purposes authorizing the establishment of bureaus and the appointment and compensation of officers and employes to assess and collect such taxes and permitting penalties to be imposed and enforced providing an appeal from the ordinance or resolution levying such taxes to the court of quarter sessions and to the Supreme Court and Superior Court' authorizing taxing authorities to impose real property transfer taxes on either the transferor or on the transferee."

GEORGE M. LEADER.

APPROVED AND SIGNED SENATE BILL No. 767,  
PRINTER'S No. 426

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, January 31, 1956.  
To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed Senate Bill No. 767, Printer's No. 426, entitled "An Act amending the act of August 9, 1955 (Act No. 130) entitled 'An act relating to counties of the third fourth fifth sixth seventh and eighth classes amending revising consolidating and changing the laws relating thereto' changing technical provisions with respect to plans required to be submitted to the County Planning Commission."

GEORGE M. LEADER.

APPROVED AND SIGNED SENATE BILL No. 775,  
PRINTER'S No. 449

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, February 3, 1956.  
To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed Senate Bill No. 775, Printer's No. 449, entitled "An Act making an appropriation to the Joint Committee appointed by the Senate and House of Representatives to investigate the Pennsylvania Training School at Morganza."

GEORGE M. LEADER.

APPROVED AND SIGNED SENATE BILL No. 871,  
PRINTER'S No. 366

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, February 3, 1956.  
To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed Senate Bill No. 871, Printer's No. 366, entitled "An Act authorizing certain mutual insurance companies other than life insurance companies now in existence under the provisions of the act of May 17, 1921 (P. L. 682) its supplements and amendments to reincorporate as mutual life insurance companies outlining the requirements and procedure and defining the rights of dissenting members."

GEORGE M. LEADER.

SENATE BILL No. 480, PRINTER'S No. 342,  
RETURNED WITHOUT APPROVAL

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, February 3, 1956.  
To the Honorable, the Senate of the Commonwealth of Pennsylvania:



I return herewith, without my approval, Senate Bill No. 480, Printer's No. 342, entitled "An Act amending the act of May 25, 1951 (P. L. 415) entitled 'An act relating to habeas corpus conferring jurisdiction upon the judges of the courts of common pleas prescribing venue defining procedure in all cases authorizing service to be made upon persons anywhere in the Commonwealth providing for the imposition of costs allowing appeals specifying the appellate court to which appeals may be taken and repealing inconsistent legislation including that conferring jurisdiction on courts of quarter sessions' extending jurisdiction as to habeas corpus to courts of quarter sessions."

This bill amends the Act of May 25, 1951, P. L. 415, which regulates procedure and jurisdiction in habeas corpus proceedings.

The amendatory language of the bill would extend jurisdiction in these proceedings to the courts of quarter sessions which court has jurisdiction in many matters involving crimes.

The Supreme Court of Pennsylvania, in the case of Commonwealth ex rel. Paylor v. Claudy, 366 Pa. 282 (1951), at page 284, said of the writ of habeas corpus that:

"\* \* \* It is a civil remedy rather than a criminal proceeding regardless of whether the prisoner is detained under civil or criminal process. \* \* \*" (Underlining ours)

The Supreme Court of Pennsylvania has original jurisdiction of matters involving habeas corpus by virtue of Article V, Section 3 of the Constitution, and the Legislature conferred original jurisdiction upon the Superior Court by the Act of June 24, 1895, P. L. 212. Since the writ of habeas corpus is a civil remedy and so many courts are available for making application for writs, there is no necessity to confer jurisdiction upon the court of quarter sessions, a court of criminal jurisdiction to administer this civil remedy.

If the jurisdiction of the court of quarter sessions which is ordinarily concerned with criminal matters is to be extended to include this civil remedy, corrective provisions should be inserted in this bill before it is approved. However, because of the expiration of the ten day time limitation provided in our Constitution, I have no alternative but to veto the bill and suggest that if a new bill is prepared corrective provisions be included.

For these reasons, the bill is not approved.

GEORGE M. LEADER.

## HOUSE MESSAGES

### HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives being introduced, presented for concurrence bills of the House, as follows:

House Bill No. 460, entitled:

An Act amending the act of May 22, 1933 (P. L. 851), entitled "An act fixing the pay and mileage of jurors and witnesses," prescribing an allowance for meals and daily mileage rates.

Which was committed to the Committee on Judiciary General.

House Bill No. 1232, entitled:

An Act to further amend clauses (f) and (g) of Section 448 and Section 450 of the act, approved the ninth day of April, one thousand nine hundred twenty-nine (P. L. 177), entitled "Administrative Code of 1929," by providing that upon each, The Advisory Health Board, The State Welfare Commission, and the State Board of Public Assistance, there shall be one representative of organized labor.

Which was committed to the Committee on Labor and Industry.

House Bill No. 1802, entitled:

An Act relating to public works contracts; providing for prevailing wages; imposing duties upon the Secretary of Labor and Industry; providing penalties; and repealing existing laws.

Which was committed to the Committee on Labor and Industry.

House Bill No. 1856, entitled:

An Act making an appropriation to the Department of Welfare for the maintenance of certain hospitals.

Which was committed to the Committee on Appropriations.

House Bill No. 1866, entitled:

An Act amending the act of June 27, 1923 (P. L. 858) entitled "State Employees Retirement Law," further regulating the rights of employees of county health departments.

Which was committed to the Committee on Local Government.

House Bill No. 1908, entitled:

An Act authorizing abatement of real estate taxes because of destruction or damage of property by flood, or the refund or credit of the amount of such taxes against future taxes by certain political subdivisions.

Which was committed to the Committee on Rules.

House Bill No. 1931, entitled:

An Act authorizing the Department of Property and Supplies to exchange land located in Union Township, Bedford County, Pennsylvania, necessary for improved administration of Blue Knob State Park.

Which was committed to the Committee on State Government.

House Bill No. 1955, entitled:

An Act amending the act of September 3, 1955 (Appropriation Act No. 17-A) entitled "An act making an appropriation to the Council of Civil Defense for disaster relief in connection with the hurricane and flood damage of August, one thousand nine hundred fifty-five," making the moneys appropriated available for flood damage of October, 1955.

Which was committed to the Committee on Appropriations.

House Bill No. 1962, entitled:

An Act amending the "Bituminous Coal Mining Law," approved June 9, 1911, (P. L. 756), changing qualification requirements of candidates for the office of mine inspector and changing provisions concerning reappointment and certification of inspectors.

Which was committed to the Committee on Mines and Mining.

House Bill No. 1963, entitled:

An Act amending the "Anthracite Mine Inspectors Act," of July 1, 1937 (P. L. 2461) \* \* \* making certain mine inspectors eligible for reappointment without examination.

Which was committed to the Committee on Mines and Mining.



House Bill No. 1964, entitled:

An Act making the offices of constable and justice of the peace or alderman incompatible.

Which was committed to the Committee on Judiciary General.

HOUSE CONCURS IN SENATE BILL No. 332

He also returned to the Senate, Senate Bill No. 332, entitled:

An Act amending the act of May 1, 1929 (P. L. 905), entitled "Vehicle Code," authorizing the issuance of duplicate registration cards at the option of the owner, and fixing the fee therefor.

with the information that the House has passed the same without amendments.

HOUSE CONCURS IN SENATE BILL No. 776

He also returned to the Senate, Senate Bill No. 776, entitled:

An Act amending the act of May 16, 1921 (P. L. 579), entitled as amended "Jail and County Prison Law," giving wardens, deputies and other appointees of the board powers of peace officers.

with the information that the House has passed the same without amendments.

HOUSE CONCURS IN SENATE BILL No. 852

He also returned to the Senate, Senate Bill No. 852, entitled:

An Act amending the act of April 12, 1951 (P. L. 90), entitled "Liquor Code," permitting holders of bonded warehouse licenses issued by the Pennsylvania Liquor Control Board to receive in bond certain liquor and alcohol for storage in bond in this Commonwealth, regulating the release of such liquor and alcohol for delivery.

with the information that the House has passed the same without amendments.

HOUSE CONCURS IN SENATE BILL No. 867

He also returned to the Senate, Senate Bill No. 867, entitled:

An Act amending the act of April 12, 1951 (P. L. 90), entitled "The Liquor Code," permitting the sale and possession of wine in packages not bearing the official seal of the board.

with the information that the House has passed the same without amendments.

HOUSE CONCURS IN SENATE BILL No. 881

He also returned to the Senate, Senate Bill No. 881, entitled:

An Act declaring the public interest in certain historic sites and buildings and providing for certificates and markers.

with the information that the House has passed the same without amendments.

HOUSE CONCURS IN SENATE BILL No. 901

He also returned to the Senate, Senate Bill No. 901, entitled:

An Act amending the act of August 9, 1955 (Act No. 130), entitled "The County Code," fixing the time for the annual report by the county auditors to the court of common pleas, and charging the provisions relating to the appointment of depositories of county funds.

with the information that the House has passed the same without amendments.

HOUSE CONCURS IN SENATE CONCURRENT RESOLUTION

He also informed the Senate that the House has concurred in resolution from the Senate as follows:

RECALLING FROM THE GOVERNOR SENATE BILL No. 284

In the Senate, January 31, 1956.

Resolved (if the House of Representatives concur), that Senate Bill No. 284, Printer's No. 441, entitled "An act amending the act of April 9, 1929 (P. L. 177) entitled 'An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employees in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employees of certain departments boards and commissions shall be determined' creating the State Board of Chiropractic Examiners as a departmental administrative board in the Department of Public Instruction," be recalled from the Governor for the purpose of amendment.

HOUSE CONCURS IN SENATE CONCURRENT RESOLUTION

He also informed the Senate that the House has concurred in resolution from the Senate as follows:

RECALLING FROM THE GOVERNOR SENATE BILL No. 285

In the Senate, January 31, 1956.

Resolved (if the House of Representatives concur), that Senate Bill No. 285, Printer's No. 442, entitled "An act relating to the practice of chiropractic conferring powers and imposing duties on the State Board of Chiropractic Examiners and the Department of Public Instruction and providing penalties," be recalled from the Governor for the purpose of amendment.

HOUSE CONCURS IN AMENDMENTS TO HOUSE BILL No. 53

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 53, entitled:

An Act amending the act of May 1, 1929 (P. L. 905), entitled "Vehicle Code," prohibiting the throwing of certain material from motor vehicles.



# HOUSE CONCURS IN AMENDMENTS TO HOUSE BILL No. 1330

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 1330, entitled:

An Act amending the act of May 17, 1921 (P. L. 682), entitled "Insurance Company Law of 1921," further regulating reserves with respect to domestic mutual fire insurance companies.

## HOUSE ADOPTS REPORT OF COMMITTEE OF CONFERENCE ON HOUSE BILL No. 728

He also informed the Senate that the House has adopted the report of Committee of Conference on House Bill No. 728, entitled:

An Act amending the act of April 9, 1929 (P. L. 177), entitled "Administrative Code of 1929," authorizing the lease or grant of real estate under the jurisdiction of the Department of Forests and Waters in the City of Philadelphia for the purpose of aiding the establishment of parking services and facilities within State Park Areas situate within the city.

The PRESIDING OFFICER. This Report of Committee of Conference will appear on tomorrow's Calendar.

## AMENDMENT TO HOUSE BILL No. 1623 RECALLED FROM THE GOVERNOR

He also presented for concurrence, House Bill No. 1623, entitled:

An Act amending the act of May 2, 1929 (P. L. 1778), entitled "General County Law," extending retirement benefits to veterans of armed conflicts.

Said bill having been recalled from the Governor for amendment, the votes had on final passage and third reading were reconsidered in the House and the bill amended, in which amendments the concurrence of the Senate is requested.

The PRESIDING OFFICER. The bill, as amended, will appear on tomorrow's Calendar.

## HOUSE NON-CONCURS IN SENATE AMENDMENTS TO HOUSE BILL No. 1361

He also informed the Senate that the House has non-concurred in the amendments made by the Senate to House Bill No. 1361, entitled:

An Act authorizing the creation of regional planning commissions by counties, cities, boroughs, towns or townships; authorizing interstate participation in regional planning under certain conditions, and conferring powers and imposing duties on regional planning commissions.

## SENATE INSISTS UPON ITS AMENDMENTS NON- CONCURRED IN BY THE HOUSE TO HOUSE BILL No. 1361

Mr. FLEMING. Mr. President, I move that the Senate insists upon its amendments non-concurred in by the House to the foregoing bill.

Mr. BERGER. Mr. President, I second the motion.

The motion was agreed to.

Ordered, That the Clerk inform the House of Representatives accordingly.

Mr. FLEMING. Mr. President, I request that the Sen-

ate be at ease for five minutes, awaiting the arrival of the Democratic Members.

The PRESIDING OFFICER. The Senate will be at ease. (The Senate was at ease.)

## COMMUNICATIONS FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows:

### APPROVED AND SIGNED SENATE CONCURRENT RESOLUTION RECALLING SENATE BILL No. 284, PRINTER'S No. 441

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, February 2, 1956.  
To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed Senate Concurrent Resolution recalling from the Governor Senate Bill No. 284, Printer's No. 441, for the purpose of amendment.

Accordingly, the original bill is herewith returned.

GEORGE M. LEADER.

The PRESIDING OFFICER. The bill will be laid on the table.

### APPROVED AND SIGNED SENATE CONCURRENT RESOLUTION RECALLING SENATE BILL No. 285, PRINTER'S No. 442

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, February 2, 1956.  
To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed Senate Concurrent Resolution recalling from the Governor Senate Bill No. 285, Printer's No. 442, for the purpose of amendment.

Accordingly, the original bill is herewith returned.

GEORGE M. LEADER.

The PRESIDING OFFICER. The bill will be laid on the table.

## RECESS

Mr. FLEMING. Mr. President, I move that the Senate do now take a recess for ten minutes, for the purpose of holding a Republican Caucus.

Mr. BERGER. Mr. President, I second the motion.  
The motion was agreed to.

## AFTER RECESS

The PRESIDENT (Lieutenant-Governor Roy E. Furman) in the Chair.

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

## BILLS SIGNED

The PRESIDENT (Lieutenant-Governor Roy E. Furman) announced that the Chief Clerk having reported that the following bills had passed both houses of the General



Assembly and the same being correct, the titles were publicly read as follows:

House Bill No. 53, entitled:

An Act amending the act of May 1, 1929 (P. L. 905), entitled "Vehicle Code," prohibiting the throwing of certain material from motor vehicles.

House Bill No. 151, entitled:

An Act amending the act of March 10, 1949, (P. L. 30), entitled "Public School Code of 1949," increasing mileage rate and daily expense allowance of directors, and mileage rate of members of joint school boards and of joint school committees.

House Bill No. 160, entitled:

An Act amending the act of March 10, 1949, (P. L. 30), entitled "Public School Code of 1949," extending the area in which school directors may attend out of State meetings and increasing mileage rate and daily expense allowance therefor.

House Bill No. 623, entitled:

An Act amending the act of March 10, 1949, (P. L. 30), entitled "Public School Code of 1949," providing for payment by the Commonwealth to school districts for the acceptance of nonresident inmates of children's institutions into its schools.

House Bill No. 832, entitled:

An Act amending the act of May 3, 1915 (P. L. 226), entitled "An act to establish and regulate the fees to be received and charged by the prothonotary of the courts of common pleas of this Commonwealth, in counties having over eight hundred thousand, and less than one million five hundred thousand inhabitants, according to the last preceding United States census," changing and further fixing the fees to be charged by the prothonotary.

House Bill No. 833, entitled:

An Act amending the act of June 12, 1919 (P. L. 476), entitled, as amended, "An act to regulate and establish the fees to be charged and collected by the recorder of deeds, in counties of the second class," increasing amount of fees to be charged and collected by recorders in counties of the second class.

House Bill No. 1021, entitled:

An Act amending the act of March 10, 1949 (P. L. 30), entitled "Public School Code of 1949," granting the right to a hearing and appeal before the State Council of Education on the creation or change of a third or fourth class school district.

House Bill No. 1129, entitled:

An Act amending the act of May 17, 1929 (P. L. 1798) entitled "An act providing a fixed charge payable by the Commonwealth on lands acquired by the State and the Federal Government for forest reserves or for the purpose of preserving and perpetuating a portion of the original forests of Pennsylvania and preserving and maintaining the same as public places and parks and the distribution of the same for county school township and road purposes in the counties school districts and townships where such forests are located; and making an appropriation," changing certain provisions relating to payment of certain charges by the Commonwealth in lieu of taxes.

House Bill No. 1248, entitled:

An Act amending the act of March 10, 1949 (P. L. 30), entitled "Public School Code of 1949," extending the time within which school taxes shall be levied and assessed by the board of school directors in school districts of the second, third and fourth class.

House Bill No. 1330, entitled:

An Act amending the act of May 17, 1921 (P. L. 682), entitled "Insurance Company Law of 1921," further regulating reserves with respect to domestic mutual fire insurance companies.

House Bill No. 1526, entitled:

An Act amending the act of March 7, 1901 (P. L. 20), entitled "Second Class City Law," requiring reimbursement to cities of second class for costs incurred in the collection of certain fines.

House Bill No. 1566, entitled:

An Act amending the act of March 10, 1949 (P. L. 30), entitled "Public School Code of 1949," regulating the acceptance of nonresident school children.

House Bill No. 1567, entitled:

An Act amending the act of March 10, 1949 (P. L. 30), entitled "Public School Code of 1949," providing for payments on account of nonresident pupil transportation.

House Bill No. 1579, entitled:

An Act amending the act of March 10, 1949 (P. L. 30), entitled "Public School Code of 1949," providing for pupil transportation in institutions and providing for reimbursements.

House Bill No. 1838, entitled:

An Act amending the act of March 10, 1949 (P. L. 30), entitled "Public School Code of 1949," further regulating the admission of beginners to the public schools.

Whereupon,

The PRESIDENT (Lieutenant-Governor Roy E. Furman) in the presence of the Senate signed the same.

## HOUSE MESSAGE

### RESOLUTION RECALLING FROM THE GOVERNOR HOUSE BILL No. 641

The Clerk of the House of Representatives being introduced presented extract from the Journal of the House of Representatives, which was twice read as follows, considered and agreed to:

In the House of Representatives, February 6, 1956.

Resolved (If the Senate concur), That House Bill No. 641, Printer's No. 1238, entitled:

An Act amending the act of May 1, 1933 (P. L. 103), entitled "The Second Class Township Law," authorizing the appointment of boards of health and health officers; prescribing their powers and duties; providing for the enforcement of the administration of health laws by such board and officers; providing for a president and secretary of such boards; imposing duties on the Secretary of Health, and providing for payments of expenses by townships.

be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk inform the House of Representatives accordingly.

## GENERAL COMMUNICATION

The Chair cleared his table and laid before the Senate the following communication, which was read by the Clerk:

Senate of Pennsylvania, February 6, 1956.

The Honorable Roy E. Furman  
President



Senate of Pennsylvania  
Harrisburg, Pennsylvania

Dear Roy:

This is to notify you that I shall tender my resignation as of the end of the Session, Tuesday, February 7, 1956.

Sincerely yours,

ELMER J. HOLLAND,  
(s) ELMER J. Holland,  
State Senator,  
38th District.

The PRESIDENT. This communication will be printed in the Legislative Journal.

#### REMARKS UPON THE RESIGNATION OF SENATOR ELMER J. HOLLAND

Mr. DENT. Mr. President, we have just heard the reading of the resignation, in our midts, of one of our Members, Senator Elmer J. Holland.

Mr. President, although we are happy, in a sense, to see Elmer in the United States Congress, where we know he will continue his good work in the interest of the people, however, I know there is a regret on the part of the Membership of this Senate to see Elmer leave this Body. Outside of a few short months, I have served with Senator Holland since 1935. He left the Senate on two occasions; once, to serve out an interim term in the United States Congress, and the second time to serve in the United States Air Corps. I am sure the Membership of this Senate will lose the valued services that he has rendered.

You may have found, during the years, many reasons to criticize Senator Holland. However, there was one sure thing you never needed to worry about and that was that when Senator Holland gave his word on the question of a vote upon this floor, on any particular matter, you could rest assured that Elmer Holland would carry it through. I have found in my years of experience here that much of the legislation that is passed has to be passed because men decide that which is right or that which is wrong and stay with that decision.

Mr. President, Senator Holland has been an asset to the Commonwealth of Pennsylvania and to the General Assembly, as a whole. He served better than twenty years in our midst and there are not too many citizens who have been selected, since the founding of the State Legislature itself, to serve a period of twenty years. Twenty years is a whole generation. In fact, legislatively speaking, it is more than a lifetime. During these twenty years, I am sure that Elmer has witnessed many changes. I remember, as he probably does, too, when we would meet and be in Session anywhere from eight to twelve weeks and then we would be on our way home. The problems were not acute in those days. For some reason or other, the people did not demand so many services from the Commonwealth. As the services have accumulated and piled up, so the problems of the Legislature have piled up and accumulated. Here we are, in Senator Holland's last Session of the General Assembly, with a Session that has lasted more than thirteen months. I am wondering how many of us realize that as the years roll by, the problems will become even greater and the solutions more difficult.

It is a difficult thing for any group of normal persons to meet in the General Assembly and attempt to an-

ticipate the answers to problems that are two years hence. Because of this, and for no other reason, we find ourselves in the longest Session of the history of this great State. I am wondering, as Elmer leaves us and he starts to think a little about the days that now belong to memory, whether he does not carry with him a great many fond remembrances of the associations that he has made, of the friendships that he has gained. I am sure that, as one who has served with him, fought with him and voted with him, who has opposed him and joined him, I express the regrets of this Senate Body today in saying to you, Elmer, that the only joy that we get from your leaving is that you are going to a better position where you can serve the people even more than you have served them here. You are going to the United States Congress where you have had some experience. Those of us in this Senate know that the Congress could use men of Senator Holland's calibre. We know that this Nation of ours is facing up to problems far greater than the ones which are bothering this State Legislature. This Nation of ours will have to make some decisions in the near future that can well catapult us into a destructive and devastating war or set us on the road to everlasting peace.

Before you leave, Elmer, we know that we can rest assured that wherever your vote can be cast for the good of mankind, it will be so cast and that the people's problems are in good hands. To you, Elmer Holland, on behalf of the Senate, I say Godspeed, good luck, long life and a happy death.

Mr. McGINNIS. Mr. President, I regret that Elmer Holland is leaving this Chamber. I think I am being fair when I say that I do not think there is a Senator on this floor who does not feel the same way.

Mr. President, Senator Holland is a self-made man. He has been a hard worker. He gets a little rought at times, but, on the whole, he has been a splendid Senator, a hard worker and a good Senator. I am not going to give all the credit to him, however, for his ascendancy. I am going to pay due respects to his wonderful wife and two children who are sitting over here. Will you please stand up? They have helped in many ways on his road upward.

Mr. BERGER. Mr. President, it is not my custom to ask the indulgence of the Senate very often nor could I, at this time, add anything to the encomiums which have been stated here regarding Senator Holland, who is soon to leave our Body. However, I do feel that I would like to say this and indulge in a personal reminiscence, if I may, because I believe that Senator Holland and Senator Louis Farrell and I, for a long time, were about the only Senators who came into Harrisburg on Sunday nights. Senator Holland was the first Senator, I believe, whom I met when I came down here in my first Session. We had many pleasant conversations and I will say that Senator Holland gave me a lot of help in my first experience in this Senate. Later on, I had the pleasure of meeting his lovely wife and his children, and I want to say that I do not know of a family who impressed me as being more congenial and nice.

Mr. President, although Senator Holland and I have differed, sometimes diametrically, on many questions which have arisen concerning bills in this Senate, I do not believe that we ever had any personal differences



and our differences were entirely academic because of our different viewpoints on the material at hand.

Therefore, Mr. President, I, too, wish to join—and I think I can speak on behalf of all my colleagues—in the good wishes which this Senate extends to Senator Holland and his family in his new sphere of endeavor and in his associations.

Thank you very much.

Mr. KOPRIVER, JR. Mr. President, since we are throwing bouquets out here this afternoon to a fellow across the aisle, who has not been too kind to me at times, I want to remind him that he is now my Congressman. I do not want to omit that thought from the discussion this afternoon.

However, Mr. President, may I take this opportunity to wish Senator Holland and his family all the necessary attributes that he had in the Senate to carry on down in Congress. I am sure he will need it.

Whether the United States Congress is a better place than the Pennsylvania Senate, poses a question in my mind. I would consider the Pennsylvania Senate a better place than the United States Congress. Senator Holland is leaving a grand bunch of fellows and he will not realize that until he gets down to Washington. In the first place, it is too hot in Washington in the summertime but good luck any way, Senator Holland.

Mr. MALLERY. Mr. President, I think the lovely wife of Senator Holland, like the wife of every Member of the Senate, would agree that our bark is oftentimes worse than our bite.

I have associated with Senator Holland, I believe, during all the years that he has served in the Senate and I have always looked upon Senator Holland as one of my very best friends in the Senate. I wish for him long life and enjoyment in his work in Congress.

### BILL SIGNED

The President (Lieutenant-Governor Roy E. Furman) announced that the Chief Clerk having reported that the following bill had passed both houses of the General Assembly and the same being correct, the title was publicly read as follows:

House Bill No. 756, entitled:

An Act amending the act of May 1, 1929 (P. L. 905), entitled "Vehicle Code," changing the requirements regarding use of different types of danger and caution signals.

Whereupon,

The President (Lieutenant-Governor Roy E. Furman) in the presence of the Senate signed the same.

### REPORTS FROM COMMITTEES

Mr. KOPRIVER, JR., from the Committee on Elections, reported as committed, House Bill No. 388, entitled:

An Act amending the act of June 3, 1937 (P. L. 1333) entitled "Pennsylvania Election Code," extending voting rights to bedridden or hospitalized veterans when not absent from county of residence.

He also, from the Committee on Elections, reported as committed, House Bill No. 1406, entitled:

An Act amending the act of March 30, 1937 (P. L. 115) entitled "The First Class City Permanent Registration

Act," increasing compensation of the chairman and other members of the registration commission.

He also, from the Committee on Law and Order, reported as committed, Senate Bill No. 929, entitled:

An Act amending the act of April 12, 1951 (P. L. 90), entitled "Liquor Code," providing for the exercise of discretion in the forfeiture and condemnation of property illegally possessed or used.

Mr. CHAPMAN, from the Committee on Appropriations, reported as committed, House Bill No. 1947, entitled:

An Act making an appropriation to the State Treasurer for the purpose of paying salaries and wages of State officers and employes and other ordinary and general expenses in the interim between the thirty-first day of May, one thousand nine hundred fifty-one and such time as the funds provided by the General Appropriation Act and other appropriation acts become available and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first, one thousand nine hundred fifty-five.

### REPORT FROM COMMITTEE ON EXECUTIVE NOMINATIONS

Mr. WOLFE, from the Committee on Executive Nominations, reported with a favorable recommendation the following nominations, made by His Excellency, the Governor:

#### MEMBERS OF THE BOARD OF TRUSTEES OF PHILIPSBURG STATE HOSPITAL

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, December 20, 1955.  
To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as members of the Board of Trustees of Philipsburg State Hospital, for the term of four years and until their successors are appointed and qualified:

D. S. Braucht, Coalport, Clearfield County, vice Walter Williams, Ramey, resigned.

W. Carl Lupton, Philipsburg, Centre County, vice Rembrandt Dunsmore, Philipsburg, resigned.

Mrs. Lucy Merrell, Philipsburg, Centre County, vice Mrs. Nancy Fryberger, Philipsburg, resigned.

Mrs. Emily W. Lamoreaux, Philipsburg, Centre County, vice Roy H. Schreffler, Philipsburg, resigned.

Mrs. Dixie M. Peters, State College, Centre County, vice John T. Taylor, Esq., State College, resigned.

Thaddeus S. Wayne, Chester Hill, P. O., Philipsburg, Clearfield County, vice James F. Dugan, Osceola Mills, resigned.

C. Paul Ziegler, Port Matilda, Centre County, vice Benjamin Nicodemus, Port Matilda, resigned.

Leo M. Zeigler, Houtzdale, Clearfield County, vice Hilmer J. Anderson, Houtzdale, resigned.

GEORGE M. LEADER.

#### MEMBER OF THE BOARD OF TRUSTEES OF PHILIPSBURG STATE HOSPITAL

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, December 28, 1955.  
To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to



nominate for the advice and consent of the Senate Fred B. Hughes, Clearfield, Clearfield County, for appointment as a member of the Board of Trustees of Philipsburg State Hospital, for the term of four years and until his successor is appointed and qualified, vice Earl Shoff, Madera, resigned.

GEORGE M. LEADER.

#### JUSTICE OF THE PEACE

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, January 24, 1956.  
To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Eiven W. Brosey, R. D. 3, Manheim, Lancaster County, for appointment as Justice of the Peace in and for the Township of Rapho, Lancaster County, to serve until the first Monday of January 1958, vice Mrs. Dorothy G. Neale, resigned.

GEORGE M. LEADER.

#### ALDERMAN

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, January 30, 1956.  
To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Samuel E. Cutler, 442 Croton Avenue, New Castle, Lawrence County, for appointment as Alderman in and for the Third Ward of the City of New Castle, Lawrence County, to serve until the first Monday of January 1958, vice J. C. Kennedy, deceased.

GEORGE M. LEADER.

#### JUSTICE OF THE PEACE

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, January 31, 1956.  
To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Frank Passante, 216 Division Avenue, Ellwood City, Lawrence County, for appointment as Justice of the Peace in and for the Borough of Ellwood City, Lawrence County, to serve until the first Monday of January 1958, vice J. E. Van Gorder, deceased.

GEORGE M. LEADER.

#### JUSTICE OF THE PEACE

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, January 24, 1956.  
To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Homer S. Grove, Shirleysburg, Huntingdon County, for appointment as Justice of the Peace in and for the Borough of Shirleysburg, Huntingdon County, to serve until the first Monday of January 1958, vice Ira Grove, whose term expired.

GEORGE M. LEADER.

#### JUSTICE OF THE PEACE

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, January 30, 1956.  
To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Max Foster, Box 224, Alexandria, Huntingdon County, for re-appointment as Justice of the Peace in and for the Borough of Alexandria, Huntingdon County, to serve until the first Monday of January 1958.

GEORGE M. LEADER.

#### JUSTICE OF THE PEACE

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, January 24, 1956.  
To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate O. E. Roseman, 123 Victory Lane, Leetsdale, Allegheny County, for appointment as Justice of the Peace in and for the Borough of Leetsdale, Allegheny County, to serve until the first Monday of January 1958, to fill a vacancy.

GEORGE M. LEADER.

#### BILLS INTRODUCED AND REFERRED

Mr. McMENAMIN read in his place and presented to the Chair Senate Bill No. 965, entitled:

An Act amending the act of June 12, 1951 (P. L. 533) entitled "The Mental Health Act of 1951" removing Farview State Hospital from the provisions of the act.

Which was committed to the Committee on Public Health and Welfare.

He also read in his place and presented to the Chair Senate Bill No. 966, entitled:

An Act amending the act of April 9, 1929 (P. L. 177), entitled "The Administrative Code of 1929," transferring certain powers and duties with respect to Farview State Hospital to the Department of Justice.

Which was committed to the Committee on State Government.

Messrs. YOSKO, DENT, SCOTT and FLACK read in place and presented to the Chair Senate Bill No. 967, entitled:

An Act authorizing the Department of Property and Supplies with the approval of the Governor, to acquire a tract of land in or near White Haven, Foster Township, Luzerne County, for the use of the Department of Welfare in the treatment of mentally retarded children, and making an appropriation.

Which was committed to the Committee on State Government.

They also read in place and presented to the Chair Senate Bill No. 968, entitled:

An Act making an appropriation to the Department of Welfare for use in the treatment of mentally retarded children and for the repair of buildings used in the treatment of mentally retarded children.



Which was committed to the Committee on Appropriations.

#### PETITIONS AND REMONSTRANCES

Mr. BARR. Mr. President and Members of the Senate, last week, when Senator Holland told us he was going to resign this week, Senator Lane, in his speech, cautioned him about when he goes to Washington he is not to put any articles in magazines, et cetera, unless he had read them beforehand. Unfortunately, I do not think that word reached that man's office, which is on the fourth floor of the South Wing of the Capitol. The man I refer to is Doctor Charlesworth, who is the Secretary of Administration and not a Member of the Governor's Cabinet, as some newspapers have stated.

However, Mr. President, number one, as the State Chairman of the Democratic Party, I want to disavow the speech for the Democratic Party and for the Leader Administration. The newspapermen asked me on Friday morning, here in the Capitol, what I thought of it. I told them that I did not think much of it. I said that perhaps there were one or two things in it which I might agree with, but I would fight with my life in giving him the privilege to say what he cared to say.

I read the speech and there was one line in it in which I did concur. It was on page 3 and it said, "It so happens that I am supposed to be an administrator and am thereby interested in efficiency in the Executive Branch of the Government. But it also happens that I am supposed to be a student of government." Well, Doctor Charlesworth is a teacher of political science and I think he is also President of the American Academy of Political and Social Science. However, his politics and mine, as you know, are a little bit different. I know that when Doctor Charlesworth came here to do a job which was much needed here in the Capitol, he was registered as a non-partisan and I know his wife was registered as a Republican. I am the type of Irishman who does not think there is such a thing as being a non-partisan; I think everybody is either one thing or another.

Another thing that I got a kick out of from his speech was when he said that every political headquarters should have a complaint department. I would like to know what he thinks I am. That is all I have had for thirteen months. I think I can speak for the fifty Members of the Senate and for every County Chairman, whether he be Democrat or Republican, and say that we all know that at every political headquarters, ninety per cent of the people who come in, come in to complain.

You know, Mr. President, there have been some funny things done in the last three years. Most of them have been done, I would say, within the last three months. First, we had that General Motors gag of Brother Wilson. Then, we had his dog speech; then, we had Dulles' "brink" speech which came about the same time they found the fellows who robbed the Brinks Express. Then, we had Benson's article in a magazine which he said he had never read. Now, we have Brother Charlesworth making a speech which I know he did read. He delivered it himself.

In conclusion, Mr. President, I just want to say this. I consider it only as a literary classic that should rank with Rebecca Merlindy Johnson, the famous poet from Texas, in her "Beautiful Snow."

Mr. McMENAMIN. Mr. President, a few moments ago,

I introduced two bills, the effect of which would be to transfer jurisdiction over the State Hospital for the Criminally Insane at Farview, in Wayne County, Pennsylvania, from the Department of Welfare, where it now resides to the Department of Justice.

I do not know that this is the answer to a very, very serious problem at the Farview Hospital for the Criminally Insane. However, it is, perhaps, one method that will clear up this very bad situation. I think the situation is so bad that every possible means of improvement and alleviation must be considered. I introduced these bills so that the Senate can have them before it to study them in the proper committees. I will have other suggestions from time to time.

The nub of the problem is this, Mr. President. All of us know that Farview is maintained for those criminals who have been declared insane. However, it is important to remember that they are first of all criminals or they would not be there. Within the past six months, no fewer than twenty-seven persons have escaped from this hospital. Some have gone by ones and twos, and there has been at least one mass break. The present leadership in the Pennsylvania Department of Welfare is either unable or unwilling to cope with this situation. Nothing constructive, that I know of, has been done since the first break, early last summer. There has been some statement that more funds are needed, but, Mr. President, there are just as many employees now as there were there a year ago.

More important, it seems to me, Mr. President, is the refusal in some recent instances of the Department of Welfare to furnish to the State Police pictures of the escaped inmates. Certainly, everyone knows that as an aid in the detection and recapture of an escaped convict, a picture is very essential. The Department of welfare, for one reason or another, best known to itself, has refused to provide the State Police or any police agency with pictures of the escaped inmates. I understand in some instances, the various police agencies have had the cooperation of the wire services, the United Press and the Associated Press, in furnishing pictures so that they could be circulated in the usual police channels.

At least one of these escapees, in recent months, was a triple murderer. He had murdered three persons in his own family. Many of the others, of the twenty-seven who escaped in recent months, have been guilty of one or more murders. All of them are there because they committed serious crimes and all of them are there because, in addition, they are insane. Can any of us imagine what the people who live in the neighborhood, the people in Wayne County and the people in northern Lackawanna County, who live near this place, must think of when they go to bed at night, knowing that somewhere in the woods around them, or in the streets of their towns, there are dangerous escaped maniacs at large? Their local police forces do not even have a picture of the escapee with which to identify him if he should happen to be in the streets of any of the towns or boroughs.

Mr. President, this is a very, very serious situation. It is particularly serious to the people who live in nearby communities. It is serious to everyone in Pennsylvania and it should be serious to the Department of Welfare. I think one method of correcting this situation is to transfer this particular institution out from under the



Department of Welfare and put it into the Department of Justice, along with the purely penal institutions or State penitentiaries. Perhaps the Bureau of Prisons is more experienced and better equipped to handle dangerous persons who require a maximum security in order to keep them in their cells. Certainly, on the record, in the past year, the Department of Welfare cannot be proud of itself in so far as protecting the citizens of Pennsylvania from these persons who have been incarcerated there by various judges. Maybe the answer is to make this more of a prison than a mental hospital, and to let the Bureau of Prisons govern this institution. I will, as I said, from time to time, until this situation is cleared up, have further suggestions to offer.

## SENATE CONCURRENT RESOLUTION

### TIME OF NEXT MEETING

Mr. WHALLEY offered the following resolution which was twice read, considered and agreed to:

In the Senate, February 6, 1956.

Resolved (the House of Representatives concurring), That when the Senate adjourns this week, it reconvene Monday, February 13, 1956, at a time to be fixed by the Senate; and when the House of Representatives adjourns this week, it reconvene Monday, February 13, 1956, at a time to be fixed by the House of Representatives.

Ordered, That the Clerk present the same to the House of Representatives for concurrence.

## SENATE CONCURRENT RESOLUTION REFERRED TO COMMITTEE

### DIRECTING THE JOINT STATE GOVERNMENT COMMISSION TO STUDY AND INVESTIGATE THE LAWS RELATING TO JUSTICES OF THE PEACE, ALDERMEN, CONSTABLES AND CORONERS

Messrs. BERGER and McPHERSON, JR. offered the following resolution which was twice read and referred to the Committee on State Government:

In the Senate, February 6, 1956.

The General Assembly requires for its use, comprehensive factual information concerning the laws, relating to the jurisdiction, powers and duties of justices of the peace, aldermen, constables and coroners; therefore be it

Resolved (the House of Representatives concurring), That the Joint State Government Commission be directed to study and investigate the laws relating to the jurisdiction, powers and duties of justices of the peace, aldermen, constables and coroners; and be it further

Resolved, That the Joint State Government Commission report to the next regular session of the General Assembly its preliminary findings and any recommendations for possible codification of the laws relating to the above stated subjects.

## CONSIDERATION OF EXECUTIVE NOMINATIONS

Mr. WOLFE asked and obtained unanimous consent for immediate consideration of the nominations reported at today's Session.

### EXECUTIVE SESSION

A motion was made by Mr. WOLFE and Mr. WATKINS, That the Senate do now resolve itself into Executive Session, for the purpose of acting upon the nominations reported at today's Session.

Which was agreed to.

The nominations were read as follows:

## MEMBERS OF THE BOARD OF TRUSTEES OF PHILIPSBURG STATE HOSPITAL

Commonwealth of Pennsylvania,

Governor's Office, Harrisburg, December 20, 1955.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as members of the Board of Trustees of Philipsburg State Hospital, for the term of four years and until their successors are appointed and qualified:

D. S. Braucht, Coalport, Clearfield County, vice Walter Williams, Ramey, resigned.

W. Carl Lupton, Philipsburg, Centre County, vice Rembrandt Dinsmore, Philipsburg, resigned.

Mrs. Lucy Merrell, Philipsburg, Centre County, vice Mrs. Nancy Fryberger, Philipsburg, resigned.

Mrs. Emily W. Lamoreaux, Philipsburg, Centre County, vice Roy H. Schreffler, Philipsburg, resigned.

Mrs. Dixie M. Peters, State College, Centre County, vice John T. Taylor, Esq., State College, resigned.

Thaddeus S. Wayne, Chester Hill, P. O., Philipsburg, Clearfield County, vice James F. Dugan, Osceola Mills, resigned.

C. Paul Ziegler, Port Matilda, Centre County, vice Benjamin Nicodemus, Port Matilda, resigned.

Leo M. Zeigler, Houtzdale, Clearfield County, vice Hilmer J. Anderson, Houtzdale, resigned.

GEORGE M. LEADER.

## MEMBER OF THE BOARD OF TRUSTEES OF PHILIPSBURG STATE HOSPITAL

Commonwealth of Pennsylvania,

Governor's Office, Harrisburg, December 28, 1955.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Fred B. Hughes, Clearfield, Clearfield County, for appointment as a member of the Board of Trustees of Philipsburg State Hospital, for the term of four years and until his successor is appointed and qualified, vice Earl Shoff, Madera, resigned.

GEORGE M. LEADER.

## JUSTICE OF THE PEACE

Commonwealth of Pennsylvania,

Governor's Office, Harrisburg, January 24, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Eiven W. Brosey, R. D. 3, Manheim, Lancaster County, for appointment as Justice of the Peace in and for the Township of Rapho, Lancaster County, to serve until the first Monday of January 1958, vice Mrs. Dorothy G. Neale, resigned.

GEORGE M. LEADER.

## ALDERMAN

Commonwealth of Pennsylvania,

Governor's Office, Harrisburg, January 30, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Sam-



uel E. Cutler, 442 Croton Avenue, New Castle, Lawrence County, for appointment as Alderman in and for the Third Ward of the City of New Castle, Lawrence County, to serve until the first Monday of January 1958, vice J. C. Kennedy, deceased.

GEORGE M. LEADER.

#### JUSTICE OF THE PEACE

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, January 31, 1956.  
To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Frank Passante, 216 Division Avenue, Ellwood City, Lawrence County, for appointment as Justice of the Peace in and for the Borough of Ellwood City, Lawrence County, to serve until the first Monday of January 1958, vice J. E. Van Gorder, deceased.

GEORGE M. LEADER.

#### JUSTICE OF THE PEACE

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, January 24, 1956.  
To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Homer S. Grove, Shirleysburg, Huntingdon County, for appointment as Justice of the Peace in and for the Borough of Shirleysburg, Huntingdon County, to serve until the first Monday of January 1958, vice Ira Grove, whose term expired.

GEORGE M. LEADER.

#### JUSTICE OF THE PEACE

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, January 30, 1956.  
To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Max Foster, Box 224, Alexandria, Huntingdon County, for re-appointment as Justice of the Peace in and for the Borough of Alexandria, Huntingdon County, to serve until the first Monday of January 1958.

GEORGE M. LEADER.

#### JUSTICE OF THE PEACE

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, January 24, 1956.  
To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate O. E. Roseman, 123 Victory Lane, Leetsdale, Allegheny County, for appointment as Justice of the Peace in and for the Borough of Leetsdale, Allegheny County, to serve until the first Monday of January 1958, to fill a vacancy.

GEORGE M. LEADER.

A motion was made by Mr. WOLFE and Mr. WATKINS, That the Senate do advise and consent to said nominations.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

#### YEAS—45

Barr,	Harney,	McMenamin,	Stevenson,
Berger,	Hays,	McPherson, Jr.	Stiefel,
Blass,	Holland,	Miller,	Taylor,
Camiel,	Kessler,	Mullin,	Van Sant,
Chapman,	Koprivier, Jr.	Pechan,	Wade,
Dent,	Lane,	Peelor,	Wagner,
Diehm,	Madigan,	Propert,	Watkins,
DiSilvestro,	Mahany,	Ruth,	Weiner,
Donolow,	Mallery,	Schmidt,	Whalley,
Flack,	McCreesh,	Seyler,	Wolfe,
Fleming,	McGinnis,	Silvert,	Yosko,
Haluska,			

#### NAYS—0

Two-thirds of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

#### EXECUTIVE SESSION RISES

Mr. WOLFE. Mr. President, I move that the Executive Session do now rise.

Mr. WATKINS. Mr. President, I second the motion. The motion was agreed to.

#### CALENDAR

#### BILLS ON CONCURRENCE IN HOUSE AMENDMENTS

#### BILLS OVER IN ORDER

Mr. FLEMING. Mr. President, I ask unanimous consent that the following bills, on concurrence in House amendments, go over in their order:

Senate Bill No. 215, Printer's No. 446; and

Senate Bill No. 686, Printer's No. 444.

The PRESIDENT. Is there objection? The Chair hears none.

#### BILL ON CONCURRENCE IN HOUSE AMENDMENTS

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 687, as follows:

An Act amending the act of May 14, 1929 (P. L. 1721) entitled "An act providing for the service of process in civil suits on nonresident operators or nonresident owners of motor vehicles operated within the Commonwealth of Pennsylvania and making the operation of such a motor vehicle on the public highways of the Commonwealth of Pennsylvania the equivalent of the appointment of the Secretary of Revenue of the Commonwealth of Pennsylvania as the agent of the said nonresident upon whom civil process may be served and providing for further notice to the defendant in any such suit" making the consent deemed to have been given by a nonresident operator or owner of a motor vehicle involved in an accident or collision within this Commonwealth for appointment of the Secretary of the Commonwealth as his agent for service of process irrevocable and binding upon his personal representative providing for service of process when the nonresident operator or owner has died prior to the commencement of an action and making changes to conform with existing law

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The title of the act of May 14, 1929 (P. L. 1721) entitled "An act providing for the service of process in civil suits on nonresident operators or nonresident



owners of motor vehicles operated within the Commonwealth of Pennsylvania and making the operation of such a motor vehicle on the public highways of the Commonwealth of Pennsylvania the equivalent of the appointment of the Secretary of Revenue of the Commonwealth of Pennsylvania as the agent of the said nonresident upon whom civil process may be served and providing for further notice to the defendant in any such suit" is amended to read

An Act providing for the service of process in civil suits on nonresident operators or nonresident owners of motor vehicles operated within the Commonwealth of Pennsylvania and making the operation of such a motor vehicle on the public highways of the Commonwealth of Pennsylvania the equivalent of the appointment of the Secretary of [Revenue] the Commonwealth of the Commonwealth of Pennsylvania as the agent of the said nonresident upon whom civil process may be served and providing for further notice to the defendant in any such suit

Section 2 Section 1 of the act amended May 23, 1949 (P. L. 1651) is amended to read

Section 1 Be it enacted &c (a) That from and after the passage of this act any nonresident of this Commonwealth being the operator or owner of any motor vehicle who shall accept the privilege extended by the laws of this Commonwealth to nonresident operators and owners of operating a motor vehicle or of having the same operated within the Commonwealth of Pennsylvania or any resident of this Commonwealth being the licensed operator or owner of any motor vehicle under the laws of this Commonwealth who shall subsequently become a nonresident or shall conceal his whereabouts shall by such acceptance or licensure as the case may be and by the operation of such motor vehicle within the Commonwealth of Pennsylvania make and constitute the Secretary of [Revenue] the Commonwealth of the Commonwealth of Pennsylvania his her or their agent for the service of process in any civil suit or proceeding instituted in the courts of the Commonwealth of Pennsylvania or in the United States District Courts of Pennsylvania against such operator or owner of such motor vehicle arising out of or by reason of any accident or collision occurring within the Commonwealth in which such motor vehicle is involved

(b) A nonresident operator or owner of a motor vehicle which is involved in an accident or collision within this Commonwealth shall be deemed to have consented that the appointment of the Secretary of the Commonwealth as his agent for the service of process pursuant to the provisions of this section shall be irrevocable and binding upon his personal representative executor or administrator Where the nonresident motorist has died prior to the commencement of an action brought pursuant to this section service of process shall be made on the personal representative executor or administrator of such nonresident motorist in the same manner and on the same notice as is provided in the case of a nonresident motorist Where an action has been duly commenced under the provisions of this section by service upon a defendant who dies thereafter if the personal representative executor or administrator of such defendant does not voluntarily become a party he may be substituted as a party under the applicable Rules of Civil Procedure and service of process shall be made in the same manner and on the same notice as is provided in the case of a nonresident motorist

Section 8 Sections 2 and 3 of the act amended June 25, 1937 (P. L. 2277) are amended to read

Section 2 Such process shall be served by the officer to whom the same shall be directed upon the Secretary of [Revenue] the Commonwealth of the Commonwealth of Pennsylvania by sending by registered mail postage prepaid at least fifteen (15) days before the return day of such process a true and attested copy thereof and by sending to the defendant by registered mail postage prepaid a like true and attested copy with an endorsement thereon of the service upon said Secretary of [Revenue] the Commonwealth addressed to such defendant at his

last known address The registered mail return receipts of the Secretary of [Revenue] the Commonwealth and of such defendant shall be attached to and made a part of the return of service of such process Provided That if the defendant refuses to accept the notice mailed or cannot be found at his last known address the registered mail return receipt or other evidence of such facts shall be attached to and made a part of the return and shall constitute sufficient service under the provisions of this section

Section 3 The officer serving such process upon the Secretary of [Revenue] the Commonwealth shall pay to said secretary at the time of service a fee of two dollars (\$2.00) five dollars (\$5.00) for each process served which fee shall be taxed as costs in the case The Secretary of [Revenue] the Commonwealth shall keep a record of each such process and the day and hour of the service thereof upon him

which was returned from the House of Representatives with amendments.

Said amendments having been twice read, and printed as required by the Constitution,

On the question,

Will the Senate concur in the same?

SENATE CONCURS IN AMENDMENTS MADE BY THE HOUSE TO SENATE BILL No. 687

Mr. FLEMING. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 687.

Mr. LANE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Harney,	McMenamin,	Stevenson,
Berger,	Hays,	McPherson, Jr.,	Stiefel,
Blass,	Holland,	Miller,	Taylor,
Camel,	Kessler,	Mullin,	Van Sant,
Dent,	Koprivier, Jr.,	Pechan,	Wade,
Chapman	Lane,	Peelor,	Wagner,
Diehm,	Madigan,	Propert,	Watkins,
DiSilvestro,	Mahany,	Ruth,	Weiner,
Donolow,	Mallery,	Schmidt,	Whalley,
Flack,	McCreesh,	Seyler,	Wolfe,
Fleming,	McGinnis,	Silvert,	Yosko,
Haluska,			

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

### BILL ON CONCURRENCE IN HOUSE AMENDMENTS

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 689, as follows:

An Act amending the act of April 24, 1947 (P. L. 89) entitled "An act relating to the form execution revocation operation and interpretation of wills to nuncupative wills to the appointment of testamentary guardians to elections to take under or against wills and the procedure in reference thereto" revising and changing provisions relating to foreign wills divorce testamentary conveyances affecting right of spouse taking against a will rights of adopted persons and illegitimates in lapsed and void devises and legacies and appointment of guardian of property passing to a minor



upon testator's death whether or not passing under the will

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 4 clause (2) of section 7 subsection (A) of section 8 subsection (a) of section 12 and clauses (6) and (7) of section 14 act of April 24, 1947 (P. L. 89) known as the "Wills Act of 1947" are amended to read

#### Section 4 Witnesses

(a) General Rule Except as provided in subsection (b) hereof no will shall be valid unless proved by the oaths or affirmations of two competent witnesses

(b) Foreign Execution A written will of a testator domiciled outside of Pennsylvania but within the United States executed and proved in accordance with the law of his domicile shall be effective as to property within Pennsylvania

Section 7 Modification of Circumstances Wills shall be modified upon the occurrence of any of the following circumstances among others

\* \* \*

(2) Divorce If the testator is divorced from the bonds of matrimony after making a will all provisions in the will in favor of or relating to his spouse so divorced shall [be thereby revoked] thereby become ineffective for all purposes

\* \* \*

#### Section 8 Change by Election of Surviving Spouse

(a) Right of election when a married person dies testate as to any part of his estate the surviving spouse while living shall have a right of election under the limitations and conditions hereinafter stated provided that the spouse so electing also must elect to take against all conveyances within the scope of subsection (a) of Section 11 of the Estates Act of 1947 as amended of which he is a beneficiary

(b) Share of Estate The surviving spouse upon an election to take against the will shall be entitled to one-third of the real and personal estate of the testator if the testator is survived by more than one child or by one or more children and the issue of a deceased child or children or by the issue of more than one deceased child and in all other circumstances the surviving spouse shall be entitled to one-half of the real and personal estate of the testator

\* \* \*

#### Section 12 Failure to Make an Election

(a) Effect Except as provided in section 7 (3) hereof failure to make an election in the manner and within the time limits set forth in section 11 hereof shall be deemed an election to take under the will or an acquiescence in the provisions thereof No payment or distribution from the estate except the exemption allowed by law to the [widow] surviving spouse shall be required to be made to the surviving spouse within one year after the probate of the will unless his election to take under or acquiesce in the will shall have been made and filed as provided in section 10 hereof

\* \* \*

Section 14 Rules of Interpretation In the absence of a contrary intent appearing therein wills shall be construed as to real and personal estate in accordance with the following rules

\* \* \*

(6) Adopted Children In construing clauses (8) (9) and (10) of this section relating to lapsed and void devises and legacies and in construing a will making a devise or bequest to a person or persons described by relationship to the testator or to another any person adopted before the death of the testator shall be considered the child of his adopting parent or parents and not the child of his natural parents Provided That if a natural parent shall have married the adoptaing parent before the testator's death the adopted person shall also be considered the child of such natural parent

(7) Illegitimates In construing clauses (8) (9) and (10) of this section relating to lapsed and void devises and legacies and in construing a will making a devise or bequest to a person or persons described by relationship to the testator or to another an illegitimate person shall be considered the child of his mother and not of his father

Provided That when the parents of a person born illegitimate shall have married each other he shall thereafter be considered legitimate

\* \* \*

Section 2 Clause (11) of section 14 of the act is repealed

Section 3 Subsection (b) of section 18 of the act is amended to read

Section 18 Testamentary Guardian

\* \* \*

(b) Guardian of the Estate Any person may by will appoint a [testamentary] guardian of [the] real or personal [estate which he shall devise bequeath or appoint to a minor] property passing to a minor upon his death when such property

(1) Is devised bequeathed or appointed to the minor in that person's will

(2) Is the proceeds of an insurance or annuity contract on the testator's life unless the owner of the contract has made an inter vivos designation of a guardian therefor

(3) Arises from an inter vivos transfer the major portion of which constituted a gift from the testator unless the testator has made an inter vivos designation of a guardian therefor

(4) Is a cause of action arising by reason of the testator's death

(5) Is a pension or death benefit from an employer of the testator or a society or organization of which the testator was a member

(6) Is a tentative trust of which the testator was the settler

Section 4 This act shall take effect on April 1 1956 and shall apply only to the wills of all persons dying on or after that day As to the wills of persons dying before that day the existing law shall remain in full force and effect

which was returned from the House of Representatives with amendments.

Said amendments having been twice read, and printed as required by the Constitution,

On the question,

Will the Senate concur in the same?

SENATE CONCURS IN AMENDMENTS MADE BY THE HOUSE TO SENATE BILL No. 689

Mr. FLEMING. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 689.

Mr. LANE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Harney,	McMenamin,	Stevenson,
Berger,	Hays,	McPherson, Jr.,	Stiefel,
Blass,	Holland,	Miller,	Taylor,
Camiel,	Kessler,	Mullin,	Van Sant,
Chapman,	Koprivier, Jr.,	Pechan,	Wade,
Dent,	Lane,	Peelor,	Wagner,
Diehm,	Madigan,	Propert,	Watkins,
DiSilvestro,	Mahany,	Ruth,	Weiner,
Donolow,	Mallery,	Schmidt,	Whalley,
Flack,	McCreesh,	Seyler,	Wolfe,
Fleming,	McGinnis,	Silvert,	Yosko,
Haluska,			

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

BILL ON CONCURRENCE IN HOUSE  
AMENDMENTS



Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 690, as follows:

An Act amending the act of April 24, 1947 (P. L. 80) entitled "An act relating to the descent of the real and personal estates of persons dying intestate and the procedure in reference thereto" and repealing parts thereof limiting right of a spouse on partial intestacy and in selection of allowance and revising procedure for setting aside spouses' allowance establishing title to real estate when spouse claims entire estate and distribution to the Commonwealth as statutory heir

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 2 act of April 24, 1947 (P. L. 80) known as the "Intestate Act of 1947" is amended to read  
Section 2 Share of Surviving Spouse The surviving spouse shall be entitled to the following share or shares

(1) More Than One Child One-third if the decedent is survived by more than one child or by one or more children and the issue of a deceased child or children or by the issue of more than one deceased child or

(2) One Child One-half if the decedent is survived by one child only or by no child but by the issue of one deceased child or

(3) No Issue The first ten thousand dollars in value and one-half of the balance of the estate if the decedent is survived by no issue In case of partial intestacy any amount received by the surviving spouse under the will shall satisfy pro tanto the ten thousand dollar allowance or

(4) No Issue or Other Designated Person All of the estate if the decedent is survived by no issue parent brother sister child of a brother or sister grandparent uncle or aunt

Section 2 Sections 10 11 and 12 of the act are repealed

Section 3 The act is amended by adding after section 9 three new sections to read

Section 10 Spouse's Allowance Procedure The ten thousand dollar allowance shall be set aside and awarded in distribution to the surviving spouse or his successor in interest in the same manner as other distributive shares of the estate are awarded without any right in the surviving spouse to choose particular real or personal property in satisfaction thereof Nothing herein shall be construed as limiting the right of the surviving spouse and other distributees to demand that property not theretofore sold be distributed in kind to them

Section 11 Procedure to Establish Title to Real Property When Spouse Claims Entire Estate A surviving spouse entitled under the provisions of this act to the entire estate of the decedent shall have it awarded to him in the same manner as a lesser share of the estate would be so awarded

Section 12 Property Distributable to the Commonwealth When the estate is distributable to the Commonwealth as statutory heir under the provisions of this act it shall be reduced to cash in all cases by the personal representative and awarded by the court in distribution to the Commonwealth and paid by the personal representative through the Department of Revenue into the State Treasury

Section 4 This amending act shall take effect April 1, 1956 and shall apply to the real and personal estates of all persons dying on or after the day the provisions of sections 10 11 and 12 of the "Intestate Act of 1947" repealed hereby shall remain in effect as to the estates of persons dying on or after January 1, 1948 and prior to April 1, 1956

which was returned from the House of Representatives with amendments.

Said amendments having been twice read, and printed as required by the Constitution,

On the question,

Will the Senate concur in the same?

SENATE CONCURS IN AMENDMENTS MADE BY THE HOUSE TO SENATE BILL No. 690

Mr. FLEMING. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 690.

Mr. LANE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

#### YEAS—45

Barr,	Harney,	McMenamin,	Stevenson,
Berger,	Hays,	McPherson, Jr.	Stiefel,
Blass,	Holland,	Miller,	Taylor,
Camiel,	Kessler,	Mullin,	Van Sant,
Chapman,	Koprivier, Jr.	Pechan,	Wade,
Dent,	Lane,	Peelor,	Wagner,
Diehm,	Madigan,	Probert,	Watkins,
DiSilvestro,	Mahany,	Ruth,	Weiner,
Donolow,	Mallery,	Schmidt,	Whalley,
Flack,	McCreesh,	Seyler,	Wolfe,
Fleming,	McGinnis,	Silvert,	Yosko,
Haluska,			

#### NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

### BILL ON CONCURRENCE IN HOUSE AMENDMENTS

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 691, as follows:

An Act amending the act of April 24, 1947 (P. L. 100) entitled "An act relating to the incidents of legal and equitable interests in real and personal property including the validity thereof the powers rights and duties of persons with respect thereto and the disposition of interests which fail and containing provisions concerning termination of trusts releases and disclaimers of powers and interests perpetuities accumulations charitable estates rights of a surviving spouse in property as to which the decedent has retained certain powers spendthrift trusts limited estates in property rules of interpretation estates pur autre vie estates in fee tail and the Rule in Shelley's Case" revising and changing provisions relating to power of court to terminate trusts heretofore created release or disclaimer by beneficiary of spendthrift trust income accumulations conveyances to defeat marital rights and elections against such conveyor's will and the procedure therefor

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 2 and subsection (a) of section 3 act of April 24, 1947 (P. L. 100) known as the "Estates Act of 1947" are amended to read

Section 2 Termination of Trusts

(a) Failure of Original Purpose The court having jurisdiction of a trust heretofore or hereafter created regardless of any spendthrift or similar provision therein in its discretion may terminate such trust in whole or in part or make an allowance from principal to a conveyor his spouse issue parents or any of them who is an income beneficiary provided the court after hearing is satisfied that the original purpose of the conveyor cannot be carried out or is impractical of fulfillment and that the termination partial termination or allowance more nearly approximates the intention of the conveyor and notice is given to all parties in interest or to their duly appointed fiduciaries But distributions of principal under this section whether by termination partial termination or allowance shall not exceed an aggregate value of twenty-five thousand dollars from all trusts created by the same conveyor

(b) Distribution of Terminated Trust Whenever the



court shall decree termination or partial termination of a trust under the provisions of this section it shall thereupon order such distribution of the principal and undistributed income as it deems proper and as nearly as possible in conformity with the conveyer's intention

(c) Other Powers Nothing in this section shall limit any power of the court to terminate or reform a trust under existing law

#### Section 3 Release or Disclaimer of Powers or Interests

(a) Powers and Interests Releasable Any power of appointment or power of consumption whether general or special other than a power in trust which is imperative and any interest in to or over real or personal property held or owned outright or in trust or in any other manner which is reserved or given to any person by deed will or otherwise and irrespective of any limitation of such power or interest by virtue of any restriction in the nature of a so-called spendthrift trust provision or similar provision may be released or disclaimed either with or without consideration by written instrument signed by the person possessing the power or the interest and delivered as hereinafter provided but nothing in this section shall authorize an income beneficiary of a spendthrift trust to release or disclaim his right to such income unless as a result of the release or disclaimer the released or disclaimed income will pass to one or more of the beneficiary's descendants

\* \* \*

Section 2 Section 6 section 7 and section 8 of the act are repealed

Section 3 The act is amended by adding after section 5 two new sections to read

#### Section 6 Income Accumulations When Valid

(a) General No direction or authorization to accumulate income shall be void except as herein provided

(b) Void Accumulations Exceptions Upon the expiration of the period allowed by the common law rule against perpetuities as measured by actual rather than possible events any direction or authorization to accumulate income shall be void

This subsection shall not apply to

(1) Directions or authorizations to accumulate income in a trust for any charitable purpose or purposes

(2) Directions or authorizations to accumulate income in a bona fide trust inter vivos primarily for the benefit of business employees their families or appointees under a stock bonus pension disability or death benefit profit-sharing or other employee benefit plan

(c) Time for Beginning Period The period allowed by the common law rule against perpetuities under subsection (b) of this section shall be measured from the expiration of any time during which one person while living has the unrestricted power to transfer to himself the entire legal and beneficial interest in the property

Section 7 Income Accumulations Disposition When Invalidity Occurs Income subject to a void direction or authorization to accumulate shall be distributed to the person or proportionately to the persons in whom the right to such income has vested by the terms of the instrument or by operation of law

Section 4 Sections 11 and 21 of the act are amended to read

#### Section 11 [Powers of Appointment Rights of Surviving Spouse] Conveyances to Defeat Marital Rights

(a) In General A conveyance of assets by a person who retains a power of appointment by will or a power of revocation or consumption over the principal thereof shall at the election of his surviving spouse be treated as a testamentary disposition so far as the surviving spouse is concerned to the extent to which the power has been reserved but the right of the surviving spouse shall be subject to the rights of any income beneficiary whose interest in income becomes vested in enjoyment prior to the death of the conveyer The provisions of this subsection shall not apply to any contract of life insurance purchased by a decedent whether payable in trust or otherwise

(b) Determination of Share The spouse may elect to take against any such conveyance and shall be entitled to one-third thereof if the conveyer is survived by more

than one child or by one or more children and the issue of a deceased child or children or by the issue of more than one deceased child and in all other circumstances one-half thereof

(c) Election Against Other Conveyances A spouse electing under this section also must elect to take against the will if he is a beneficiary thereunder and against all other conveyances within the scope of subsection (a) of which he is a beneficiary

(d) Procedure The election to treat a conveyance as testamentary shall be made in the same manner as an election to take against the will if there is a will such election shall be made within the same time limitations as an election to take against the will if there is no will Such election shall be made within one year of the conveyer's death and the orphans' court on application of the surviving spouse made within such period may extend the time for making the election it can be made only if there has been no forfeiture of the right to make an election the court having jurisdiction of the deceased conveyer's estate shall determine the rights of the surviving spouse in the property included in the conveyance

Section 21 Effective Date This act shall take effect on the first day of January one thousand nine hundred forty-eight and except as set forth in [section 3] sections 2 3 and 9 hereof shall apply only to conveyances effective on or after that day As to conveyances effective before that day the existing laws shall remain in full force and effect

Section 5 This act shall take effect April 1 1956 and except as set forth in sections 2 3 and 9 of the act amended hereby shall apply only to conveyances effective on or after that day As to conveyances effective before that day the existing law shall remain in full force and effect

which was returned from the House of Representatives with amendments.

Said amendments having been twice read, and printed as required by the Constitution,

On the question,

Will the Senate concur in the same?

#### SENATE CONCURS IN AMENDMENTS MADE BY THE HOUSE TO SENATE BILL No. 691

Mr. FLEMING. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 691.

Mr. LANE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

#### YEAS—45

Barr,	Harney,	McMenamin,	Stevenson,
Berger,	Hays,	McPherson, Jr.	Stiefel,
Blass,	Holland,	Miller,	Taylor,
Camel,	Kessler,	Mullin,	Van Sant,
Chapman,	Koprivier, Jr.	Pechan,	Wade,
Dent,	Lane,	Peelot,	Wagner,
Diehm,	Madigan,	Propert,	Watkins,
DISilvestro,	Mahany,	Ruth,	Weiner,
Donolow,	Mallery,	Schmidt,	Whalley,
Flack,	McCreech,	Seyler,	Wolfe,
Fleming,	McGinnis,	Silvert,	Yosko,
Haluska,			

#### NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

#### BILL ON CONCURRENCE IN HOUSE AMENDMENTS



**BILL OVER IN ORDER**

Mr. FLEMING. Mr. President, I ask unanimous consent that Senate Bill No. 696, Printer's No. 448, on concurrence in House amendments, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

**THIRD READING CALENDAR****BILL ON THIRD READING RECALLED FROM THE GOVERNOR****BILL OVER IN ORDER**

Mr. FLEMING. Mr. President, I ask unanimous consent that Senate Bill No. 773, Printer's No. 494, on third reading, recalled from the Governor, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

**RECESS**

Mr. FLEMING. Mr. President, I move that the Senate do now take a recess for ten minutes, for the purpose of holding a Republican Caucus.

Mr. BERGER. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. LANE. Mr. President, I wish to announce that the Democratic Members will also hold a caucus.

And the question recurring,

Will the Senate agree to the motion?

It was agreed to.

**AFTER RECESS**

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

**BILLS SIGNED**

The President (Lieutenant-Governor Roy E. Furman) announced that the Chief Clerk having reported that the following bills had passed both houses of the General Assembly and the same being correct, the titles were publicly read as follows:

Senate Bill No. 724, entitled:

An Act to further amend the act, approved the tenth day of March, one thousand nine hundred forty-nine (P. L. 30), entitled "Public School Code of 1949," by requiring the payment of money withheld from State appropriations to pay default in rent to a municipality authority or nonprofit corporation.

Senate Bill No. 834, entitled:

An Act validating and confirming certain contracts heretofore entered into by municipality authorities for the construction of a school building project or projects and for relevant service contracts as a part of the construction when there is no evidence of fraud or conspiracy and authorizing or ratifying payments on such contracts or parts of contracts by the municipality authority upon approval thereof by the Department of Public Instruction and the Department of Justice.

Whereupon,

The President (Lieutenant-Governor Roy E. Furman) in the presence of the Senate signed the same.

**THIRD READING CALENDAR****BILL ON THIRD READING DEFEATED ON FINAL PASSAGE**

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 173, entitled:

An Act providing for the establishment of police pension pension funds or pension annuities in certain boroughs towns and townships and the regulation and maintenance thereof providing for continuance of existing funds or transfer thereof to funds herein established prescribing rights of beneficiaries and repealing certain acts

And said bill having been read at length the third time, On the question,

Will the Senate agree to the bill on third reading?

**REQUEST THAT BILL GO OVER IN ORDER**

Mr. LANE. Mr. President, I ask unanimous consent that this bill go over in order.

The PRESIDENT. Is there objection?

Mr. FLEMING. Mr. President, I object to the bill going over in its order.

And the question recurring,

Will the Senate agree to the bill on third reading?

It was agreed to.

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

Mr. LANE. Mr. President, I ask my colleagues on this side of the aisle to vote "no" on this bill.

And the question recurring,

Shall the bill pass finally?

(During the calling of the roll, the following occurred:)

Mr. DENT. I desire to be recorded as voting "aye," Mr. President.

The PRESIDENT. The gentleman will be so recorded.

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

**YEAS—22**

Berger,	Fleming,	Mallery,	Schmidt,
Blass,	Haluska,	McCreesh,	Stevenson,
Chapman,	Holland,	McGinnis,	Van Sant,
Dent,	Koprivier, Jr.,	McMenamin,	Wagner,
Diehm,	Mahany,	Ruth,	Whalley,
DiSilvestro,			Yosko,

**NAYS—11**

Camel,	Lane,	Probert,	Watkins,
Hays,	Miller,	Seyler,	Wolfe,
Kessler,	Mullin,	Silver,	

Less than a Constitutional majority of all the Senators having voted "aye," the question was determined in the negative.

**BILL ON THIRD READING**

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 317, entitled:

An Act fixing the salaries and compensation of the Chief Justice and judges of the Supreme Court the President Judge and judges of the Superior Court the judges of the courts of common pleas the judges of the orphans' courts the judges of the Municipal Court of Philadelphia and the judges of the County Court and Juvenile Court of Allegheny County certain associate judges not learned in the law and repealing certain inconsistent acts.

And said bill having been read at length the third time, and agreed to.



On the question,

Shall the bill pass finally?

Mr. FLEMING. Mr. President, I would like to interrogate the sponsor of the bill, Senator Dent.

The PRESIDENT. Will the Senator from Westmoreland, Mr. Dent, permit himself to be interrogated?

Mr. DENT. Yes, I am willing to be interrogated.

Mr. FLEMING. Mr. President, I would like to ask the Senator how much this bill, if passed, will cost the Commonwealth of Pennsylvania?

Mr. DENT. Which bill are you talking about?

Mr. FLEMING. I am sorry, Senate Bill No. 317.

Mr. DENT. The salary bill; at present, it will increase the budget, for the judges, four and six-tenths per cent according to my figures.

Mr. FLEMING. In dollars, how much would that be, Senator?

Mr. DENT. I do not have that figure. I can only tell you the percentage as that is all I am working on. I could probably give it to you very quickly if you would give me a few minutes.

Mr. FLEMING. Mr. President, I would be glad to have a recess for a couple of minutes until he gets the information.

Mr. DENT. May I ask you a question?

Mr. FLEMING. Yes, sir.

Mr. DENT. Are you interested in how much it will increase the budget for the biennium for all judges in the Commonwealth?

Mr. FLEMING. That is correct.

Mr. DENT. I will be glad to give it to you.

Mr. FLEMING. Can we pass this bill over for the moment?

Mr. DENT. I will give you a book and you can read it.

Mr. FLEMING. I do not want the book.

And the question recurring,

Shall the bill pass finally?

#### BILLS OVER IN ORDER TEMPORARILY

Mr. LANE. Mr. President, I suggest that we go on with the Calendar, and I now ask unanimous consent that Senate Bill No. 317, on final passage, go over in its order, temporarily.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. FLEMING. Mr. President, I ask unanimous consent that Senate Bill No. 318, Printer's No. 493, on third reading, go over in its order, temporarily, until we revert to Senate Bill No. 317.

The PRESIDENT. Is there objection? The Chair hears none.

#### BILL OVER IN ORDER

Mr. FLEMING. Mr. President, I ask unanimous consent that Senate Bill No. 590, Printer's No. 477, on third reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

#### BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 802, entitled:

An Act to provide for an additional law judge of the orphans' court in the fifth judicial district.

And said bill having been read at length the third time,  
On the question,

Will the Senate agree to the bill on third reading?

#### REQUEST THAT BILL GO OVER IN ORDER

Mr. FLEMING. Mr. President, I ask unanimous consent that this bill go over in its order.

The PRESIDENT. Is there objection?

Mr. BARR. Mr. President, I would like to interrogate Senator Fleming for a moment.

The PRESIDENT. Will the Senator from Allegheny, Mr. Fleming, permit himself to be interrogated?

Mr. FLEMING. I shall, Mr. President.

Mr. BARR. Can you tell me why you are passing over Senate Bill No. 802, Senator? For your own information, I do not have any personal interest in the bill. It is a Bar Association bill and has been here for quite a time. Is this a Caucus movement or what?

Mr. FLEMING. Mr. President, in answer to the gentleman, we are considering some possible amendments to this bill which will change the effective date.

Mr. BARR. Can you tell me what the effective date is now?

Mr. FLEMING. I believe the effective date in the bill has passed. As I understand the construction placed on it by the Legislative Reference Bureau, it would become effective immediately regardless of the effective date in it, but I do not know whether the Department of Justice would put the same construction on it.

Mr. BARR. Will you wait just a minute until I look at the bill?

Mr. DENT. While they are looking up the information on that bill, let us go back to the old one.

The PRESIDENT. Will the gentleman just yield for a moment? There is a request before the Senate to pass this bill over in order and the Senator from Allegheny, Mr. Barr, is questioning the Senator from Allegheny, Mr. Fleming.

Mr. FLEMING. Mr. President, I am sorry; I am wrong. I have the effective date of the bill mixed up. The effective date is January 1958, Senator Barr. No, it is not; I am sorry, that is not right. My advisor advised me wrong.

Mr. BARR. May I answer my own question to the gentleman?

Mr. FLEMING. Yes, certainly.

Mr. BARR. Section 3 states:

"The Governor is hereby authorized to appoint a competent person learned in the law as an additional law judge of the orphans' court in the fifth judicial district to serve until the first Monday of January 1958"

In other words, after the bill is passed and signed by the Governor, it immediately becomes effective.

Mr. FLEMING. That would be right; yes, sir.

Very frankly, Senator, what we had in mind was changing it to the next municipal election and let the election of 1957 decide who should be elected to the orphans' court.

Mr. BARR. Senator Fleming, unless I got a lot of bad misinformation, the Bar Association is the one who has put on a drive for this judge. As I understand it and I could be wrong, entirely wrong, and correct me if I am, you withdrew your objections to the bill. I have not talked to the four judges, but I understand that you have.

Mr. FLEMING. I talked to the four judges, Senator,



and I withdrew my objection. I think the extra judge is needed; whether he is needed immediately, I do not know. There is some question on this side of the House of whether that judge is needed before the first Monday in January of 1958.

Mr. BARR. Well, Mr. President, there are a couple of bills here which I am going to object to, too. In those bills, sponsored by Senator Koprivier, I do not know whether they need those adjoining roads which his bills propose. I will find their numbers and read them to you. There are three of them I think; one in Scott Township, one in Carnegie and another one I think up around Springdale. I do not know whether they need those rights of way either, and I guess I will have to object to those bills for the same reason.

Mr. DENT. Mr. President, I am always a fellow who believes in bringing things out where they ought to be. I have been here a good many years and this is the first time I have ever seen a demonstration such as is going on now. We all know what is behind this request. They do not want the judgeship to become effective in order that the Governor will not have an appointment to the position. In all the years that I have been here, every new judgeship which has been created, the Governor who was in office named a man to the bench.

Mr. President, the idea behind creation of a new judgeship is that the judges are needed at the time. If they need them in 1957, wait until 1957 to pass the bill. Evidently the judge is needed now or there would not be a request from the Bar Association, and from the orphans' court bench of Allegheny County, for the additional judge. They do not need him in 1957; they need him now. If you are afraid of having the Governor have the power of appointment, change the Constitution and take it away from him. However, if you need a judge, do not hide behind a flimsy excuse such as that. You know they need the judge and that is what you said. You said, "I know they need the judge, but I do not know whether they need him now." If you know they need him, they must need him now. You cannot say they are going to need him in 1957 because you do not know what the conditions are going to be. All you are doing with this is giving out again, as you always have, the idea that you change the rules in the middle of the game.

Mr. President, the Governor was elected Governor and you are going to do everything in your power, and under the sun, to keep him from acting as the Governor of this Commonwealth. You are going to take away from him all privileges, all prerogatives, all rights and all powers. This is just another example of petty, petty politics. If you need a judge in your county, let the Governor name one.

Mr. FLEMING. Mr. President, I yield to the Senator from Allegheny, Mr. Schmidt.

Mr. SCHMIDT. Mr. President, I might say that I had a conference with the three judges of the orphans' court of Allegheny County at the time the newspaper report was made that Senator Fleming was opposed to the creation of an additional judge in the orphans' court of Allegheny County.

At that time I was informed by the three judges that it was absolutely imperative for their own health that there be another judge appointed in the orphans' court of Allegheny County; that the court has not been in-

creased in size for the past twenty-five years and that the burden on these judges was such that they were not even able to take their vacations. At that time, because there was some mention made that if a bill were passed there would be included an amendment which would postpone the filling of that vacancy until the next election, I asked the judges whether or not it was necessary that they have this judge immediately. I have the assurance of the three judges of the orphans' court of Allegheny that there is need for the judge and that the need is immediate.

Mr. LANE. Mr. President, I object to this bill going over in its order.

And the question recurring.

Will the Senate agree to the bill on third reading?

### BILL OVER IN ORDER

Mr. FLEMING. Mr. President, I move that Senate Bill No. 802, Printer's No. 452, on third reading, go over in its order.

Mr. MAHANY. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. BARR. I ask for a roll call, Mr. President.

Mr. DENT. I ask for a roll call, Mr. President.

The yeas and nays were required by Mr. BARR and Mr. DENT, and were as follows, viz:

#### YEAS—18

Berger,	Fleming,	Mallery,	Wagner,
Blass,	Kessler,	Probert,	Watkins,
Chapman,	Koprivier, Jr.	Stevenson,	Whalley,
Diehm,	Madigan,	Van Sant,	Wolfe,
Flack,	Mahany,		

#### NAYS—17

Barr,	Hays,	McGinnis,	Schmidt,
Camiel,	Holland,	McMenamin,	Seyler,
Dent,	Lane,	Mullin,	Silver,
DiSilvestro,	McCreesh,	Ruth,	Yosko,
Haluska,			

So the question was determined in the affirmative.

### SENATE BILL No. 317 CALLED UP

Mr. LANE. Mr. President, I now wish to call up from today's Calendar, Senate Bill No. 317, on Final Passage, which was passed over in its order temporarily.

### BILL ON FINAL PASSAGE

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 317, as follows:

An Act fixing the salaries and compensation of the Chief Justice and judges of the Supreme Court the President Judge and judges of the Superior Court the judges of the courts of common pleas the judges of the orphans' courts the judges of the Municipal Court of Philadelphia and the judges of the County Court and Juvenile Court of Allegheny County certain associate judges not learned in the law and repealing certain inconsistent acts

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 From and after the effective date of this act the judges of the Supreme Court the judges of the Superior Court the judges of the courts of common pleas the judges of the orphans' courts the judges of the Municipal Court of Philadelphia and the judges of



the County Court and Juvenile Court of Allegheny County shall receive the compensation hereinafter provided

Section 2 The annual salary of the Chief Justice of the Supreme Court shall be thirty thousand five hundred dollars (\$30,500) and the annual salary of each of the associate judges of the Supreme Court shall be thirty thousand dollar (\$30,000)

Section 3 The annual salary of the President Judge of the Superior Court shall be twenty-eight thousand five hundred dollars (\$28,500) and the annual salary of each of the associate judges of the Superior Court shall be twenty-eight thousand dollars (\$28,000)

Section 4 The annual salary of each of the judges of the courts of common pleas of the first and fifth judicial districts shall be twenty-three thousand five hundred dollars (\$23,500)

With the exception of the judges of the courts of common pleas of Dauphin County the annual salary of each of the judges of the courts of common pleas learned in the law in judicial districts having a population of more than two hundred and fifty thousand and less than one million inhabitants shall be twenty thousand dollars (\$20,000) in judicial districts having a population of one hundred thousand and more but less than two hundred fifty thousand inhabitants shall be twenty thousand dollars (\$20,000) in judicial districts having a population of sixty-five thousand or more and less than one hundred thousand inhabitants shall be nineteen thousand dollars (\$19,000) in judicial districts having a population of less than sixty-five thousand inhabitants eighteen thousand dollars (\$18,000) The amount of the salaries to be paid under this paragraph in the several judicial districts shall be determined and fixed according to the population of such districts as ascertained by reference from time to time to the last preceding decennial United States census

Section 5 The judges of the courts of common pleas of Dauphin County and the judges of the orphans' court of Dauphin County shall each receive twenty-five thousand dollars (\$25,000) annually

Section 6 In any county where a separate orphans' court is established the annual salary of each judge of the orphans' court shall be the same as is paid to the judge or judges of the court or courts of common pleas in such county

Section 7 The annual salary of the President Judge of the municipal Court of Philadelphia shall be eighteen thousand five hundred dollars (\$18,500) and the annual salary of each of the other judges of the Municipal Court of Philadelphia shall be eighteen thousand dollars (\$18,000)

Section 8 The annual salary of the President Judge of the County Court of Allegheny County shall be eighteen thousand five hundred dollars (\$18,500) and the annual salary of each of the other judges of the County Court of Allegheny County shall be eighteen thousand dollars (\$18,000)

Section 9 The annual salary of the judge of the Juvenile Court of Allegheny County shall be eighteen thousand dollars (\$18,000)

Section 10 When any judge learned in the law is called in as is now provided by law to assist the judge or judges of any other judicial district the judge so called in shall be entitled to receive for each day he is actually engaged in the performance of such duty the sum of fifty dollars (\$50) per day and the actual traveling expenses not in excess of ten cents (10¢) for each mile traveled to and from the place of holding court in such district

Section 11 The salaries or compensation of the associate judges not learned in the law of the courts of this Commonwealth shall be as follows Each such associate judge shall receive nine dollars (\$9) per day for every day he may be employed in the discharge of his official duties The salary of no such associate judge shall be less than one thousand eight hundred dollars (\$1,800) annually Each of said judges shall continue to be entitled to mileage as now provided by existing law

Section 12 The annual salaries and the compensation of the associate judges not learned in the law hereinbefore

provided for shall be paid monthly by warrant of the Auditor General on the State Treasurer

Section 13 The act of January 5, 1952 (P. L. 1821) entitled "An act to fix the salaries and compensation of the judges of the Supreme Court the judges of the Superior Court the judges of the courts of common pleas the judges of the orphans' courts the judges of the Municipal Court of Philadelphia and the judges of the County Court of Allegheny County certain associate judges not learned in the law and repealing certain acts inconsistent herewith" and the amendments thereto are repealed

Section 14 This act shall take effect the first day of the month following final passage of this act

On the question,

Shall the bill pass finally?

Mr. DENT. Mr. President, I would like to answer the question, as best I can, proposed by the gentleman from Allegheny, Mr. Fleming. The bill which is now before us has been amended from the original bill which I introduced. The best figure that we can get is an increase in cost of \$780,000 per biennium.

When the bill was first introduced, it increased the Chief Justice's pay in the Commonwealth from \$25,500 to \$38,250; the Associate Judges from \$25,000 to \$37,005; Superior Court Judges from \$23,500 to \$35,250 and the Associate Judges from \$23,000 to \$34,500. It also increased the Dauphin County Court from \$20,000 to \$30,000. The new bill before us disregards the original intent of the act. Incidentally, the original intent of the act was to fall in line with what had happened on a Federal base. If you will go through your booklet, which I have passed out to every Member of the Senate, you will find that the judicial salaries on a Federal base were raised fifty per cent. The proposals here were on the same base. However, we ran into opposition and due to the stringent situation which we find our State's finances in, it was considered that it would be out of proportion to try to receive that kind of an increase at this time. What we have done is taken the Supreme and Superior Courts, the Philadelphia, Allegheny and the Commonwealth Court in Dauphin County, and we have raised them all on the schedule of \$5,000 across the board. Then we have taken our other Common Pleas Courts throughout the State and have raised them on a schedule of \$4,000 across the board.

Mr. President, if you will take and look and compare the judges' salaries in Pennsylvania with past, present and proposed, you will come up with some very interesting figures. For instance, the Supreme Court Judge's salary when he was making \$19,500 a year, after income tax, left him \$18,136 a year. Now that he receives \$25,500 a year, after income tax he finds that he has \$18,656 or a difference in purchasing power, as compared to the old purchasing power of \$18,136, or \$9,701.

All of us recognize that our judges are in a restricted income field once they accept the appointment or the election to a judicial position. I do not believe that any lawyer in this room will say that he has maintained the same salary earnings over the past decade which have prevailed in the matter of salaries for judges. We have increased our judges in Pennsylvania, although the cost of living has gone up ninety-three per cent since 1933, a total of twenty-two per cent. If you go into the situation, you will find that we should have been climbing on salaries in the judicial field the same as we have been in other phases of government. Because we have neglected to do this, we find ourselves in an acute position today.



Mr. President, I do not believe that any citizen of the Commonwealth would represent this very modest increase as being exorbitant in the matter of judicial salaries. In fact, when I introduced the bill I was in high hopes that the least we would be able to give the judges would be, at least, fifty per cent of the increase that we had asked for. A Supreme Court Judge should have been able to receive, under the amendments which I first proposed, a salary increase of \$6,375. However, we were unable to get that through the committee and we worked out what I thought was an arrangement whereby we could vote for this legislation at this time, with the sincere hope that the Governor would find it within his means to sign the legislation. I am hopeful that the question of judges' salaries can be terminated today.

I do not believe that this is the end. I believe that as the State's fiscal situation becomes brighter in the future, we will have to take into consideration judicial salaries in this Commonwealth. This bill, coupled with the next bill, is only a step in the right direction. I am not an attorney so I do not practice before the judges and have no favors to ask of them. I do believe, however, that as a citizen I would rather see our judges paid a salary commensurate with the work that they do and the hours they put in. A great many citizens do not know of the extreme work in counties the size of mine. Westmoreland County has four Common Pleas and one Orphans' Court Judge and I want to tell all of you right now that it is a very burdensome job; that they have to work many, many hours when the courts are not in session in order to fulfill the offices to which they have been elected.

Mr. President, I am sure that, although we in the Legislature seem to want to treat ourselves in a manner unbefitting the jobs that we hold, this is no reason that we should treat others to the same treatment. I am one of the fellows who believes that we ought to increase the salaries of Cabinet Officers and people in public office, schoolteachers and the rest, because you only get what you pay for and you cannot have an expanding economy in the Country and have a diminishing economy for those whom you put in trusted positions. One of the chief bulwarks of our freedom is the judicial branch of government. I would like to ask my colleagues to support this very modest increase in salaries for the judges at this time.

Mr. FLEMING. Mr. President, I thank the gentleman for the very learned discourse. If I remember the figure correctly, he said \$780,000 Is that for one year, Senator?

Mr. DENT. No, that is for a biennium according to the figures which I have here.

Mr. FLEMING. Would your figures, Senator Dent, agree with mine, that there are 195 judges in the Commonwealth of Pennsylvania?

Mr. DENT. I would say there are that many.

Mr. FLEMING. Well, \$4,000 times 195 is \$780,000 for one year. In a biennium, it would be double that amount.

Mr. DENT. The only figure I have is the figure which was given to me by the department when I sent for it. I asked for the biennium figure. I did not go into it to figure it out because I was figuring on the basis of my original bill. These new amendments I did not figure out myself.

Mr. FLEMING. I thank the gentleman, Mr. President.

Mr. DENT. Even if your figures are right, and I would

not say they are not right, if you take it on the basis of the judgeships which you say are here, and the ones who would receive \$4,000 a year and if it is \$780,000, I perhaps am confused by the fact that almost a year of this biennium is gone.

Mr. FLEMING. Senator Dent, is this amount of money, or any amount of money, set up in the Governor's budget to take care of this?

Mr. DENT. No, this is not set up in the budget any more than the \$31,000,000 which you voted for the schoolteachers.

Mr. FLEMING. That is all; thank you, Senator.

And the question recurring,

Shall the bill pass finally?

(During the calling of the roll, the following occurred:)

Mr. MILLER. Mr. President, I wish to be recorded as voting "aye."

The PRESIDENT. The gentleman from Beaver will be so recorded.

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

#### YEAS—32

Barr,	Haluska,	McCreesh,	Seyler,
Berger,	Hays,	McGinnis,	Silvert,
Blass,	Holland,	McMenamin,	Stevenson,
Camiel,	Kessler,	Miller,	Van Sant,
Dent,	Koprivier, Jr.	Mullin,	Wagner,
Diehm,	Lane,	Pechan,	Watkins,
DiSilvestro,	Mahany,	Ruth,	Whalley,
Flack,	Mallery,	Schmidt,	Yosko,

#### NAYS—5

Chapman,	Madigan,	Propert,	Wolfe,
Fleming			

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

#### SENATE BILL No. 318 CALLED UP

Mr. LANE. Mr. President, I call up from today's Third Reading Calendar Senate Bill No. 318, which was passed over in its order temporarily, for consideration at this time.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 318, as follows:

An Act pertaining to the resignation and retirement of judges under certain conditions fixing their compensation upon resignation or retirement and imposing duties on certain State officers

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Any "judge" referred to in this act shall include the Chief Justice and any judge of the Supreme Court the President Judge and any judge of the Superior Court and any judge of the courts of common pleas orphans' court Municipal Court of Philadelphia County Court of Allegheny County and Juvenile Court of Allegheny County

Section 2 (a) Any judge of any court of the Commonwealth of Pennsylvania who has served at least one full elective term or ten years in the aggregate continuously or otherwise in one or more of the judicial offices referred to in section 1 hereof and has attained the age of sixty-five years or more may resign his judicial office or upon the expiration of his term of judicial office when he attains the age of sixty-five years or more he may retire



therefrom and upon giving to the Governor of the Commonwealth of Pennsylvania the written notice required by section 2 hereof and holding himself in readiness after his resignation or honorable retirement from judicial office to advise his successors and their colleagues and to perform such duties as special master referee auditor or examiner in such ways as he may reasonably be able to do shall be paid thereafter annually in equal monthly installments during the remainder of his life a sum equal to two and one-half per centum of the salary received by him during the last twelve months of his service as judge for each and every year he served as such judge subject however to the deductions therefrom if any as provided in section 5 of this act

(b) Any person serving as a judge on or after the effective date of this act who shall have served as such one full elective term or at least ten years in the aggregate continuously or otherwise in one or more of the judicial offices referred to in section 1 hereof and who has not then attained the age of sixty-five years shall upon attaining the age of sixty-five years and upon giving the Governor of the Commonwealth of Pennsylvania the written notice required by section 3 hereof and holding himself in readiness to perform such duties as special master referee auditor or examiner in such ways as he may reasonably be able to do likewise be paid thereafter annually in equal monthly installments during the remainder of his life two and one-half per centum of the salary received by him during the last twelve months of his service as judge for each and every year he served as such judge subject however to the deductions therefrom as provided in section 5 of this act

Section 3 Any judge who becomes entitled to and desires to obtain the benefits of this act and is qualified to do so under the requirements of section 2 hereof and is willing to hold himself in readiness to render the services therein specified shall file with the Governor of the Commonwealth of Pennsylvania a written notice of his resignation or retirement from judicial office or shall file with the Governor of the Commonwealth of Pennsylvania a written notice of his election to receive the benefits of this act as provided in section 2 hereof as the case may be accompanied by a statement in writing of his willingness to hold himself in readiness to advise his successors and their colleagues and perform such duties as special master referee auditor or examiner in such ways as he may be able to do and shall simultaneously therewith file executed copies of the said documents with the State Employees' Retirement Board and he shall thereupon receive from the date of the said notice of his resignation or retirement the sums set forth in section 2 hereof subject however to the deductions therefrom as provided in section 5 hereof

Section 4 Any judge who shall while in judicial office become incapacitated by reason of his health or physical disability for full and efficient service to the Commonwealth in his judicial capacity and shall have served at least one full elective term or ten years in the aggregate in one or more of the aforesaid judicial offices continuously or otherwise and shall have attained the age of sixty years or more may give written notice to the Governor of the Commonwealth of Pennsylvania of his desire to retire and take advantage of the provisions of this act because of such disability and of his willingness to hold himself in readiness to advise his successors and his colleagues and to perform such duties as special master referee auditor or examiner as he may reasonably be able to do The Governor shall thereupon appoint three physicians of skill and repute in their profession who are residents of this Commonwealth who shall examine the applicant for retirement and report to the Governor as to the applicant's incapacity by reason of his health or physical disability and whether in all reasonable probability if they find the disability exists it will continue permanently and does and will continue to prevent the applicant from giving full and efficient service to the Commonwealth in the regular performance of his judicial duties If it is made to appear by such report that the disability exists and that it will in all reasonable probability continue permanently and if the Governor approves the report the Governor shall file it with his approval endorsed thereon with the Secretary of the Commonwealth and a copy thereof with the State Employees' Retirement Board Upon such filing of the report

with the approval of the Governor endorsed thereon the applicant shall as of the date of such approval be retired from further judicial service and shall hold himself in readiness to advise his successors and his colleagues as set forth above and he shall be paid thereafter annually from and after the date of his resignation in equal monthly installments during the remainder of his life a sum equal to one-third of the salary received by him for the twelve months preceding the date of his retirement for disability subject however to deductions therefrom as provided in section 5 of this act

Section 5 The annual payments provided in this act to be paid to any person qualified under sections 2 and 3 hereof shall not exceed eighty per centum of the salary received by him during the last twelve months of service as a judge and shall be reduced by the amount that the total payments if any he is entitled to receive annually as a member of the State Employees' Retirement System as State and members' annuities on the basis of the full superannuation allowance or disability allowance in accordance with the provisions of the State Employees' Retirement Law act of June 27, 1923 (P. L. 858) as amended and supplemented and the payments that he is entitled to under this act exceeds eighty per centum of the salary received by him during the last twelve months of service as a judge and any judge who is not a member of the State Employees' Retirement System shall in no event receive under the provisions of this act more than he would have received had he been a member of the State Employees' Retirement System during the period of his eligibility for such membership Any judge desiring to take advantage of the provisions of this act upon his resignation or honorable retirement shall forthwith send a duplicate copy of his resignation or notice of his retirement to the State Employees' Retirement Board who shall forthwith certify to the State Treasurer and Auditor General whether or not he is a member of the State Employees' Retirement System and if he is a member the total annual amount from all annuities to which he is entitled as a member of the State Employees' Retirement System and if he is not a member the total annual amount from all annuities to which he would have been entitled if he had been such a member during the period of his eligibility for such membership the calculation and determination of the payments to be made under the provisions of this act and the distribution and payment thereof to the judges entitled thereto shall be made by and under the supervision and direction of the State Employees' Retirement System

Section 6 No judge while accepting payments provided for in this act shall be entitled to any additional compensation for the performance of any duties assigned to him under this act but such judge shall not be obliged to accept an assignment or duty from any court other than the court of the judicial district of which he was a member at the time of his resignation or retirement

Section 7 This act is intended as additional legislation and shall not be construed as repealing the act of June 27, 1923 P. L. 858) establishing a State Employees' Retirement System or the amendments and supplements thereto All other acts or parts of acts inconsistent herewith are repealed

Section 8 This act shall take effect the first Monday of July 1955

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

Mr. FLEMING. Mr. President, I would like to interrogate the sponsor of this bill, Senator Dent, who is busy at the moment.

The PRESIDENT. Will the Senator from Westmoreland, Mr. Dent, permit himself to be interrogated?

Mr. DENT. I will, Mr. President.



Mr. FLEMING. Senator Dent, on Senate Bill No. 318, do you have any figures on what that will cost?

Mr. DENT. Again, I can give you percentages. If you want them, all right. If not, I cannot do much for you, except that I do have one set of figures which might enlighten you a little. I have the actuarial report which states:

"The yearly pension credits under the bill are greater than under the existing system not only because of the additional one-half of one per cent, but also because of the use of the final salary as that of the last year of service, so that the total yearly credits for the 200 members of the group are calculated to be \$83,787.50 as compared to \$66,474. The added cost of the increased yearly credits is calculated to be \$135,683 which is on a payroll of \$3,351,000, or an increase of four and five-tenths per cent."

Mr. FLEMING. Does this create a second pension fund? I mean, would this be in addition to the money that a judge would get were he a member of the State Retirement Fund?

Mr. DENT. Yes; under the provisions of this bill, any retirement allowances from the State Employees Retirement System are to be considered a part of the total retirement allowance granted under the bill. It is a combination, but at no time can they receive more, since your amendment went into it, than eighty per cent of their last year's salary.

Mr. FLEMING. It would be a combination of the two?

Mr. DENT. That is right. That will be exactly what you will have in all probability, Senator. When you get a combination of the Social Security Act with the State Employees Retirement System and the School Teachers Retirement System, you will find that the States are having a difficult time because of integrating the two systems, the Social Security with their existing retirement systems, but you will definitely have a dual system of retirement in Pennsylvania, and other States, when they integrate into the Federal system of Social Security. This bill is in anticipation of that, and is the same deal for the judges.

Mr. FLEMING. Mr. President, probably little I say here will carry much weight with anybody and I certainly want it understood that I do not speak for the Republican Members in what I am about to say. I speak only for myself on this measure; it is not a party measure.

We have just defeated House Bill No. 173 by a vote of 22 to 11. That was a bill which was to provide a pension plan for municipal police in the boroughs and townships throughout Pennsylvania. That bill would have permitted them to have retired at the age of sixty, after twenty-five years of service, and receive half of their salary. Also to be taken into account with that bill would be any amount that they would receive from social security. Not very many of the policemen, but some of them, in Pennsylvania are under Social Security in the boroughs and townships.

Mr. President, we have, in the wisdom of this Body, defeated that bill. Yet, now we are going to vote for and, in all probability, pass a bill that is going to give the judges of Pennsylvania an opportunity to retire at \$15,000 and \$16,000 a year. What can be right, fair or just about that? We are denying to the man out on the beat, the borough and township policeman, the right of

any type of retirement. Certainly, he is entitled to retirement the same as any other person. We have advanced to the age, there is no question about it, when everybody is entitled to some type of Social Security. Yet, here are these thousands of men whom we have just denied by our vote the right to some such pension plan and, nevertheless, we are going to increase the pension rights of the judiciary of Pennsylvania when, at the present time, in many instances, they would be entitled, under the State Retirement Act, to retire at a sum of approximately half of their final salary had they attained the age of sixty and complied with the provisions of the State Retirement Act.

Mr. President, I certainly would think that those of you who voted against House Bill No. 173 should very seriously consider voting against this measure.

Mr. DENT. Mr. President, in order to keep the record straight, I would like to have Senator Fleming know that I voted for the municipal retirement bill. I want you to understand that, and I want to be consistent. I voted for that, and I am going to vote for this. There are many logical arguments that a person can use at any time. However, when you stop to realize that a judge, when he is elected, is elected for ten years. During the ten years that he is on the Bench, he disassociates himself from his former clients and all associations in his practice of law. He finds himself, at the end of ten years, facing an electorate. As you well know, you do not always win when you run. He finds himself, after serving the Commonwealth for ten years, starting out all over again. Under this bill, he will definitely have the same retirement rights that we, in the Legislature, have voted for ourselves. In other words, he would have the right to collect, after serving ten years, two and one-half per cent of his salary for every year that he served, or a total of twenty-five per cent of his final salary. This would give him an opportunity to again re-establish himself in the practice of law.

Mr. President, if we are going to keep the calibre of the judiciary up and if we are going to try to entice the good, upright citizens and good attorneys to make the sacrifice to run for judge—because I do not think that any lawyer in this room would say that a judge does not make a sacrifice when he accepts a fixed salary for a period of ten years, rather than in the private practice of his business—you do not want to say that only those who can earn a very meager income should run for the judiciary. I believe that all citizens should be able to stand for public office without making too great a personal financial sacrifice. I know of one judge, for instance, who is friend of yours, who told me himself—Judge Kenworthy, of the Superior Court—that he resigned from the Bench because he could not afford to stay on the Bench. You just cannot have that kind of a condition prevail in any public office.

Just because some people believe that the Legislature ought to work for nothing is no sign that the Legislature ought to think that everybody else should work for nothing. I do not believe that this is out of proportion because, in the end, a judge has to serve twenty years; he has to be sixty years of age or over and, at that time, he would receive eighty per cent total limit of his last salary.

Remember, Mr. President, that the old judicial retire-



ment system did not require that they pay anything into the fund. We have judges in this Commonwealth who paid on the last month of their salary into the Retirement Fund and received full retirement pension. That was changed a few years ago. However, they can still do something on that order. They can still wait until the last minute, if they so desire, and many of them wait to see whether they will be re-elected because there are no benefits that accrue to them if they do not serve the full twenty years or reach the age of sixty-five. Therefore, Mr. President, this is a protection for the first ten years of their term of office. This provides, the same as for the Legislature, that if you serve ten full years, you are permitted to receive partial retirement. I want to say that I do not think it is a bit unfair. I think it is good for the government; I think it is good for the judicial system and I believe that every fair-minded person will go along and vote for this legislation.

Mr. FLEMING. Mr. President, first of all, I did know that Senator Dent had voted for House Bill No. 173 and I want to compliment him for that. I do not want to prolong this argument and I know I am not going to change any votes, but I would only say to him, or to anyone else, in any of the counties where you have trouble getting candidates for judges, if you will just give us a two-year notice I know there are hundreds of them back in Allegheny County who are very capable. They will be glad to come into your county and establish residence. I am sure that they will not object to working for the price that we are now paying judges. I do not think we ever have a scarcity of candidates. I think we usually find that they are pretty willing, ready and able to make that sacrifice to serve the people.

Mr. SEYLER. Mr. President, the gentleman from Allegheny, Senator Fleming, in discussing this bill, also got into a discussion of House Bill No. 173. He made some statements which to me seem to be entirely unwarranted by the facts.

Mr. President, there is a great difference between this bill and the bill we are voting on now. I did not vote for House Bill No. 173. In my opinion, those who did—and that includes both Senator Fleming and Senator Dent—voted for a bill which would fasten onto local governments the obligation to pay pensions in a system which will not be actuarially sound and which the State will pay no share in paying the pensions. In other words, he voted to fasten onto local governments a burden which the people in that district, and which the council members and supervisors in that district, would have no voice in. I say this is not home rule. I say it is contrary to the principle of home rule and, for that reason, there is a greatly different issue involved in House Bill No. 173 and Senate Bill No. 318.

I would like the record to show that those of us who voted against House Bill No. 173 did it for a reason which we considered good and sufficient.

Mr. DENT. Mr. President, I only want to say to the gentleman from Allegheny, Senator Fleming, that I have heard him, I believe, complain and I know that I have heard other Members of the Senate complain that the salaries which we receive are inadequate. I believe that most of the citizens of the Commonwealth believe that the salaries received by the Membership of the General Assembly are inadequate. I do not know how many peo-

ple know it, but the actual salary of the Members of the General Assembly is \$3,000 a biennium.

Just as in the case of judges, Mr. President, there are plenty of candidates. There are plenty of candidates for school boards, and that position does not pay anything. There are a great many citizens who believe that just being a judge would be worth it if you would let them serve and they would pay you for the privilege. However, what kind of government would you have?

In the old days, in the old labor market, before the strength of unions started to be exercised in this great Country of ours, if the prevailing rate was thirty-five cents an hour, there were always a lot of men on the outside who were willing to work for twenty-five cents an hour. After that batch got in, the employer went out and looked around and got another batch to come in who would be willing to work for fifteen cents an hour. It is not what people are willing to do; it is what is right and what is wrong. If it is right to pay them a living wage, or somewhere near a living wage, we have to do it. If it is not right, then we should not do it. The fact that you can get candidates does not, in any way, have anything to do with what is right and what is wrong in the matter of a proper salary. I imagine you could go out and get a great many persons who would be willing to be Cabinet Officers with half of the pay that they pay Cabinet Officers. However, that is not the point. I could probably go into your District and get somebody to run for your job and you would not have to pay him anything. That would not mean that he would do as good a job as you are doing. I think if you took into consideration some of the expenses you have, it is well known that if the Membership of this General Assembly did not have other means of earning a livelihood, they could not afford to be Members. Remember, the judges have no other means. They give up their training as lawyers and go onto the Bench to serve the people.

And the question recurring,

Shall the bill pass finally?

(During the calling of the roll, the following occurred:)

Mr. CHAPMAN. Mr. President, I desire to be recorded as voting "aye."

The PRESIDENT. The gentleman from Warren will be so recorded.

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—30

Barr,	Flack,	McCreesh,	Schmidt,
Berger,	Haluska,	McGinnis,	Seyler,
Blass,	Hays,	McMenamin,	Silver,
Camiel,	Holland,	Miller,	Van Sant,
Chapman,	Koprivier, Jr.,	Mullin,	Watkins,
Dent,	Lane,	Pechan,	Whalley,
Diehm,	Mahany,	Ruth,	Yosko,
DiStavestro,	Mallery,		

NAYS—7

Fleming,	Madigan,	Stevenson,	Wolfe,
Kessler,	Propert,	Wagner,	

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present the said bill to the House of Representatives for concurrence.



## BILL RECOMMITTED

Mr. FLEMING. Mr. President, I move that Senate Bill No. 851, on third reading, entitled:

An Act amending the act of March 10, 1949 (P. L. 30) entitled "Public School Code of 1949" requiring approval of the electors of the school district before entering into any lease with the State Public School Building Authority or any municipality authority or nonprofit corporation and providing for elections thereon

be recommitted to the Committee on Education, for the purpose of further study.

Mr. LANE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. WATKINS. Mr. President and Members of the Senate, as you will note on the Calendar, I am the sponsor of Senate Bill No. 851, and I would like to go on record even though I am not opposing the recommitment of this bill.

After giving the bill careful study, I find that through a misapprehension this bill, as some people might think, is on the Calendar. I can personally see nothing wrong with it. I see no misapprehension and I see nothing wrong with the bill. However, I do not feel as though in Pennsylvania, due to the fact that we have not denied the right of the people to vote on other issues, that we can conscientiously pick on the schools and say that it is not good for them, but yet it is good for some other group to do just this.

Mr. President, I would like to call the attention of the gentlemen of the Senate to just one thing. Our school system, and the cost of our school system, is growing and growing. Since I have been in the Senate, since 1949, I have seen the cost of the school system jump every year, which is only natural, due to the fact that every other thing is jumping. However, being guilty in 1949 of voting for this Authority, I found that I also, as a freshman Senator, voted to give the people the right to form this Authority. I also feel that I was in error in voting for this Authority. It has been called to my attention time and time again, by more directors than anyone could ever think of, that they think or feel as though the people of the State of Pennsylvania cannot conscientiously and honestly vote for taxation to pay for the cost of building a school. Personally, even though I voted wrong in 1949 with respect to creating this Authority, I would like to say this. When we bypass the people on any issue, regardless of whether it be the school system or any other system, when we feel that the people of this State are not intelligent enough to vote on any issue, I think we are violating the principles of democracy.

Mr. President, I think this is something that we should give further study to in order to see that, in the future, we do give the people the right to vote on any issue. I, personally, think it would be most unfair, as I stated before, to try to stop the building of the schools that have already been started in districts which, from what I understand are dependent upon this Authority to build them. It would be unjust and unfair on my part to continue to try to shove this down as legislation that would curtail that movement. Therefore, Mr. President, I say that I will not fight against the recommitment of this bill.

I would also like to call to the attention of the Members

of the Senate that the people who have the say to do these things are not even elected by the people. They are appointed by members of the school boards. I can see that it is most necessary to have that evil corrected, too. In the District in which I reside, there is a man who has not even moved into a new house as yet and who does not even know any of the residential people who live in our area. He does not even know the names of ten people who live there. Yet, he is a man who will speak on the building of a \$1,900,000 school that will be built in the very near future, in our township or in the vicinity.

I find, Mr. President and Members of the Senate, that we must watch all of these Authorities that we set up in the future. We must certainly check into them and find out whether we are violating the rights of the people in bypassing them. I think that perhaps we, too, should ask the Joint State Government Commission to make a study—I think I shall present such a resolution—and advise the Members of this Senate just what is right to protect the rights of the people under the authorities that we already have set up.

Mr. YOSKO. Mr. President, I concur in the statements and sentiments expressed by my colleague, Senator Watkins. However, because I understand that if this bill were passed it would delay construction of schools that have already been planned, I, too, will not oppose the recommitment of the bill.

I concur, too, in the suggestion made by Senator Watkins that a study be made of the Authority method of financing school and other construction in Pennsylvania. I know, from my own knowledge, that this authority method of financing is getting out of hand in Pennsylvania and it is placing this State in bankruptcy.

And the question recurring,

Will the Senate agree to the motion?

It was agreed to.

## BILL ON THIRD READING AMENDED

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 856, entitled:

An Act amending the act of March 30, 1917 (P. L. 21) entitled "An act defining optometry . . ." further regulating the refusal cancellation revocation and suspension of licenses providing for rules and regulations and eliminating repealed provisions

And said bill having been read at length the third time,  
On the question,

Will the Senate agree to the bill on third reading?

Mr. KOPRIVER, JR. Mr. President, I ask unanimous consent to offer an amendment at this time.

The PRESIDENT. Is there objection? The Chair hears none.

The Clerk read the amendment as follows:

Amend House Bill 856, Printer's No. 248, page 5, line 2, by inserting after the word "revoked": "Nothing contained in this act shall prohibit any licensed optometrist from practicing optometry as an employe or lessee of a person or firm dispensing ophthalmic products to the general public if the person or firm or successor thereto is engaged in dispensing ophthalmic products to the general public on the effective date of this act."

On the question,

Will the Senate agree to the amendment?



It was agreed to.  
On the question,  
Will the Senate agree to the bill on third reading, as amended?

### BILLS OVER IN ORDER

Mr. KOPRIVER, JR. Mr. President, I ask unanimous consent that House Bill No. 856, Printer's No. 248, on third reading, go over in its order, as amended.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. FLEMING. Mr. President, I ask unanimous consent that House Bill No. 857, Printer's No. 1309, on third reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. SEYLER. Mr. President, I ask unanimous consent that Senate Bill No. 864, Printer's No. 490, on third reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

### BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 1294, as follows:

An Act amending the act of June 24 1939 (P L 872) entitled "An act to consolidate amend and revise the penal laws of the Commonwealth" regulating the advertising and offering for sale of merchandise commodities and services

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1 Section 857 act of June 24 1939 (P L 872) known as "The Penal Code" is amended and the act is amended by adding after section 857 a new section to read

Section 857 Untrue False and Misleading Advertising  
Whoever with intent to sell or in any wise dispose of merchandise securities service or any other thing or with intent to increase the consumption thereof or to induce the public in any manner to enter into any obligation relating thereto or to acquire title thereto or any interest therein makes publishes disseminates or causes directly or indirectly the same to be made published disseminated circulated or placed before the public in a newspaper or other publication in the form of a book notice handbill poster sign bill circular pamphlet or letter or over any radio or television station or other medium of wireless communication or in any other way similar or dissimilar to the foregoing an advertisement announcement or statement of any sort regarding merchandise security investment service or anything so offered to the public or concerning the quantity quality value merit use present or former price cost reason for price motive for sale or concerning the method or cost of production or manufacture or the possession of rewards prizes or distinctions conferred regarding such merchandise security investment service or thing which advertisement contains any assertion representation or statement of fact which is untrue deceptive or misleading [and which is known or which by the exercise of reasonable care should be known to be untrue deceptive or misleading] is guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars (\$500) or undergo imprisonment not exceeding one (1) year or both

The provisions of this section shall not apply to any owner agent or employe of any radio or television station or to any owner publisher printer agent or employes of a newspaper or other publication periodical or circular who in good faith and without knowledge of the falsity or de-

ceptive character thereof publishes cause to be published or takes part in the publication of such advertisement

It shall be deemed deceptive advertising within the meaning of this section for any person engaged in the business of buying or selling new or second hand furs wearing apparel jewelry furniture pianos phonographs or other musical instruments motor vehicle stocks or generally any form of property real personal or mixed or in the business of furnishing any kind of service or investment to advertise by "liner ads" or likewise such articles property or service for sale in any manner indicating that the sale is being made by a private party or householder not engaged in such business and such advertisement shall affirmatively and unmistakably indicate and state that the seller is a business concern and not a private party

No owner of any newspaper or other publication or radio or television station or employe thereof shall hereafter accept any advertisement for its classified or other columns without at the time obtaining the name and address of the advertiser and making a record of the same which record shall be retained for a period of two weeks and shall be subject to the examination of any duly constituted law officer of this Commonwealth No owner or owners of any newspaper or publication or radio or television station or employe thereof shall knowingly accept any advertisement from any person engaged in any of the businesses mentioned in this section if such advertisement does not affirmatively state that the merchandise property or service advertised belong to and are the property of the business concern from whom such advertisement is directly or indirectly received

[Every person engaged in any of the businesses mentioned in this section or in any other kind of business whether conducting such business in a store business block residence or other building shall at all times keep a conspicuous sign posted on the outside of his establishment and other conspicuous sign in the salesroom which sign shall clearly state the name of the person who actually owns said merchandise property or service which are being offered to the public and not the name of any other person but an exterior sign shall not be required where the seller has no control over the exterior of the premises where such business is conducted]

Section 857.1 Offers for Sale of Merchandise Commodities or Services (a) Whoever by any means advertises or offers for sale to the general public any merchandise commodity service or thing with intent not to sell or with intent not to sell at the price advertised or offered for sale shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars (\$1000) or to undergo imprisonment not exceeding six (6) months or both

(B) In any prosecution under this section except in cases of innocent mistakes or typographical errors the refusal by any person or any employe agent or servant of any person to sell or the refusal to sell at the price advertised or offered for sale any merchandise commodity service or thing advertised or offered for sale to the general public shall be prima facie evidence of a violation of this section provided that this subsection shall not be applicable when a person advertises or offers for sale any merchandise commodity service or thing and clearly sets out in such advertisement or offer by quantity or number that he has a specific limited quantity of such merchandise commodity service or thing for sale and when at the time of such advertisement or offer such person did in fact have at least such quantity or amount for sale

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:



## YEAS—45

Barr,	Haluska,	McGinnis,	Silvert,
Berger,	Harney,	McMenamin,	Stevenson,
Blass,	Hays,	McPherson, Jr.	Stiefel,
Camiel,	Holland,	Miller,	Taylor,
Chapman,	Kessler,	Mullin,	Van Sant,
Dent,	Koprivier, Jr.	Pechan,	Wade,
Diehm,	Lane,	Peelor,	Wagner,
DiSilvestro,	Madigan,	Propert,	Watkins,
Donolow,	Mahany,	Ruth,	Weiner,
Flack,	Mallery,	Schmidt,	Whalley,
Fleming,	McCreesh,	Seyler,	Wolfe,
			Yosko,

## NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative:

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

## BILL OVER IN ORDER

Mr. LANE. Mr. President, I ask unanimous consent that House Bill No. 1795, Printer's No. 1086, on third reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

## SENATE CONCURRENT RESOLUTION REPORTED FROM COMMITTEE

Mr. PECHAN. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. PECHAN, from the Committee on Public Health and Welfare, to which was re-referred resolution offered by Messrs. Mahany and Schmidt on January 23, 1956, reported the same without amendment as follows:

## RETURNING TO THE GOVERNOR SENATE BILL No. 192 WITHOUT AMENDMENT

In the Senate, January 23, 1956.

Resolved (the House Concurring), That Senate Bill No. 192, Printer's No. 246, entitled "An Act providing for and regulating the licensing and practice of practical nursing; imposing duties on the State Board of Nurse Examiners and imposing penalties," which was recalled from the Governor December 28, 1955, for the purpose of amendment be returned to the Governor without amendment.

Laid over for one day under the Rules.

SECOND READING CALENDAR  
BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 231, entitled:

An Act amending the act of May 11, 1921 (P. L. 522) entitled as amended "Dog Law of 1921" regulating and in certain cases prohibiting impounding and killing of unclaimed dogs not bearing proper license tags and providing that in the cities of Philadelphia and Pittsburgh they shall first be offered for sale to medical schools

hospitals laboratories or other scientific or educational institutions.

And said bill having been read at length the second time,

On the question,

Will the Senate agree to the bill on second reading?

## MOTION TO RECOMMIT BILL

Mr. MCCREESH. Mr. President, I move that Senate Bill No. 231 be recommitted to the Committee on Public Health and Welfare, for the purpose of further study.

Mr. MULLIN. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. PECHAN. Mr. President, a few moments ago Senator Dent came to me and asked whether or not we would agree to let Senate Bill No. 231 remain on the Calendar and have it go over until tomorrow. He had to go see his physician, I think at five-thirty he had an appointment, and there are some remarks he would like to make on the bill. I, therefore, would suggest that Senate Bill No. 231 go over in order and that we dispose of it in one way or another tomorrow.

I do not know whether Senator Dent came to me as the Whip or just as an individual, but I told him I thought we could put it over in order. I do not think that Senator McCreesh, and whoever else seconded the motion, was familiar with Senator Dent's request. I think we owe it to Senator Dent that the bill go over in order at this time.

Mr. MCCREESH. Mr. President, this bill has been on the Calendar for two or three weeks and I cannot see any sense in putting it over until tomorrow. I have a number of letters on my desk here and I would like to answer those letters before I vote on the bill. I do not think this is a good time to bring up the bill because we are short some of our Senators, and there is no rush that I can see. This bill should go back to the Committee on Public Health and Welfare for further study.

There can be a lot of improvements made in this bill and I think the proper thing to do would be to send it back to committee.

Mr. PECHAN. Mr. President, I am not requesting any action on the bill at all today. I, just as a courtesy to Senator Dent, am requesting that the bill go over. When one of our Senators is absent, it does not make any difference on what side of the aisle he is from, I think we owe him that courtesy. He asked me if I would see that the bill went over in order for a day. I do not think that one day makes any difference.

## MOTION TO RECOMMIT BILL WITHDRAWN

Mr. MCCREESH. Mr. President, I wish to withdraw my motion to recommit this bill.

Mr. MULLIN. Mr. President, I wish to withdraw my second to the motion.

And the question recurring,

Will the Senate agree to the bill on second reading?

## BILL OVER IN ORDER

Mr. LANE. Mr. President, I ask unanimous consent that Senate Bill No. 231, Printer's No. 486, on second reading, go over in its order.



The PRESIDENT. Is there objection? The Chair hears none.

### BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 239, entitled:

An Act amending the act of June 22, 1931 (P. L. 594), entitled "Rural State Highway Law" adding a new route in Allegheny County.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 333, entitled:

An Act amending the act of January 18, 1952 (P. L. 2111) entitled "An act to provide for minimum compensation and increments for administrators and members of the faculty of State Teachers Colleges . . ." increasing the minimum compensation and increments and changing conditions of payment.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 382, entitled:

An Act amending the act of May 7, 1937 (P. L. 589) entitled as amended "An act providing for the taking over by the Commonwealth under certain terms conditions and limitations of certain streets in cities of the first class as State highways . . ." changing or deleting certain routes.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

### BILLS OVER IN ORDER

Mr. MAHANY. Mr. President, I ask unanimous consent that House Bill No. 407, Printer's No. 624, on second reading, go over in its order.

The PRESIDENT. Is there objection?

Mr. SCHMIDT. Mr. President, I had intended to offer some amendments to this bill and then ask that the bill, as amended, go over in order. I wonder if the Majority Leader would permit me to do that.

Mr. MAHANY. In answer to Senator Schmidt, Mr. President, I also understood that he intended to offer amendments and there were those on this side of the aisle who were opposed to your amendments, Senator. They are not here now and, therefore, I ask that the bill go over. They may be here tomorrow and if you present your amendments, then we can debate them at that time.

Mr. SCHMIDT. Mr. President, I have no objection to the bill going over in its order to day.

The PRESIDENT. There being no objection, House Bill No. 407 will go over in its order.

Mr. MAHANY. Mr. President, I ask unanimous consent that the following bills, on second reading, go over in their order:

Senate Bill No. 420, Printer's No. 483;

Senate Bill No. 651, Printer's No. 475; and

House Bill No. 655, Printer's No. 258.

The PRESIDENT. Is there objection? The Chair hears none.

### BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 811, entitled:

An Act amending the act of June 1, 1933 (P. L. 1172) entitled "Borough Rural State Highway Law" adding a new route in the Borough of Carnegie.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 857, entitled:

An Act authorizing cities of the first class and the members of the paid fire fighting force to enter into written contracts concerning wages and conditions of employment.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 913, entitled:

An Act amending the act of June 1, 1933 (P. L. 1172) entitled "Borough Rural State Highway Law" adding new routes in Carnegie Borough Allegheny County.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 949, entitled:

An Act amending the act of March 10, 1949 (P. L. 30) entitled "Public School Code of 1949" providing for courses of study in first aid to be included during the last four years of any complete high school program.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.



## BILLS OVER IN ORDER

Mr. MAHANY. Mr. President, I ask unanimous consent that the following bills, on second reading, go over in their order:

House Bill No. 1221, Printer's No. 931;  
House Bill No. 1224, Printer's No. 816; and  
House Bill No. 1340, Printer's No. 932.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. LANE. Mr. President, I ask unanimous consent that the following bills, on second reading, go over in their order:

House Bill No. 1397, Printer's No. 1345; and  
House Bill No. 1398, Printer's No. 1346.

The PRESIDENT. Is there objection?

Mr. LANE. Mr. President, by way of explanation I would like the Membership to know that we have a number of amendments which we are considering. We plan on having a meeting tomorrow morning around 11:00 o'clock a. m., at which time we hope to work out our differences.

The PRESIDENT. There being no objection, House Bill No. 1397 and House Bill No. 1398 will go over in their order.

## BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 1773, entitled:

An Act further amending the act approved the ninth day of April one thousand nine hundred twenty-nine (P. L. 343) entitled "The Fiscal Code" making certain information regarding refunds available for public inspection changing certain provisions as to the imposition and remission of penalties and granting of refunds and clarifying provisions as to settlements.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 1777, entitled:

An Act to further amend the act approved the ninth day of April one thousand nine hundred twenty-nine (P. L. 177) entitled "The Administrative Code of 1929" by further defining the powers of the Department of Property and Supplies relating to automobiles.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

## REPORT FROM COMMITTEE

## BILL RE-REFERRED

Mr. MAHANY. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. MAHANY, from the Committee on Rules, returned to the Senate, House Bill No. 1908, entitled:

An Act authorizing abatement of real estate taxes because of destruction or damage of property by flood, or the refund or credit of the amount of such taxes against future taxes by certain political subdivisions.

Which was re-referred to the Committee on Local Government.

## PERMISSION TO ADDRESS SENATE

Mr. LANE asked and obtained unanimous consent to address the Senate.

Mr. LANE. Mr. President and Members of the Senate, I read an article yesterday which dealt with job opportunities all over this great Nation of ours. The salary ranges were very appealing. The job descriptions were varied. According to the article, anyone with a little ambition can step out and find himself or herself a place in the business world or can better his position if he so desires.

However, Mr. President, there was one phrase in this article which to me stood out like a sore thumb. The authors recommended that the job seeker, or the man seeking to better his position, not advance into certain sections of Connecticut and western Pennsylvania. "And Pennsylvania;" how disheartening to see these two words, Pennsylvania, the great Keystone State, now spoke of in such a derogatory manner.

I believe that the Members of this Senate are acutely aware that there are certain distressed areas within this Commonwealth. There are certain areas where a man, through no fault of his own, is prevented from his birthright, that of earning a living for himself and his family.

Early last year, with a number of my colleagues concurring, I introduced into this Senate two bills, Mr. President. The first was introduced on February 9, 1955 and has languished since that time in the Committee on Corporations. The second was introduced on March 29, 1955, and referred on that date to the Committee on State Government where it now remains.

Mr. President, what would Senate Bill No. 104 and Senate Bill No. 276 do? Senate Bill No. 104 would encourage the location of new, and the expansion of existing, industries in the Commonwealth through the granting of State-aid to municipal authorities for the construction of industrial plants. Senate Bill No. 276 would promote the welfare of the people of Pennsylvania by the reduction of unemployment in certain areas of the Commonwealth determined to be critical areas, providing for the establishment of industrial development projects in such critical areas to be determined by the Department of Labor.

Pennsylvania, for more than a century, has set the pace for the whole Nation in industrial and commercial growth and leadership. Here, within a zealously guarded framework of freedom and liberty, Americans of every faith and economic status have worked vigorously together to create this great Keystone State. By virtue of its climate, its topography, its natural resources, its running waters, and its peoples' resourcefulness and high aspirations, Pennsylvania rapidly rose during colonial times, and following the Revolution, to become the Nation's leading commercial and industrial State. It has



maintained that supremacy to a certain extent, Mr. President.

With such a history, Pennsylvania might excusably be regarded as mature in terms of American civilization. That is true only so far as it applies to certain mature elements that promote its stability, but Pennsylvania is fundamentally a State of continual progress. It is still growing, building, expanding on the sound foundations created by Providence and ably exploited by the able men and women who have flocked to the area during the days since the era of William Penn.

Frankly, Mr. President, I am more surprised than ever that the Members of the Committee on Corporations and the Members of the Committee on State Government seem to feel that industrial development activities within this Commonwealth are of questionable value. There can be no rebuttal to that because their inactivity for a period of almost one year indicates their thinking. Persons familiar with industrial development in the southwest have always spoken about Pennsylvania as the outstanding example in the Country of a State that has done a good job in this field of attracting industry, and action by the State was always felt to be one of the biggest factors of its success. Only the State, in its position to promote the advantages of the Commonwealth as a whole, is capable of actually doing the job.

Mr. President, I do not believe that anyone could disagree with me when I say that in western Pennsylvania, especially, we are badly in need of industrial development. It can only be done by the Commonwealth of Pennsylvania. If it means spending money to do the job, I, for one, will vote to spend the money. We must have an industrial development authority in western Pennsylvania to put our men to work. There were days when all they had to do was to walk out and go into a steel mill or go to a coal mine and they would be employed, but those days are past. Natural gas has supplanted coal and we, in western Pennsylvania, now have a great natural resource which we cannot utilize due to the fact that natural gas has received a lot of advantages by legislation and today it is apparently tax free while coal is considered real estate and is being taxed every day by the cities, the boroughs, the school districts and the counties.

I say to you, Mr. President, that there is a laxity here in this Senate if we adjourn and do not do something about industrial development. I will say that we will have to answer to the people. I want to call it to the attention of the Membership here today that I feel this Session is going to close up in a matter of a month or two and if we close up without doing something to bring about industrial development in Pennsylvania, we are lax in our duty.

Mr. President, I do not say that we should try to gild the lily. I do not say that we should try to pass some half-hearted measure. You are not going to raise any money in distressed areas to promote industrial development. The cash is going to have to come from the State coffers. I think that those who are in the distressed areas will agree with what I say. We must have the cash here in Pennsylvania to put out to the political subdivisions to do the job of constructing plants. All our men want is the opportunity to earn a decent

living. I would say that all of us will agree that they are entitled to their birthright.

Therefore, Mr. President, I call upon the Membership of both committees to take into consideration this legislation. I also want to inform them that I have no pride of authorship. If they feel they can find legislation which can do a better job than mine to promote industrial development in Pennsylvania, I am all for it. Go ahead and kill my bills, but I do want something done. I will be glad to appear before these committees and give them my ideas because we in Pennsylvania, especially in the western part of the State, are actually facing a crisis on unemployment and we want to put our men to work. I know this, that once these men are at work they will be willing to pay their way. You never hear the coal miners of western Pennsylvania crying about their taxes or crying about any other State levy. They pay their income taxes and they are the men who go out on the front lines when we are at war. They are good citizens, and they are men who are the salt of the earth. We want to give them an opportunity—all these young men who need work—to go to work. Right today they are journeying as far as Detroit and other places, working out there and living from hand to mouth, keeping two families. They cannot afford to do this.

Mr. President, it seems to me that in this great State of Pennsylvania we should not sit back and let those things happen. No wonder we are losing our population. The younger element in western Pennsylvania can find no opportunities and, therefore, they are moving away. It is the wrong thing, because they are the sons and daughters of Pennsylvania and Pennsylvania should help them.

#### PERMISSION TO ADDRESS SENATE

Mr. YOSKO asked and obtained unanimous consent to address the Senate.

Mr. YOSKO. Mr. President, I just want to note that it has been unusually warm and close in this Chamber today. If there is something wrong with the air conditioning system, somebody should look after it and see that it is taken care of. The easiest way to get on the sick list is to sit in this hot Chamber and then go out in the cold and wind up with the flu or something else.

I say again that if there is something wrong with the air conditioning system, it should be repaired so that it will be comfortable in this room.

#### PERMISSION TO ADDRESS SENATE

Mr. MALLERY asked and obtained unanimous consent to address the Senate.

Mr. MALLERY. Mr. President, in reply to my colleague, Senator Lane, I wish to state that the Senate has passed a redevelopment bill, patterned exactly after a bill passed at the last Session of the New York Legislature. That bill is over in some committee in the House.

I, like Senator Lane, am interested in promoting industry in the Commonwealth. I think that he must know that two bills are pending in the Congress to promote industry in areas where there is a great lack of employment and that the Administration has prepared a bill, which I have agreed to co-sponsor. I was requested by the Secretary of Commerce to join in that bill. I think that if Congress acts, and I feel certain that it will, if the Administration bill passes, and I feel that it will, and if



the bill that all of us here voted for becomes law and of which, I believe, Senator Lane was a co-sponsor, we will certainly do something to promote industry in Pennsylvania.

### SENATE RESOLUTION

#### URGING THE CIVIL AERONAUTICS BOARD TO CONCLUDE CONSIDERATION FOR DIRECT SCHEDULED AIR TRANSPORTATION BETWEEN CERTAIN PENNSYLVANIA CITIES AND DETROIT, MICHIGAN

Mr. LANE. Mr. President, I ask unanimous consent to offer a resolution at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. LANE, on behalf of Messrs. DENT and BLASS, offered the following resolution, which was twice read as follows:

In the Senate, February 6, 1956.

Erie and numerous other cities of the Commonwealth of Pennsylvania are presently without the benefit of direct scheduled air transportation to the major industrial center of Detroit, Michigan.

The Civil Aeronautics Board currently has under consideration in its Docket Number 6927 proposed authorization for direct scheduled air service between these Pennsylvania cities and Detroit. These Pennsylvania cities are engaged in determined efforts to strengthen and supplement their industrial facilities.

The Commonwealth of Pennsylvania is actively engaged in a program of economic development designed to support and facilitate the efforts of these cities.

The Commonwealth of Pennsylvania and the Pennsylvania cities of Erie, Bradford, Williamsport, Harrisburg, Lancaster, Scranton, Wilkes-Barre, Franklin, Oil City, Clearfield, Philipsburg, Bellefonte have urged upon the Civil Aeronautics Board in Docket 6927 the importance to their economic development programs of authorization of direct air service from their cities to Detroit; therefore be it

Resolved, By the Senate of the Commonwealth of Pennsylvania, that the Civil Aeronautics Board is hereby adjured to conclude its consideration of the proposed authorization for direct scheduled air transportation between these Pennsylvania cities and Detroit, Michigan in Docket Number 6927, as expeditiously as possible, and with full consideration of the imperative economic need for such authorization; and be it further

Resolved, That copies of this Resolution be sent to the Secretary of Commerce of the United States and the Chairman of the Civil Aeronautics Board of the United States.

### RULE 39 SUSPENDED

Mr. BLASS. Mr. President, I ask unanimous consent that Rule 39, which requires resolutions be referred to an appropriate committee, be suspended and the Senate do now proceed to the consideration of the resolution just read.

The PRESIDENT. Is there objection? The Chair hears none.

On the question,

Will the Senate agree to the resolution?

It was agreed to.

### BILLS ON FIRST READING

Mr. MAHANY. Mr. President, I move that the Senate

do now proceed to the first reading of all bills reported from committees for the first time at today's session.

Mr. SCHMIDT. Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 388, entitled:

An Act amending the act of June 3, 1937 (P. L. 1333) entitled "Pennsylvania Election Code," extending voting rights to bedridden or hospitalized veterans when not absent from county of residence.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 929, entitled:

An Act amending the act of April 12, 1951 (P. L. 90), entitled "Liquor Code," providing for the exercise of discretion in the forfeiture and condemnation of property illegally possessed or used.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 1406, entitled:

An Act amending the act of March 30, 1937 (P. L. 115) entitled "The First Class City Permanent Registration Act," increasing compensation of the chairman and other members of the registration commission.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 1947, entitled:

An Act making an appropriation to the State Treasurer for the purpose of paying salaries and wages of State officers and employes and other ordinary and general expenses in the interim between the thirty-first day of May one thousand nine hundred fifty-five and such time as the funds provided by the General Appropriation Act and other appropriation acts become available and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred fifty-five.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

### ADJOURNMENT

Mr. MAHANY. Mr. President, I move that the Senate do now adjourn until Tuesday, February 7, 1956, at 11:00 o'clock, a. m., Eastern Standard Time.

Mr. STEVENSON. Mr. President, I second the motion. The motion was agreed to.

The Senate adjourned at 5:59 o'clock, p. m., Eastern Standard Time, until Tuesday, February 7, 1956, at 11:00 o'clock, a. m., Eastern Standard Time.



## HOUSE OF REPRESENTATIVES

MONDAY, February 6, 1956.

The House met at 1:00 p. m.

The SPEAKER (Hiram G. Andrews) in the Chair.

## PRAYER

The Chaplain, Reverend Harold J. Crouse, Pastor of Trinity Lutheran Church, York, offered the following prayer:

O God, Who rulest the world from everlasting to everlasting, we acknowledge that there is a very great and grave difference between what we are and what we ought to be as we come face to face with Thee.

Lord, we do not ask for any easy task. We do not ask that all barriers shall be broken down. We only pray that we may have strength to do our jobs. May the grace of the Lord Jesus Christ be with us all. Amen.

## JOURNALS APPROVED

The SPEAKER. Are there any corrections to the Journals Monday, January 16, Tuesday, January 17, Wednesday, January 18 and Monday, January 23, 1956? If not, and without objection, the Journals are approved.

## JOURNAL APPROVAL POSTPONED

The SPEAKER. If there is no objection, the approval of the Journal for Wednesday, February 1, 1956 will be postponed until printed. The Chair hears none.

## RESOLUTION INTRODUCED AND REFERRED

By Messrs. ANDREWS, READINGER, CHARLES C. SMITH and JOHNSON. RESOLUTION No. 151.

In the House of Representatives, February 1, 1956.

Whereas, Act No. 259 (P. L. 595—Session of 1943) authorizes the Department of Property and Supplies to provide for the maintenance in the main capitol building of a restaurant or cafeteria: "For the proper accommodation of state administrative, legislative, judicial personnel and capitol visitors," and

Whereas, The Capitol Cafeteria now maintained in the main capitol building has been operated on an accommodation basis, and

Whereas, Operation which makes possible the type of operation compatible with the proper accommodation of those served, is incompatible with any plan designed to operate on a profit basis, and

Whereas, The type of management now in effect has served to create a friendly atmosphere that cannot be created by a commercially-minded organization, and

Whereas, The present type of management has provided capable personnel and has provided food of top quality, and

Whereas, The Members of this House have received word that the Secretary of Property and Supplies intends to discontinue the present operating methods and place the operation of the capitol cafeteria in the hands of a commercial concern.

Therefore be it Resolved, that this House respectfully inform the Secretary of Property and Supplies, through this resolution, that it favors the continuance of the present method of operating the capitol cafeteria, it being the conviction of the Members of this House that only through such a type of management can the purposes for which the cafeteria was established be served.

Referred to the Committee on Rules.

## PETITIONS

## SUPPORTING MENTAL HEALTH AND LEGISLATIVE PROGRAM

The SPEAKER laid before the House petitions from the Norristown State Hospital and Mayview State Hospital supporting the mental health and legislative program of the Pennsylvania State Employees Council No. 26, American Federation of State, County and Municipal Employees.

Referred to the Committee on Appropriations.

## PETITIONS

## PROTESTING AMENDMENT OF LIQUOR CONTROL LAW

The SPEAKER laid before the House numerous petitions signed by citizens of Pennsylvania protesting the passage of Senate Bill No. 572 and House Bills Nos. 257, 319 and 1562.

Referred to the Committee on Liquor Control.

## REPORT OF THE DOLLAR SAVINGS BANK

The SPEAKER laid before the House the 201st Semi-Annual Statement of the Dollar Savings Bank of Pittsburgh and also the Semi-Annual Report as of December 1, 1955.

## COMMUNICATION

The SPEAKER laid before the House the following communication:

Mrs. Amos Long Gelnett and family acknowledge with appreciation your kind expression of sympathy.

## MEMBERS OF PENNSYLVANIA HISTORICAL AND MUSEUM COMMISSION APPOINTED

In the House of Representatives, February 6, 1956.

The SPEAKER. Pursuant to the authority conferred upon me by the provisions, Administrative Code 1929 as amended by the Act 1945, P. L. 1398, and the Act of 1951, P. L. 491, the Speaker appoints as Members of the Pennsylvania Historical and Museum Commission the gentleman from Fayette County, Mr. E. Gadd Snider, and the gentleman from Allegheny County, Mr. John R. Haudenshield.

## BILLS SIGNED BY SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

## HOUSE BILL No. 53.

An Act amending the act of May one one thousand nine hundred twenty-nine (P. L. 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks



thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" prohibiting throwing of certain material from motor vehicles

#### HOUSE BILL No. 756.

An Act amending the act of May 1, 1929 (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees, prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," changing the requirements regarding use of different types of danger and caution signals and eliminating penalty provision

#### HOUSE BILL No. 1330.

An Act amending the act of May 17 1921 (P. L. 682) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" further regulating reserves with respect to certain domestic mutual insurance companies

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

#### LEAVE OF ABSENCE

The SPEAKER. If there is no objection, the Chair will defer the order of business of leaves of absence until later in the session. The Chair hears none.

#### RESOLUTION

##### RECALLING HOOSE BILL No. 641, FROM THE GOVERNOR

Mr. READINGER offered a resolution which was read, considered and adopted as follows:

In the House of Representatives, January 31, 1956.

Resolved (if the Senate concur), that House Bill No. 641, Printer's No. 1238, entitled "An act amending the act of May 1 1939 (P. L. 103) entitled 'An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto' author-

izing the appointment of sanitary boards and sanitary officers prescribing their powers and duties providing for the enforcement of the administration of health laws by such boards and officers providing for a president and secretary of such boards imposing duties on the Secretary of Health and providing for payments of expenses by townships," be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk present the same to the Senate for concurrence.

#### PERMISSION TO ADD ADDITIONAL SPONSORS

Mr. ANDREWS asked and obtained unanimous consent to add additional sponsors to a bill to be introduced by him.

#### BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 49, entitled:

An Act amending the "Child Labor Law" of May 13 1915 (P. L. 286) entitled "An act to provide for the health safety and welfare of minors \* \* \*" authorizing minors to appear in entertainment performances under certain circumstances.

And said bill having been read at length the second time and agreed.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 217, entitled:

An Act amending the act of April fourteen one thousand eight hundred sixty-eight (P. L. 1083) entitled "A supplement to an act entitled 'An Act appropriating ground for public purposes in the city of Philadelphia' approved the twenty-sixth day of March Anno Domini one thousand eight hundred and sixty-seven" permitting sale of liquor at tables in Fairmount Park.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1163, entitled:

An Act amending the "Dog Law of 1921" approved May 11 1921 (P. L. 522) requiring identifying initial on license tags issued to kennels.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1498, entitled:

An Act regulating advertising relative to the sale or offering for sale of merchandise commodities and service and providing for injunctive action against the violators thereof.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,



The House proceeded to the second reading and consideration of House Bill No. 1756, entitled:

An Act amending the "Public School Employees Retirement Law" of July 18 1917 (P. L. 1043) \* \* \* extending the time for employees of the Department of Health engaged as teachers to withdraw from the retirement system and receive reimbursement for moneys paid in and validating past membership.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1757, entitled:

An Act amending the "State Employees' Retirement Law" approved June 27 1923 (P. L. 858) \* \* \* specifically including employees of the Department of Health engaged as teachers in the definition of "State employe" \* \* \*.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1770, entitled:

An Act amending "The Penal Code" approved June 24, 1939 (P. L. 872) regulating the energizing of fence wires with electricity.

The first section was read.

On the question,

Will the House agree to the section?

#### BILL RECOMMITTED

Mr. READINGER. Mr. Speaker, I move that this bill be recommitted to the Committee on Agriculture for the purpose of further study.

The motion was agreed to.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1854, entitled:

An Act making an appropriation to the Department of Welfare for the maintenance of certain homes.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1859, entitled:

An Act amending the "Unemployment Compensation Law" approved December 5, 1936 (1937 P. L. 2897) making a further exception to ineligibility for compensation.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1886, entitled:

An Act to amend section two hundred one of the "Fiduciaries Act of 1949" approved the eighteenth day of April one thousand nine hundred forty-nine (P. L. 512) en-

titled "An act relating to the administration and distribution of decedents' estates trust estates minors' estates and absentees' estates both as to real and personal property and the procedure relating thereto \* \* \*" by changing the amount of wages on salary which an employer may pay to a deceased employee's spouse or other certain persons whether or not a personal representative has been appointed.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1899, entitled:

An Act to amend section three hundred eight of the "Public Utility Law \* \* \*" by changing the duties of public utilities and the powers and duties of Pennsylvania Public Utility Commission as to tariffs which make changes from existing rates changing the time of effectiveness of certain of such tariffs and requiring that existing rates continue in force in certain cases.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1928, entitled:

An Act amending the "Ice Cream Law" approved May 20, 1949 (P. L. 1594) \* \* \* extending its provisions to ice milk and ice milk confections and conferring additional powers and duties on the Department of Agriculture changing labeling requirements and regulating sales of packaged ice milk.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1975, entitled:

An Act making an appropriation to the Department of Property and Supplies to be used for rehabilitating and reinscribing Chief Cornplanter's monument.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1977, entitled:

An Act regulating the sale and distribution of mixed fertilizers and fertilizer materials imposing powers and duties on the Secretary of Agriculture and prescribing penalties.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate Bill No. 688, entitled:

An Act amending the "Fiduciaries Investment Act of 1949" \* \* \* by making further provision respecting the qualification of common stock for investment where there



is a predecessor or constituent corporation and by changing the requirements of an interest bearing deposit.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate Bill No. 698, entitled:

An Act amending the "Banking Code" \* \* \* further providing for authorized investments of savings banks.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate Bill No. 797, entitled:

An Act amending "The First Class Township Code" \* \* \* requiring entrance of bond in appeals from board of adjustment rulings affecting zoning regulations.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

#### PERMISSION TO ADDRESS HOUSE

Mr. POLEN asked and obtained unanimous consent to address the House.

Mr. Speaker, on a number of occasions the gentleman from McKean, Mr. Johnson, inquired as to when the checks would go out for the subsidies due the fourth class school districts.

I am very happy to announce to the House that the vouchers are going over to the Auditor General today and the checks should be in the mail within forty-eight hours.

#### PERMISSION TO ADDRESS HOUSE

Mr. JOHNSON asked and obtained unanimous consent to address the House.

Mr. Speaker, I am sure the announcement by Mr. Polen will bring gladness into the heart of every school teacher in Pennsylvania, and will set at rest the mind of the average school director who has been subjected to a tremendous amount of worry and travail over not having received this appropriation.

I would like to repeat as positively as I can that I can see no reason why—and I am sure everybody on this side of the House feels the same way about it and I think the average school director feels the same way about it—it could not have been done last October just as well as now.

I am very pleased that we are finally getting the checks out to the schools, but I say, if you will read in the Journal the remarks I have made in regard to this education problem and what other leaders on this side have said, it could have been done on a cooperative basis last October instead of now.

Mr. POLEN. Mr. Speaker, I can agree with the gentleman the checks could have gone out at the time he specified if we would have had the appropriation bill on the books. However, it was not on the books at that time.

He mentioned the other day that it was time to throw

caution to the winds. I cannot agree that it was a time to throw caution to the winds.

Furthermore, while the checks could have gone out, I wonder what would have happened if we would have had payless paydays here and the contractual obligations of the Commonwealth were not met. In delaying this, much as I regret it was delayed, it was to insure the financial stability of the Commonwealth and enable them to meet fixed obligations which could not be delayed.

We are even advancing the payment a little because the bids on the tax anticipation notes will be opened on the 15th, and we feel we are far enough along on that program that we can reduce the cash balance by \$43 million-plus and send these checks out.

I cannot agree the amounts could have been paid in October, or even in December, without endangering the financial stability of the Commonwealth. I think the action taken by the fiscal officers of the Commonwealth was proper and, while it delayed the checks to the school districts, it insured that we would not make any defaults and that the contractual obligations of the Commonwealth could be met.

#### COMMUNICATIONS FROM GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

#### APPROVAL OF HOUSE BILLS Nos. 445, 1898, 1915, 1916 AND 1922

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, February 2, 1956.  
To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 445, Printer's No. 1276, entitled "An act amending the act of May 1, 1929 (P. L. 905) entitled 'An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds' further regulating passing school buses and loading zones and eliminating school bus stop signs."

GEORGE M. LEADER.

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, February 1, 1956.  
To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 1898, Printer's No. 1223, entitled "An Act amending the act of July 28, 1953 (P. L. 723) entitled 'An act relating to counties of the



second class amending revising consolidating and changing the laws relating thereto further providing for and changing the provisions of the act relating to employees' retirement system and the powers duties and liabilities of the county the county institution district and and the retirement board relative thereto and the rights privileges and limitations of employees and beneficiaries under the retirement system."

GEORGE M. LEADER.

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, February 1, 1956.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 1915, Printer's No. 1224, entitled "An Act amending the act of May 22, 1935 (P. L. 233) entitled 'An act creating and establishing a fund for the care maintenance and relief of aged retired and disabled employees of the Bureau of Police in cities of the second class providing a pension fund for said employees and providing for the payment of certain dues fees assessments fines and appropriations thereto regulating membership therein creating a board for the management thereof providing the amount mode and manner of payment to beneficiaries thereof and for the care and disposition of said fund providing for the payment into this fund by cities of the second class of all monies heretofore payable into any other funds organizations corporations or associations having the same or similar purposes and of such additional monies as may be necessary to carry out the provisions of this act' changing the amount of payments to certain beneficiaries."

GEORGE M. LEADER.

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, February 1, 1956.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 1916, Printer's No. 1225, entitled "An Act amending the act of May 25, 1933 (P. L. 1050) entitled 'An act creating and establishing a fund for the care maintenance and relief of aged retired and disabled employees of the bureau of fire in cities of the second class creating a board for the management thereof providing the mode and manner of payment to beneficiaries and for the care and disposition of its funds and providing for the transfer and payment of all moneys and securities in existing funds in similar boards superseded by the fund and board herein created' changing the amounts of payments to certain beneficiaries."

GEORGE M. LEADER.

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, February 1, 1956.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 1922, Printer's No. 1226, entitled "An Act reenacting and amending section 4 of the act of May 28, 1915 (P. L. 596) entitled 'An act requiring cities of the second class to establish a pension fund for employees of said cities and regulating the administration and the payment of such pensions' increasing the amount of pensions in certain cases."

GEORGE M. LEADER.

#### COMMUNICATION FROM GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

#### APPROVAL OF HOUSE RESOLUTION No. 73

Commonwealth of Pennsylvania,

Governor's Office, Harrisburg, February 3, 1956.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Resolution No. 73 requesting that the Department of Highways shall erect along the highway suitable tablets and markers and shall carry out suitable landscape development to perpetuate this resolution but shall not replace the officially designated route number of the highway hereby designated as the "Colonel Drake Highway."

GEORGE M. LEADER.

The SPEAKER. At the request of the respective Floor Leaders the Chair will shortly declare a recess until 4:00 o'clock.

Also at the request of the respective Floor Leaders the Chair announces that there will be a Republican and a Democratic Caucus at 2:30 o'clock promptly. It is supremely important that every Member be present at the caucuses. There are vital matters to be determined, and the more quickly they are determined the better we will serve the Commonwealth and the better we will stand with the people back home.

We do not know how many Members are on their way detained by icy roads. It is supremely important all Members attend the caucuses so that a counting of noses will be made possible and a check made as to those who are en route to Harrisburg.

#### RECESS

The SPEAKER. Without objection, the Chair now declares a recess until 4:00 o'clock. The Chair hears none.

#### AFTER RECESS

The time of recess having expired, the House was called to order.

The SPEAKER (Hiram G. Andrews) IN THE CHAIR

#### BILL INTRODUCED AND REFERRED

By Messrs. ANDREWS, READINGER, CHARLES C. SMITH and JOHNSON. HOUSE BILL No. 2006.

An Act amending the act of May 12, 1943 (P. L. 595), entitled "An act authorizing the Department of Property and Supplies to establish operate and maintain self-sustaining restaurants, as herein defined, in the State Capitol; creating a revolving fund for this purpose, to be known as The State Restaurant Fund; providing additional duties for the State Treasurer and the Department of Health in connection therewith; and appropriating the necessary funds for these purposes," changing provisions relating to the operation of restaurants in the basement of the Main Capitol Building.

Referred to the Committee on Rules.

#### BILLS SIGNED BY SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

SENATE BILL No. 724.

An Act to further amend the act approved the tenth day of March one thousand nine hundred forty-nine (P. L. 30) entitled "An act relating to the public school system including certain provisions applicable as well to private and parochial schools amending revising consolidating and changing the laws relating thereto" by



requiring the payment of money withheld from State appropriations to pay default in rent to a municipality authority or nonprofit corporation

**SENATE BILL No. 834.**

An Act validating and confirming certain contracts heretofore entered into by municipality authorities for the construction of a school building project or projects and for relevant service contracts as a part of the construction when there is no evidence of fraud or conspiracy and authorizing or ratifying payments on such contracts or parts of contracts by the municipality authority upon approval thereof by the Department of Public Instruction and the Department of Justice.

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

**RESOLUTION INTRODUCED AND REFERRED**

**RESOLUTION No. 152**

By Messrs. LOPRESTI, McCANN, McCORMACK, CIOFFI, McGEE, HEAVEY, STANK and KAMYK.

In the House of Representatives, February 6, 1956.

Whereas, it has come to the attention of the House of Representatives that Dr. James C. Charlesworth, the Secretary of Administration in a recent address in Philadelphia before the Federation of Community Councils, has expressed himself in favor of denying the exercise of the franchise by citizens of this Commonwealth to persons "illiterate, indifferent, and cynical," and of limiting said exercise to persons "competent" to vote; and

Whereas, the House of Representatives is of opinion that the remarks of Dr. Charlesworth in no way reflect the views of its members, or of any of the elected representatives of the citizens of the Commonwealth, or of the Administration holding office, Now Therefore be it

Resolved, that it is the sense of the House of Representatives that the right of suffrage by all adult citi-

zens of this Commonwealth, without regard to formal educational attainments, is a right which is guaranteed by Article I, Section 3, of the Constitution of Pennsylvania, it is a right inherent in a free society; that any attempt to limit or abridge this right, to make it available only to a special class of citizens, or to convert it into a privilege available only to a few, it violative of the Constitution of Pennsylvania and of the oath of any administrative officer sworn to uphold same; that the government of the Commonwealth of Pennsylvania, as well as that of the United States, is founded on the proposition that the just powers of government stem only from the consent of those governed, which consent can be expressed only through exercise of the franchise; that any attempt to subvert the right to vote is the first and most dangerous step toward subverting our government of liberty under law; that representative government assumes and assures the right of the poorest and most humbly stationed citizens to participate, or not to participate, as he pleases, in the governmental process, by exercising his vote; and that it ill becomes any administrative official in this Commonwealth's employ to express himself publicly in opposition to those principles which the citizens of Pennsylvania so deeply cherish and for the defense of which they and their sons have and will again gladly shed their blood. And be it further

Resolved that the General Assembly unanimously deplores the tenor of the remarks made by Secretary Charlesworth, and suggests to his superiors that they either silence him or appoint a successor.

Referred to the Committee on Rules.

**ADJOURNMENT**

Mr. KENT. Mr. Speaker, I move that this House do now adjourn until Tuesday, February 7, 1956 at 1:00 p. m.

The motion was agreed to and (at 6:28 p. m.) the House adjourned.



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Session 1955.

141st of the General Assembly.

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HARRISBURG, PA., TUESDAY, FEBRUARY 7, 1956.

No. 135.

## SENATE

TUESDAY, February 7, 1956.

The Senate met at 11:00 o'clock, a.m., Eastern Standard Time.

The PRESIDENT (Lieutenant-Governor Roy E. Furman) in the Chair.

### PRAYER

In the absence of the Chaplain, the following prayer was offered by the gentleman from Berks, Mr. RUTH: Almighty God, our Heavenly Father, we thank Thee for the opportunity today to serve Thee and our fellowmen. We pray that Thou wilt give us the wisdom and the heart to do the things that we know to be right.

We also thank Thee for this week, when we honor the Boy Scouts. We thank Thee for the thousands of men and women who have dedicated their lives to the training of more than 24,000,000 of our boys in the last forty-six years. We pray that this great work may continue so that we may build better men. In the Master's Name, Amen.

### JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. MAHANY and Mr. MADIGAN, further reading was dispensed with, and the Journal was approved.

### LEAVE OF ABSENCE

Mr. MAHANY asked and obtained leave of absence for Mr. WATSON, due to illness.

### NOMINATIONS BY THE GOVERNOR REFERRED TO COMMITTEE

The Secretary to the Governor being introduced, presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Executive Nominations:

### MEMBERS OF THE BOARD OF TRUSTEES OF EAST STROUDSBURG STATE TEACHERS' COLLEGE

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, February 7, 1956.  
To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to

nominate for the advice and consent of the Senate the following persons for appointment as members of the Board of Trustees of East Stroudsburg State Teachers' College:

Dr. Floyd Shafer, 731 Sarah Street, Stroudsburg, Monroe County, to serve until the third Tuesday of January 1959, and until his successor shall have been appointed and qualified, vice Dr. William R. Toewe, East Stroudsburg, whose term expired.

Clyde Willits Shaffer, 150 East Broad Street, East Stroudsburg, Monroe County, to serve until the third Tuesday of January 1961, and until his successor shall have been appointed and qualified, vice Randall J. Marsh, Stroudsburg, whose term expired.

Mrs. Kathryn Burdine Edwards, 9 Club Court, Stroudsburg, Monroe County, to serve until the third Tuesday of January 1959, and until her successor shall have been appointed and qualified, vice Dr. A. J. Harlacher, East Stroudsburg, whose term expired.

Patrick J. Connors, 716 Beech Street, Old Forge, Lackawanna County, to serve until the third Tuesday of January 1961, and until his successor shall have been appointed and qualified, vice Ralph R. Chase, Old Forge, whose term expired.

GEORGE M. LEADER.

### MEMBERS OF COUNTY BOARDS OF ASSISTANCE

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, February 7, 1956.  
To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as members of County Boards of Assistance:

#### ARMSTRONG COUNTY

Harry A. Heilman, Jr., Esq. (Rep.), 224 North Jefferson Street, Kittanning, to serve until December 31, 1958, and until his successor is duly appointed and qualified, vice Robert D. Noel, Jr., Kittanning, whose term expired.

N. J. Huselton (Rep.), Ford Cliff, to serve until December 31, 1958, and until his successor is duly appointed and qualified. (Reappointment)

Mrs. Frances Calarie (Rep.), Rural Valley, to serve until December 31, 1958, and until her successor is duly appointed and qualified. (Reappointment)

#### COLUMBIA COUNTY

Dr. C. E. Sweppenhiser (Dem.), 118 East Front Street, Berwick, to serve until December 31, 1958, and until his successor is duly appointed and qualified, vice Frank C. Elmes, Berwick, whose term expired.

Mrs. Hannah L. Groner (Rep.), 3 East Fifth Street, Bloomsburg, to serve until December 31, 1956, and until her successor is duly appointed and qualified. (Reappointment)

Robert W. Coffman (Rep.), 405 East Street, Bloomsburg, to serve until December 31, 1956, and until his



successor is duly appointed and qualified. (Reappointment)

Mrs. Fala M. Shuman (Dem.), Shuman Street, Catawissa, to serve until December 31, 1958, and until her successor is duly appointed and qualified. (Reappointment)

Rev. Wayne A. Lutz (Dem.), 313 West Second Street, Berwick, to serve until December 31, 1958, and until his successor is duly appointed and qualified. (Reappointment)

GEORGE M. LEADER.

#### MEMBERS OF COUNTY BOARDS OF ASSISTANCE

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, February 7, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as members of County Boards of Assistance:

#### CENTRE COUNTY

George J. Bohn (Dem.), Lemont, to serve until December 31, 1958, and until his successor is duly appointed and qualified, vice Rev. Alvin F. Dietz, Centre Hall, whose term expired.

Frederick R. Gardner (Dem.), Snow Shoe, to serve until December 31, 1958, and until his successor is duly appointed and qualified. (Reappointment)

Mrs. Elizabeth A. Doggett (Rep.), 357 East Prospect Avenue, State College, to serve until December 31, 1958, and until her successor is duly appointed and qualified. (Reappointment)

#### FRANKLIN COUNTY

Mrs. Margaret McLaughlin (Rep.), 30 North Main Street, Mercersburg to serve until December 31, 1958. (Reappointment)

Miss Emilie F. Reisner (Dem.), 203 South Main Street, Chambersburg to serve until December 31, 1958, and until her successor is duly appointed and qualified. (Reappointment)

Mrs. Marie P. Middour (Dem.), R. D. 4, Waynesboro, to serve until December 31, 1958, and until her successor is duly appointed and qualified. (Reappointment)

#### HUNTINGDON COUNTY

Mrs. Rachel N. Showalter (Dem.), 327 Mifflin Street, Huntingdon, to serve until December 31, 1958, and until her successor is duly appointed and qualified. (Reappointment)

G. Allen Hoover (Dem.), Hesston, to serve until December 31, 1958, and until his successor is duly appointed and qualified. (Reappointment)

GEORGE M. LEADER.

#### MEMBERS OF COUNTY BOARDS OF ASSISTANCE

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, February 7, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as members of County Boards of Assistance, to serve until December 31, 1958, and until their successors are duly appointed and qualified:

#### LACKAWANNA COUNTY

Mrs. Regina W. Rehner (Dem.), 907 Lackawanna Avenue, Mayfield. (Reappointment)

David W. Lewis (Rep.), 120 Powell Street, Old Forge. (Reappointment)

Michael M. Menichiello (Dem.), 611 Sanderson Street, Throop. (Reappointment)

#### SUSQUEHANNA COUNTY

Mrs. Anne Bertholf (Rep.), South Montrose, vice Byron Benninger, Dimock, whose term expired.

Delbert Hitchings (Rep.), R. D. 3, Montrose, vice Mrs. Velma Potts, Forest Lake, whose term expired.

Philip F. Chamberlain (Dem.), Montrose. (Reappointment)

#### VENANGO COUNTY

Miss Harriet Richardson Bleakley (Rep.), 410 Fifteenth Street, Franklin, vice Ray Painter, Franklin, whose term expired.

Father Lawrence J. Antoun (Rep.), 101 East Front Street, Oil City. (Reappointment)

Ned M. Hartsell (Dem.), 244 Bissell Avenue, Oil City. (Reappointment)

GEORGE M. LEADER.

#### JUSTICE OF THE PEACE

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, February 7, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Rinaldo V. Sidoli, R. D. 2, New Milford, Susquehanna County, for appointment as Justice of the Peace in and for the Township of New Milford, Susquehanna County, to serve until the first Monday of January 1958, to fill a vacancy.

GEORGE M. LEADER.

#### JUSTICE OF THE PEACE

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, February 7, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Max R. Croddy, 303 East Smith Street, Topton, Berks County, for appointment as Justice of the Peace in and for the Borough of Topton, Berks County, to serve until the first Monday of January 1958, vice Raymond P. Werst, Jr., resigned.

GEORGE M. LEADER.

#### JUSTICE OF THE PEACE

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, February 7, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Walker W. Squier, 17 Jackson Street, Montrose, Susquehanna County, for appointment as Justice of the Peace in and for the Borough of Montrose, Susquehanna County, to serve until the first Monday of January 1958, to fill a vacancy.

GEORGE M. LEADER.

#### JUSTICE OF THE PEACE

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, February 7, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Charles L. Blough, R. D. 1, Washington, Washington County, for appointment as Justice of the Peace in and for the Township of Chartiers, Washington County, to serve until the first Monday of January 1958, vice Anthony Spin, resigned.

GEORGE M. LEADER.



## BILLS SIGNED

The President (Lieutenant-Governor Roy E. Furman) announced that the Chief Clerk having reported that the following bills had passed both houses of the General Assembly and the same being correct, the titles were publicly read as follows:

Senate Bill No. 332, entitled:

An Act amending the act of May 1, 1929 (P. L. 905), entitled "Vehicle Code," authorizing the issuance of duplicate registration cards at the option of the owner, and fixing the fee therefor.

Senate Bill No. 687, entitled:

An Act amending the act of May 14, 1929 (P. L. 1721), entitled "An act providing for the service of process in civil suits on nonresident operators, or nonresident owners, of motor vehicles operated within the Commonwealth of Pennsylvania; and making the operation of such a motor vehicle on the public highways of the Commonwealth of Pennsylvania the equivalent of the appointment of the Secretary of Revenue of the Commonwealth of Pennsylvania as the agent of the said nonresident, upon whom civil process may be served; and providing for further notice to the defendant in any such suit," making the consent deemed to have been given by a nonresident operator or owner of a motor vehicle involved in an accident or collision within this Commonwealth for appointment of the Secretary of the Commonwealth as his agent for service of process irrevocable and binding upon his personal representative; providing for service of process when the nonresident operator or owner has died prior to the commencement of an action, and making changes to conform with existing law.

Senate Bill No. 689, entitled:

An Act amending the act of April 24, 1947 (P. L. 89), entitled "Wills Act of 1947," revising and changing provisions relating to foreign wills, divorce, inter vivos trusts and insurance affecting right of spouse taking against a will, rights of adopted persons and illegitimates in lapsed and void devises and legacies, and appointment of guardian of property passing to a minor upon testator's death whether or not passing under the will.

Senate Bill No. 690, entitled:

An Act amending the act of April 24, 1947 (P. L. 80), entitled "Intestate Act of 1947," and repealing parts thereof, limiting right of a spouse on partial intestacy and in selection of allowance; and revising procedure for setting aside spouse's allowance, establishing title to real estate where spouse claims entire estate, and distribution to the Commonwealth as statutory heir.

Senate Bill No. 691, entitled:

An Act amending the act of April 24, 1947 (P. L. 100), entitled "Estates Act of 1947," revising and changing provision relating to power of court to terminate trusts heretofore created, release or disclaimer by beneficiary of spendthrift trust, income accumulations, conveyances to defeat marital rights, and inter vivos trusts and insurance affecting right of spouse taking against a will.

Senate Bill No. 776, entitled:

An Act amending the act of May 16, 1921 (P. L. 579), entitled as amended "Jail and County Prison Law," giving wardens, deputies and other appointees of the board powers of peace officers.

Senate Bill No. 852, entitled:

An Act amending the act of April 12, 1951 (P. L. 90), entitled "Liquor Code," permitting holders of bonded warehouse licenses issued by the Pennsylvania Liquor Control Board to receive in bond certain liquor and alcohol

for storage in bond in this Commonwealth, regulating the release of such liquor and alcohol for delivery.

Senate Bill No. 867, entitled:

An Act amending the act of April 12, 1951 (P. L. 90), entitled "The Liquor Code" permitting the sale and possession of wine in packages not bearing the official seal of the board.

Senate Bill No. 881, entitled:

An Act declaring the public interest in certain historic sites and buildings and providing for certificates and markers.

Senate Bill No. 901, entitled:

An Act amending the act of August 9, 1955 (Act No. 130), entitled "The County Code," fixing the time for the annual report by the county auditors to the court of common pleas, and changing the provisions relating to the appointment of depositories of county funds.

Whereupon,

The President (Lieutenant-Governor Roy E. Furman) in the presence of the Senate signed the same.

## REPORT FROM COMMITTEE ON EXECUTIVE NOMINATIONS

Mr. WOLFE, from the Committee on Executive Nominations, reported with a favorable recommendation the following nomination, made by His Excellency, the Governor:

## MEMBER OF THE STATE FOREST COMMISSION

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, June 20, 1955.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following person for appointment as member of the State Forest Commission, to serve until the third Tuesday of January 1959, and until his successor shall have been appointed and qualified:

Reginald D. Forbes, R. D. 1, Ambler, Montgomery County, vice Thomas H. Golden, Pottsville, whose term expired.

GEORGE M. LEADER.

## REPORTS FROM COMMITTEES

Mr. FLEMING, from the Committee on Forests and Waters, Game and Fish, reported as committed, Senate Bill No. 931, entitled:

An Act making an appropriation to the Department of Forests and Waters for use of the Valley Forge Park Commission for the restoration of the Provost Guard House.

He also, from the Committee on Forests and Waters, Game and Fish, reported as committed, Senate Bill No. 961, entitled:

An Act amending the act of June 3, 1937 (P. L. 1225) entitled "The Game Law," authorizing the raising and disposition of nongame pheasants and eggs without propagating permits.

He also, from the Committee on Forests and Waters, Game and Fish, reported as committed, House Bill No. 1857, entitled:

An Act amending the act of May 2, 1925 (P. L. 448)



entitled "The Fish Law of 1925" authorizing refunds of fees fines and other moneys erroneously or unjustly collected.

He also, from the Committee on Forests and Waters, Game and Fish, reported as committed, House Bill No. 1871, entitled:

An Act amending the act of June 3, 1937 (P. L. 1225) entitled "The Game Law," regulating refund of fees fines or other moneys erroneously or unjustly collected and deposited and appropriating moneys from the Game Fund for the refund of fees fines or other moneys unjustly collected.

#### BILL RE-REFERRED

Mr. FLEMING, from the Committee on Forests and Waters, Game and Fish, returned to the Senate, House Bill No. 1784, entitled:

An Act to further amend the act approved the second day of May, one thousand nine hundred twenty-five (P. L. 448), entitled "Fish Law of 1925" by permitting aliens to obtain licenses to fish.

which was re-referred to the Committee on Appropriations.

#### SENATE RESOLUTION, SERIAL No. 96, RE-REFERRED

Mr. FLEMING, from the Committee on Forests and Waters, Game and Fish, returned to the Senate, Senate Resolution, Serial No. 96, which was read by the Clerk as follows:

#### "FRONTIER FORTS OF PENNSYLVANIA" TO BE ISSUED AS A BENJAMIN FRANKLIN MEMORIAL

In the Senate, January 23, 1956.

Today the 250th anniversary of the birth of Benjamin Franklin on January 17, 1706 is being commemorated throughout Pennsylvania and throughout the world by all those societies and institutions which have benefitted from his great contributions to the enlightenment of mankind.

Pennsylvanians have reason to remember and honor a special contribution of Benjamin Franklin, two hundred years ago during the French and Indian War. When the defeat of Braddock's army left frontier farms and homes defenseless and exposed to the raids of the French and Indians, Benjamin Franklin was one of the Provincial Commissioners who took the first active steps to establish a system of defense. He helped to plan a chain of frontier forts and to raise troops for garrison and patrol duty. After the force assigned to protect old Northampton County was routed by the Indians on the first of January, 1756, Franklin himself went to reorganize and complete the defenses of that important sector, and remained there until February 5th, building Fort Allen and supervising the building of three other forts.

Franklin's great achievements in other fields have tended to obscure his part in the planning and building of frontier forts. This service to Pennsylvania meant even more in terms of the political background of that day. Franklin was the leader of the popular party in the Assembly of Pennsylvania, and his party had been described to British officials as likely to oppose and hinder efforts to defend the Province. By his vigorous action in the crisis, Benjamin Franklin headed off any attempt to use the war emergency as an excuse for lessening the powers of the Assembly and restricting the number of voters. Thus he protected Pennsylvania's freedom in a double sense when he built frontier forts two hundred years ago, and we should be especially mindful of these services today; therefore be it

Resolved, That the new edition of "Frontier Forts of Pennsylvania" shall be issued as a Benjamin Franklin Memorial Edition with a suitable portrait of Franklin's

as frontispiece and with an appropriate introductory essay on Franklin's services in this critical period of Pennsylvania history; and that the Committee on Appropriations is hereby urged on this significant date to report out the bill authorizing the Pennsylvania Historical and Museum Commission to publish "Frontier Forts of Pennsylvania," so that the Benjamin Franklin Memorial Edition may be issued at the earliest possible moment.

and re-referred to the Committee on Appropriations.

#### BILL INTRODUCED AND REFERRED

Mr. PROPERT read in his place and presented to the Chair Senate Bill No. 969, entitled:

A Supplement to the act of June 2, 1915 (P. L. 736) entitled, as amended, "The Pennsylvania Workmen's Compensation Act," providing for the payment of compensation to auxiliary police or their dependents.

Which was committed to the Committee on Labor and Industry.

#### PERMISSION TO ADDRESS SENATE

Mr. STIEFEL asked and obtained unanimous consent to address the Senate.

Mr. STIEFEL. Mr. President, not since 1929 were there any laws passed concerning zoning. To use slang expressions, building is now booming, mushrooming, snowballing and whatnot. Yet, the rules governing zoning, because of that terrific expansion, are now archaic.

In Philadelphia, we are confronted with a situation where five learned pundits, using this law, in many instances hamper progress and expansion. When an appeal is to be made, there are no transcribed notes of testimony. Furthermore, many times reports are made on the basis of a sketchy and superficial investigation.

Mr. President, the purpose of my bill is twofold. One is to make it mandatory to have the notes of testimony transcribed and placed in the record and, second, making it mandatory, at least, to have two members of the board to personally visit the premises in question, prepare a report, transcribe it and attach it to the record, too.

Mr. President, I am presenting this bill on behalf of my colleagues, Senator Mullin, Senator Camiel and myself.

#### BILLS INTRODUCED AND REFERRED

Messrs. STIEFEL, MULLIN and CAMIEL read in place and presented to the Chair Senate Bill No. 970, entitled:

An Act amending the act of May 6, 1929 (P. L. 1551), entitled "An act authorizing cities of the first class to adopt and enforce zoning ordinances; . . .," further regulating the duties and functions of the board of adjustment in cities of the first class.

Which was committed to the Committee on Local Government.

Messrs. KESSLER, SEYLER, WAGNER, RUTH, DIEHM and WADE read in place and presented to the Chair Senate Bill No. 971, entitled:

An Act amending the act of December 22, 1955 (Appropriation Acts No. 29A), entitled "An act to provide for the ordinary expenses of the Department of Public Instruction for two years beginning June first, one thousand nine hundred fifty-five . . .," increasing the amount of the appropriation for state teachers colleges.

Which was committed to the Committee on Education.



## PETITIONS AND REMONSTRANCES

Mr. HALUSKA. Mr. President, just one year ago today, I arose in this Chamber and made sensational charges about the Hoxsey Cancer Clinic at Dallas, Texas. I spoke at length and placed before this Senate living people who were told that they just had to die. They were treated successfully by the Hoxsey treatment. I pointed out that night to my colleagues that Harry M. Hoxsey, a Naturopath, from Dallas, Texas, had concosted a therapy known as chemotherapy, a composition of drugs and chemicals that were very effective in the treatment of cancer.

Some five or seven years ago I wrote many articles in papers, that I have been writing for during the last twenty years, pertaining to chemotherapy. The medical world, as a whole, made small of my term "chemotherapy." In fact, the entire Universe made small of my many, many remarks. Since a year ago today, I have been persecuted and prosecuted. I spent thousands upon thousands of dollars defending myself in courtrooms. I have undergone a lot of physical punishment, only because I was leading a crusade on behalf of suffering humanity. That crusade shall go on just so long as my good Maker spares me.

Mr. President, since a year ago today, we have opened up in Portage, Pennsylvania a clinic, and thanks to my colleagues in this Senate, who passed a resolution making it possible for me to hire the services of qualified physicians, qualified nurses and qualified technicians. Gentlemen, it was your resolution that made that possible and I shall be forever grateful for your kind deeds. Since that date, thousands of people have come to our doors. They were not only from America, but from all parts of this world. Only this week, an Army nurse flew in from Congo, West Africa, for treatment after she was told that she had to die. People are coming to Portage from all parts of the globe as their last hope, their last chance. They want to live.

Mr. President, I am going to give to you a prepared speech, the first one I have ever prepared in my twenty-two years in the State Legislature, only because I do not want to take up the time of this Senate. I promised my colleagues last year that I would not make a habit of talking on cancer at length.

However, Mr. President, before I do that, I want to point out that today it is somewhat a different story. The battle I carried on for seven years is now coming to light and the Hoxsey treatment is becoming a reality, even though they may change the name.

I have before me a letter, Mr. President, from the Hospital of the University of Pennsylvania, signed by Doctor I. S. Ravdin, who is appealing to the Members of this Body to pass Senate Bill No. 231. It is very pleasing to me, to say the least, to note that he points out that now we are on the brink of a great discovery known as chemotherapy for cancer. I am happy to know now that the medical world is beginning to realize that my battle was not futile.

Lo and behold, last night I went down to the railroad station and I found the U. S. News and World Report. I trust you will all buy it. On the cover appears this question, "Is a Cancer Cure Near?" I trust that every person in America will read this issue of the U. S. News and World Report. I shall only read the caption of the article, Mr. President. It is written by a man whom I have ad-

mired for many, many years, Doctor C. P. Rhoads, the noted Director of Cancer Research of the Sloan-Kettering Foundation. This article appears in the issue of February 10, 1956. It states as follows:

"Major clues toward curing cancer with chemicals are being discovered now by medical science.

"Some victims of the disease are being helped by man-made drugs—drugs still experimental and only partly effective.

"But scientists now know how those chemicals work. They have the means, says one of the country's leading authorities, for making others that are 'potentially better.' In time, he adds, chemicals will bring under control a disease for which surgery and radiation can, at best, be only a partial answer.

"This hope for victory over the nation's No. 2 killer is held out by Dr. C. P. Rhoads, director of the Sloan-Kettering Institute for Cancer Research. In the interview that follows, he tells the story behind that progress."

Mr. President, the world is now beginning to realize that chemotherapy is the only answer to this dreadful disease. I do not care whether it is Hoxsey's chemotherapy or anybody else's. I am interested in humanity. When the hospitals of our Nation adopt the chemotherapy method as standard, I shall be the happiest person in this world to turn the key at the Hoxsey Clinic in Portage, Pennsylvania, and go into retirement and spend the balance of my days by helping those hospitals to save humanity.

Before I close, I want to read only a part of a letter that came in only five minutes ago by airmail from Canada. It is only one of the several hundred thousand that I have received since last February 7th. I have in my possession over 200,000 communications and they are almost all parallel with this letter. The letter is as follows:

"Dear Senator Haluska:

"No doubt you will be somewhat surprised to get a letter from a very ordinary citizen of the smallest Province of Canada. Recently my wife who has passed her 55th birthday had gone to her Medical Doctor for a check-up as she had not been feeling up to par. She was then sent to Hospital for x-ray and after nothing showed upon the plates she was prepared for an operation for suspected cancer. It appears the diagnosis had been correct. Surgeons made an incision, and sewed her up. We have been told there is no hope."

Mr. President, this is the kind of letter I receive every day. The letter goes on and asks me about this woman coming to our clinic. Only those people who were told they have to die have come to us. What I say means little; what counts is actual results. They have been phenomenal, unbelievable. I hope, Mr. President, that the Members of this Body will take time out some day to see for themselves just what I have been doing on behalf of these poor innocent victims. I wish they would come down and check our reports, talk to the patients and see for themselves what we have done. The Members of the Senate have done a marvlous job by helping me. In conclusion, you can do more.

Mr. President, we are about to adjourn sine die, I hope, within a few weeks. I note in the Governor's program that he has recommended to this Body an appropriation of \$265,000 for cancer research. I have, therefore, put in a bill, Senate Bill No. 894, and I have written to all the Members of the Senate, individually, asking them to be



kind enough to consider taking part of this appropriation, \$50,000, and give it to the Hoxsey Cancer Clinic to be used in conjunction only with outstanding laboratories. We have working connections with laboratories in Hartford, Connecticut, New York City and in Philadelphia. We have some of the best chemists and best medical men in the Country doing research for us. Our funds are limited.

Now that the medical world agrees that the answer must be found in chemotherapy, gentlemen, you can do your Country and your God no more good than by bringing this bill out of committee and try to make it possible for us to continue. Every dollar that is given us will pay great dividends to the peoples of this world. I do not know whether the Governor will sign this bill. I do not know whether the House will pass this bill. I know the Department of Health has been prejudiced. I say this Body has the courage to bring that bill out of committee and put it to a vote and pass it. Mr. President, there is nothing they can do better in serving humanity. Nothing can they ever do that will means more to their consciences and to those poor people whom we are saving every day.

Mr. President, again I want to thank my colleagues for the resolution they passed which made it possible for us to operate.

I want to place into the record a prepared speech, criticizing no one. It is a speech that I trust every Member will read. Within this speech you will find evidence whereby eminent physicians go on record. I shall read only one paragraph which is very, very brief.

"Back in 1922, Dr. Robert Bell wrote a story which appeared in the New York Medical Record, March 18, 1922, when he stated, 'Cancer definitely is a blood disease and must be treated by chemotherapy.'"

The PRESIDENT. The remarks of the Senator from Cambria, together with his prepared speech, will be printed in the Legislative Journal.

(Following are the prepared remarks requested to be spread upon the record by the gentleman from Cambria, Mr. HALUSKA:)

Mr. President, just one year ago, I arose in place and informed the members of this august body of my interest in the Hoxsey treatment pertaining to cancer suffers.

February the 7th, 1955 will, no doubt, go down in history as a "red-letter day" in Pennsylvania. It was on that date that I brought to this Chamber that outstanding humanitarian, Dr. Harry M. Hoxey of Dallas, Texas.

It was on that day that I spoke of young Richard Metzger of Erie, Pennsylvania, who was doomed to an early death. This young man was afflicted with Hodgkin's Disease at the age of seventeen. This was in 1946. Medical science said there was no further hope for him and he was placed on a morphine diet and doomed to an early grave.

It was at this point that Mr. Metzger, Sr. decided to take Richard to the Hoxsey Cancer Clinic at Dallas, Texas. The records now show, ten years later, that this young man has since graduated from Miami University. He has been a captain in the Air Force and is today leading a normal life, symptom-free.

It was on that night that I presented my beloved baby sister, Mrs. Verne Haluska Kielbowick

of Patton, Pennsylvania, who was told by medical science that nothing further could be done for her. She was diagnosed by outstanding physicians at the Miners' Hospital at Spangler, Pennsylvania. A biopsy was taken by Dr. Brumbaugh, who at that time served at the Miners' Hospital at Spangler Pennsylvania, and the Mercy Hospital in Altoona, Pennsylvania.

After surgical and x-ray treatments she was sent to the McGee Hospital of Pittsburgh, Pennsylvania, was opened up and simultaneously closed, and was told that nothing further could be done for her; that she should be placed on a morphine diet until death finally came which, they said at that time, would be within several weeks.

As a last resort, I insisted that she submit to the Hoxsey treatment which she did. Today, Mr. President and gentlemen of the Senate, I am happy to report to you that she is as well as any person I know of. She works at the Hoxey Clinic at Portage, Pennsylvania, drives fifty-four miles each day, to and from work, and is as normal and happy as any person on earth. She is raising a family of four children and taking an active part in civic, social and political affairs. All of this, after she was told back in 1953 that she had several weeks to live.

Then again permit me to point out to you the case of Mrs. Oscar Feather, of 1108 Allegheny Street, Hollidaysburg, Pennsylvania, who, back in 1949, was told by her family physician at the Altoona Hospital that her leg had to be amputated up to the hip immediately if she wanted to prolong her life.

Not being satisfied with her doctor's decision, her husband drove her to the Cleveland Clinic at Cleveland, Ohio for a check-up. Again, there she was informed that the biopsy taken of her at Altoona was correct; that the left leg had to be amputated up to the hip immediately, and even then her chances of survival were 50-50.

It was then that Mr. and Mrs. Feather decided to take that last chance, because Mrs. Feather stated definitely that she would rather die than live with such a handicap. They drove to the Hoxsey Clinic at Dallas, Texas where she submitted to the Hoxsey treatment.

Mr. President, I invite any person in this Chamber, or this Nation, to contact Mrs. Feather and learn directly from her of her sad experience, the thousands of dollars that she spent with medical doctors and hospitals, only to be told that her case was hopeless. The Hoxsey treatment not only saved her leg, but saved her life. The beautiful lady is today running a big store in Hollidaysburg, is back of the counter every day and is being contacted by people from all over the universe asking her whether or not the story they hear about her is true.

Mr. President, I could stand here tonight and give you hundreds upon hundreds of bona fide cases of men, women and young children, who were told they just had to die, who had submitted to the so-called orthodox method of treatment, who had undergone radical surgery, who had received deep therapy treatments, cobalt and radium. Then after their body failed to respond to any further treatments, they were told to go home and die.

As a last resort, they submitted to the Hoxsey treatment and today are back in society, happy and thanking their God daily that those interested in the Hoxsey treatment will be able to carry on their noble work on behalf of suffering humanity in the days to come.



Now please understand, Mr. President, I am not trying to make you or my colleagues believe that the Hoxsey Clinic at Dallas, Texas or Portage, Pennsylvania possesses a panacea or a cure-all. I am not trying to make you believe that all we need to do is wave a magic wand and a person responds immediately. No, Mr. President, that is not my thought. I would rather die on this floor than to deceive those poor innocent victims who are suffering from this most dreadful disease. I would rather die than give them false hope.

I am leading this crusade because I firmly believe in it and, despite the fact that I sincerely believe that the Hoxsey Chemotherapy treatment is the most efficacious treatment in the universe, we cannot replace an organ that has been cut away. We can not replace any part of the body that has been burnt to a crisp by deep therapy treatments. But we have proven definitely that we have prolonged the lives of thousands of people, even though they had subscribed to the above therapies and were given up to die.

I believe, Mr. President, there is a place for limited surgery where cancer is involved. I further believe there is a place for limited therapy treatments, provided however, that after these treatments cancer is arrested and the Chemotherapy method is quickly applied to attack the source of this dreadful disease.

Cancer just is not formed internally or externally like an apple on a tree, and then after being removed, make believe that the patient is cured. Cancer is a disease that, in my humble opinion, starts in the blood stream. A disorderly cell goes on a rampage and multiplies into great quantities, forming a tumor and nourishing upon the ingredients that should go to a healthy part of the body.

You cannot cut away the blood stream because that is life in itself. So to treat this most dreadful disease successfully, you must attack the body chemistry with proper medication, chemicals and drugs, or combinations of them for different cases, which is known to medicine as the Chemotherapy treatment.

Take for instance, Mr. President, the plumbing in your house springs a leak, let's say a pipe line running between the floors, and you wake up some morning and find your parlor or kitchen floor completely covered with water. If it is a slow leak, your first duty will be to clean up the mess, which we call the object. Secondly, you no doubt will call a plumber immediately to try to determine the cause of this steady dripping from your ceiling because unless you find the source of the leakage, tomorrow morning you will find the same condition all over again.

So it is with cancer. Cutting away the object without determining the cause is just futile because, sure enough, the object will appear in another part of the body very shortly.

This is as plain as I can put it, Mr. President, so that the ordinary person can definitely understand what I am driving at. You must attack the body chemistry and the blood stream before you ever hope to treat a cancer sufferer successfully.

For quite some time, it appeared that I was alone in this field of thought, but recently outstanding medical men are sharing the same belief. Take for instance, Dr. George Crile, Jr., noted Cleveland Clinic surgeon, who stated, "Operations on certain kinds of highly malignant tumors do more harm than good and a handful of Top American surgeons are mutilating some cancer patients in attempting the impossible."

Then such eminent doctors as Dr. Stanley Reimann, who, after conducting research on cancer in Pennsylvania, reported to Congress that, "Those who receive no surgery, radium, and x-ray treatments live a longer period of time than those who did and that more harm than good was done by the use of radium and x-ray to the average cancer patient." To verify this statement made to Congress, please check Senate Bill 1875, 79th Congress, July 1, 2, 3, 1946.

Then that eminent Dr. C. Everett Field, Director of the Radium Institute of New York, said: "Blindly, we have been attacking cancer in its advanced stage with surgical effort, only to find prompt recurrence after removal."

Again we find that Dr. W. A. Dewey, former professor of medicine at the University of Michigan, said: "In a practice of nearly 45 years, I have yet to see a single case of cancer cured by surgery, x-ray, or radium."

Back in 1922, Dr. Robert Bell wrote a story which appeared in the New York Medical Record, March 18, 1922, when he stated: "Cancer definitely is a blood disease and must be treated as such."

I could go on, Mr. President, and quote any amount of outstanding medical men who belong to that great monopoly known as the A.M.A., who share my thoughts and agree that cancer must be treated through the blood stream if the patient is to survive. But I will not take up the time of the Senate because you gentlemen have been very kind to me, and I use those words very modestly, Mr. President, because had it not been for the action taken by the Members of this Body, there probably never would have been a cancer clinic established in this great Commonwealth.

It was through your actions, your good deeds, and wholesome thoughts, that on February the 14th, 1955 you passed a resolution in the State Senate making it possible for the Hoxsey Cancer Clinic at Portage, Pennsylvania to hire the services of bona fide, qualified physicians, technicians and nurses. Your resolution and your vote assured those people they would be free from coercion and embarrassment, and by virtue of the fact that this Senate of Pennsylvania would send a copy of this resolution to the Pennsylvania Department of Health, the Pennsylvania Department of Welfare, the Pennsylvania Medical Association, the Registered Nurses Association, and the U. S. Department of Health, Education, and Welfare, is the one reason why this clinic, which opened its doors on March the 7th, 1955, is functioning and never has been closed one day, despite the rumors that have spread throughout the Country that the Hoxsey Cancer Clinic of Portage is no longer in existence.

Mr. President, there were forty-eight Members present in the Senate the day that this resolution came to a vote, and the records show that forty-eight voted for it and none against it. That was a great tribute in itself to me and those of us who are crusading on behalf of millions of poor innocent victims who are afflicted with the Nation's most dreadful disease.

Mr. President, since we opened our doors, we have treated thousands of people who come to our institution daily from the four corners of America and, yes, even from foreign countries. We have given new life, new hope, a new lease on life to these many thousands who were told that they just had to die, but who did not want to die.

We have invited, and the invitation still remains open to you Members of this Senate, to any group of qualified physicians or pathologists, the American Medical Association, the Damon Runyon



Fund, the American Medical Society, or the U. S. Public Health Service to come to our institution any day of the week without any prior arrangements and talk with patients who are being treated and are now living, but were told a year ago they just had to die.

We invite all of you to come in and check our pathological reports, watch our treatment, and then determine for yourself whether or not you believe that we are rendering a public service, which may seem unbelievable unless you see it firsthand. We have no secrets. We hide nothing. Our clinic is open to any lay person, any physician or to any governmental agency. We are serving God and Country and we do so proudly.

I hope, Mr. President, that before I pass away from this earth that the Hoxsey treatment will be made available to all the people of this great universe. I hope that interested parties, civic-minded leaders and people with a conscience will make it possible to some day learn the truth about the Hoxsey treatment. It is not enough for some physician to go into a courtroom and under oath, and probably under pressure, tell the judge that in his opinion he feels that the Hoxsey treatment is worthless. The thirty million cancer sufferers in America, who are doomed to die, are no longer interested in opinions. They are, however, interested in bona fide facts and results.

We stand ready to prove to America, and to the whole world, that we are achieving phenomenal results; that we are treating thousands upon thousands of cancer sufferers successfully. We are putting them back into society and sending them back home with their loved ones many, many years after they were told that their cases were hopeless.

So, Mr. President, in conclusion, I want the world to know that the Hoxsey Cancer Clinic, located at Portage, Cambria County, Pennsylvania, is open six days a week, that patients are being admitted without any prior arrangements and that no one is deprived of our treatment regardless of any race, color or creed because they lack the worldly goods that usually one must have before being admitted to any hospital.

Senator John J. Haluska

Mr. McMENAMIN. Mr. President, in our more than year-long discussions revolving primarily around the budget, taxes and the fiscal affairs of the Commonwealth, we have from time to time I am afraid not placed the proper amount of emphasis on other worth-while legislation that is pending before us. One of the things is that we have at least temporarily overlooked the appointment of members to the State Board of Censors and the confirmation of Governor Leader's appointees, as well as an appropriation to carry on the work of the Board of Censors.

I think any Pennsylvanian, and particularly mothers and fathers in this State, is quite concerned about the fact that at the moment we do not have an operating Board of Censors. Too much has been written on this problem and on the effect which salacious moving pictures, lewd pictures and comic books might have on the minds of our young for me to expound at any great length on it today. It seems to me that all of us will admit that some effort must be made, and should be made, by this Commonwealth to provide, as in the past, a Board of Censors for the motion picture industry. I personally believe that the Board's power should be

expanded so that they would have jurisdiction over comic books, these cheap magazines which luridly display sex and many other forms of indecent and salacious literature and whatnot that we see cluttering our news stands around the Commonwealth today.

Therefore, Mr. President, I am hopeful that before long some effort will be made on the part of this Body to get into the question of the Pennsylvania Board of Censors.

At this time I would like just to read into the record a summary of the situation up to now which appeared last week in the Catholic Light, the official newspaper of the Roman Catholic Diocese of Scranton, which is quite a good summary I think of the situation as it is today. This article goes on to say:

"On March 16, 1955, House Bill 675 was introduced into the House of Representatives by Representatives Hamilton and Polaski."

Mr. President, if I may deviate for just a moment, for the second day in a row I am competing against the Senator from York. To get back to the subject, this article goes on to say:

"This bill was prepared by the Justice Department on the express order of Governor George M. Leader and is especially designed to meet any possible court objections."

Mr. President, if I might say as an aside, this is, of course, of paramount importance because we all know that the old Pennsylvania act was declared invalid and unconstitutional by the Third Circuit Court of Appeals some years ago. There has been some discussion among various Members of the Senate, myself included, as to the exact effect of this court decision. Some believe that the entire act was invalidated and that the State is precluded from making any effort to censor motion picture films of any type or any censorship in any manner whatsoever. I think a careful reading of that decision does not support that conclusion, and I think that is pointed out here in this article. I will return now to the article and quote from it:

"The United States Court of Appeals in the third circuit at Philadelphia on September 5, 1950, found, in a unanimous decision written by Justice Biggs and concurred in by Justices Morris and Goodrich, that one section of P. L. 534 of Pennsylvania, the legislation which had authorized a Board of Censors for forty-one years was unconstitutional. The United States Supreme Court confirmed in February 1951, by refusing to review.

"Governor Leader, taking this as a warning and well aware that the courts in recent years have found certain sections of various State laws unconstitutional, directed the lawyers in the Department of Justice to write new legislation. House Bill 675 was the result and was passed by the Democratically controlled House on June 14, 1955.

"On June 20, 1955, House Bill 675 went to the Senate and was referred to the Committee on Law and Order. It has been pigeonholed in that committee ever since.

"Last March, also, Governor Leader sent to the Senate Committee on Executive Nominations the names of Mrs. Louise M. John of Westchester, Mrs. Helen K. Massock of Washington, Pennsylvania, and Mrs. Clara S. Black of Harrisburg to comprise the Board of Censors in this



State. To this day the committee has failed to approve these nominations.

"Several weeks ago an appropriation of \$235,000 for the Board of Movie Censors was lopped from a \$566,000,000 general education bill approved by the Legislature. On January 17, Representative Stephen McCann and Representative Dean Polen, introduced House Bill 1974 calling for an appropriation especially for the Board of Movie Censors equal to the sum dropped from the education bill, \$235,000. This bill was reported out of the House Committee on Appropriations and is now up for a vote before the House.

"There is speculation in some quarters of Harrisburg and outside as to why, after forty-one years, there should now appear strong opposition in some quarters to censorship of motion pictures in the Commonwealth. Even allowing for the fact that the Legislature is locked in a debate over taxes and in the midst of the longest session in its history, they find it difficult to fathom the reasons for the delay in setting up the Board.

"They note, too, that the battle for and against Censorship appears to have a definite political hue.

"If the Legislature recesses without passing legislation setting up a Board of Movie Censors and appropriating money for such a Board, then the way would appear open, according to informed sources, for the exhibition in this State of every type of objectionable film."

Mr. President, I am certain that there is no Member of this Senate who wants to see the way opened in Pennsylvania for unlimited distribution and showing of lewd, lascivious and sexy motion pictures. I am sure that before long here, reasonable heads will prevail and we will be able to work out between ourselves, in spite of whatever other differences we might have on other subjects, some means by which the Commonwealth of Pennsylvania can keep from inside its borders salacious literature and motion pictures of all description.

Mr. MAHANY. Mr. President, I want to assure Senator McMenamin that we on this side of the aisle will be happy to cooperate with him in trying to work out the difficulties concerning this legislation, and try to work out some legislation which will be in line with the Supreme Court decision which he has referred to. Once in a while I have the opportunity of going down to Florida, and I have talked with my wife about the pictures that they show down there in the theatres which she takes my little boy to. She says that they allow some terrible pictures to be shown to the children in the State of Florida. We certainly do not want to have anything like that in the State of Pennsylvania.

Therefore, Mr. President, if we can work out something which will be in line with the law of the Federal Courts and will protect our children and the people of Pennsylvania from having to go to shows and witness pictures of questionable character, I think we all want to join in that effort.

If Senator Lane does not have something to say, I would suggest that we recess for lunch.

Mr. McMENAMIN. Mr. President, I just wanted to say that I appreciate very much Senator Mahany's attitude. I think all of us know that, from the beginning, he is always in the ranks of those who are interested in good government.

#### MISS LUCY VALERO, PRESIDENT OF THE PENNSYLVANIA STATE EDUCATION ASSOCIATION, PRESENTED TO SENATE

Mr. LANE. Mr. President and Members of the Senate, I have a very pleasant task to perform here today. All of you have heard me talk many, many times about the accomplishments and the virtues of the great County of Washington and the great County of Greene.

Mr. President, today we have in the Hall of the Senate a young lady of whom the people of Washington County are extremely proud. We are proud of the fact because today this young lady is the new President of the P.S.E.A. She happens to be an elementary teacher in the California schools and has dedicated most of her life to the cause of education.

It is with great pleasure that I present to this body here today the new President of the P.S.E.A., Miss Lucy Valero, of California, Pennsylvania. Miss Valero is in the rear of the house. Will you please stand, Miss Valero?

The PRESIDENT. The Chair would like to say that we are very honored and happy to have this distinguished guest here with us today.

#### BILL INTRODUCED AND REFERRED

Mr. YOSKO. Mr. President, I ask unanimous consent to introduce a bill at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Messrs. YOSKO, KOPRIVER, JR., McMENAMIN and VAN SANT read in place and presented to the Chair Senate Bill No. 972, entitled:

An Act to amend the act approved the twenty-third day of June, one thousand nine hundred thirty-one (P. L. 932), entitled "The Third Class City Code," by further regulating the sale of forests and watersheds.

Which was committed to the Committee on Local Government.

#### RECESS

Mr. MAHANY. Mr. President, I move that the Senate do now take a recess for thirty minutes, for the purpose of having lunch.

Mr. PECHAN. Mr. President, I second the motion.

The motion was agreed to.

#### AFTER RECESS

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

#### PERMISSION TO ADDRESS SENATE

Mr. STIEFEL asked and obtained unanimous consent to address the Senate.

Mr. STIEFEL. Mr. President, one of the finest traditions in the Senate of Pennsylvania has been the fact that each biennium we have commemorative exercises on the birthday of our martyred President, Abraham Lincoln.

Therefore, true to the tradition of the Senate of Pennsylvania, I am presenting this resolution and hope it will be immediately adopted. The resolution is being offered on behalf of Senator Chapman, Senator Blass, the eminent historian from Erie, and myself.



## SENATE RESOLUTION

ABRAHAM LINCOLN COMMEMORATIVE  
CELEBRATION

Messrs. STIEFEL, CHAPMAN and BLASS offered the following resolution, which was twice read as follows:

In the Senate, February 7, 1956.

Resolved that, on Monday the thirteenth day of February, 1956, the Senate of Pennsylvania shall hold its traditional exercises in commemoration of the birth of Abraham Lincoln, since the actual date of his birth falls on Sunday the twelfth of February; and be it further

Resolved that the President pro tempore shall appoint two members to arrange and conduct suitable exercises paying tribute to the memory of the great martyred President who, by family and other connections, had many close ties with the Commonwealth of Pennsylvania.

## RULE 39 SUSPENDED

Mr. STIEFEL. Mr. President, I ask unanimous consent that Rule 39, which requires resolutions be referred to an appropriate committee, be suspended and the Senate do now proceed to the consideration of the resolution just read.

The PRESIDENT. Is there objection?

The Chair hears none.

On the question,

Will the Senate agree to the resolution?

It was agreed to.

## PERMISSION TO ADDRESS SENATE

Mr. McMENAMIN asked and obtained unanimous consent to address the Senate.

Mr. McMENAMIN. Mr. President, yesterday afternoon I spoke briefly on the recent large number of escapes, twenty-seven to be exact, from the Farview Hospital for the criminally insane. It has just been brought to my attention that the Secretary of Welfare has issued a press release on the Farview situation, which I will not go into in detail, but there are a couple of points in it which I would like to comment on and point up for the Senate's consideration at this time.

I also want to say that I have asked the Reference Bureau to prepare a resolution calling for an investigation of the situation, but it has not been prepared and handed to me. So at this time, because I am fearful that the day will be over before we can get into an investigative resolution, I would like to quote just one sentence from the Secretary's press release. To the best of my knowledge this sentence is not taken out of context. This sentence would stand by itself and mean by itself exactly what it means in its context in the paragraph in which it is now placed.

Mr. President, the Secretary of Welfare goes on to say, in the first page of the release, the following:

"The facts disclose that none of the escapees were the type of patients who should be locked up, and some of them escaped even though they were under temporary security."

Of the twenty-seven people who have escaped from there in eight or nine months, a great many of them were murderers and one of them was a triple murderer. If a triple murderer is not the type of patient who should be locked up, then I do not know why we bother to have

cells and bars and locks on any jail, penitentiary or institution in Pennsylvania.

One other thing, Mr. President, there are some recommendations made by the leadership of the Department of Welfare which, of course, call for more money. One recommendation is as follows.

"The present salary scale of attendants, which is \$3414 to \$3900, should be increased to a State pay scale of from \$4000 to \$4500."

There is more discussion on the difficulty the Department has had in securing anybody to work at present wages as a guard in this institution. It also recommends that thirty more attendants be put at Farview immediately.

Mr. President, if the Department of Welfare has had trouble getting people to work at Farview, I would like to suggest that they come and see me because my phone has been rung off the wall the last year by people seeking jobs and a great many of them want jobs at Farview as attendants at \$300 a month. I can furnish the department, without any delay, a list of at least 200 people to fill the thirty vacancies and any other vacancies that are discussed by the Secretary.

SENATE BILL No. 284, RECALLED FROM THE  
GOVERNOR, TAKEN FROM TABLE

Mr. WEINER. Mr. President, I call from the table Senate Bill No. 284, which was recalled from the Governor for the purpose of amendment.

## RECONSIDERATION OF SENATE BILL No. 284

Mr. WEINER. Mr. President, I move that the Senate do now reconsider the vote by which Senate Bill No. 284, entitled:

An Act amending the act of April 9, 1929 (P. L. 177), entitled "The Administrative Code of 1929," creating the State Board of Chiropractic Examiners as a departmental administrative board in the Department of Public Instruction.

passed finally.

The PRESIDENT. How did the Senator vote?

Mr. WEINER. Mr. President, I voted with the prevailing side.

Mr. SEYLER. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. SEYLER. Mr. President, I voted with the prevailing side.

The motion was agreed to.

And the question recurring,

Shall the bill pass finally?

Mr. WEINER. Mr. President, I move to reconsider the vote by which the bill passed third reading.

The PRESIDENT. How did the Senator vote?

Mr. WEINER. Mr. President, I voted with the prevailing side.

Mr. SEYLER. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. SEYLER. Mr. President, I voted with the prevailing side.

The motion was agreed to.

And the question recurring,

Will the Senate agree to the bill on third reading?



Mr. WEINER. Mr. President, I ask unanimous consent to offer an amendment at this time.

The PRESIDENT. Is there objection? The Chair hears none.

The Clerk read the amendment as follows:

Amend Section 3 (Section 1310), page 9, line 11, by striking out "said" and inserting: "licensing."

On the question,

Will the Senate agree to the amendment?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

#### SENATE BILL No. 285, RECALLED FROM THE GOVERNOR, TAKEN FROM TABLE

Mr. WEINER. Mr. President, I call from the table Senate Bill No. 285, which was recalled from the Governor for the purpose of amendment.

#### RECONSIDERATION OF SENATE BILL No. 285

Mr. WEINER. Mr. President, I move that the Senate do now reconsider the vote by which Senate Bill No. 285, entitled:

An Act relating to the practice of Chiropody; conferring powers and imposing duties on the State Board of Chiropody Examiners and the Department of Public Instruction; and providing penalties.

passed finally.

The PRESIDENT. How did the Senator vote?

Mr. WEINER. Mr. President, I voted with the prevailing side.

Mr. SEYLER. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. SEYLER. Mr. President, I voted with the prevailing side.

The motion was agreed to.

And the question recurring,

Shall the bill pass finally?

Mr. WEINER. Mr. President, I move to reconsider the vote by which the bill passed third reading.

The PRESIDENT. How did the Senator vote?

Mr. WEINER. Mr. President, I voted with the prevailing side.

Mr. SEYLER. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. SEYLER. Mr. President, I voted with the prevailing side.

The motion was agreed to.

And the question recurring,

Will the Senate agree to the bill on third reading?

Mr. WEINER. Mr. President, I ask unanimous consent to offer amendments at this time.

The PRESIDENT. Is there objection? The Chair hears none.

The Clerk read the amendments as follows:

Amend page 1, line 1 of the title, by inserting after "to": "and defining"; Amend page 1, line 3 of the title, by inserting after "Instruction": "requiring licensure providing for the granting cancellation suspension and revocation of licenses preserving the rights of existing licenses providing for the promulgation of rules and regulations transfer of jurisdiction and records to the Board regulation of Schools of Chiropody reciprocity"; Amend page 1, line 3 of the title, by inserting after "penalties":

"and remedies"; Amend page 1, by inserting after the preamble and before line 1: "Section 1 Short Title This act shall be known and may be cited as the 'Chiropody Act of 1956'"; Amend page 1, by striking out all of lines 1 to 3, inclusive; Amend page 2, by striking out all of lines 1 to 4, inclusive and inserting:

"Section 2 Definitions The following words or phrases unless the context clearly indicates otherwise shall have the meanings ascribed to them in this section

"(a) 'Chiropody' shall mean the diagnosis of foot ailments and the practice of minor surgery upon the feet the padding dressing and strapping of the feet the making of models of the feet and palliative and mechanical treatment of functional disturbances of feet not including the amputation of the leg foot or toes or the treatment of systemic diseases of the bones ligaments or muscles of the feet or any part of the body

"(b) 'Chiropodist' shall mean a practitioner of chiropody.

"(c) 'Board' shall mean the State Board of Chiropody Examiners.

"(d) 'Department' shall mean the Department of Public Instruction."

Amend page 2, by inserting between lines 4 and 5:

Section 3 Status of Existing Licensees Any person who has heretofore been licensed to practice chiropody in this Commonwealth and who is so licensed on the date of the approval of this act and who desires to continue the practice of chiropody must be licensed and registered under the provisions of this act and upon making application and payment of a fee of five dollars (\$5.00) on or before the thirty-first day of December one thousand nine hundred fifty-six such person will be licensed under the provisions of this act without being required to take the examination provided by this act"; Amend page 2, line 5, by striking out "2" and inserting: "4"; Amend Section 2, page 2, line 7, by striking out "State" and "of Chiropody"; Amend Section 2, page 2, line 8, by striking out "Examiners"; Amend Section 2, page 2, line 12, by inserting after "America": "or has legally declared an intention to become such a resident of this Commonwealth"; Amend Section 2, page 2, lines 14 and 15, by striking out "preliminary instruction" in line 14 and "equivalent to four years high school and" in line 15 and inserting: "An education of not less than four years high school or its equivalent and actual"; Amend Section 2, page 2, line 18, by inserting after "certificate": "obtained from such institution"; Amend Section 2, page 2, lines 18 and 19, by striking out "Department of" in line 18 and "Public Instruction" in line 19; Amend Section 2, page 2, line 19, by striking out "before presentation for examination"; Amend Section 2, page 2, line 20, by striking out "State"; Amend Section 2, page 3, by striking out line 1 and inserting: "Board The Board"; Amend Section 2, page 3, line 2, by striking out "qualified person" and inserting: "applicant"; Amend page 3, by inserting between lines 4 and 5: "Section 5 Exclusive Jurisdiction of Board From and after the effective date of this act the Board shall exercise exclusive jurisdiction over all persons licensed or to be licensed and registered to practice chiropody in this Commonwealth"; Amend page 3, line 5, by striking out "3 The State Board of Chiropody Examiners" and inserting: "6 The Board"; Amend Section 3, page 3, line 6, by striking out "annual";



Amend Section 3, page 3, lines 7 and 8, by striking out "shall be those taught in a recognized School of Chirop—" in line 7 and "ody and" in line 8; Amend Section 3, page 3, lines 8 to 13, both inclusive, by striking out "State Board of Chiropody" in line 8, all of lines 9 to 12, and "supplied by the candidates" in line 13, and inserting: "Board and shall be on those subjects taught in a recognized school of chiropody"; Amend page 3, by inserting between lines 17 and 18: "Section 7 Curriculum The curriculum taught shall be confined to subjects covered by the definition of chiropody as contained in this act. The Board shall or shall not approve Schools of Chiropody." Amend page 3, line 18, by striking out "4 Every applicant" and inserting: "8 Every candidate for examination"; Amend Section 4, page 3, line 19, by striking out "at" and inserting: "in"; Amend Section 4, page 3, line 19, by striking out "session" and inserting: "subject"; Amend Section 4, page 3, line 20, by inserting after "hundred": "per centum"; Amend Section 4, page 4, line 3, by striking out "after the expiration of six months and"; Amend page 4, line 6, by striking out "5 The State Board of Chiropody Examiners" and inserting: "9 The Board"; Amend Section 5, page 4, line 7, by striking out "certificate of registration" and inserting: "license"; Amend Section 5, page 4, lines 7 and 8, by striking out "successfully" in line 7 and "passing the required examination" in line 8 and inserting: "qualified under the provisions of this act"; Amend Section 5, page 4, line 13, by striking out "State Board of Chiropody Examiners" and inserting: "Board"; Amend Section 5, page 4, line 15, by striking out "and for the certificate provided"; Amend Section 5, page 4, lines 16 and 17, by striking out "of Public" in line 16 and "Instruction" in line 17; Amend Section 5, page 4, line 17, by striking out "money received and the examination"; Amend page 5, lines 1 and 2, by striking out "6 Upon recommendation by the State Board of Chiropody" in line 1 and "Examiners" in line 2 and inserting: "10"; Amend Section 6, page 5, line 4, by inserting after "licensure": "which are substantially"; Amend Section 6, page 5, line 8, by striking out "State Board of Chiropody Examiners" and inserting: "Board"; Amend page 5, by inserting between lines 9 and 10: "Section 11 Residence Required of Out-of-State Licensees Any person who does not intend to become a resident of this Commonwealth will not be entitled to obtain a license to practice chiropody in this Commonwealth in accordance with section 10 of this act and any person who obtains a license to practice chiropody in this Commonwealth in accordance with section 10 of this act and does not become a resident of this Commonwealth immediately thereafter will not be entitled to retain said license"; Amend page 5, line 10, by striking out "7 No" and inserting: "12 Any"; Amend Section 7, page 5, line 10, by striking out "a duly"; Amend Section 7, page 5, line 10, by inserting after "registered": "as a"; Amend Section 7, page 5, line 11, by inserting after "shall": "not"; Amend Section 7, page 5, line 10, by striking out "or by any means or" and inserting: "nor"; Amend Section 7, page 5, lines 16 to 20, both inclusive, by striking out "Any person" in line 16 and all of lines 17 to 20 and inserting: "Section 13 Penalties Any person violating any of the provisions of this act or any rule or regulation of the Board shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a

fine not less than fifty dollars (\$50) nor more than two hundred dollars (\$200) or undergo imprisonment for not less than thirty days nor more than six months for the first violation On the second"; Amend Section 7, page 6, line 2, by striking out "of not" and inserting: "not less than one hundred dollars (\$100) nor"; Amend Section 7, page 6, line 3, by striking out "for not" and inserting: "for not less than sixty days nor"; Amend page 6, by inserting between lines 3 and 4:

"Section 14 Disposition of Fees All fees, fines and penalties specified and imposed under this act or any rule or regulation pursuant thereto shall be paid into the State Treasury.

"Section 15 Rules and Regulations The board may make such reasonable rules and regulations as it deems necessary and proper in order to carry out the intent and purposes of this act within the scope of this act.

"Section 16 Refusal to Grant; Suspension and Revocation The Board may refuse to grant and may suspend or revoke or cancel a license or a registration for the following reasons:

"(1) The practice of fraud or deceit in obtaining or attempting to obtain a license

"(2) Pleading guilty or nolo contendere to or being found guilty of a crime involving moral turpitude by a court of competent jurisdiction or a jury

"(3) Gross incompetency gross immorality negligence or misconduct in carrying on of such profession

"(4) Violation of any of the provisions of this act or the rules and regulations of the Board.

"(5) Loaning borrowing or using the registration or license to practice chiropody of another or knowingly aiding or abetting in any way the granting of an improper license or registration

"(6) That said applicant or licensee is an habitual drunkard or is addicted to the use of morphine cocaine or other drugs having a similar effect or if he or she is or shall become mentally incompetent

"(7) Knowingly making substantial misrepresentations

"(8) Unethical conduct or misleading fraudulent or unethical advertising

"(9) Soliciting patronage other than by legitimate advertisement or paying a commission or agreeing to pay a commission to any person or persons for soliciting or for business secured or paying any gratuity to any person with intent to have such person aid in securing business or like unprofessional conduct

"Section 17 Procedure All actions of the Board shall be taken subject to the right of notice hearing and adjudication and the right of appeal therefrom in accordance with the provisions of the Administrative Agency Law approved the fourth day of June one thousand nine hundred forty-five (P. L. 1388) or any amendment or reenactment thereof relating to adjudication procedure

"Section 18 Display of license and certificate Every holder of a license or certificate of registration shall display the same in a conspicuous place wherein such person shall practice chiropody

"Section 19 Injunction or Other Process The Board, upon the advice of the Attorney General may maintain an action in the name of the Commonwealth for an injunction or other process against any person to restrain



or prevent his practicing the profession of chiropody in a public or private capacity. Any such action shall be instituted in the court of common pleas in any county where the alleged unauthorized practice was committed. The court may issue a temporary restraining order or injunction under this act but shall determine any such action on its merits as soon as convenient whether in term time or in vacation. Appeals from any final decision of the court to the Superior or Supreme Court shall be as in similar cases. No bond shall be required of and no costs shall be taxed against the board on account of any such action. No action brought under the provisions of this act shall prevent the prosecution or institution of any civil or criminal action provided by this act for violation thereof or of any rule or regulation of the board promulgated thereunder.

"Section 20 Records All records and documents pertaining to persons licensed to practice chiropody shall be transferred to the Board"; Amend page 6, line 4, by striking out "8" and inserting: "21"; Amend page 6, line 11, by striking out "9" and inserting: "22"; Amend Section 9, page 6, line 13, by inserting after "repealed" "as amended."

On the question,

Will the Senate agree to the amendments?

They were agreed to.

Ordered, That the bill as amended lie over for printing.

#### BILL INTRODUCED AND REFERRED

Mr. DENT. Mr. President, I ask unanimous consent to introduce a bill at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Messrs. DENT, WAGNER, SCOTT, HALUSKA, McMENAMIN, YOSKO, LANE, FLACK, HAYS, DERK, BARR, STEVENSON, MALLERY, BERGER WOLFE and WHALLEY read in place and presented to the Chair Senate Bill No. 973 entitled:

An Act to promote the welfare of the people of the Commonwealth by the reduction of unemployment in certain areas of the Commonwealth determined to be critical economic areas; providing for the establishment of industrial development projects in such areas; creating The Pennsylvania Industrial Development Authority as a body corporate and politic with power to allocate funds for and make secured loans to industrial development agencies for the payment of a part of the cost of industrial development projects in critical economic areas; authorizing the Authority to enter into agreements with the Government of the United States or any Federal agency or industrial development agency; empowering the Authority to take title to sell, convey and lease industrial development projects where necessary to protect loans made by the Pennsylvania Industrial Development Authority on industrial development projects; providing that no debt of the Commonwealth, its municipalities or political subdivisions shall be incurred in the exercise of any powers granted by this act; and providing for the examination of the accounts and affairs of the Authority; and making an appropriation.

Which was committed to the Committee on State Government.

#### COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented communication in writing from His Excellency,

the Governor of the Commonwealth, which was read as follows:

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, February 7, 1956.

To the Honorable, the Members of the General Assembly of the Commonwealth of Pennsylvania:

A new Bill providing construction loan assistance on industrial development projects in our distressed area communities is being introduced in the Pennsylvania Senate today. The Bill is sponsored by a group of Senators from both parties—which is in keeping with its purposes, and reflects the manner in which it has been drafted.

The new Bill is a revision of the Industrial Development Authority proposal submitted to the General Assembly last Spring (S.B. 276 and H.B. 1588).

In the regional hearings on industrial development which I held at Erie, Johnstown and Wilkes-Barre last Fall, dozens of community leaders from areas suffering prolonged and severe unemployment filled the record with heartening stories of successful community industrial development programs, and with a plea for assistance from the Commonwealth on those programs.

They reported on the more than eighty manufacturing plants now operating in Pennsylvania, which were built by a combination of community fund-raising and first mortgage loans, mainly from local banks. This is an impressive record of local bootstrap-lifting. It has involved the active participation of commercial establishments, local industries, professional people, labor, educators, local governmental officials, Republicans, Democrats—everyone.

It has by no means "licked" the unemployment problem in these areas, but it has provided thousands of new jobs in industry.

These community leaders are sure they have the right formula. They believe that they can rent or sell many, many more such plants, if only they can find a way to finance them.

However, they stated, repeatedly, that they tend to run out of money, or credit, or both. Money already raised locally is "tied up" in existing plants. It becomes difficult, or impossible, to return too frequently to the citizens on "drives" for additional money. Local banks, with a fine record of progressive financing in this field, find it difficult to extend additional, large, first mortgage loans of this type.

Most all of these community industrial development leaders asked for financial help from the Commonwealth.

Such help, they said, would make local fund-raising easier, would release a portion of the funds already tied up in existing plants for the construction of still more plants, would reduce the size of first mortgage loans needed from the banks and insurance companies—take out some of the "risk." Finally, they said, such help would leave the initiative, the evaluation of the prospect industry, and the basic tests of financial feasibility right in the community itself, and with the cooperating banks and other financial institutions.

Upon my return from those Fall meetings I directed my staff to explore, in consultation with finance and legal experts experienced in Pennsylvania community industrial development programs, a new approach to legislation on this general matter.

These discussions have been going on almost continuously since that time, and a whole series of drafts and re-drafts prepared and considered. The result is the Bill now being presented for action in the General Assembly.

It is based on the conventional, proven pattern of community industrial development financing in Pennsylvania, and would provide what local organizations, themselves, believe to be the type of assistance the Commonwealth can most appropriately, and most effectively, extend.

As the result of years of urgent pleading, the problem of these areas of chronic unemployment has now won national recognition in the Congress and in the Executive Branch of the Federal Government.



In July Senator Paul Douglas and a number of his associates introduced a "Depressed Areas" Bill in the United States Senate, proposing a series of special measures, including a loan program for industrial construction, aimed at correcting economic maladjustments in those areas. A companion Bill was introduced in the House by Congressman Daniel J. Flood, of Wilkes-Barre.

A few weeks ago, in submitting his Economic Report to the Congress, President Eisenhower had this to say on the subject:

"To cope with chronic unemployment which has persisted in some communities, despite the attainment of practically full employment in the Nation at large, a new Area Assistance Program is recommended."

That program, as submitted to the Congress, also proposes, among other things, a system of Federal loans for industrial construction in distressed area communities, and calls for state and local participation.

The proposed Pennsylvania Industrial Development Authority Bill makes explicit provision for gearing in with whatever Federal industrial construction loan program emerges from the present Congress, in connection with distressed area legislation.

I want to express my own gratitude, and that of my associates, for the many thoughtful letters and many hours of consultation received on this matter from key men in industrial development work in such areas as Altoona, Scranton, Wilkes-Barre, Hazleton, Pottsville, Erie, Lewistown, Tamaqua, Berwick, Uniontown.

The work of those and other similar Pennsylvania groups, it should be pointed out, is outstanding, nationally. No other state can boast of the kind of record they have made. It was made—is being made—in the face of difficulties and discouragements which would easily kill the ardor of less determined civic leaders. This community movement is a key resource for the economic development of our distressed areas and, thus, for the economic growth and stability of the entire Commonwealth. Through this new industrial development financing proposal, we can greatly strengthen that resource and put it to its fullest use.

The basic provisions of the Bill are these:

(1) It would create a Pennsylvania Industrial Development Authority, composed of a board of eleven members—four ex-officio, the Secretaries of Labor and Industry, Internal Affairs, Banking, and of Commerce, the latter to serve as Chairman; seven representing the public, to be appointed by the Governor with the advice and consent of the Senate;

(2) The Authority would be empowered to provide loan assistance to industrial development agencies in any municipality, group of municipalities, county or group of counties or region of the Commonwealth having had not less than 6 per cent of its labor force unemployed for a period of not less than three years, or 9 per cent for not less than eighteen months, immediately prior to an official finding by the Authority;

(3) The Authority's financial assistance would take the form of second mortgage loans to non-profit industrial development agencies of up to 30 per cent of the construction cost of industrial or manufacturing plants and facilities, provided:

a. The local industrial development agency provides from whatever source, not less than 20 per cent of the cost of the project;

b. The local agency has a firm commitment from responsible financial sources for the balance of the loan funds needed, such funds to be secured by a first mortgage;

c. The local agency shows evidence of a firm commitment from a responsible tenant or buyer to provide the machinery and equipment and to occupy and operate the project.

(4) The Authority could make loans to local industrial

development agencies, subject to the above ratios, on projects they have already financed, provided the funds thus released from existing projects are used for the construction of additional projects;

(5) Interest rates and other terms of the Authority's loans could be fixed at the discretion of the board;

(6) The Authority could not make loans which would cause the removal of a plant from one area of the Commonwealth to another area of the Commonwealth;

(7) As an initial appropriation of \$5,000,000 is sought for the present biennium, to establish the Authority's Industrial Development Fund. I will be prepared to recommend an additional \$5,000,000 for each year of the coming biennium. Loan repayment and interest revenues of the Authority would return to the Fund, to be used on a revolving basis.

This, I submit, is a proposal which merits wide support in the General Assembly.

Scores of Pennsylvania communities are suffering chronic and severe unemployment—in the anthracite area, in many of the bituminous areas and the railway centers of western Pennsylvania, in areas of northern Pennsylvania where lumbering and wood-working industries once flourished, and where they may flourish again.

Roughly twenty per cent—a fifth, of the population of the Commonwealth lives in areas of substantial labor surplus. Their economic plight means a serious drain on State and local funds for public assistance and unemployment compensation. Young people are forced to leave home in search of employment. Population declines. The local tax base—and, thus, the tax base of the Commonwealth, itself, is impaired.

Accordingly, this is not merely a local problem. It is a Commonwealth problem, also. Until the economic maladjustments behind it are rectified, Pennsylvania will not keep pace with the economic growth of her neighboring states. Indeed, it is that kind of consideration which has led President Eisenhower, and Congressional leaders from both political parties in Washington to focus their attention on it. They regard it as a National problem.

The new Pennsylvania Industrial Development Authority, in my judgment, provides the means for an effective, joint, community-State-Federal attack on this problem. It is a problem beyond the scope of any one of them, alone, to deal with successfully.

GEORGE M. LEADER.

The PRESIDENT. Copies of this message are being placed on the desk of each Senator. The message is in connection with the bill just introduced.

#### SENATE CONCURRENT RESOLUTION TAKEN FROM TABLE

Mr. MAHANY. Mr. President, I call from the table Senate Concurrent Resolution relative to returning Senate Bill No. 192, Printer's No. 246, to the Governor without amendment.

The Clerk read the resolution as follows:

#### RETURNING TO THE GOVERNOR SENATE BILL No. 192 WITHOUT AMENDMENT

In the Senate, January 23, 1956.

Resolved (the House concurring), That Senate Bill No. 192, Printer's No. 246, entitled "An act providing for and regulating the licensing and practice of practical nursing; imposing duties on the State Board of Nurse Examiners and imposing penalties," which was recalled from the Governor December 28, 1955, for the purpose of amendment, be returned to the Governor without amendment.

#### SENATE CONCURRENT RESOLUTION ADOPTED

Mr. MAHANY. Mr. President, I move that the resolution just read by the Clerk be adopted.

Mr. PECHAN. Mr. President, I second the motion.



On the question,

Will the Senate agree to the resolution?

Mr. MULLIN. Mr. President, this bill originally was passed by the Assembly and sent to the Governor's Office. When it reached the Governor's Office, this body was in recess over the holidays for about a month. The recommendation of the Attorney General was that the bill was a harmful bill and was so reported to the Governor and the Governor was considering a veto. I had some interviews with the Governor's Legislative Assistant, and because this Body was out of session at the time and rather than veto it, we discussed amending the bill. The Governor then sent it back here for possible amendment. The bill, in its present form, provides an impossible task of 1500 hours of sustained education to become licensed under this section.

Mr. President, the type of person who goes in for practical nursing is the type of person who has to earn a living. It is quite impossible for them to put in these hours. As a matter of fact, if they can put in four or five hours per week they are being taxed to their utmost, both physically and financially.

Under the provisions of this bill, Mr. President, they may now do the very same thing by going to public schools, vocational schools under the Department of Public Instruction, and get the very same thing in Philadelphia and other parts of the State. In the past they have averaged about seventy students a year. The sixteen private schools, which train ninety per cent of all of the practical nurses in Pennsylvania, train over 2,000 a year, between 2,000 and 3,000. There is a very severe, acute shortage of nurses of this type.

This bill would, in effect, put these schools out of existence. I presented an amendment and I sent each Member of this Body a copy. This amendment would not affect the present provisions of the bill. It would merely provide, in a measure, the existence of these schools and provide some regulations which would allow them to continue in business. This amendment would provide that the practical nurse in the private school must have "satisfactorily completed a course of not less than 100 hours in practical nursing in a private practical nursing school licensed for three years by the Department of Public Instruction and has been actively engaged in nursing as a practical nurse as herein defined for a period of one year upon submission of proof of such practice satisfactory to the board."

This amendment was refused by the proponents of this bill. The proponents of the bill are the registered nurses. There is no really organized group of practical nurses because they are not the type and the business is not established as such where they would want to organize. However, there is a paper organization to make it appear that there is a group in favor of this bill among practical nurses, but the sham is easily taken off or exposed when, at a meeting a couple weeks ago of the registered nurses of Philadelphia, they asked their members to write the Senators up here in charge of this bill but not to write the name "Registered Nurse" or put "R. N." after their name to make it appear that somebody else other than the registered nurses were in favor of this bill.

Mr. President, the real persons who are going to be hurt by sending this bill back to the Governor, if he should sign it, are the people of Pennsylvania who need

practical nursing services. When these schools go out of business, we will not have any more schools training practical nurses. The group of people who are trying to enter into this field of practical nursing who, as I said, run into the thousands every year, are going to be hurt by this bill.

Mr. President, I have attended a certificate distribution, or what might be called a distribution of certificates, at one of these schools. It happened that about 2,000 people attended that occasion at the Baptist Temple in Philadelphia, filling it up. I am certain if any Senator here had attended that occasion and had seen the type of people and the importance to which they attach their duties, they would certainly listen to them when I come on their behalf and ask you not to drive this industry out of business.

All of the teachers in these institutions are registered physicians and registered nurses. They do not have any lay teachers at all. They are all registered physicians and nurses. The type of people who take this course are very serious-minded people and they take their job very seriously and I speak on their behalf. Two of these schools in Philadelphia are entirely colored. The other schools are about fifty percent colored in Philadelphia. It is this type of people who will not get a voice. I venture to say that if you are going to turn this over to the hospitals, which it is intended to be, there will be very few persons registered to be practical nurses in these hospitals.

It seems to me, and I have had doctors tell me, that hospitals are run by registered nurses; that doctors come in for a little while and disappear but the registered nurses are there all the time and they practically run the institution, and they will try to keep out anybody who desires to be a practical nurse from getting into these hospitals. I am sure that this is their only purpose in being for this bill. They do not want anybody to learn anything, especially anything which concerns their profession. This type of attempt to maintain exclusive control of a profession or of any source of knowledge, in my opinion, is very dangerous. It is so dangerous and so vicious that it reminds me of the type of student that is down in the University of Alabama, making a drive on one woman who is going to that school because she is of a different color. I venture to say that there is a lot of that among these nurses. There is a lot of that feeling among them. They do not want this economic opportunity to go to certain individuals in our society.

Mr. President, I certainly ask all of my colleagues not to vote for this resolution, but rather to consider an amendment in line with what the Governor has requested. The Governor probably would not have sent this bill back had we not been out of session. He probably would have called us in there and called our attention to the fact that we are cutting off a supply of help in a field where there is great need. That is the only reason for the Governor sending the bill back here.

I ask my colleagues not to pass this resolution, but consider some amendment to it of the nature and in line with what I have read here; some amendment which will allow these private schools to live.

Mr. MAHANY. Mr. President, I do not intend to debate the bill again, nor do I intend to debate the proposed amendments which Senator Mullin feels that he wants to



offer to the bill. I feel that when this bill was before us on a previous occasion, Senator Mullin had an opportunity to introduce amendments. I believe he did attempt to introduce his amendments at that time and they were voted down. The Senate acted on this bill and it acted on it in the form that it now is in. The House also concurred in it and we sent it to the Governor's desk.

It is usually a policy for the Governor to either sign the bill into law or veto it, if he feels it is a bad bill. If there is some technical thing wrong with it or it needs some technical change in its language, then the Governor asks us to recall it from his desk so that we may put in those technical changes so that it will conform with the law, the decisions and the statutes of Pennsylvania. We usually go along with the Governor's requests for recalls to put in such technical amendments. However, it is not our policy to bring a bill back before us which we have acted on previously just in order for a Senator to have another opportunity of introducing the same amendments which we defeated on a previous occasion, and to change the intent of the legislation.

Mr. President, we, in the Legislature, felt that we were doing a good job. The Practical Nurses Association was for the bill. They feel that this will protect the public if this bill is enacted into law. They feel the public needs this type of legislation for its protection. These schools, which Senator Mullin referred to, are not doing the type of job which they feel should be done. It is not our purpose to keep schools in business if they do not do the type of job which it is felt they should do to protect the public. They will either have to improve their curriculum or else go out of business. As another alternative, if this bill becomes law, Senator Mullin may amend the law to include his schools and introduce a bill which will accomplish what he now says he would like to do.

I merely say, as a matter of policy, this Senate and this General Assembly should not bring back from the Governor a bill just in order to give a Senator another crack at it after he was defeated before on his proposals. The only reason we should bring a bill back from the Governor's desk is in order to introduce amendments of a technical nature which are usually recommended by the Department of Justice in order to make the bill conform with the law.

Therefore, Mr. President, I ask that we vote to send the bill back, vote for this resolution which would put the bill back on the Governor's desk for either his approval or his disapproval. If he decides to veto the bill, I will find no objection with his right to do so. If he decides to sign the bill into law, I will congratulate him and say that he has done a good job in improving the law of the State of Pennsylvania.

Mr. BARR. Mr. President, I desire to interrogate the gentleman from Crawford, Senator Mahany.

The PRESIDENT. Will the gentleman from Crawford, Mr. Mahany, permit himself to be interrogated?

Mr. MAHANY. I will, Mr. President.

Mr. BARR. Senator Mahany, did you say that this is entirely a new precedent and that this has never been done before?

Mr. MAHANY. I said it usually is not done. It has been my understanding that our purpose in recalling bills from the Governor's desk is in order to introduce amendments of a technical nature and not to change the intent. You

might be able to dig back in the dark recesses of some past performance and find some instance, which is an exception. I do not know about that. Perhaps, you can dig up something like that.

Mr. BARR. Thank you very much.

I am going to dig an instance up and I will not have to go very far back. There was a bill that became rather famous here, two years ago, which was the Barr-Walker bill. It was an amendment to the Election Code and how the vacancies should be filled in the selection of judges for the Supreme Court. There was an amendment which was inadvertently left out in the Election Code that passed in 1937. The bill was drawn up by Justice Jones of the Supreme Court. He talked at the Governor's Mansion—it was then Governor Fine—and he told the Governor about it. The Governor told him to get the bill prepared and he would be happy to sign it.

This is a case where a Legislature wanted to amend it, but that was a case where the Attorney General and the Governor could not agree. The Attorney General, then Bob Woodside, now Judge Woodside, prepared the recall resolution. It was read out on the other side and they agreed to recall the bill. The bill stayed here for quite a number of weeks and then we started to get a lot of calls from Justice Jones and then I would get in touch with the Governor, et cetera. He said if I would get that bill back to him, he would gladly sign it. Finally, it took us until the last week of the Session to return the same bill, without a comma or a dot changed, to the Governor's Office and he signed the bill.

Mr. President, this is not a new precedent and it is not a change in policy. It was just done on the Barr-Walker bill a few years ago.

Mr. PECHAN. Mr. President, as a co-sponsor of this measure and recalling some of the difficulties that we encountered in passing this bill in the Senate, I want to make a few remarks in reply to my good friend,—and I say that in all sincerity—Senator Mullin. I think the only time that he and I ever argued about anything was about this bill. He has a personal interest in it and I admire him for his stand and his fight. Maybe there was a Barr and Walker bill that was recalled from the Governor, and Senator Mullin is able to go to Governor Leader and get one recalled. However, I do not think that I was ever close enough to any Governor to have a bill recalled for the purpose of putting in a whole bunch of new amendments. Be that as it may, I would like to correct Senator Mullin.

The purpose of this bill is to have better trained practical nurses so that they can take care of the public. If the schools in which Senator Mullin is interested want to raise their standards of teaching, as we want to raise the standards of practical nurses, there is nothing in this bill that will put them out of business. What this bill will make these schools do is to raise their standards so that these practical nurses can pass this examination, and so that they will be able to perform the duties they are going to be required to do, not only in homes but in hospitals.

Senator Mullin made the remark that there is no organized Practical Nurses Association. He certainly should know that there is, because we are all familiar with seeing the President and her royal queens, or princesses, on either side in here for months and months.



Certainly, the Keystone Practical Nurses have an association and I think there is still another. Maybe they are united. The only place where I can see that the registered nurses have come into this picture is that they have realized there is an urgent need for better trained practical nurses in order for them to be relieved of some of the duties they have to do in the hospitals. I do know that the registered nurses have sent a letter, or their lobby sent a letter, to every Member of this Legislature urging the passing of this bill. I have talked to some of their officers and they favor this bill because there is an urgent need. I have talked to a great number of doctors who think that our practical nurses should be better trained. More and more people are going into hospitals; more and more people are requiring nurses' services.

Originally, Senator Mullin opposed this measure and these very schools about which he spoke, week after week, sent out large brochures and, in many cases, telling half-truths about what was going to happen if this bill were enacted. They opposed the bill then and now they got Senator Mullin to front for them again in trying to kill this bill.

I say this; if the Governor feels he should veto this bill, as Senator Mahany said, that is what he should do. He has that prerogative; he has that right. Of course, if he passes it I will commend him, as the rest of us who have endorsed this legislation. I think it is a thing that we need. It is the same thing that my profession went through. The doctors have gone through it. At one time, doctors were trained in somebody's office. Now they must go to a school that is accredited. That is what we want to happen to practical nurses. I am sure we will get better services from them as a result of this bill.

Mr. President, there is one more thing that I want to say and that is that Senator Mullin said the type of persons who take up practical nursing must be working persons. Every nurse, every doctor, every dentist works. We all work. We are all working people. There are many boys, and I am one of them, who went through dental school working. I had to work my way through. I worked from 5:00 o'clock until 11:00 o'clock as a room clerk in a hotel in order to pay for my tuition and go to school. I do not see why practical nurses should not do it. I know any number of doctors who are physicians, who are lawyers, who had to work their way through school. There is no sin about that. However, there is no reason if I cannot afford to go through an accredited school to become a good dentist, that I should go to some school that is not willing to meet the requirements of the law.

Mr. DENT. Mr. President and Members of the Senate, as an original co-sponsor of this bill, I find myself in a very peculiar position. I can agree with many of the things that have been said by both the opponents and proponents of this particular bill and its amendments. However, I disagree with any statement that might infer that the so-called private schools have not done some good and to infer that the private schools are a blight on the educational scene. I do believe that most of us who have ever had any experience at all with practical nursing, especially those of us who come from small communities, will find ourselves in an embarrassing position if all of those who are now so-called practical nurses

and those who are to come on in the future find themselves unable to practice practical nursing because they have been unable to attend some hospital service for fifteen hundred hours or more.

Mr. President, I do believe this and I am sincere in it. I think both sides of this argument have a very definite position in the picture. There are such things as technically trained practical nurses who operate and work in hospitals. There are the other type of practical nurses who operate in small communities, in the homes of those who need someone to take care of their children while they go out and earn a livelihood when the mother has died or is incapacitated. I do believe that the schools should be permitted to operate. I know nothing about them, so I cannot tell you whether their curriculum is up to the par that it should be or whether the training they give is up to the par that it ought to be. However, we do have a Department of Public Instruction. It does license these institutions. If it allows them to operate on a sub-par basis, then the fault lies with our own Department of Public Instruction over the last years.

I do believe that what we should do—and I am going to advise Senator Mullin to this effect and whether he follows the advice or not, I do not know—is pass this bill back to the Governor. I would not be presumptuous if I say that the Governor ought to sign it. I do believe that Senator Mullin has a problem that should be resolved by this Legislature. I believe that if it takes a raising of the standards of the private schools, we should go into that. However, we ought not to eliminate them by action in this Legislature in such a manner that they lose their usefulness. There are many of the graduates of these schools who never work in hospitals, but who do do the menial labor jobs around the homes of persons less fortunate than some of us and need that kind of help.

I know what raising the standards does. I have seen it come up the line over many years. I watched the barbers; I have watched the so-called semi-professionals come in and get legislation. You have before you legislation that will license and professionalize the plumbers. You have legislation before you that will license and professionalize the bricklayers. You have had much of that kind of legislation which has been proposed in the odd years that I have been here. In the future, it will become even more aggravating. You will have different types of groups coming in here asking for legislation coverage into a closed shop proposition. For many years the working people went out and performed their operation of getting organized or getting represented in raising their standards the hard way. They organized into unions and tried to develop some kind of rules and regulations and processes for training under apprenticeships in order that they would protect their particular skilled trade, as it were.

Now, Mr. President, we are stepping further. We are having these groups come into us and wanting us to pass legislation that blankets their group in and excludes all others. Any Member of this General Assembly can tell you of the heart-breaking incidents before the different boards of licensure. They can tell you of the hundreds upon hundreds of young fellows and young women who have graduated from accredited schools in the Commonwealth in the various professions. Then they had to take an examination and an examining board, because it did



not like the color of their hair or the glint in their eyes or some other reason, failed them. Although they have spent anywhere from four to eight years in the accredited schools of this Commonwealth, they are not permitted to earn a living in the chosen field that they have trained themselves in. Are we setting up barriers in this particular—not this bill. It is not really that serious a proposition. However, it is that type of a step which has caused many of the problems that we are faced with today in dentistry, in law, in the medical profession. I know instances of young men who have tried to become C.P.A.'s, and, who have taken four examinations and five examinations. I found that some of them were in the highest graduating average of their classes. However, when they face up to an examination, they find that they are eliminated. Those who pass smirk because they feel, "Well, we passed it, why can't they?" I would hate to be the one to say that political purpose had something to do with it. However, sometimes when you lie awake at night, you get a little suspicious.

I want to say to all the Members of this Senate that there must be an accompanying piece of legislation to this bill to see to it that these schools are allowed to operate. If their standards are low, let us raise them. If the Department of Public Instruction is allowing these schools to operate when they are not giving the proper training, then it should be chastised and reprimanded. There is a place in our everyday scheme of life where practical nurses can get their training either in a hospital or in a school. Yes, I know you say that if they get their training in a public vocational school then they are permitted to take this examination. The thing I cannot get through my thick skull is this. How can a person attend four years of college—I am not talking about this bill; I am talking in a general field—and then four years of graduate school, pass all the necessary requirements of examinations, and then take an examination before a so-called impartial board of licensure and all they have learned in the eight years of schooling is negated and they cannot practice the profession they were trained to perform?

If these universities of ours are not training students in order that they are qualified to take their place in their chosen profession, then let us get into the schools and raise their standards and make them perform their duties in such a manner that when a boy or girl, whose parents have probably sweated and sacrificed to send them through, graduates from these schools they will be equipped to follow their chosen profession. Senator Pechan said that he worked through the years that he went to school as an attendant or room clerk in a hotel. Senator Pechan, would it not have been a disgraceful situation if after you had passed all of the qualifying demands of your school, if you had graduated with honors from your school, and had come before a board of licensure and they refused you the right to practice dentistry because they said you could not pass the examination? I want to say that once you graduate from a school, that ought to be the last and final examination.

Mr. President, if a child is sent through college to become a doctor and graduates from a properly accredited medical school, why do they still have to hop another hurdle before they are permitted to practice? Why should a young man who studies law for eight years, four years

in college and four years in graduate school, have to hop another hurdle? I know a case where a young man, who graduated from the University of Pennsylvania in the upper fifth of his class, was refused permission to even take the bar examination by the local bar group because they said they had proof that his father at one time had been a bootlegger. You think that is farfetched, but that is God's truth.

Are we establishing here another set of rules and regulations far beyond any that any labor union ever attempted to set up. I have heard condemnation of labor unions on the floor of the United States Congress, upon the floor of this Senate, wherein they say that labor unions restrict the freedom of exercise of a person's individual rights, because they say that a man cannot be a machinist unless he belongs to the union or he cannot be an engineer unless he belongs to the union. What are we saying here? At least the unions set up their systems of apprenticeship and training and once you have come out of the apprenticeship, you do not have to take another qualifying examination which can or cannot be prejudice in its determinations.

Mr. President, I say to you right now that I will go along with this particular bill as it is and send it to the Governor because I am for raising standards; but I am not for raising standards in such a way that you bar from activity a great multitude of American citizens who want to participate in that particular field of endeavor and who, because of their financial circumstances, just cannot make the sacrifice and the grade that would be demanded by this legislation.

I say that the schools ought to operate and that they ought to be given a definite credit for the time they go to these schools. Whether it is six months credit towards their eventual licensure or a year or nine months or three months, I am not a judge of that, but I do believe that we ought to sit down with Senator Mullin, and his group, and we ought to try to work out some reasonable setup whereby they, too, can exist.

Therefore, I want to say to the Chair and to the Members of the Senate that I will go along with this bill, but I will also go along with Senator Mullin, if he so desires, and co-sponsor additional legislation which will give credit where credit can be given in order that the students who do graduate from these schools can get some credit for the time they have spent.

Mr. PECHAN. Mr. President. I just want to add this; that I agree with Senator Dent. If Senator Mullin is interested in his schools and in raising their standards, I am over on this side, Vince, to assure you that I will co-sponsor your bill.

I agree, too, with Senator Dent. I would like to read from page 3, beginning on line 14, of the bill where it says:

"Has satisfactorily completed a course in practical nursing prescribed and approved by the board in a school hospital or other institution of not less than fifteen hundred hours and within a period of not less than nine months"

Mr. President, I want to say here, publicly, that I agree with anybody who says that it is not right for that last line, where it says that the fifteen hundred hours shall be performed in not less than nine months because I do not believe there is any school, whether it be law, whether



it be dentistry, whether it be medicine or whether it be engineering that says you have to complete your course, if it is a four year course, in four concurrent years.

My education was interrupted because I was financially embarrassed, but I received credit for the work that I had done in previous years. I do not think this nine month limit could hold up by providing that you must go nine months or start all over.

I agree with Senator Dent, and I will agree with Senator Mullin and I will go along and co-sponsor a bill if your motive is going to be to raise the standards of the schools which are to educate these practical nurses. In your bill, Senator Mullin, I hope you correct the very flagrant error which appears on line 17, page 3, of the bill and I will go along.

Mr. MULLIN. Mr. President, there is one portion of this bill which we think is very good. The bill provides for an examination. In addition to the fifteen hundred hours, the students of the private schools go through an examination. We never questioned any examination. These students in the private schools will stand up with any other school in taking that examination. If that were part of the bill and the licensure board would set up an examination, there would be no question at all in this case.

Mr. President, I also want to let Senator Pechan know that I am not personally interested in these private schools. These private schools present a problem, and I am interested in the problem which is going to be created by this bill and that is the extent of my interest.

Mr. MALLERY. Mr. President, I desire to interrogate the gentleman from Armstrong, Senator Pechan.

The PRESIDENT. Will the gentleman from Armstrong, Mr. Pechan, permit himself to be interrogated?

Mr. PECHAN. I will, Mr. President.

Mr. MALLERY. Senator Pechan, in the event that the Governor should veto this bill, would that put the schools which Senator Mullin is interested in out of business?

Mr. PECHAN. If the Governor vetoed the present bill as we passed it, would it put them out of business?

Mr. MALLERY. Yes, that is the question.

Mr. PECHAN. No.

Mr. MALLERY. Are you of the opinion that it would be better to have no bill at all than to have the bill amended so that the schools which are presently licensed could continue in business?

Mr. PECHAN. Well, practical nurses, as you know—

Mr. MALLERY. To help you answer, it has always been my thought that if I could not get everything I wanted and I got most of what I wanted, I would be content for the time being.

Mr. PECHAN. Senator Mallery, I have been absent and this bill has been emasculated both in the Senate and in the House while I was away. It is nothing like the bill that we originally introduced.

I think the people who are interested in this legislation, the practical nurses, have certainly made a lot of concessions. I think that, in speaking to them just as late as yesterday, they said they would rather have no bill. The schools which Senator Mullin is interested in just do not adhere to any definite program. They take these people who may come to school for a couple of hours and the schools credit them and give them a certificate, but they are never licensed.

Mr. MALLERY. Granted that that is so, the killing of this bill will not remedy the situation one iota.

Mr. President, my interest in this bill stems from the fact that in my opinion it would afford the opportunity to many people, not only in my Senatorial Districts but in other districts of the rural sections of Pennsylvania, living at least over 100 miles from schools that have been licensed, to become practical nurses. The closest school from my District is a school which is located in Pittsburgh and in Harrisburg. Now the people who would want to become practical nurses in my District could not afford to come to Harrisburg or go to Pittsburgh several times a week. That fact was the reason why I became interested and spent a great deal of time, along with Senator Bane and other Members of the Senate, in working this bill out.

I personally know nothing about the standards of the schools in Philadelphia. If people want to attend those schools, so far as I am concerned they can attend them. Even though people in my District wanted to attend, they would not be able financially to go there.

As I say, Mr. President, if the practical nurses are going to be insistent that they have everything they want and they want this bill to die, that is all right with me. However, I would prefer to salvage something from the bill.

Those who are insistent on having the standards raised in the schools in Philadelphia should, in my opinion, introduced a bill to do just that thing and nothing else. I would be sorry if, after all the work that has been done on this bill, the Governor would feel impelled to veto it.

Mr. MULLIN. Mr. President, in the amendment which I submitted, the schools do submit themselves to regulations. Strange as it may seem, the regulations are to be made by the Registered Nurses Practical Nursing Board which has jurisdiction over this. They can make any reasonable regulations they so desire. We have also submitted a course of 100 hours. That is approximately what they are getting in these schools. There is one school that requires 114 hours and another school requires ninety some hours. They have an excellent course and the teachers, as I said before, all are registered physicians and registered nurses. Nobody else practices on their staff.

I do not think that Senator Pechan ought to belittle these schools unless he takes a trip there. I am sure he would be a welcome guest down in Philadelphia to see them in operation, which I do not think has happened.

Mr. SCHMIDT. Mr. President, as one of the co-sponsors of this bill I would like to state that I favor the passage of this resolution. I believe a most concise reason for the passage of it was given by the Majority Leader. There is no other bill in the history of this Senate that went through so many changes. I think there were five amendments to the bill from the time it was originally introduced. This bill spent much time on the Calendar, going on and off of it so many times. There was no other bill, as I said, that went through all the hazards that this bill went through. This is nothing but a rehash of the arguments which took place prior to the fact that both houses passed this bill and sent it to the Governor. Mr. President, I feel that the bill should go back to the Governor in the form in which it passed.



I might add that I have a letter here from Sister Margaret Fry, Director of Nursing at The Passavant Hospital, of Pittsburgh, in which she states:

"The present amendments would jeopardize the safe effective nursing care we are striving to give the public."

Likewise, I have a letter here from the Nursing Council of Metropolitan Philadelphia, asking that this bill go back to the Governor. I have a telegram here received from the Visiting Nurses Association of Pittsburgh, asking that this bill be returned to the Governor without any amendment.

Mr. President, I ask those who are in favor of seeing that the standards of nursing are increased to vote that this bill be returned to the Governor and he be asked to sign it as we passed it.

And the question recurring,

Will the Senate agree to the resolution?

Mr. MULLIN. I ask for a roll call, Mr. President.

Mr. McCREESH. I ask for a roll call, Mr. President.

(During the calling of the roll, the following occurred:)

Mr. McCREESH. Mr. President, I desire to be recorded as voting "no."

The PRESIDENT. The gentleman from Philadelphia will be so recorded.

The yeas and nays were required by Mr. MULLIN and Mr. McCREESH and were as follows, viz:

#### YEAS—28

Berger,	Kessler,	McMenamin,	Silvert,
Blass,	Koprivier, Jr.,	Miller,	Stiefel,
Chapman,	Lane,	Pechan,	Wade,
Dent,	Madigan,	Probert,	Wagner,
Flack,	Mahany,	Ruth,	Whalley,
Fleming,	Mallery,	Schmidt,	Wolfe,
Hays,	McGinnis,	Seyler,	Yosko,

#### NAYS—0

Barr,	Camel,	McCreesh,	Mullin.
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So the question was determined in the affirmative.

Ordered, That the Clerk present the same to the House of Representatives for concurrence.

#### BIRTHDAY FELICITATIONS EXTENDED TO SENATOR FRANK KOPRIVER, JR. AND SENATOR W. J. LANE

Mr. BARR. Mr. President, I want to call to the attention of the Members of the Senate that one of my colleagues from Allegheny County is celebrating his birthday today, and I realize that he is trying to get home for a birthday party. I know that we all want to extend to Senator Koprivier best wishes for a very happy next year, up until November 7th or whenever election day is.

Mr. MAHANY. Mr. President, I also want to join with my colleagues in the Senate in wishing Senator Koprivier a very happy birthday. I hope his luck will continue throughout the year an despecially on election day of this year.

Because Senator Koprivier would like to go home and join others who are going to celebrate his birthday, his thirty-ninth birthday, as I understand it, I would like to call up—I just now learned that Senator Koprivier and Senator Lane have something in common. Today is also Senator Lane's birthday.

I would like to join my colleagues in wishing Senator

Lane a very happy birthday and good luck throughout the year. I wish him all the blessings that are possible to be bestowed upon him, with no exceptions of any kind whatsoever.

#### SENATE BILL No. 231 CALLED UP OUT OF ORDER

Mr. MAHANY. Mr. President, so that Senator Koprivier may leave the Senate—he would like to stay here until we consider Senate Bill No. 231—I now call up out of order, from page 7 of today's Second Reading Calendar, Senate Bill No. 231, Printer's No. 486, for consideration at this time.

#### CALENDAR

#### SECOND READING CALENDAR

#### BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 231, entitled:

An Act amending the act of May 11, 1921 (P. L. 522) entitled as amended "Dog Law of 1921" regulating and in certain cases prohibiting impounding and killing of unclaimed dogs not bearing proper license tags and providing that in the cities of Philadelphia and Pittsburgh they shall first be offered for sale to medical schools hospitals laboratories or other scientific or educational institutions.

And said bill having been read at length the second time,

On the question,

Will the Senate agree to the bill on second reading?

Mr. McCREESH. Mr. President, I have here in my hand a telegram that I just received from an old lady, in regard to Senate Bill No. 231. She is awfully upset because she had a number of lawyers who tried to read the bill and she does not understand it. She has a dog that she picked up two or three years ago and he is a companion for her blind sister.

Mr. President, I would ask that this bill go back to the Committee on Public Health and Welfare so that we can sit down and write out a bill that the poor people of the State of Pennsylvania will understand. There is no reason why we cannot do that. We have plenty of time. We could do it at night or early in the morning.

The PRESIDENT. Are there any lawyers on that committee?

Mr. McCREESH. Yes, but we did not get a chance to attend the last meeting because it was called for 9:00 o'clock in the morning and it was a blistery morning and so forth. I would like to attend the next committee meeting. I am a member of that committee. I hope that Senator Chapman will allow me to be present.

#### BILL RECOMMITTED

Mr. McCREESH. Therefore, Mr. President, I move that Senate Bill No. 231, on second reading, be recommitted to the Committee on Public Health and Welfare, for the purpose of amendment.

Mr. MULLIN. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. SCHMIDT. Mr. President, at this time I rise in op-



position to this motion. I believe it was just two weeks ago that this same motion was made, at which time it was proposed to send this bill back to committee for the purpose of amendment. This bill did go back to committee and amendments were made in committee. Then the bill came out, as was promised by the chairman of that committee, to the floor of this Senate. It is now before us for Second Reading.

Gentlemen, let us be fair about this thing, as one of my former colleagues in the House used to say. Let us be fair with ourselves. I consider this motion a motion in order to avoid what may appear to some people to be an unpleasant task. To some people this bill is political dynamite. Some may say to me, "Yes, Senator Schmidt, you do not run for election this year and, therefore, you can stand before this microphone and make the type of address that you are making." I cannot say to you that I wish I were running for office this year; I am not. However, I can say to those of you who know me that what I am saying, I would say if I were a candidate this year for re-election to office.

Mr. President, I do not fear the political possibilities or implications of this bill. I have enough confidence in the people of Pennsylvania that they are much more concerned about the health and welfare of the entire community of Pennsylvania than they are in the political welfare of one particular candidate, or candidates, for the State Senate or for the House of Representatives or whatever it may be. I do not think there is a single person on the floor of this Senate who can conscientiously deny the fact that whatever advances have been made in the arts of medical science—not only for human beings, but for animals as well—were the result of experimentations over the years with the use of animals, among which, of course, are dogs. They have contributed greatly to the advance in science. For us to be in any way made fearful of letters and telegrams received from people—I do not say that they are not sincere. A lot of them are sincere; I will say that a great majority of them are sincere. However, they are led by their emotions, and their emotions have been stirred up by a lot of propagandists who know that many of the things they are passing off as truths are not even half-truths.

Mr. President, I know from my own experience that I have a son today who will soon celebrate his fifteenth birthday. At the age of seven, he was fortunate that there had just been developed, some six months before he reached his seventh birthday, a drug as a result of research with animals that prevented a double mastoid operation at the time. He was severely ill. They were actually only experimenting at that time, but had it not been for this drug, my son might have undergone a double mastoid operation. With a week's treatment with this drug, we brought him back home, safe and sound and without having to go through the hazards of an operation. I can enumerate many, many instances. There are many men sitting on this floor today who owe their presence here to the fact that science had made research to advance its knowledge and learning of the arts of medicine.

Today, we think nothing of pneumonia and its treatment and care. People get pneumonia and a week later they are out on the streets. Years ago, without the use of drugs, pneumonia was considered fatal. I know there are others here who are more qualified to talk. I know

that Senator Ruth, sitting here today, can tell you something that he has met in his experience that would make you think of the youth of Pennsylvania and the youth of America, because the research that is taking place in the Mellon Institute, alone, in Pittsburgh, is insuring to the benefit not only of the youngsters of Pennsylvania, of the United States but of the world. To repeat again today, the Salk Vaccine is a result of medical research.

Mr. President, this is only a guise; this is only a temporary measure to get it off the Calendar so that those of you who think it an unpleasant task, politically, can avoid meeting your duty. I appeal to you all, to your sense of good fellowship, your sense of citizenship and your respect for humanity, to vote this motion down and that you give those of us an opportunity to express our final vote tomorrow, or next week when we come back here, on this bill. You have the privilege, if you so feel at the time when this bill will be on Third Reading, to vote "no." I feel quite sure that many of you who would like to see this bill go back to committee, when this bill comes up for Final Passage, will hesitate when it come time to say "no."

Mr. McCREESH. Mr. President, I am not running for election this year and, therefore, I am not worried about who is going to win. I have never yet seen any person come back from an operation and tell you whether it was because of a dog or a cat that effected a good cure. This very noble Senator of ours is talking off the bill altogether. We are not asking that the bill be killed. We are asking that the bill be amended so that the poor people of the State of Pennsylvania can know how to seize their dogs and keep them inside and what to do in regard to grabbing their dogs off the streets. Certainly, Mr. President, it will be a good bill when it is passed and when it is fixed correctly so that the people will know what it is all about.

The letters that I receive are mostly from the Senator's District. Maybe they are not anxious to write to the Senator, knowing that he is against the bill. However, I would say to you here today that if you amend this bill and do it properly so the people will know what it is all about, then you can pass it when we come back next week.

Mr. MULLIN. Mr. President, I seconded the motion made by Senator McCreesh for one definite reason and that was to send this bill back to committee to stay there. Whether I am up for election or not is not relevant.

You hear some of the queerest reasons for passing bills, one of them being that someone went to a lot of trouble around here and, therefore, let us pass the bill. I think the criterion of a good bill is whether it is necessary and serves a good purpose. I understand some of these people have been around here for ten and twenty years trying to get bills passed. That does not give the bill any more merit, whether they have been here or not. They just do not get the bill passed because it is not the proper kind of legislation. I do not think that this is proper legislation because I understand that they can get all the dogs they want, but they can get them cheaper with this bill. Whether or not people in my District are moved by their emotions, or whether they are moved by some other reason, I do not think makes any difference. The point is that they are against it. I have at least 2,500 pieces of literature against this bill.



I have received about fifteen or twenty letters for it. Most of them are from medical schools. That is the only reason why they have a direct interest in the bill. However, the 3,000 people who wrote me letters are interested in humanity, and I think that is a very worthy cause to be interested in.

Mr. President, I ask that the Senate recommit this bill. And the question recurring, Will the Senate agree to the motion?

Mr. PECHAN. Mr. President, is it my understanding that the motion made by Senator McCreesh was to recommit the bill to the Committee on Public Health and Welfare for the purpose of amendment?

The PRESIDENT. That is the motion as stated by the Senator from Philadelphia, Mr. McCreesh.

Mr. PECHAN. Senator Mullin said that he seconded the motion, but that he meant for the bill to go back to committee for keeps. In order that there be no misunderstanding, this bill is coming to my committee and I am going to look to Senator McCreesh for a clarifying amendment. As I understand it, he is for the bill if a clarifying amendment is proposed and the bill is acted upon favorably in committee.

Mr. MALLERY. Mr. President, I have a proposed amendment from I. S. Ravdin, of the University of Pennsylvania Hospital. He is one of the outstanding surgeons in this Country. I have other amendments which I hope this committee will consider because, definitely, the bill could be put into very much better shape than what it is in now.

And the question recurring,

Will the Senate agree to the motion?

Mr. SCHMIDT. I ask for a roll call, Mr. President.

Mr. BARR. I ask for a roll call, Mr. President.

The yeas and nays were required by Mr. SCHMIDT and Mr. BARR and were as follows, viz:

#### YEAS—23

Berger,	Kessler,	McCreesh,	Wade,
Blass,	Koprivier, Jr.,	Mullin,	Wagner,
Camiel,	Lane,	Pechan,	Whalley,
Diehm,	Madigan,	Propert,	Wolfe,
Flack,	Mahany,	Silvert,	Yosko,
Fleming,	Mallery,	Van Sant,	

#### NAYS—11

Barr,	Hays,	Ruth,	Stiefel,
Chapman,	McGinnis,	Schmidt,	Weiner,
Dent,	McMenamin,	Seyler,	

So the question was determined in the affirmative.

### REPORTS FROM COMMITTEE

Mr. CHAPMAN. Mr. President, I ask unanimous consent to make reports from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. CHAPMAN, from the Committee on Appropriations, re-reported as committed, Senate Bill No. 223, entitled:

An Act making an appropriation to the Department of Public Instruction to reimburse school districts for interest paid on loans necessitated by deferment of Commonwealth appropriations.

He also, from the Committee on Appropriations, re-reported as committed, Senate Bill No. 826, entitled:

An Act authorizing the Pennsylvania Historical and Museum Commission to edit illustrate and publish its new report on the Frontier Forts of Pennsylvania providing for the distribution and sale thereof and making an appropriation.

### CONSIDERATION OF EXECUTIVE NOMINATION

Mr. WOLFE asked and obtained unanimous consent for immediate consideration of the nomination reported at today's Session.

### EXECUTIVE SESSION

A motion was made by Mr. WOLFE and Mr. DIEHM, That the Senate do now resolve itself into Executive Session, for the purpose of acting upon the nomination reported at today's Session.

Which was agreed to.

The nomination was read as follows:

### MEMBER OF THE STATE FOREST COMMISSION

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, June 20, 1955.  
To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following person for appointment as member of the State Forest Commission, to serve until the third Tuesday of January 1959, and until his successor shall have been appointed and qualified:

Reginald D. Forbes, R. D. 1, Ambler, Montgomery County, vice Thomas H. Golden, Pottsville, whose term expired.

GEORGE M. LEADER.

A motion was made by Mr. WOLFE and Mr. DIEHM, That the Senate do advise and consent to said nomination.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

#### YEAS—45

Barr,	Silvert,	McMenamin,	Taylor,
Berger,	Harney,	McPherson, Jr.,	Van Sant,
Blass,	Hays,	Miller,	Wade,
Camiel,	Holland,	Mullin,	Wagner,
Chapman,	Kessler,	Pechan,	Watkins,
Dent,	Koprivier, Jr.,	Peelor,	Weiner,
Diehm,	Lane,	Propert,	Whalley,
DISilvestro,	Madigan,	Ruth,	Wolfe,
Donolow,	Mahany,	Schmidt,	Yosko,
Flack,	Mallery,	Seyler,	
Fleming,	McCreesh,	Stevenson,	
Haluska,	McGinnis,	Stiefel,	

#### NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Two-thirds of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

### EXECUTIVE SESSION RISES

Mr. WOLFE. Mr. President, I move that the Executive Session do now rise.

Mr. DIEHM. Mr. President, I second the motion. The motion was agreed to.



## HOUSE MESSAGE

RESOLUTION RECALLING FROM THE GOVERNOR  
HOUSE BILL NO. 970

The Clerk of the House of Representatives being introduced presented extract from the Journal of the House of Representatives, which was twice read as follows, considered and agreed to:

In the House of Representatives, February 3, 1956.

Resolved (if the Senate concur), That House Bill No. 970, Printer's No. 275, entitled:

An Act amending the Act of May 1, 1929 (P. L. 905), entitled "Vehicle Code," by changing requirements and penalties concerning lamps and illuminating devices.

be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk inform the House of Representatives accordingly.

## CALENDAR

BILL ON CONCURRENCE IN HOUSE AMENDMENTS  
RECALLED FROM THE GOVERNOR

Agreeably to order,

The Senate resumed the consideration of House Bill No. 1623, as follows:

An Act extending county pension and retirement benefits to veterans of armed conflicts in counties of the second third fourth fifth sixth seventh and eighth class

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 In any county of the second third fourth fifth sixth seventh or eighth class maintaining a pension or retirement system for the employes any county employe who on and after the sixteenth day of September one thousand nine hundred forty has been employed by the county or county institution district for a period of six or more months and who on or subsequent to such date shall have enlisted or been inducted into military service of the United States in time of war or national emergency so proclaimed by the President or the Congress of the United States or any police action in which the United States is engaged or shall serve in the military service of the United States during any armed conflict shall have credited to his employment record for pension or retirement benefits all of the time spent by him in such military service during the continuance of such war armed conflict national emergency or police action if such person returns or has heretofore returned to his employment within one year after his separation from military service and such payments as are required to be made by such county employe into the county employes' pension or retirement fund shall be paid into such fund by the county or county institution district upon application by such county employe for retirement benefits any county employe who has been in military service and returned to the employe of the county or county institution district shall within one year after the effective date of this article file with the board a record of the time spent by him in such military service any county employe who has been in military service prior to the effective date of this act and has made payments into the county employes' pension or retirement fund to secure for his employment record credit for his military service shall be reimbursed to the full extent of such payments by the board

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate concur in the same?

SENATE CONCURS IN AMENDMENTS MADE BY THE  
HOUSE TO HOUSE BILL No. 1623, RECALLED  
FROM THE GOVERNOR

Mr. MAHANY. Mr. President, I move that the Senate do concur in the amendments made by the House to House Bill No. 1623, recalled from the Governor.

Mr. McGINNIS. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

## YEAS—45

Barr,	Haluska,	McGinnis,	Silver,
Berger,	Harney,	McMenamin,	Stevenson,
Blass,	Hays,	McPherson, Jr.,	Stiefel,
Camiel,	Holland,	Miller,	Taylor,
Chapman,	Kessler,	Mullin,	Van Sant,
Dent,	Koprivier, Jr.,	Pechan,	Wade,
Diehm,	Lane,	Peelor,	Wagner,
DiSilvestro,	Madigan,	Probert,	Watkins,
Donolow,	Mahany,	Ruth,	Weiner,
Flack,	Mallery,	Schmidt,	Whalley,
Fleming,	McCreesh,	Seyler,	Wolfe,
			Yosko,

## NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

## BILL ON CONCURRENCE IN HOUSE AMENDMENTS

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 215, entitled:

An Act amending the "Public School Code of 1949" \*\*\* changing the basis for reimbursement on account of rentals payable to the State Public School Building Authority municipality authorities and nonprofit corporations and the conditions therefor and limitations on approval of projects for reimbursement purposes and providing for reimbursement on account of sinking fund charges on indebtedness for school buildings hereafter constructed.

which was returned from the House of Representatives with amendments

Said amendments having been twice read, and printed as required by the Constitution,

On the question,

Will the Senate concur in the same?

MOTION THAT THE SENATE NON-CONCUR IN  
AMENDMENTS MADE BY THE HOUSE TO  
SENATE BILL NO. 215

Mr. MAHANY. Mr. President, I move that the Senate do non-concur in the amendments made by the House to Senate Bill No. 215.

Mr. WAGNER. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. BARR. Mr. President, I know that those on the Democratic side would like to vote to concur, so how should we cast our vote "aye"?

The PRESIDENT. Those desiring to vote to concur, should vote "no" on the Motion.

Mr. BARR He is asking that we non-concur, so we vote "no."



The PRESIDENT. The motion is to non-concur. Those desiring to non-concur, vote "aye" on the motion and those desiring to concur, vote "no."

MOTION THAT THE SENATE NON-CONCUR IN  
AMENDMENTS MADE BY THE HOUSE TO  
SENATE BILL NO. 215 WITHDRAWN

Mr. MAHANY. Mr. President, due to the fact that several Senators have gone home at the present time with the feeling that there was no further controversial legislation coming up, if it is all right with the other side, I will withdraw my motion on this.

Mr. WAGNER. Mr. President, I wish to withdraw my second to the motion.

And the question recurring,

Will the Senate concur in the same?

BILL OVER IN ORDER

Mr. MAHANY. Mr. President, I ask unanimous consent that Senate Bill No. 215, Printer's No. 466, on concurrence in House amendments, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON CONCURRENCE IN HOUSE AMENDMENTS

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 686, as follows:

An Act amending the act of May 7, 1935 (P. L. 130) entitled "An act providing for the service of process in civil suits on nonresident operators or nonresident owners or a resident who becomes a nonresident and conceals his whereabouts of aircraft operated within or above the Commonwealth of Pennsylvania and making the operation of such an aircraft within or above the Commonwealth of Pennsylvania the equivalent of the appointment of the Secretary of Revenue of the Commonwealth of Pennsylvania as the agent of the said nonresident upon whom civil process may be served and providing for further notice to the defendant in any such suit" making the consent deemed to have been given by a nonresident operator or owner of an aircraft involved in an accident or collision within this Commonwealth for appointment of the Secretary of the Commonwealth as his agent for service of process irrevocable and binding upon his personal representative providing for service of process when the nonresident operator or owner has died prior to the commencement of an action and making changes to conform with existing laws

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1 The title and sections 1, 2 and 3 act of May 7, 1935 (P. L. 130) entitled "An act providing for the service of process in civil suits on nonresident operators or nonresident owners or a resident who becomes a nonresident and conceals his whereabouts of aircraft operated within or above the Commonwealth of Pennsylvania and making the operation of such an aircraft within or above the Commonwealth of Pennsylvania the equivalent of the appointment of the Secretary of Revenue of the Commonwealth of Pennsylvania as the agent of the said nonresident upon whom civil process may be served and providing for further notice to the defendant in any such suit" are amended to read

An Act providing for the service of process in civil suits on nonresident operators or nonresidents owners or a resident who becomes a nonresident and conceals his whereabouts of aircraft operated within or above the Commonwealth of Pennsylvania and making the operation of such an aircraft within or above the Commonwealth of Pennsylvania the equivalent of the appoint-

ment of the Secretary of [Revenue] the Commonwealth of the Commonwealth of Pennsylvania as the agent of said nonresident upon whom civil process may be served and providing for further notice to the defendant in any such suit

Section 1 (a) Be it enacted &c That from and after the passage of this act any nonresident of this Commonwealth being the operator or owner of any aircraft who shall accept the privilege extended by the laws of this Commonwealth to nonresident operators and owners of operating an aircraft or of having the same operated over or above the lands and waters of the Commonwealth of Pennsylvania or of using its aviation facilities or both or any resident of this Commonwealth who shall subsequently become a nonresident or shall conceal his whereabouts shall by the operation of an aircraft over or above the lands and waters of the Commonwealth of Pennsylvania make and constitute the Secretary of [Revenue] the Commonwealth of the Commonwealth of Pennsylvania his her or their agent for the service of process in any civil suit or proceeding instituted in the courts of the Commonwealth of Pennsylvania or in the United States courts in Pennsylvania against such operator or owner of such aircraft arising out of or by reason of any accident or collision occurring within or above the Commonwealth in which such aircraft is involved

(b) A nonresident operator or owner of an aircraft which is involved in an accident or collision within or above this Commonwealth shall be deemed to have consented that the appointment of the Secretary of the Commonwealth as his agent for the service of process pursuant to the provisions of this section shall be irrevocable and binding upon his personal representative executor or administrator Where the nonresident operator or owner of aircraft has died prior to the commencement of an action brought pursuant to this section service of process shall be made on the personal representative executor or administrator of such nonresident operator or owner of aircraft in the same manner and on the same notice as is provided in the case of a nonresident operator or owner of aircraft Where an action has been duly commenced under the provisions of this section by service upon a defendant who dies thereafter if the personal representative executor or administrator of such defendant does not voluntarily become a party he may be substituted as a party under the applicable Rules of Civil Procedure and service of process shall be made in the same manner and on the same notice as is provided in the case of a nonresident operator or owner of aircraft

Section 2 Such process shall be served by the officer to whom the same shall be directed upon the Secretary of [Revenue] the Commonwealth of the Commonwealth of Pennsylvania by sending by registered mail postage prepaid at least fifteen (15) days before the return day of such process a true and attested copy thereof and by sending to the defendant by registered mail postage prepaid a like true and attested copy with an endorsement thereon of the service upon said Secretary of [Revenue] the Commonwealth addressed to such defendant at his last known address The registered mail return receipts of the Secretary of [Revenue] the Commonwealth and of such defendant shall be attached to and made a part of the return of service of such process

Section 3 The officers serving such process upon the Secretary of [Revenue] the Commonwealth shall pay to said Secretary at the time of service a fee of [two dollars (\$2.00)] five dollars (\$5.00) which fee shall be taxed as costs in the case The Secretary of [Revenue] the Commonwealth shall keep a record of each such process and the day and hour of the service thereof upon him

which was returned from the House of Representatives with amendments.

Said amendments having been twice read, and printed as required by the Constitution,

On the question,

Will the Senate concur in the same?



# SENATE CONCURS IN AMENDMENTS MADE BY THE HOUSE TO SENATE BILL No. 686

Mr. MAHANY. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 686.

Mr. YOSKO. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

## YEAS—45

Barr,	Harney,	McPherson, Jr.,	Taylor,
Berger,	Hays,	Miller,	Van Sant,
Blass,	Holland,	Mullin,	Wade,
Camel,	Kessler,	Pechan,	Wagner,
Chapman,	Koprivier, Jr.,	Peelor,	Watkins,
Dent,	Lane,	Propert,	Weiner,
Diehm,	Madigan,	Ruth,	Whalley,
DiSilvestro,	Mahany,	Schmidt,	Wolfe,
Donolow,	Mallery,	Seyler,	Yosko,
Flack,	McCreesh,	Silvert,	
Fleming,	McGinnis,	Stevenson,	
Haluska,	McMenamin,	Stiefel,	

## NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

# BILL ON CONCURRENCE IN HOUSE AMENDMENTS OVER IN ORDER

Mr. MAHANY. Mr. President, I ask unanimous consent that Senate Bill No. 696, Printer's No. 448, on concurrence in House amendments, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

## REPORT OF COMMITTEE OF CONFERENCE ON HOUSE BILL No. 728

The Senate proceeded to the consideration of the report of Committee of Conference on House Bill No. 728, entitled:

An Act amending the act of April 9, 1929 (P. L. 177) entitled "The Administrative Code of 1929" authorizing the lease or grant of real estate under the jurisdiction of the Department of Forests and Waters in the City of Philadelphia for the purpose of aiding the establishment of parking services and facilities within State Park areas situate within the city.

On the question,

Will the Senate adopt the Report of the Committee of Conference?

# MOTION THAT THE SENATE ADOPT REPORT OF COMMITTEE OF CONFERENCE ON HOUSE BILL No. 728

Mr. DENT. Mr. President, I move that the Senate adopt the report of the Committee of Conference on House Bill No. 728.

Mr. STIEFEL. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

# MOTION THAT THE SENATE ADOPT REPORT OF COMMITTEE OF CONFERENCE ON HOUSE BILL No. 728 WITHDRAWN

Mr. DENT. Mr. President, I wish to withdraw my motion that the Senate adopt the Report of Committee of Conference on House Bill No. 728, and request that it go over in order.

The PRESIDENT. Does the gentleman from Philadelphia, Mr. Stiefel, wish to withdraw his second to the motion?

Mr. STIEFEL. Mr. President, I do not know the reason for this Conference Report going over, but I want to say one thing. I have been most pliable and most agreeable to the wishes of the Chairman of the Conference Committee, Senator Watkins, of Delaware. Senator Propert is here and we were all in full accord. This Conference Report is the result of a complete understanding.

This is the bill dealing with the underground garage—near the Independence-Mall in Philadelphia. Why this is going over in order, I do not know but I do not see any reason behind it. So far as I am concerned, I do not withdraw anything.

Mr. DENT. Mr. President, may we be at ease a moment?

The PRESIDENT. The Senate will be at ease.

(The Senate was at ease.)

Mr. STIEFEL. Mr. President, I understand that the "Baron of Brandywine" will be here on Monday and he wants to vote for this bill, too, and being his great admirer I bow to this phase of the matter and I withdraw my second to the motion.

The PRESIDENT. Thank you very much. The Chair is very confused.

Mr. STIEFEL. The "Baron of Brandywine" is my friend, Robert Watkins, from Delaware County.

## REPORT OF COMMITTEE OF CONFERENCE OVER IN ORDER

Mr. DENT. Mr. President, I ask unanimous consent that the Report of the Committee of Conference on House Bill No. 728 go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

## THIRD READING CALENDAR

### BILL ON THIRD READING AMENDED, RECALLED FROM THE GOVERNOR

Agreeably to order,

The Senate resumed the third reading and consideration of Senate Bill No. 773, entitled:

An Act amending the "Vehicle Code" approved May 1, 1929 (P. L. 905) prohibiting the operation of motor vehicles with certain types of mufflers or exhaust systems.

And said bill having been read at length the third time, On the question,

Will the Senate agree to the bill on third reading?

Mr. WADE. Mr. President, I ask unanimous consent to offer an amendment at this time.

The PRESIDENT. Is there objection? The Chair hears none.

The Clerk read the amendment as follows:

Amend Sec. 1 (Sec. 819), page 4, line 2, by inserting after "days]": "not to exceed"



On the question,  
Will the Senate agree to the amendment?  
It was agreed to.

On the question,  
Will the Senate agree to the bill on third reading, as amended?

### BILLS OVER IN ORDER

Mr. WADE. Mr. President, I ask unanimous consent that Senate Bill No. 773, Printer's No. 494, on third reading, recalled from the Governor, go over in its order, as amended.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. MAHANY. Mr. President, I ask unanimous consent that Senate Bill No. 239, Printer's No. 495, on third reading, go over in its order.

The PRESIDENT. Is there objection? The chair hears none.

### BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 333, as follows:

An Act amending the act of January 18, 1952 (P. L. 2111) entitled "An act to provide for minimum compensation and increments for administrators and members of the faculty of State Teachers Colleges providing for leaves of absence imposing certain duties upon the Boards of Trustees and Presidents of State Teachers Colleges and the Superintendent of Public Instruction and repealing inconsistent laws" increasing the minimum compensation and increments

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 2 act of January 18, 1952 (P. L. 2111) entitled "An act to provide for minimum compensation and increments for administrators and members of the faculty of State Teachers Colleges providing for leaves of absence imposing certain duties upon the Boards of Trustees and Presidents of State Teachers Colleges and the Superintendent of Public Instruction and repealing inconsistent laws" is amended to read

Section 2 Classification and Salaries Each person heretofore or hereafter appointed to a position as a member of the faculty of a State Teachers College within the classifications hereinafter set forth shall receive the following minimum salaries and yearly increments for services rendered during the regular college year

Professor Qualifications an earned Doctor's Degree at least seven years of teaching experience four of which shall have been in public schools minimum annual salary five thousand five hundred dollars [\$5000] (\$5500) minimum annual increment two hundred dollars \$(200) minimum number of increments [five (5)] ten (10)

Associate Professor Qualifications minimum of Master's Degree including a total of sixty semester hours of graduate credit at least five years of experience as a teacher three years of which shall have been in public schools minimum annual salary [four thousand five hundred dollars (\$4500)] five thousand dollars (\$5000) minimum annual increment two hundred dollars (\$200) minimum number of increment [five (5)] ten (10)

Assistant Professor Qualifications minimum of Master's Degree at least four years of experience three years of which shall have been in public schools minimum annual salary four thousand five hundred dollars [(\$4000)] (\$4500) minimum annual increment two hundred dollars (\$200) minimum number of increments [five (5)] ten (10)

Instructor Qualifications minimum of Bachelor's Degree with at least three years experience two years of which

shall have been in public schools minimum annual salary [three thousand five hundred dollars (\$3500)] four thousand dollars (\$4000) minimum annual increment one hundred dollars (\$100) minimum number of increments [five (5)] ten (10)

Laboratory School Teachers Members of the college faculties who are assigned to College Laboratory Schools shall receive total annual salaries for which they would qualify in accordance with the above classifications regardless of whether salary is paid entirely by the State or in part by the public schools

Co-operating Teachers Full-time employes of public school systems not classified as College Laboratory School Teachers but assisting with the supervision of student teachers qualifications minimum of a Baccalaureate Degree and at least three years experience as a public school teacher minimum annual compensation fifty dollars (\$50) for each student teacher under his or her supervision which student teacher shall be enrolled to secure twelve (12) semester hours of student teaching credit

Heads of Academic Departments Heads of Academic Departments shall receive one (1) additional increment of two hundred dollars (\$200)

The compensation of all instructional employes of the State Teachers Colleges not covered by the provisions of this act shall be determined by the executive board under the regulations prescribed by the Administrative Code

Section 2 This act shall take effect immediately

And said bill having been read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Harney,	McMenamin,	Stevenson,
Berger,	Hays,	McPherson, Jr.,	Stiefel,
Blass,	Holland,	Miller,	Taylor,
Camel,	Kessler,	Mullin,	Van Sant,
Chapman,	Koprivier, Jr.,	Pechan,	Wade,
Dent,	Lane,	Peelor,	Wagner,
Diehm,	Madigan,	Proper,	Watkins,
DiSilvestro,	Mahany,	Ruth,	Weiner,
Donolow,	Mallery,	Schmidt,	Whalley,
Flack,	McCreesh,	Seyler,	Wolfe,
Fleming,	McGinnis,	Silvert,	Yosko,
Haluska,			

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present the said bill to the House of Representatives for concurrence.

### BILL OVER IN ORDER

Mr. MAHANY. Mr. President, I ask unanimous consent that Senate Bill No. 382, Printer's No. 488, on third reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

### BILL ON THIRD READING AMENDED

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 590, entitled:

An Act amending the act of March 10, 1949 (P. L. 30) entitled "Public School Code of 1949" authorizing school directors of districts in a jointure to vote at county convention meetings in the county where the joint school is located.

And said bill having been read at length the third time,

On the question,



Will the Senate agree to the bill on third reading?

Mr. MAHANY. Mr. President, I ask unanimous consent to offer an amendment at this time.

The PRESIDENT. Is there objection? The Chair hears none.

The Clerk read the amendment as follows:

Amend Sec. 1 (Sec. 901), page 3, line 16, by inserting after "meetings": "but no school director shall be eligible to vote for a county superintendent of schools in more than one county".

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the bill on third reading, as amended?

### BILLS OVER IN ORDER

Mr. MAHANY. Mr. President, I ask unanimous consent that Senate Bill No. 590, Printer's No. 477, on third reading, go over in its order, as amended.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. MAHANY. Mr. President, I ask unanimous consent that the following bills, on third reading, go over in their order:

Senate Bill No. 802, Printer's No. 452 and

Senate Bill No. 811, Printer's No. 496.

The PRESIDENT. Is there objection? The Chair hears none.

### BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and Consideration of House Bill No. 856, as follows:

An Act amending the act of March 30, 1917 (P. L. 21) entitled "An act defining optometry and relating to the right to practice optometry in the Commonwealth of Pennsylvania and making certain exceptions and providing a board of Optometrical Education Examination and Licensure and means and methods whereby the right to practice optometry may be obtained and providing for the means to carry out the provisions of this act and providing for revocation or suspension of licenses given by said board and providing penalties for violations thereof and repealing all acts or parts of acts inconsistent therewith" further regulating the refusal cancellation revocation and suspension of licenses providing for rules and regulations and eliminating repealed provisions

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 4 act of March 30, 1917 (P. L. 21) entitled "An act defining optometry and relating to the right to practice optometry in the Commonwealth of Pennsylvania and making certain exceptions and providing a Board of Optometrical Education Examination and Licensure and means and methods whereby the right to practice optometry may be obtained and providing for the means to carry out the provisions of this act and providing for revocation or suspension of licenses given by said board and providing penalties for violations thereof and repealing all acts or parts of acts inconsistent therewith" amended May 19, 1923 (P. L. 260) is amended to read

Section 4 [Said board shall effect its organization immediately after the appointment of its members by the Governor by holding a meeting at which it shall elect from its membership a president and a secretary who shall also be the treasurer It] The State Board of Op-

tometrical Examiners shall have authority to make rules and regulations not inconsistent with the laws of this Commonwealth for the transaction of its business and for the registration of all optometrists of this Commonwealth and for conducting examination of applicants and for the refusal cancellation revocation or suspension of a certificate of licensure Said rules shall be printed in pamphlet form for public distribution [Five members shall constitute a quorum for the transaction of all business except for] For the revocation or suspension of a certificate of licensure or the determination of the fitness of any school or college to render eligible its graduates for licensure [when] the consent of a majority of the whole board shall be necessary No license shall be granted under this act except with the approval of at least four members of the board Said board shall meet at least twice a year at Harrisburg Any member may administer oaths and take testimony when appointed so to do by the board The appointed members shall each receive compensation at the rate of fifteen dollars and necessary expense for each day actually devoted to the work of the board

Section 2 Section 9 of the act amended May 25 1937 (P L 795) is amended to read

Section 9 (a) The State Board of Optometrical Examiners shall refuse to grant a certificate of licensure to any applicant and may cancel revoke or suspend the operation of any certificate by it granted for any or all of the following reasons [to wit the] (1) peddling from house to house or person to person or (2) the establishment of temporary offices contrary to the provisions of this act or (3) the use of misleading advertising or (4) gross incompetency or (5) the obtaining of money by fraud or (6) misrepresentation of the optometrical profession in which untruthful statements are made or (7) the failure to deliver the certificates provided for in section six of this act or (8) the conviction of a crime involving moral turpitude or (9) habitual intemperance in the use of ardent spirits or stimulants narcotics or any other substance which impairs the intellect and judgment to such an extent as to incapacitate for the performance of duties of an optometrist or (10) the advertising of prices for professional services or glasses or ophthalmic materials or other appurtenances used in the practice of the profession of optometry or (11) upon satisfactory proof of grossly unethical practice or unprofessional conduct detrimental or dangerous to the public health safety morals or welfare or of any form of pretense which might induce citizens to become a prey to professional exploitation The certificate of licensure of any person convicted of a violation of section two of this act shall be ipso facto revoked nothing contained in this act shall prohibit any licensed optometrist from practicing optometry as an employee or lessee of a person or firm dispensing ophthalmic products to the general public if the person or firm or successor thereto is engaged in dispensing ophthalmic products to general public on the effective date of this act

(b) Any person who is the holder of a certificate of licensure or who is an applicant for examination for a certificate of licensure against whom is preferred any charge shall be furnished by the board with a copy of the complaint and shall have a hearing before the board at which hearing he may be represented by counsel At such hearing witnesses may be examined for and against the accused respecting the said charges which examination shall be conducted in the manner usually followed in the taking of testimony before commissions in this Commonwealth The suspension of a certificate of licensure by reason of the use of stimulants or narcotics may be revoked when the holder thereof shall have been adjudged by the said board to be cured and capable of practicing optometry The revocation or suspension for any other cause of a certificate of licensure may be removed at such time as it shall appear to the board to be just and proper to do so

And said bill having been read at length the third time, and agreed to,



And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

## YEAS—45

Barr,	Harney,	McMenamin,	Stevenson,
Berger,	Hays,	McPherson, Jr.,	Stiefel,
Blass,	Holland,	Miller,	Taylor,
Camiel,	Kessler,	Mullin,	Van Sant,
Chapman,	Koprivier, Jr.,	Pechan,	Wade,
Dent,	Lane,	Peelor,	Wagner,
Diehm,	Madigan,	Propert,	Watkins,
DiSilvestro,	Mahany,	Ruth,	Weiner,
Donolow,	Mallery,	Schmidt,	Whalley,
Flack,	McCreesh,	Seyler,	Wolfe,
Fleming,	McGinnis,	Silvert,	Yosko,
Haluska,			

## NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 857, as follows:

An Act authorizing cities of the first class and the members of the paid fire fighting force to enter into written contracts concerning wages and conditions of employment

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 After the council of any city of the first class and the paid firemen employed and paid by the city shall have arrived at any agreement as to wages and working conditions of the paid firemen not covered or regulated by an act of Assembly the city by an agent or a committee appointed by the council and the paid firemen by an agent or a committee appointed by more than fifty per centum of the active working force of paid firemen shall have the authority to enter into and execute a written agreement or contract in respect to the items agreed upon. The contract shall be in force for a term of one year and shall be binding on the city and the paid firemen employed by it at that time

Section 2 All acts and parts of acts are repealed in so far as they are inconsistent herewith

Section 3 This act shall take effect immediately

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

## YEAS—43

Barr,	Haluska,	McPherson, Jr.,	Stiefel,
Berger,	Harney,	Miller,	Taylor,
Blass,	Hays,	Mullin,	Van Sant,
Camiel,	Holland,	Pechan,	Wade,
Chapman,	Koprivier, Jr.,	Peelor,	Wagner,
Dent,	Lane,	Propert,	Watkins,
Diehm,	Madigan,	Ruth,	Weiner,
DiSilvestro,	Mahany,	Schmidt,	Whalley,
Donolow,	McCreesh,	Seyler,	Wolfe,
Flack,	McGinnis,	Silvert,	Yosko,
Fleming,	McMenamin,	Stevenson,	

## NAYS—1

Kessler,

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

## BILLS OVER IN ORDER

Mr. MAHANY. Mr. President, I ask unanimous consent that the following bills, on third reading, go over in their order:

House Bill No. 857, Printer's No. 1309; and

Senate Bill No. 864, Printer's No. 490.

The PRESIDENT. Is there objection? The Chair hears none.

## BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 913, as follows:

An Act amending the act of June 1, 1933 (P. L. 1172) entitled "An act establishing certain streets in boroughs and incorporated towns as State highways and providing for their construction and maintenance at the expense of the Commonwealth" adding new routes in Carnegie Borough Allegheny County

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The act of June 1, 1933 (P. L. 1172) entitled "An act establishing certain streets in boroughs and incorporated towns as State highways and providing for their construction and maintenance at the expense of the Commonwealth" is amended by adding the following new routes

## CARNEGIE BOROUGH

Route Beginning at the end of Ramp E connecting Route 765 to Jane Street thence over Jane Street to Chestnut Street thence over Chestnut Street to the intersection with Main Street (Route 108) in Carnegie Borough Allegheny County a distance of about 0.13 mile

Route Beginning at the end of Ramp A Connecting Route 765 to Lydia Street thence over Lydia Street to Washington Avenue (Route 108) in Carnegie Borough Allegheny County a distance of about 0.25 mile

Route Beginning at the end of Ramp B connecting Route 765 to Academy Street thence over Academy Street to Washington Avenue (Route 108) in Carnegie Borough Allegheny County a distance of about 0.16 mile

Section 2 This act shall take effect the first day of January 1956

And said bill having been read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

## YEAS—45

Barr,	Harney,	McMenamin,	Stiefel,
Berger,	Hays,	McPherson, Jr.,	Taylor,
Blass,	Holland,	Miller,	Van Sant,
Camiel,	Kessler,	Mullin,	Wade,
Chapman,	Koprivier, Jr.,	Pechan,	Wagner,
Dent,	Lane,	Peelor,	Watkins,
Diehm,	Madigan,	Propert,	Weiner,
DiSilvestro,	Mahany,	Ruth,	Whalley,
Donolow,	Mallery,	Schmidt,	Wolfe,
Flack,	McCreesh,	Seyler,	Yosko,
Fleming,	McGinnis,	Silvert,	
Haluska,		Stevenson,	



## NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present the said bill to the House of Representatives for concurrence.

## BILL ON THIRD READING

Agreably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 949, entitled:

An Act amending the act of March 10, 1949 (P. L. 30) entitled "Public School Code of 1949" providing for courses of study in first aid to be included during the last four years of any complete high school program

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

Mr. McMENAMIN. Mr. President, this bill would permit school boards to include in the curriculum in high school a course of study in first aid.

Now, Mr. President, this sounds like a good idea and a worthy cause, but it seems to me that there are a lot of worthy causes. I have noticed in the time that I have been down here in the Senate that from time to time we have bills introduced, some of them come before us for a vote and some of them have been adopted, which provide either that the school districts or the superintendents of schools shall or may add certain subjects to the curriculum of our schools. Most of these bills are for worthy projects and I have seen them for driver training, home economics, teaching girls how to set tables; I believe some folk dancing bills have been introduced, bills which would require the teaching of citizenship, Pennsylvania history and a number of subjects. I am just wondering if, in our good intentions on each of these individual bills, the net result is going to be that soon we are going to load the curriculum of our high schools in Pennsylvania with so many subjects mandated by the Legislature that the schools will not have time to teach the things which schools were primarily set up to provide, the basic subjects such as reading writing and arithmetic.

It is not an answer to an objection to this bill to say that it is what we call "may" bill. I understand that originally this bill said "shall" and by amendment in the course of its passage through the Legislature, the "shall" was amended to "may." Some people say that when an objection to a bill is expressed, the answer is that it is only a "may" bill.

It seems to me that a bill is good or bad, Mr. President. If it is bad, its passage is not justified by this Legislature because it is not mandatory, only permissive. Similarly, if it is a good bill it should be "shall" and it should not be left to the discretion of the numerous school districts in the State of Pennsylvania. I am told, but I am sure I do not believe it, that with a great many of these "may" bills, in many instances in various of local government, they always find somebody who is a deserving soul, who is already on the payroll and who can use a little bit better job with maybe not such strenuous duties attached to it. I am sure if by indirectly creating cushy jobs we might

well need a supervisor in some of our school districts for the first aid courses if this bill passes. That again would be a new job and would probably carry a pretty good salary with it. It is by this little by little wearing away of our system that we are adding to the cost of our schools and I think adding to the general degeneration of our school curriculum.

For these reasons then, Mr. President, although I am certain in my own mind that it would be worth-while if everybody in high school did know something about first-aid, I am going to vote against this bill. Courses of first-aid are being taught by the Boy Scouts, many industrial concerns and whatnot. However, I am going to vote against this bill because I think it is time that maybe we ought to stop and re-examine what we have been doing here to the schools and the school legislation by bills of this nature, and maybe it is time we got back to a curriculum which teaches reading, writing, arithmetic, spelling and a few of the basic essentials and not so many of these, what may be called, luxury items.

Mr. SEYLER. Mr. President, when this bill originally came from committee, I was against it just as vigorously, if not more so, than my friend, Senator McMenamin. I certainly agree with him that it is entirely wrong for the Legislature to place specific courses into the curriculum. We hear the complaint now that not enough mathematics, not enough English or not enough history or some other basic subject is taught.

It is pretty obvious that since we do not increase the length of the school day or the length of the school year every time we put a course in, we must reduce the amount of time we put on some of the more normal subjects. However, the way the bill is now amended, it does, as the Senator says, make it a "may" bill. The only practical effect of this bill, as I see it, will be to instruct the Superintendent of Public Instruction to prepare a course of study so that when schools decide to put in such courses, they will have the guidance of that course of study to follow, prepared by the Superintendent of Public Instruction.

In other words, Mr. President, there are schools putting in courses of first aid. Now first aid may be, in the mind of the Senator, something which is not essential. I may agree with him and many people here might agree with him, but there are school boards in the Commonwealth that do not agree with him and they are putting such courses in now. All this bill would do is say that the Superintendent of Public Instruction should draw up a model course for the guidance of any school district which decided to put such course of instruction into their curriculum.

Mr. President, I do not think it is such a bad bill and I would suggest that, since we have such a small number of Senators on the floor at this moment, we agree to pass this bill over for today so that we may have a more representative vote on it, because I believe there are some Senators who would like to defend it at least by their votes. There must be some because it came out of the Education Committee.

I would suggest, if Senator Mahany and Senator McMenamin are in agreement, that we pass this bill over for today.

## BILLS OVER IN ORDER

Mr. SEYLER. Accordingly, Mr. President, I ask unani-



mous consent that House Bill No. 949, Printer's No. 1351, on final passage, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. MAHANY. Mr. President, I ask unanimous consent that House Bill No. 1773, Printer's No. 1347, on third reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

### BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 1777, as follows:

An Act to further amend the act approved the ninth day of April one thousand nine hundred twenty-nine (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" by further defining the powers of the Department of Property and Supplies relating to automobiles

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section two thousand four hundred seven of the act approved the ninth day of April one thousand nine hundred twenty-nine (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" as last amended by the act approved the third day of June one thousand nine hundred forty-three (P. L. 833) is hereby further amended by adding at the end thereof a new paragraph to read as follows

Section 2407 Automobiles

\* \* \*

Subject to the approval of the Board of Commissioners of Public Grounds and Buildings the Department of Property and Supplies may sell automobiles owned by the Commonwealth when it deems it is in the public interest to do so The proceeds of such sales shall be paid into the State Treasury shall be credited to the appropriation to the department for the purchase of automobiles or to any

Department Board or Commission having authority to purchase automobiles with money appropriated to it and are hereby appropriated to the respective department board or commission for the purchase of automobiles

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

### YEAS—45

Barr,	Harney,	McMenamin,	Stevenson,
Berger,	Hays,	McPherson, Jr.,	Stiefel,
Blass,	Holland,	Miller,	Taylor,
Camiel,	Kessler,	Mullin,	Van Sant,
Chapman,	Koprivier, Jr.,	Pechan,	Wade,
Dent,	Lane,	Peelor,	Wagner,
Diehm,	Madigan,	Propert,	Watkins,
DiSilvestro,	Mahany,	Ruth,	Weiner,
Donolow,	Mallery,	Schmidt,	Whalley,
Flack,	McCreesh,	Seyler,	Wolfe,
Fleming,	McGinnis,	Silvert,	Yosko,
Haluska,			

### NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

### BILL OVER IN ORDER

Mr. SILVERT. Mr. President, I ask unanimous consent that House Bill No. 1795, Printer's No. 1086, on third reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

### SECOND READING CALENDAR

#### BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 388, entitled:

An Act amending the act of June 3, 1937 (P. L. 1333) entitled "Pennsylvania Election Code" extending voting rights to bedridden or hospitalized veterans when not absent from county of residence.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

### BILL OVER IN ORDER

Mr. SCHMIDT. Mr. President, I ask unanimous consent that House Bill No. 407, Printer's No. 624, on second reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

### BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 420, entitled:



An Act amending the act of May 1, 1929 (P. L. 905) entitled "The Vehicle Code" providing additional enforcement procedures on traffic violations in first second and second class A cities.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

### BILL ON SECOND READING AMENDED

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 651, entitled:

An Act amending the act of March 10, 1949 (P. L. 30) entitled "Public School Code of 1949" changing the number and value of scholarships.

The first section was read.

On the question,

Will the Senate agree to the section?

Mr. HAYS offered the following amendments:

Amend Sec. 1 (Sec. 1612) page 2, line 16 by striking out the brackets before "One" and after "scholarship" and striking out "Two scholarships"; amend Sec. 1 (Sec. 1612) page 2, line 18 by striking out the brackets before "one" and after "scholarship" and striking out "two scholarships".

They were agreed to.

The section was agreed to as amended.

The title was read.

On the question,

Will the Senate agree to the title?

Mr. HAYS offered the following amendment:

Amend Title, page 1, last line of Title, by striking out "number and".

It was agreed to.

The title was agreed to as amended.

And said bill having been read at length the second time, as amended,

On the question,

Will the Senate agree to the bill on second reading, as amended?

### BILL OVER IN ORDER

Mr. HAYS. Mr. President, I ask unanimous consent that Senate Bill No. 651, Printer's No. 475, on second reading, go over in its order, as amended.

The PRESIDENT. Is there objection? The Chair hears none.

### BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 655, entitled:

An Act amending the act of August 24, 1951 (P. L. 1304) entitled "Local Health Administration Law" extending the provisions thereof to counties of the first class and to municipalities located in counties of the first class.

And said bill having been read at length the second time,

On the question,

Will the Senate agree to the bill on second reading?

### MOTION TO RECOMMIT BILL

Mr. MAHANY. Mr. President, I move that House Bill No. 655, on second reading, be recommitted to the Committee on Local Government.

Mr. WADE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. SEYLER. Mr. President, may we be at ease for a moment?

The PRESIDENT. The Senate will be at ease.

(The Senate was at ease.)

### MOTION TO RECOMMIT BILL WITHDRAWN

Mr. MAHANY. Mr. President, I wish to withdraw my motion to recommit this bill.

Mr. WADE. Mr. President, I withdraw my second to the motion.

And the question recurring,

Will the Senate agree to the bill on second reading?

### BILLS OVER IN ORDER

Mr. MAHANY. Mr. President, I ask unanimous consent that House Bill No. 655, Printer's No. 258, on second reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. MAHANY. Mr. President, I ask unanimous consent that the following bills, on second reading, go over in their order:

Senate Bill No. 929, Printer's No. 500;

House Bill No. 1221, Printer's No. 931;

House Bill No. 1224, Printer's No. 816;

House Bill No. 1340, Printer's No. 932;

House Bill No. 1397, Printer's No. 1345; and

House Bill No. 1398, Printer's No. 1346.

The PRESIDENT. Is there objection? The Chair hears none.

### BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 1406, entitled:

An Act amending the act of March 30, 1937 (P. L. 115) entitled "The First Class City Permanent Registration Act" increasing compensation of the chairman and other members of the registration commission.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 1947, entitled:

An Act making an appropriation to the State Treasurer for the purpose of paying salaries and wages of State officers and employes and other ordinary and general expenses in the interim between the thirty-first day of May one thousand nine hundred fifty-five and such time as the funds provided by the General Appropriation Act and other appropriation acts become available and for



the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred fifty-five.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

### HOUSE MESSAGE

#### SENATE CONCURRENT RESOLUTION RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives being introduced, returned to the Senate, Senate Concurrent Resolution, entitled "Time of Next Meeting, with the information that the House has passed the same with amendments, in which concurrence of the Senate is requested.

The Clerk read the resolution as follows:

#### TIME OF NEXT MEETING

Resolved, (the House of Representatives concurring), That when the Senate adjourns this week, it reconvene Monday, February 13, 1956, at a time to be fixed by the Senate; and when the House of Representatives adjourns this week, it reconvene Tuesday, February 14, 1956, at a time to be fixed by the House of Representatives.

#### SENATE CONCURS IN AMENDMENTS MADE BY THE HOUSE TO SENATE CONCURRENT RESOLUTION

Mr. MAHANY. Mr. President, I move that the Senate do concur in the amendments made by the House to the Senate Concurrent Resolution just read by the Clerk.

Mr. SEYLER. Mr. President, I second the motion.

The motion was agreed to.

Ordered, That the Clerk inform the House of Representatives accordingly.

### BILLS ON FIRST READING

Mr. MAHANY. Mr. President, I move that the Senate do now proceed to the first reading of all bills reported from committees for the first time at today's session.

Mr. SCHMIDT. Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 931, entitled:

An Act making an appropriation to the Department of Forests and Waters for the use of the Valley Forge Park Commission for the restoration of the Provist Guard House.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 961, entitled:

An Act amending the act of June 3, 1937 (P. L. 1225) entitled "The Game Law," authorizing the raising and disposition of nongame pheasants and eggs without propagating permits.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 1857, entitled:

An Act amending the act of May 2, 1925 (P. L. 448) entitled "The Fish Law of 1925," authorizing refunds of fees fines and other moneys erroneously or unjustly collected.

And said bill having been read at length the first time, Ordered. To be laid aside for second reading.

Agreeably to order.

The Senate proceeded to the first reading and consideration of House Bill No. 1871, entitled:

An Act amending the act of June 3, 1937 (P. L. 1225) entitled "The Game Law," regulating refund of fees fines or other moneys erroneously or unjustly collected and deposited and appropriating moneys from the Game Fund for the refund of fees fines or other moneys unjustly collected.

An said bill having been read at length the first time, Ordered, To be laid aside for second reading.

#### SENATORS APPOINTED, PURSUANT TO SENATE RESOLUTION SERIAL No. 1A

The SECRETARY. The President pro tempore has appointed the following Senators to arrange and conduct suitable Abraham Lincoln commemorative exercises, pursuant to resolution already adopted by the Senate: the gentleman from Erie, Mr. Blass, and the gentleman from Philadelphia, Mr. Stiefel.

### ADJOURNMENT

Mr. MAHANY. Mr. President, I move that the Senate do now adjourn until Monday, February 13, 1956, at 1:00 o'clock, p. m. Eastern Standard Time.

Mr. McGINNIS. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 3:40 o'clock, p. m., Eastern Standard Time, until Monday, February 13, 1956, at 1:00 o'clock, p. m., Eastern Standard Time.



## HOUSE OF REPRESENTATIVES

TUESDAY, February 7, 1956.

The House met at 1:00 p. m.

The SPEAKER (Hiram G. Andrews) in the Chair.

## PRAYER

Reverend V. E. Maybray, Pastor of the First Methodist Church, DuBois, guest of the gentleman from Clearfield, Mr. O'Neil, offered the following prayer:

Our Father, we need Thy blessing. We ask Thee to forgive us the sin of asking Thy blessing if we are not willing to obey Thy voice. Deliver us, Oh God, from inviting Thy presence and then proceeding as though Thou didst not exist. Help us to believe there is a Divine solution to the vexing problems that confront our Commonwealth.

Bless, we beseech Thee, these men and women who guide and mold the destinies of our state. Preserve and keep their families in their absence. Grant unto them healthy bodies, clear minds, pure hearts. Grant unto those of us whom they seek to serve that we may refrain from criticising their solutions unless we, too, have faced the problems.

These favors we ask through Jesus Christ, our Lord and our Savior. Amen.

The SPEAKER. Will the gentleman from McKean, Mr. Johnson, please come to the desk?

The Speaker is requesting the gentleman from McKean, Mr. Johnson, to preside temporarily.

Mr. JOHNSON IN THE CHAIR.

## JOURNAL APPROVAL POSTPONED

The SPEAKER pro tempore. If there is no objection, the approval of the Journal for Monday, February 6, 1956 will be postponed until printed. The Chair hears none.

## BILLS INTRODUCED AND REFERRED

The SPEAKER pro tempore. The Speaker has referred the following bills:

By Messrs. JOHNSON, CHARLES C. SMITH.  
and KENT.

HOUSE BILL No. 2007.

An Act requiring the Commonwealth to reimburse school districts and school districts to reimburse employees for interest paid on certain loans.

Referred to the Committee on Education.

By Messrs. FILO and BOIES. HOUSE BILL No. 2008.

An Act amending the act of May 22, 1933 (P. L. 853), entitled "an act relating to taxation, designating the subjects, property and persons subject to and exempt from taxation for all local purposes; providing for and regulating the assessment and valuation of persons, property and subjects of taxation for county purposes; and for the use of those municipal and quasi municipal corporations which levy their taxes on county assessments and valuations; amending, revising and consolidating the law relating thereto; and repealing existing laws," clarifying the exclusion of cities, boroughs, townships, school districts and poor districts in counties of the second class from provision excluding certain items in valuing real estate.

Referred to the Committee on Counties.

By Messrs. GIBSON and STRAUSSER.

HOUSE BILL No. 2009.

An Act to provide revenue for Commonwealth purposes by imposing a tax on the sale, use, storage or other consumption of certain tangible personal property; providing for licenses, reports, payments and collection of tax interest and penalties, assessments, collections, liens, reviews and appeals; conferring powers and imposing duties upon the Department of Revenue, public officers, manufacturers, wholesalers, retailers, corporations, partnerships, associations and individuals and making an appropriation.

Referred to the Committee on Ways and Means.

By Messrs. GIBSON and STRAUSSER.

HOUSE BILL No. 2010.

An Act imposing a tax on persons engaged in the business of operating hotels, inns, apartment hotels, motels, tourist homes, restaurants, cafes, public eating places, public drinking places, clubs and catering establishments; prescribing the manner of collecting the tax measured by gross receipts from sales of food, drinks and lodgings; imposing duties on and prescribing powers of the Department of Revenue; and fixing penalties.

Referred to the Committee on Ways and Means.

By Messrs. AMARANDO and SCARCELLI.

HOUSE BILL No. 2011.

An Act amending the act of May 1, 1929 (P. L. 905) entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," changing penalties for failure to stop in the event of an accident.

Referred to the Committee on Motor Vehicles.

## SENATE MESSAGE

## SENATE BILLS FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence, bills numbered and entitled as follows:

SENATE BILL No. 317.

An Act fixing the salaries and compensation of the Chief Justice and judges of the Supreme Court the President Judge and judges of the Superior Court the judges of the courts of common pleas the judges of the orphans' courts the judges of the Municipal Court of Philadelphia and the judges of the County Court and Juvenile Court of Allegheny County certain associate judges not learned in the law and repealing certain inconsistent acts.

Referred to the Committee on Rules.



## SENATE BILL No. 318.

An Act pertaining to the resignation and retirement of judges under certain conditions fixing their compensation upon resignation or retirement and imposing duties on certain State officers.

Referred to the Committee on Rules.

## SENATE MESSAGE

## CONCURRENCE IN HOUSE RESOLUTION

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives as follows:

In the House of Representatives, January 31, 1956.

Resolved (if the Senate concur), that House Bill No. 641, Printer's No. 1238, entitled "An act amending the act of May 1, 1933 (P. L. 103) entitled 'An act concerning townships of the second class and amending revising and changing the law relating thereto' authorizing the appointment of sanitary boards and sanitary officers prescribing their powers and duties providing for the enforcement of the administration of health laws by such boards and officers providing for a president and secretary of such boards imposing duties on the Secretary of Health and providing for payments of expenses by townships", be recalled from the Governor for the purpose of amendment.

## SENATE MESSAGE

AMENDED SENATE BILLS CONCURRED IN BY  
SENATE

The Clerk of the Senate being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives to Senate bill numbered and entitled as follows:

## SENATE BILL No. 687.

An Act amending the act of May 14, 1929 (P. L. 1721) entitled "An act providing for the service of process in civil suits on nonresident operators or nonresident owners of motor vehicles operated within the Commonwealth of Pennsylvania and making the operation of such a motor vehicle on the public highways of the Commonwealth of Pennsylvania the equivalent of the appointment of the Secretary of Revenue of the Commonwealth of Pennsylvania as the agent of the said nonresident upon whom civil process may be served and providing for further notice to the defendant in any such suit" making the consent deemed to have been given by a nonresident operator or owner of a motor vehicle involved in an accident or collision within this Commonwealth for appointment of the Secretary of the Commonwealth as his agent for service of process irrevocable and binding upon his personal representative providing for service of process when the nonresident operator or owner has died prior to the commencement of an action and making changes to conform with existing law

## SENATE BILL No. 689.

An Act amending the act of April 24, 1947 (P. L. 89) entitled "An act relating to the form execution revocation operation and interpretation of wills to nuncupative wills to the appointment of testamentary guardians to elections to take under or against wills and the procedure in reference thereto" revising and changing provisions relating to foreign wills divorce testamentary conveyances affecting right of spouse taking against a will rights of adopted persons and illegitimates in lapsed and void devices and legacies and appointment of guardian of property passing to a minor upon testator's death whether or not passing under the will.

## SENATE BILL No. 690.

An Act amending the act of April 24, 1947 (P. L. 80) entitled "An act relating to the descent of the real and personal estates of persons dying intestate and the procedure in reference thereto" and repealing parts thereof limiting right of a spouse on partial intestacy and in selection of allowance and revising procedure for setting aside spouse's allowance establishing title to real estate when spouse claims entire estate and distribution to the Commonwealth a statutory heir

## SENATE BILL No. 691.

An Act amending the act of April 24, 1947 (P. L. 100), entitled "An act relating to the incidents of legal and equitable interests in real and personal property, including the validity thereof, the powers, rights and duties of persons with respect thereto, and the disposition of interest which fail, and containing provisions concerning termination of trusts, releases and disclaimers of powers and interests, perpetuities, accumulations, charitable estates, rights of a surviving spouse in property as to which the decedent has retained certain powers, spendthrift trusts, limited estates in property, rules of interpretation, estates pur autre vie, estates in fee tail, and the Rule in Shelley's Case," revising and changing provision relating to power of court to terminate trusts heretofore created, release or disclaimer by beneficiary of spendthrift trust, income accumulations, conveyances to defeat marital rights, and elections against such conveyances the conveyor's will and the procedure therefor.

## RESOLUTION

RECALLING HOUSE BILL No. 970 FROM THE  
GOVERNOR

Mr. READINGER offered a resolution which was read, considered and adopted as follows:

In the House of Representatives, February 3, 1956.

Resolved (if the Senate concur) that House Bill No. 970, Printer's No. 275, entitled "An act amending the Act of May 1, 1929 (P.L.905) entitled 'An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds' by changing requirements and penalties concerning lamps and illuminating devices," be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk present the same to the Senate for concurrence.

## SENATE MESSAGE

## TIME OF NEXT MEETING

The Clerk of the Senate being introduced presented an extract from the Journal of the Senate, which was read as follows:



In the Senate, February 6, 1956.

Resolved, (the House of Representatives concurring), That when the Senate adjourns this week, it reconvene Monday, February 13, 1956, at a time to be fixed by the Senate, and when the House of Representatives adjourns this week, it reconvene Monday, February 13, 1956, at a time to be fixed by the House of Representatives.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

On the question,

Will the House concur in the resolution of the Senate?

On the question,

Will the House concur in the resolution?

Mr. READINGER. Mr. Speaker, I offer the following amendment:

Amend Line 4 of the resolution by striking out "Monday, February 13" and inserting in lieu thereof "Tuesday, February 14."

On the question,

Will the House agree to the amendment?

Mr. READINGER. Mr. Speaker, the matter of when we should meet next week was considered earlier today and in view of the fact that we will probably be here, many of us, until Friday, we thought it would be wiser not to meet until next Tuesday at 3:00 p. m. I am, therefore, asking the membership to vote for this amendment.

On the question recurring,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House concur in the resolution as amended?

It was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

## COMMUNICATION FROM GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

### INDUSTRIAL DEVELOPMENT AUTHORITY

Commonwealth of Pennsylvania,

Governor's Office, Harrisburg, February 7, 1956.

To the Honorable, the Members of the General Assembly of the Commonwealth of Pennsylvania:

A new Bill providing construction loan assistance on industrial development projects in our distressed area communities is being introduced in the Pennsylvania Senate today. The Bill is sponsored by a group of Senators from both parties—which is in keeping with its purposes, and reflects the manner in which it has been drafted.

The new Bill is a revision of the Industrial Development Authority proposal submitted to the General Assembly last Spring (S.B. 276 and H.B. 1588).

In the regional hearings on industrial development which I held at Erie, Johnstown and Wilkes-Barre last Fall, dozens of community leaders from areas suffering prolonged and severe unemployment filled the record with heartening stories of successful community industrial development programs, and with a plea for assistance from the Commonwealth on those programs.

They reported on the more than eighty manufacturing plants now operating in Pennsylvania, which were built by a combination of community fund-raising and first mortgage loans, mainly from local banks. This is an impressive record of local bootstrap-lifting. It has involved

the active participation of commercial establishments, local industries, professional people, labor, educators, local governmental officials, Republicans, Democrats—everyone.

It has by no means "licked" the unemployment problem in these areas, but it has provided thousands of new jobs in industry.

These community leaders are sure they have the right formula. They believe that they can rent or sell many, many more such plants, if only they can find a way to finance them.

However, they stated, repeatedly, that they tend to run out of money, or credit, or both. Money already raised locally is "tied up" in existing plants. It becomes difficult, or impossible, to return too frequently to the citizens on "drives" for additional money. Local banks, with a fine record of progressive financing in this field, find it difficult to extend additional, large, first mortgage loans of this type.

Most all of these community industrial development leaders asked for financial help from the Commonwealth.

Such help, they said, would make local fund-raising easier, would release a portion of the funds already tied up in existing plants for the construction of still more plants, would reduce the size of first mortgage loans needed from the banks and insurance companies—take out some of the "risk." Finally, they said, such help would leave the initiative, the evaluation of the prospect industry, and the basic tests of financial feasibility right in the community itself, and with the cooperating banks and other financial institutions.

Upon my return from these Fall meetings I directed my staff to explore, in consultation with finance and legal experts experienced in Pennsylvania community industrial development programs, a new approach to legislation on this general matter.

These discussions have been going on almost continuously since that time, and a whole series of drafts and re-drafts prepared and considered. The result is the Bill now being presented for action in the General Assembly.

It is based on the conventional, proven pattern of community industrial development financing in Pennsylvania, and would provide what local organizations, themselves, believe to be the type of assistance the Commonwealth can most appropriately, and most effectively, extend.

As the result of years of urgent pleading, the problem of these areas of chronic unemployment has now won national recognition in the Congress and in the Executive Branch of the Federal Government.

In July Senator Paul Douglas and a number of his associates introduced a "Depressed Areas" Bill in the United States Senate, proposing a series of special measures, including a loan program for industrial construction, aimed at correcting economic maladjustments in these areas. A companion Bill was introduced in the House by Congressman Daniel J. Flood, of Wilkes-Barre.

A few weeks ago, in submitting his Economic Report to the Congress, President Eisenhower had this to say on the subject:

"To cope with chronic unemployment which has persisted in some communities, despite the attainment of practically full employment in the Nation at large, a new Area Assistance Program is recommended."

That program, as submitted to the Congress, also pro-



poses among other things, a system of Federal loans for industrial construction in distressed area communities, and calls for state and local participation.

The proposed Pennsylvania Industrial Development Authority Bill makes explicit provision for gearing in with whatever Federal industrial construction loan program emerges from the present Congress, in connection with distressed area legislation.

I want to express my own gratitude, and that of my associates, for the many thoughtful letters and many hours of consultation received on this matter from key men in industrial development work in such areas as Altoona, Scranton, Wilkes-Barre, Hazleton, Pottsville, Erie, Lewistown, Tamaqua, Berwick, Uniontown.

The work of these and other similar Pennsylvania groups, it should be pointed out, is outstanding, nationally. No other state can boast of the kind of record they have made. It was made—is being made—in the face of difficulties and discouragements which would easily kill the ardor of less determined civic leaders. This community movement is a key resource for the economic development of our distressed areas and, thus, for the economic growth and stability of the entire Commonwealth. Through this new industrial development financing proposal, we can greatly strengthen that resource and put it to its fullest use.

The basic provisions of the Bill are these:

(1) It would create a Pennsylvania Industrial Development Authority, composed of a board of eleven members—four ex-officio, the Secretaries of Labor and Industry, Internal Affairs, Banking, and of Commerce, the latter to serve as Chairman; seven representing the public, to be appointed by the Governor with the advice and consent of the Senate;

(2) The Authority would be empowered to provide loan assistance to industrial development agencies in any municipality, group of municipalities, county or group of counties or region of the Commonwealth having had not less than 6 per cent of its labor force unemployed for a period of not less than three years, or 9 per cent for not less than eighteen months, immediately prior to an official finding by the Authority;

(3) The Authority's financial assistance would take the form of second mortgage loans to non-profit industrial development agencies of up to 30 per cent of the construction cost of industrial or manufacturing plants and facilities, provided:

- a. The local industrial development agency provides, from whatever source, not less than 20 per cent of the cost of the project;
- b. The local agency has a firm commitment from responsible financial sources for the balance of the loan funds needed, such funds to be secured by a first mortgage;
- c. The local agency shows evidence of a firm commitment from a responsible tenant or buyer to provide the machinery and equipment and to occupy and operate the project.

(4) The Authority could make loans to local industrial development agencies, subject to the above ratios, on projects they have already financed, provided the funds thus released from existing projects are used for the construction of additional projects;

(5) Interest rates and other terms of the Authority's loans could be fixed at the discretion of the board;

(6) The Authority could not make loans which would cause the removal of a plant from one area of the Commonwealth to another area of the Commonwealth;

(7) An initial appropriation of \$5,000,000 is sought for the present biennium, to establish the Authority's Industrial Development Fund. I will be prepared to recommend an additional \$5,000,000 for each year of the coming biennium. Loan repayment and interest revenues of the Authority would return to the Fund, to be used on a revolving basis.

This, I submit, is a proposal which merits wide support in the General Assembly.

Scores of Pennsylvania communities are suffering chronic and severe unemployment—in the anthracite area, in many of the bituminous areas and the railway centers of western Pennsylvania, in areas of northern Pennsylvania where lumbering and wood-working industries once flourished, and where they may flourish again.

Roughly twenty per cent—a fifth, of the population of the Commonwealth lives in areas of substantial labor surplus. Their economic plight means a serious drain on State and local funds for public assistance and unemployment compensation. Young people are forced to leave home in search of employment. Population declines. The local tax base—and, thus, the tax base of the Commonwealth itself, is impaired.

Accordingly, this is not merely a local problem. It is a Commonwealth problem, also. Until the economic maladjustments behind it are rectified, Pennsylvania will not keep pace with the economic growth of her neighboring states. Indeed, it is that kind of consideration which has led President Eisenhower, and Congressional leaders from both political parties in Washington to focus their attention on it. They regard it as a National problem.

The new Pennsylvania Industrial Development Authority, in my judgment, provides the means for an effective, joint, community-State-Federal attack on this problem. It is a problem beyond the scope of any one of them, alone, to deal with successfully.

GEORGE M. LEADER.

## BILLS SIGNED BY SPEAKER

The SPEAKER pro tempore. The Speaker has signed the following bills:

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

### SENATE BILL No. 332.

An Act amending the act of May 1 1929 (P L 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negli-



gent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the dispositions of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" authorizing the issuance of duplicate registration cards at the option of the owner and fixing the fee therefor

#### SENATE BILL No. 687.

An Act amending the act of May 14, 1929 (P. L. 1721) entitled "An act providing for the service of process in civil suits on nonresident operators or nonresident owners of motor vehicles operated within the Commonwealth of Pennsylvania and making the operation of such a motor vehicle on the public highways of the Commonwealth of Pennsylvania the equivalent of the appointment of the Secretary of Revenue of the Commonwealth of Pennsylvania as the agent of the said nonresident upon whom civil process may be served and providing for further notice to the defendant in any such suit" making the consent deemed to have been given by a nonresident operator or owner of a motor vehicle involved in an accident or collision within this Commonwealth for appointment of the Secretary of the Commonwealth as his agent for service of process irrevocable and binding upon his personal representative providing for service of process when the nonresident operator or owner has died prior to the commencement of an action and making changes to conform with existing law.

#### SENATE BILL No. 689.

An Act amending the act of April 24, 1947 (P. L. 89) entitled "An act relating to the form execution revocation operation and interpretation of wills to nuncupative wills to the appointment of testamentary guardians to elections to take under or against wills and the procedure in reference thereto" revising and changing provisions relating to foreign wills divorce testamentary conveyances affecting right of spouse taking against a will rights of adopted persons and illegitimates in lapsed and void devises and legacies and appointment of guardian of property passing to a minor upon testator's death whether or not passing under the will

#### SENATE BILL No. 690.

An Act amending the act of April 24, 1947 (P. L. 80) entitled "An act relating to the descent of the real and personal estates of persons dying intestate and the procedure in reference thereto" and repealing parts thereof limiting right of a spouse on partial intestacy and in selection of allowance and revising procedure for setting aside spouse's allowance establishing title to real estate when spouse claims entire estate and distribution to the Commonwealth a statutory heir.

#### SENATE BILL No. 691.

An Act amending the act of April 24, 1947 (P. L. 100) entitled "An act relating to the incidents of legal and equitable interest in real and personal property including the validity thereof the powers rights and duties of persons with respect thereto and the disposition of interests which fail and containing provisions concerning termination of trusts releases and disclaimers of powers and interests perpetuities accumulations charitable estates rights of a surviving spouse in property as to which the decedent has retained certain powers spendthrift trusts limited estates in property rules of interpretation estates pur autre vie estates in fee tail and the Rule in Shelley's Case" revising and changing provisions relating to power of court to terminate trusts heretofore created release or disclaimer by beneficiary of spendthrift trust income accumulations conveyances to defeat martial rights and elections against such conveyances the conveyor's will and the procedure therefor.

#### SENATE BILL No. 776.

An Act amending the act of May 16, 1921 (P. L. 579) entitled as amended "An act providing for the better

management of the jails or county prisons in the several counties of this Commonwealth of the third fourth and fifth classes by creating in such counties a board to be known by the name and style of inspectors of the jail or county prison with authority to appoint a warden of such prison and by vesting in said board and the officers appointed by it the safe-keeping discipline and employment of prisoners and the government and management of said jails or county prisons" giving wardens deputies and other appointees of the board powers of peace officers.

#### SENATE BILL No. 852.

An Act amending the act of April 12, 1951 (P. L. 90) entitled "An act relating to alcoholic liquors alcohol and malt and brewed beverages amending revising consolidating and changing the laws relating thereto regulating and restricting the manufacture purchase sale possession consumption importation transportation furnishing holding in bond holding in storage traffic in and use of alcoholic liquors alcohol and malt and brewed beverages and the person engaged or employed therein defining the powers and duties of the Pennsylvania Liquor Control Board providing for the establishment and operation of State liquor stores for the payment of certain license fees to the respective municipalities and townships for the abatement of certain nuisances and in certain cases for search and seizure without warrant prescribing penalties and forfeitures providing for local option and repealing existing laws" permitting holders of bonded warehouse licenses issued by the Pennsylvania Liquor Control Board to receive in bond certain liquor and alcohol for storage in bond in this Commonwealth regulating the release of such liquor and alcohol for delivery.

#### SENATE BILL No. 867.

An Act amending the act of April 12, 1951 (P. L. 90) entitled "An act relating to alcoholic liquors alcohol and malt and brewed beverages amending revising consolidating and changing the laws relating thereto regulating and restricting the manufacture purchase sale possession consumption importation transportation furnishing holding in bond holding in storage traffic in and use of alcoholic liquors alcohol and malt and brewed beverages and the persons engaged or employed therein defining the powers and duties of the Pennsylvania Liquor Control Board providing for the establishment and operation of State liquor stores for the payment of certain license fees to the respective municipalities and townships for the abatement of certain nuisances and in certain cases for search and seizure without warrant prescribing penalties and forfeitures providing for local option and repealing existing laws" permitting the sale and possession of wine in packages not bearing the official seal of the board.

#### SENATE BILL No. 881.

An Act declaring the public interest in certain historic sites and buildings and providing for certificates and markers.

#### SENATE BILL No. 901.

An Act amending the act of August 9, 1955 (Act No 130) entitled "An act relating to counties of the third fourth fifth sixth seventh and eighth classes amending revising consolidating and changing the laws relating thereto" fixing the time for the annual report by the county auditors to the court of common pleas and changing the provisions relating to the appointment of depositories of county funds.

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

### REPORTS FROM COMMITTEE

Mr. WHITENIGHT from the Committee on Fisheries, reported as committed, House Bill No. 1987, entitled:

An Act amending "The Fish Law of 1925," approved



May 2, 1925 (P. L. 448), authorizing in certain cases fishing in farm ponds without licenses, and regulating the transportation of fish taken from such ponds during closed seasons.

Mr. GRAMLICH from the Committee on Fisheries, reported as committed, Senate Bill No. 608, entitled:

An Act amending "The Fish Law of 1925" \* \* \* authorizing the use of long bows and arrows for capturing or killing carp

## BILLS ON FINAL PASSAGE

### BILLS PASSED OVER

There being no objection

House Bill No. 68, Printer's No. 1302 and

House Bill No. 667, Printer's No. 1256

were passed over at the request of the SPEAKER pro tempore.

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 1546, as follows:

An Act relating to and providing for the promotion and development of a Statewide recreation program in the Commonwealth conferring powers and duties upon the Department of Recreation

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Short Title This act shall be known and may be cited as the "Recreation Law"

Section 2 General Functions In order to carry out its functions of formulating and developing a comprehensive and coordinated program of cultural and physical recreational activities the Department of Recreation shall

(1) Investigate study and undertake ways and means of determining the recreational needs of all rural and urban communities and their people in order to assist upon request local government agencies and organizations

(2) Investigate study and undertake ways and means of promoting and encouraging the development of State and local natural cultural and other recreation resources and their use in meeting the needs of the people

(3) Encourage all recreation groups and agencies to unite for the development and enrichment of all recreation opportunities and programs to meet the varied interests of communities throughout the State

(4) Advise and cooperate in the promotion and organization of local recreation programs for cities boroughs counties townships districts and non-incorporated subdivisions of the State through joint appraisals studies and plans upon request

(5) Encourage and develop recreation with other states and gather disseminate information that will be useful in the development of recreation travel and vacation services in the Commonwealth

(6) Investigate and study conditions affecting Pennsylvania recreation and to collect and disseminate information and engage in technical studies scientific investigations and statistical research and educational activities necessary and useful for the proper execution of its duties in promoting and developing recreation within Pennsylvania

(7) Aid in the recruitment training and placement of recreational personnel to aid the improvement of professional education of recreation personnel through the institution of higher learning in the Commonwealth

(8) Formulate in cooperation with other State agencies interested organizations and citizens a comprehensive recreation policy for the Commonwealth of Pennsylvania

(9) Study and appraise the recreational needs of the State for areas facilities programs personnel and legislation

Section 3 Cooperation with Other State Agencies The Department of Recreation may establish needed recreation facilities in cooperation with other State boards depart-

ments commissions and agencies that are directly or indirectly concerned

Section 4 Planning and Conducting of Recreation Programs The Department of Recreation may plan and conduct a program of recreation on areas and facilities under its jurisdiction and acting in cooperation with other administrative departments boards and commissions of the Commonwealth shall plan and conduct a program of recreation on facilities under their jurisdiction

Section 5 Acquiring Designing Construction and Operation of Recreation Areas and Facilities The Department of Recreation shall either acting alone or in cooperation with other administrative departments boards and commissions of the Commonwealth acquire design construct and operate recreation areas and facilities

Section 6 The sum of one hundred fifty thousand dollars (\$150,000) or as much thereof as may be necessary is hereby appropriated to the Department of Recreation for the two fiscal years ending May 31 1957 to carry out the provisions of this act

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

### YEAS—177

Adam,	Gaffney,	McGee,	Rubin,
Amarando,	Garlock,	McInroy,	Rudisill,
Anderson, M. S.,	Gelfand,	McKeever,	Sarra,
Anderson, S. A.,	George,	McLaughlin,	Scarcelli,
Auker,	Gibson,	McWherter,	Schuster,
Barnatovich,	Gramlich,	Meholchick,	Sherman,
Bazin,	Greenwood,	Metz,	Sigman,
Bell,	Guss,	Mihm,	Smith, C. C.,
Blair,	Guthrie,	Mikula,	Smith, Wm. B.,
Boles,	Hamilton, R. K.,	Miller,	Snider,
Bonner,	Hass,	Mills,	Stank,
Boory,	Heavey,	Monroe,	Stebbins,
Bower,	Helm,	Moody,	Steckel,
Branca,	Hewitt,	Moran,	Stephens,
Brelsich,	Hocker,	Muldowney,	Stevenson,
Brennan, A. P.,	Holt,	Mullen,	Stone,
Brennan, J. J.,	Horst,	Munley,	Stoner,
Breth,	Houk,	Murphy,	Stroup,
Buechlin,	Jenkins,	Murray, J. J.,	Swartz,
Bullen,	Johnson,	Murray, P. G.,	Taylor,
Capano,	Jones, G. E.,	Musto,	Thomas,
Cianfrani,	Jump,	Naugle,	Toll,
Cioffi,	Kamyk,	Needham,	Tompkins,
Cochran,	Kehler,	Ogilvie,	Toomey,
Comer,	Keller,	Olsen,	Varallo,
Connolly,	Kent,	O'Neil,	Vaughan,
Cooper,	Kilne,	Pacchioli,	Verona,
Curwood,	Kolankiewicz,	Parry,	Wallace,
Davis,	Kooker,	Pashley,	Walsh,
Donahue,	Kornick,	Paulhamus,	Wargo,
Dougherty,	Lawyer,	Petrosky,	Waterhouse,
Down,	Leby,	Pettigrew,	Weidner,
Ellberg,	Leonard,	Polaski,	Welsh,
Erb,	Light,	Polen,	Wescott,
Ewing,	Leven,	Pomeroy,	Wheeler,
Farabaugh,	Limper,	Price,	Whitenight,
Filo,	Lippincott,	Pursley,	Williams,
Fineman,	Lopresti,	Readinger,	Worley,
Flint,	Lovett,	Reibman,	Yetter,
Floyd,	Lutty,	Reidenbach,	Yetzer,
Flynn,	Mahan,	Renwick,	Young,
Foster,	Markley,	Rosen,	Ziegler,
Frank,	Maxwell,	Rovanssek,	Andrews,
Frascella,	McCann,	Royer,	Speaker
Frout,	McCormack,		

### NAYS—30

Agnew,	Gibb,	Kromer,	Strausser,
Ashton,	Goldstein,	Lafore,	Thompson,
Banker,	Haudenshield,	Leisey,	Varnar,
Brenninger,	Henzel,	Magee,	Wall,
Brown,	Isaacs,	Moscrip,	Willaredt,
Donaldson,	Jones, T. H. W.,	Murray, H. P.,	Wilt,
Ehrgood,	Knecht,	Rigby,	Wood,
Eshleman,	Kratz,		

NOT VOTING—0



The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

### BILL ON THIRD READING

The SPEAKER pro tempore. Without objection, the Chair will turn to page 5 of today's calendar, a companion bill.

The Chair hears none.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1545, as follows:

An Act amending the act of April 9, 1929 (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" establishing a Department of Recreation and defining its powers and duties.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 201 act of April 9, 1929 (P. L. 177) known as "The Administrative Code of 1929" amended April 25, 1949 (P. L. 729) is amended to read

Section 201 Executive Officers Administrative Departments and Independent Administrative Boards and Commissions The executive and administrative work of this Commonwealth shall be performed by the Executive Department consisting of the Governor Lieutenant Governor Secretary of the Commonwealth Attorney General Auditor General State Treasurer Secretary of Internal Affairs and Superintendent of Public Instruction by the Executive Board and the Pennsylvania State Police by the following administrative departments Department of State Department of Justice Department of the Auditor General Treasury Department Department of Internal Affairs Department of Public Instruction Department of Military Affairs Insurance Department Department of Banking Department of Agriculture Department of Forests and Waters Department of Mines Department of Highways Department of Health Department of Labor and Industry Department of Welfare Department of Property and Supplies Department of Revenue Department of Public Assistance [and] Department of Commerce and Department of Recreation and by the following independent administrative boards and commissions Pennsylvania Game Commission Pennsylvania Fish Commission State Civil Service Commission Pennsylvania Public Utility Commission and the Pennsylvania Historical and Museum Commission

All of the provisions of this act which apply generally to administrative departments or generally except to the Department of the Auditor General and the Treasury Department shall apply to the Executive Board and to the Pennsylvania State Police

Section 2 Section 206 of the act amended May 10 1939 (P. L. 101) is amended to read

Section 206 Department Heads Each administrative department shall have as its head an officer who shall either

personally by deputy or by the duly authorized agent or employe of the department and subject at all times to the provisions of this act exercise the powers and perform the duties by law vested in and imposed upon the department

(a) The following officers shall be the heads of the administrative departments following their respective titles  
Secretary of the Commonwealth of the Department of State

Attorney General of the Department of Justice  
Auditor General of the Department of the Auditor General

State Treasurer of the Treasury Department  
Secretary of Internal Affairs of the Department of Internal Affairs

Superintendent of Public Instruction of the Department of Public Instruction

Adjutant General of the Department of Military Affairs

Insurance Commissioner of the Insurance Department

Secretary of Banking of the Department of Banking

Secretary of Agriculture of the Department of Agriculture

Secretary of Forests and Waters of the Department of Forests and Waters

Secretary of Mines of the Department of Mines

Secretary of Highways of the Department of Highways

Secretary of Health of the Department of Health

Secretary of Labor and Industry of the Department of Labor and Industry

Secretary of Welfare of the Department of Welfare

Secretary of Property and Supplies of the Department of Property and Supplies

Secretary of Revenue of the Department of Revenue

Secretary of Public Assistance of the Department of Public Assistance

Secretary of Commerce of the Department of Commerce

Secretary of Recreation of the Department of Recreation

Section 3 Subsection (a) of section 207 of the act amended August 24 1951 (P. L. 1340) is amended to read

Section 207 Appointment The Governor shall nominate and by and with the advice and consent of two-thirds of all the members of the Senate appoint

(a) The Secretary of the Commonwealth the Attorney General the Superintendent of Public Instruction the Adjutant General the Insurance Commissioner the Secretary of Banking the Secretary of Agriculture the Secretary of Forests and Waters the Secretary of Mines the Secretary of Highways the Secretary of Health the Commissioner of the Pennsylvania State Police the Secretary of Labor and Industry the Secretary of Welfare the Secretary of Property and Supplies the Secretary of Revenue the Secretary of Public Assistance the Secretary of Commerce the Secretary of Recreation and the members of all independent administrative boards and commissions

The Adjutant General may have the rank of Major General of the Adjutant General's Department in the Pennsylvania National Guard or Pennsylvania Guard or the Governor may designate the ranking line officer of the Pennsylvania National Guard or Pennsylvania Guard or an officer of the Regular Army United States Navy United States Coast Guard or United States Marine Corps as Adjutant General Provided That should the ranking line officer be also appointed Adjutant General he shall receive only the salary provided by law for the Adjutant General And provided further That should the ranking line officer be called into the service of the United States a Deputy Adjutant General to be designated by the Governor shall act as Adjutant General during his absence No Adjutant General shall be appointed who shall not have served at least ten years as a commissioned officer in the Pennsylvania National Guard Pennsylvania Guard or equivalent length of service in the Regular Army of the United States United States Navy United States Coast Guard or United States Marine Corps or Officers Reserve Corps of the United States Army United States Navy Reserve United States Coast Guard Reserve or United States Marine Corps Reserve which service may be cumulative that is service in any one or more of the foregoing services may be added together

The Secretary of Health shall be a doctor of medicine licensed to practice medicine in Pennsylvania or eligible to be so licensed



\* \* \*

Section 4 Section 209 of the act amended April 28, 1949 (P. L. 776) is amended to read

Section 209 Compensation of the Governor Lieutenant Governor and the Heads of Departments Annual salaries shall be payable in equal semi-monthly installments as follows

To the Governor twenty-five thousand dollars  
To the Lieutenant Governor fifteen thousand dollars  
To the Secretary of the Commonwealth fifteen thousand dollars

To the Attorney General fifteen thousand dollars  
To the Auditor General fifteen thousand dollars  
To the State Treasurer fifteen thousand dollars  
To the Secretary of Internal Affairs fifteen thousand dollars

To the Superintendent of Public Instruction fifteen thousand dollars

To the Adjutant General fifteen thousand dollars

To the Insurance Commissioner fifteen thousand dollars

To the Secretary of Banking fifteen thousand dollars

To the Secretary of Agriculture fifteen thousand dollars

To the Secretary of Forests and Waters fifteen thousand dollars

To the Secretary of Mines fifteen thousand dollars

To the Secretary of Highways fifteen thousand dollars

To the Secretary of Health fifteen thousand dollars

To the Secretary of Labor and Industry fifteen thousand dollars

To the Secretary of Welfare fifteen thousand dollars

To the Secretary of Property and Supplies fifteen thousand dollars

To the Secretary of Revenue fifteen thousand dollars

To the Secretary of Public Assistance fifteen thousand dollars

To the Secretary of Commerce fifteen thousand dollars

To the Secretary of Recreation fifteen thousand dollars

Neither the Governor Lieutenant Governor nor the head of any administrative department shall receive any additional compensation for any services rendered to the Commonwealth in any capacity

Section 5 The act is amended by adding after Article XXV-B a new article to read

#### Article XXV-C

Powers and Duties of the Department of Recreation  
Section 2501-C Powers and Duties of the Department of Recreation The Department of Recreation shall have the power and its duty shall be

(1) To administer and carry out the provisions of the Recreation Law

(2) To take any other action authorized or required by this or any other law

And said bill having been read at length the third time, considered and agreed to.

On the question,  
Shall the bill pass finally

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows

#### YEAS—175

Adam,	Gaffney,	McGee,	Rubin,
Amarando,	Garlock,	McInroy,	Rudisill,
Anderson, M. S.,	Gelfand,	McKeever,	Sarra,
Anderson, S. A.,	George,	McLaughlin,	Scarcelli,
Auker,	Gibson,	McWhorter,	Schuster,
Barnatovich,	Gramlich,	Meholchick,	Sherman,
Bazin,	Greenwood,	Metz,	Sigman,
Bell,	Guss,	Mihm,	Smith, C. O.,
Blair,	Guthrie,	Mikula,	Smith, W. B.,
Boles,	Hamilton, R. K.,	Miller,	Snider,
Bonner,	Hass,	Mills,	Stank,
Boory,	Heavey,	Monroe,	Stebbins,
Bower,	Helm,	Moody,	Steckel,
Branca,	Hewitt,	Moran,	Stephens,
Breisch,	Hocker,	Muldowney,	Stevenson,
Brennan, A. P.,	Holt,	Mullen,	Stone,
Brennan, J. J.,	Horst,	Munley,	Stoner,
Breth,	Houk,	Murphy,	Stroup,
Bucchin,	Jenkins,	Murray, J. J.,	Swartz,

Bullen,	Johnson,	Murray, P. G.,	Taylor,
Capano,	Jones, G. E.,	Musto,	Thomas,
Cianfrani,	Jump,	Naugle,	Toll,
Cioffi,	Kamyk,	Needham,	Tompkins,
Cochran,	Kehler,	Ogilvie,	Toomey,
Comer,	Keller,	Olsen,	Varallo,
Connelly,	Kent,	O'Neill,	Vaughan,
Cooper,	Kline,	Pacchioli,	Verona,
Curwood,	Kolankiewicz,	Parry,	Wallace,
Davis,	Kooker,	Pashley,	Walsh,
Donahue,	Kornick,	Paulhamus,	Wargo,
Dougherty,	Lawyer,	Petrosky,	Waterhouse,
Down,	Leiby,	Pettigrew,	Weidner,
Ellberg,	Leonard,	Polaski,	Welsh,
Erb,	Leven,	Polen,	Wescott,
Farabaugh,	Limper,	Pomeroy,	Wheeler,
Filo,	Lippincott,	Price,	Whitenight,
Fineman,	Lopresti,	Pursley,	Williams,
Flint,	Lovett,	Readinger,	Worley,
Floyd,	Lutty,	Reibman,	Yetter,
Flynn,	Mahan,	Reidenbach,	Yetzer,
Foster,	Markley,	Renwick,	Young,
Frank,	Maxwell,	Rosen,	Ziegler,
Frascella,	McCann,	Rovansek,	Andrews,
Frost,	McCormack,	Royer,	Speaker

#### NAYS—32

Agnew,	Ewing,	Kratz,	Rigby,
Ashton,	Gibb,	Kromer,	Strausser,
Banker,	Goldstein,	Lafore,	Thompson,
Brenninger,	Haudenschild,	Leisey,	Varnier,
Brown,	Henzel,	Light,	Wall,
Donaldson,	Isaacs,	Magee,	Willaredt,
Ehrgood,	Jones, T. H. W.,	Moscip,	Wilt,
Eshleman,	Knecht,	Murray, H. P.,	Wood,

#### NOT VOTING—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

#### BILL ON FINAL PASSAGE

##### BILL PASSED OVER

There being no objection

Senate Bill No. 655, Printer's No. 498 was passed over at the request of the SPEAKER pro tempore.

#### BILL ON FINAL PASSAGE POSTPONED

##### TIME EXTENDED ON BILLS

Mr. FLINT asked and obtained unanimous consent to extend the time five days on House Bill No. 1128, Printer's No. 1263, on page 2 of today's calendar, bills on final passage postponed.

#### BILLS ON THIRD READING

##### BILLS PASSED OVER

There being no objection

House Bill No. 49, Printer's No. 1355

House Bill No. 217, Printer's No. 345

House Bill No. 231, Printer's No. 1318

House Bill No. 776, Printer's No. 1300 and

House Bill No. 821, Printer's No. 1321

were passed over at the request of the SPEAKER pro tempore.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1163, entitled as follows:



An Act amending the act of May 11, 1921 (P. L. 522) entitled as amended "An act relating to dogs and the protection of live stock poultry and game birds raised in captivity from damage by dogs providing for the licensing of dogs by the Secretary of Agriculture providing for the enumeration of dogs by assessors regulating the keeping of dogs and authorizing their destruction in certain cases providing for the protection of licensed dogs and for dogs temporarily imported for trial show and breeding purposes prescribing certain privileges for hunting dogs and dogs owned or used by the Board of Game Commissioners providing for the assessment of damages done to livestock poultry and game birds by dogs and for live stock killed by or dying from rabies and for the illegal killing of licensed dogs and the payment of such damages by the Commonwealth imposing powers and duties on certain State county city borough town and township officers and employes directing the payment of all moneys collected into the State Treasury and providing penalties" requiring identifying initial on license tags issued to kennels

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 11 act of May 11, 1921 (P. L. 522) known as the "Dog Law of 1921" amended June 12, 1941 (P. L. 122) is amended to read

Section 11 Any person who keeps or operates a kennel may in lieu of the license for each dog required by this act apply to the Department of Revenue or to the county treasurer for a kennel certificate entitling him to keep or operate such kennel The certificate shall describe the premises where the kennel is located and the actual number of dogs which are permitted to be kept within the kennel Such certificates shall be issued by the Department of Revenue or by the county treasurer on a form prepared and supplied by the Department of Revenue and shall entitle the person to keep any number of dogs six months old or over not at any time exceeding a certain number to be specified in the certificate The fee to be paid for each kennel certificate shall be ten dollars for ten dogs or less and twenty dollars for more than ten dogs permitted to be kept under the kennel certificates If the license is issued by the county treasurer the applicant shall also pay an additional fee of ten cents for the services of the county treasurer in issuing recording and reporting said kennel certificate to the Department of Revenue and remitting the license fee to the State Treasurer through the Department of Revenue With each kennel certificate the Department of Revenue or the county treasurer shall issue a number of metal tags equal to the number of dogs authorized to be kept in the kennel All such tags shall bear the name of the county where it is issued the number of kennel certificate with the initial "K" prefixed and shall be readily distinguishable from the individual license tags for the same year.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

#### YEAS—207

Adam,	Gaffney,	Magee,	Royer,
Agnew,	Garlock,	Mahan,	Rubin,
Amarando,	Gelfand,	Markley,	Rudisill,
Anderson, M. S.,	George,	Maxwell,	Sarra,
Anderson, S. A.,	Gibb,	McCann,	Scarcell,
Ashton,	Gibson,	McCormack,	Schuster,
Auker,	Goldstein,	McGee,	Sherman,
Banker,	Gramlich,	McInroy,	Sigman,
Barnatovich,	Greenwood,	McKeever,	Smith, O. C.,
Bazin,	Guss,	McLaughlin,	Smith, Wm. B.,
Bell,	Guthrie,	McWherter,	Snider,
Blair,	Hamilton, R. K.,	Meholchick,	Stank,
Boies,	Hamilton, W. H.,	Metz,	Stebbins,

Bonner,	Hass,	Mihm,	Steckel,
Boory,	Haudenshield,	Mikula,	Stephens,
Bower,	Heavey,	Miller,	Stevenson,
Branca,	Helms,	Mills,	Stone,
Brelsach,	Henzel,	Monroe,	Stoner,
Brennan, A. P.,	Hewitt,	Moody,	Strousser,
Brennan, J. J.,	Hocker,	Moran,	Stroup,
Brenninger,	Holt,	Moscrip,	Swartz,
Breth,	Horst,	Muldowney,	Taylor,
Brown,	Houk,	Mullen,	Thomas,
Bucchin,	Isaacs,	Munley,	Thompson,
Bullen,	Jenkins,	Murphy,	Toll,
Capano,	Johnson,	Murray, H. P.,	Tompkins,
Cianfrani,	Jones, G. E.,	Murray, J. J.,	Toomey,
Cioffi,	Jones, T. H. W.,	Murray, P. G.,	Varallo,
Oochran,	Jump,	Musto,	Varnar,
Comer,	Kamyk,	Naugle,	Vaughan,
Connelly,	Kehler,	Needham,	Verona,
Cooper,	Keller,	Ogilvie,	Wall,
Curwood,	Kent,	Olsen,	Wallace,
Davis,	Kline,	O'Neil,	Walsh,
Donahue,	Knecht,	Pacchioli,	Wargo,
Donaldson,	Kolankiewicz,	Parry,	Waterhouse,
Dougherty,	Kooker,	Pashley,	Weidner,
Down,	Kornick,	Paulhamus,	Welsh,
Ehrgood,	Kratz,	Petrosky,	Wescott,
Ellberg,	Kromer,	Pettigrew,	Wheeler,
Erb,	Kubacki,	Polaski,	Whitenight,
Eshleman,	Lafore,	Polen,	Willaredt,
Ewing,	Lawyer,	Pomeroy,	Williams,
Farabaugh,	Leiby,	Price,	Wilt,
Filo,	Lelsey,	Pursley,	Wood,
Fineman,	Leonard,	Readinger,	Worley,
Flint,	Leven,	Reibman,	Yetter,
Floyd,	Light,	Reidenbach,	Yetzer,
Flynn,	Limper,	Renwick,	Ziegler,
Foster,	Lippincott,	Rigby,	Young,
Frank,	Lopresti,	Rosen,	Andrews,
Frascella,	Lovett,	Rovansek,	Speaker
Frost,	Lutty,		

NAYS—0

NOT VOTING—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

#### BILLS PASSED OVER

There being no objection

House Bill No. 1176, Printer's No. 1352

House Bill No. 1226, Printer's No. 1353 and

House Bill No. 1385, Printer's No. 1324

were passed over at the request of the SPEAKER pro tempore.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1498 as follows:

An Act regulating advertising relative to the sale or offering for sale of merchandise commodities and service and providing for injunctive action against the violators thereof

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Whoever with intent to sell or in any wise dispose of merchandise securities service or any other thing or with intent to increase the consumption thereof or to induce the public in any manner to enter into any obligation relating thereto or to acquire title thereto or any interest therein makes publishes disseminates or causes directly or indirectly the same to be made published disseminated circulated or placed before the public in a newspaper or other publication in the form of a book notice handbill poster sign bill circular pamphlet or letter or over any radio or television station or other medium of wireless communication or in any other way similar or dissimilar to the foregoing an advertisement announce-



ment or statement of any sort regarding merchandise security investment service or anything so offered to the public or concerning the quantity quality value merit use present or former price cost reason for price motive for sale or concerning the method or cost of production or manufacture or the possession of rewards prizes or distinctions conferred regarding such merchandise security investment service or thing which advertisement contains any assertion representation or statement of fact which is untrue deceptive or misleading is engaged in unfair competition and trade practice

Section 2 Any person may maintain an action for an injunction or other process restraining or prohibiting any person from violating any of the provisions of this act and may ask that the violator be enjoined by the court from any further violations of any of the provisions of this law The action shall be instituted in the court of common pleas in any county where the alleged violation is committed the court may issue a temporary restraining order or injunction but shall determine any action on its merits as soon as possible whether in term or in vacation appeal from any final decision of the court to the superior or supreme court shall be as in similar cases in any action under this section except in cases of innocent mistakes or typographical errors the refusal by any person to sell or the refusal of any employee or agent of any person to sell at the price advertised or offered for sale any merchandise commodity service or thing shall be prima facie evidence of a violation of this section

And said bill having been read the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

## YEAS—206

Adam,	Gaffney,	Magee,	Royer,
Agnew,	Garlock,	Mahan,	Rubin,
Amarando,	Gelfand,	Markley,	Ruddisill,
Anderson, M. S.,	George,	Maxwell,	Sarrafi,
Anderson, S. A.,	Gibb,	McCann,	Scarecell,
Ashton,	Gibson,	McCormack,	Schuster,
Auker,	Goldstein,	McGee,	Sherman,
Barnatovich,	Gramlich,	McInroy,	Sigman,
Bazin,	Greenwood,	McKeever,	Smith, C. C.,
Bell,	Guss,	McLaughlin,	Smith, Wm. B.,
Blair,	Guthrie,	McWherter,	Snider,
Boles,	Hamilton, R. K.,	Meholchick,	Stank,
Bonner,	Hamilton, W. H.,	Metz,	Stebbins,
Boory,	Hass,	Mihm,	Steckel,
Bower,	Haudenschild,	Mikula,	Stephens,
Branca,	Heavey,	Miller,	Stevenson,
Breisch,	Helm,	Mills,	Stone,
Brennan, A. P.,	Henzel,	Monroe,	Stoner,
Brennan, J. J.,	Hewitt,	Moody,	Strausser,
Brenninger,	Hocker,	Moran,	Stroup,
Breth,	Holt,	Moscrip,	Swartz,
Brown,	Horst,	Muldowney,	Taylor,
Bucchin,	Houk,	Mullen,	Thomas,
Bullen,	Isaacs,	Munley,	Thompson,
Capano,	Jenkins,	Murphy,	Toll,
Cianfrani,	Johnson,	Murray, H. P.,	Tompkins,
Cioffi,	Jones, G. E.,	Murray, J. J.,	Toomey,
Cochran,	Jones, T. H. W.,	Murray, P. G.,	Varallo,
Comer,	Jump,	Musto,	Varner,
Connelly,	Kamyk,	Naugle,	Vaughan,
Cooper,	Kehler,	Needham,	Verona,
Curwood,	Keller,	Ogilvie,	Wall,
Davis,	Kent,	Olsen,	Wallace,
Donahue,	Kline,	O'Neill,	Walsh,
Donaldson,	Knecht,	Pacchioli,	Wargo,
Dougherty,	Kolankiewicz,	Parry,	Waterhouse,
Down,	Kooker,	Pashley,	Weidner,
Ehrgood,	Kornick,	Paulhamus,	Welsh,
Elberg,	Kratz,	Petrosky,	Wescott,
Erb,	Kromer,	Pettigrew,	Wheeler,
Eshleman,	Kubacki,	Polaski,	Whitenight,
Ewing,	Lafore,	Polen,	Willaredt,
Farabaugh,	Lawyer,	Pomeroy,	Williams,
Filo,	Leiby,	Price,	Wilt,
Fineman,	Lelsey,	Pursley,	Wood,
Flint,	Leonard,	Readinger,	Worley,
Floyd,	Leven,	Reibman,	Yetter,

Flynn,  
Foster,  
Frank,  
Frascella,  
Frost,

Light,  
Lamper,  
Lippincott,  
Lopresti,  
Lovett,  
Lutty,

Reidenbach,  
Renwick,  
Ragby,  
Rosen,  
Rovanssek,

Yetzer,  
Young,  
Ziegler,  
Andrews,  
Speaker

NAYS—1

Banker,

NOT VOTING—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1619, as follows:

An Act providing for the prevention and control of communicable and noncommunicable diseases including venereal diseases fixing responsibility for disease prevention and control requiring reports of diseases authorizing financial assistance to typhoid fever carriers and authorizing treatment of venereal diseases and providing for premarital and prenatal blood tests amending revising and consolidating the laws relating thereto and repealing certain acts

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Short Title

This act shall be known and may be cited as the "Disease Prevention and Control Law of 1955"

Section 2 Definitions

The following terms whenever used in this act have the meanings indicated in this section except where the context indicates a clearly different meaning

(a) Board The State Advisory Health Board

(b) Carrier A person who without any apparent symptoms of a communicable disease harbors a specific infectious agent and may serve as a source of infection

(c) Communicable Disease An illness due to an infectious agent or its toxic products which is transmitted directly or indirectly to a well person from an infected person animal or arthropod or through the agency of an intermediate host vector of the inanimate environment

(d) Department The State Department of Health

(e) Isolation The separation for the period of communicability of infected persons or animals from other persons or animals in such places and under such conditions as will prevent the direct or indirect transmission of the infectious agent from infected persons or animals to other persons or animals who are susceptible or who may spread the disease to others

(f) Local board or department of health The board of health or the department of public health of a city borough incorporated town or township of the first class or a county department of health or joint county department of health

(g) Local health officer The head of a local department of health

(h) Municipality A city borough incorporated town or township

(i) Quarantine The limitation of freedom of movement of persons or animals who have been exposed to a communicable disease for a period of time equal to the longest usual incubation period of the disease in such manner as to prevent effective contact with those not so exposed Quarantine may be complete or as defined below it may be modified or it may consist merely of surveillance or segregation

(1) Modified quarantine is a selected partial limitation of freedom of movement determined on the basis of differences in susceptibility or danger of disease transmission which is designed to meet particular situations Modified quarantine includes but is not limited to the exclusion of children from school and the prohibition or



the restriction of those exposed to a communicable disease from engaging in particular occupations

(2) Surveillance is the close supervision of persons and animals exposed to a communicable disease without restricting their movement

(3) Segregation is the separation for special control or observation of one or more persons or animals from other persons or animals to facilitate the control of a communicable disease

(j) Regulation Any rule or regulation issued by the Board or any ordinance rule or regulation enacted or issued by any municipality or county department of health or joint county department of health pursuant to this act

(k) Reportable disease (a) Any communicable disease declared reportable by regulation (b) any unusual or group expression of illness which in the opinion of the Secretary may be a public health emergency and (c) such now communicable diseases and conditions for which the Secretary may authorize reporting to provide data and information which in the opinion of the Advisory Health Board are needed in order effectively to carry out those programs of the Department designed to protect and promote the health of the people of the Commonwealth or to determine the need for the establishment of such programs

(1) Secretary The State Secretary of Health

Section 3 Responsibility for Disease Prevention and Control

(a) Local boards and departments of health shall be primarily responsible for the prevention and control of communicable and non-communicable disease including control in public and private schools in accordance with the regulations of the Board and subject to the supervision and guidance of the Department

(b) The Department shall be responsible for the prevention and control of communicable and non-communicable disease in any municipality which is not served by a local board or department of health including disease control in public and private schools

(c) If the Secretary finds that the disease control program carried out by any local board or department of health is so inadequate that it constitutes a menace to the health of the people within or without the municipalities served by the local board or department of health he may appoint agents of the Department to supervise or to carry out the disease control program of the particular local board or department of health until he determines that the menace to the health of the people no longer exists and that the local board or department of health is able to carry out an adequate disease control program. The Secretary shall require that any reasonable expenses incident to the administration of a local disease control program under this subsection which are incurred by the Department shall be paid to the State by the local board or department of health or by the municipalities or counties which it serves

Section 4 Reports

(a) Every physician who treats or examines any person who is suffering from or who is suspected of having a communicable disease or any person who is or who is suspected of being a carrier shall make a prompt report of the disease in the manner prescribed by regulation to the local board or department of health which serves the municipality where the disease occurs or where the carrier resides or to the Department if so provided by regulation

(b) The Department or local boards or departments of health may require the heads of hospitals and other institutions the directors of laboratories school authorities the proprietors of hotels roentgenologists lodging houses rooming houses or boarding houses nurses midwives householders and other persons having knowledge or suspicion of any communicable disease to make a prompt report of the disease in a manner prescribed by regulation to the local board or department of health which serves the municipality where the disease occurs or to the Department if so provided by regulation

(c) Local boards or departments of health shall make

reports of the diseases reported to them to the Department at such times and in such manner as shall be provided for by regulation

(d) Every physician or every person in charge of any institution for the treatment of diseases shall be authorized upon request of the Secretary to make reports of such diseases and conditions other than communicable diseases which in the opinion of the Advisory Health Board are needed to enable the Secretary to determine and employ the most efficient and practical means to protect and to promote the health of the people by the prevention and control of such diseases and conditions other than communicable diseases the reports shall be made upon forms prescribed by the Secretary and shall be transmitted to the Department or to local boards or departments of health as requested by the Secretary

Section 5 Control Measures

Upon the receipt by a local board or department of health or by the Department as the case may be of a report of a disease which is subject to isolation quarantine or any other control measure the local board or department of health or the Department shall carry out the appropriate control measures in such manner and in such place as is provided by rule or regulation

Section 6 Financial Assistance to Typhoid Fever Carriers and to Persons Subject to Isolation and Quarantine

(a) Any person who is found by the Department or by a local board or department of health to be a carrier of typhoid fever shall be eligible for financial assistance if the restrictions imposed pursuant to regulation prevent such person from earning a livelihood in the occupation in which he is customarily engaged or in which he has been trained and as a result he is in need of assistance to enable him to maintain for himself and his dependents a decent and healthful standard of living

(b) Any person who is isolated or quarantined by the Department or by a local board or department of health shall be eligible for financial assistance if as a result of the isolation or quarantine he becomes unable to maintain for himself and his dependents a decent and healthful standard of living during the period of isolation or quarantine

(c) The assistance program under this section shall be administered by the Department in accordance with regulations issued by the Board in consultation with the State Department of Public Assistance setting forth the standards of eligibility the amount and duration of assistance and any other relevant matters. Any local board or department of health may make recommendations to the Department for the granting of assistance to any person who is a resident of a municipality served by the local board or department of health

(d) The Secretary may on the basis of his own findings or upon recommendations of a local board or department of health suspend or terminate the assistance under this section if the recipient fails to comply with any of the restrictions imposed by regulation

(e) The Support Law of June 24 1937 (P L 2045) as amended and any reenactment thereof shall not apply to the assistance granted under this section

Section 7 Examination and Diagnosis of Persons Suspected of Being Infected with Venereal Disease Tuberculosis or any other Communicable Disease or of Being a Carrier

Whenever the Secretary or a local qualified medical health officer has reasonable grounds to suspect any person of being infected with a venereal disease tuberculosis or any other communicable disease or of being a carrier he shall require the person to undergo a medical examination and any other approved diagnostic procedure to determine whether or not he is infected with a venereal disease tuberculosis or any other communicable disease or is a carrier. In the event that the person refuses to submit to the examination the Secretary or the local qualified medical health officer may (1) cause the person to be quarantined until it is determined that he is not infected with a venereal disease tuberculosis or any other communicable disease or of being a carrier or (2) file a bill in equity in the court of common pleas of the county in



which the person is present to compel him to submit to the examination. The court immediately shall order the person to undergo an examination which may be performed by a physician of his own choice at his own expense. The examination shall include physical and laboratory tests performed in a laboratory approved by the Secretary and shall be conducted in accordance with accepted professional practices and the results thereof shall be reported to the local health board or health department on forms furnished by the Department of Health. Any person refusing to undergo an examination as herein provided may be committed by the court to an institution in this Commonwealth determined by the Secretary of Health to be suitable for the care of such cases.

#### Section 8 Venereal Disease

(a) Any person taken into custody and charged with any crime involving lewd conduct or a sex offense or any person to whom the jurisdiction of a juvenile court attaches may be examined for a venereal disease by a qualified physician appointed by the Department or by the local board or department of health.

(b) Any person convicted of a crime or pending trial who is confined in or committed to any State or local penal institution reformatory or any other house of correction or detention may be examined for venereal disease by a qualified physician appointed by the Department or by the local board or department of health.

(c) Any such persons noted in paragraph (a) or (b) of this section found upon such examination to be infected with any venereal disease shall be given appropriate treatment by duly constituted health authorities or their deputies or by the attending physician of the institution if any.

#### Section 9 Diagnosis and Treatment of Venereal Disease

(a) Except as provided in subsection (b) of this section the Department shall provide or designate adequate facilities for the free diagnosis including blood and other tests of venereal disease and for the free treatment of persons infected with venereal disease when necessary for the preservation of the public health.

(b) Upon approval of the Department any local board or department of health may undertake to share the expense of furnishing free diagnosis and free treatment of venereal disease or the local board or department of health may take over entirely or in part the furnishing of free diagnosis and free treatment of venereal disease with or without financial assistance from the Department.

**Section 10 Sale of Drugs for Venereal Diseases** The sale of drugs or other remedies for the treatment of venereal disease is prohibited except under prescription of physicians licensed to practice in this Commonwealth.

#### Section 11 Persons Refusing to Submit to Treatment for Venereal Diseases

(a) If the Secretary or any local health officer finds that any person who is infected with a venereal disease in a communicable stage refuses to submit to treatment approved by the Department or by a local board or department of health the Secretary or the local health officer may file a bill in equity in the court of common pleas of the county in which the person is present to commit such person to an appropriate institution designated by the Department or by the local board or department of health for safekeeping and treatment until the disease has been rendered non-communicable.

(b) Any county jail or other appropriate institution may receive persons who are isolated or quarantined by the Department or by a local board or department of health by reason of a venereal disease for the purpose of safekeeping and treatment. The Department or the local board or department of health shall reimburse any institution which accepts such persons at the rate of maintenance that prevails in such institution and shall furnish the necessary medical treatment to the persons committed to such institution.

#### Section 12 Premarital examination for syphilis

(a) No license to marry shall be issued until there shall be in the possession of the clerk of the orphans' court a statement or statements signed by a duly licensed physician of the Commonwealth of Pennsylvania or of any other State or Territory or any commissioned medical officer in the United States Army Navy or Air Force or any

physician of the Public Health Service of the Federal Government that the applicant within thirty days of the issuance of the marriage license has submitted to an examination to determine the existence or nonexistence of syphilis which examination has included a standard serological test or tests for syphilis and that in the opinion of the examining physician the applicant is not infected with syphilis or if so infected is not in a stage of the disease which is likely to become communicable. The physician's statement shall be accompanied by a statement from the person in charge of the laboratory making the test or from some other person authorized to make such statement setting forth the name of the test the date it was made the name and address of the physician to whom a report was sent and the exact name and address of the person whose blood was tested but not setting forth the result of the test.

(b) Any applicant for a marriage license who has been denied a physician's statement as required by this section shall have the right of appeal to the Department for a review of the case and the Department shall after appropriate investigation issue or refuse to issue a statement in lieu of the physician's statement required by subsection (a) of this section.

(c) The statements required of the physician who examined the applicant and of the person in charge of the laboratory which made the serological or other test shall be uniform throughout the State and shall be upon forms provided by the Department or upon any comparable forms provided by other states. These forms shall be filed by the clerk of the orphans' court separately from the applications for marriage licenses and shall be regarded as confidential by any and every person whose duty it may be to obtain make transmit or receive such information or report.

(d) It shall be unlawful for any applicant for a marriage license physician or representative of a laboratory to misrepresent any of the facts prescribed by this act or for any licensing officer failing to receive the statements prescribed by this act of having reason to believe that any of the facts therein have been misrepresented nevertheless to issue a marriage license or for any person to disregard the confidential character of the information or reports required by this act or for any other person otherwise to fail to comply with the provisions of this section.

(e) Any judge of an orphans' court within the county in which the license is to be issued is authorized and empowered on joint application by both applicants for a marriage license to waive the requirements as to medical examination laboratory tests and certificates and to authorize the clerk of the orphans' court to issue the license if all other requirements of the marriage laws have been complied with and the judge is satisfied by affidavit or other proof that the examination or tests are contrary to the tenets or practices of the religious creed of which the applicant is an adherent and that the public health and welfare will not be injuriously affected thereby.

#### Section 13 Prenatal Examination for Syphilis

(a) Every physician who attends treats or examines any pregnant woman for conditions relating to pregnancy during the period of gestation or at delivery shall take or cause to be taken unless the woman dissents a sample of blood of such woman at the time of first examination or within fifteen days thereof and shall submit the sample to an approved laboratory for an approved serological test for syphilis. All other persons permitted by law to attend pregnant women but not permitted by law to take blood samples shall unless the woman dissents likewise cause a sample of the blood of every such pregnant woman attended by them to be taken by a physician licensed to practice in this Commonwealth and submit it to an approved laboratory for an approved serological test. In the event of dissent it shall be the duty of the physician to explain to the pregnant woman the desirability of such a test. The serological test required by this section shall be made without charge by the Department upon the request of the physician submitting the sample if he submits a certificate that the patient is unable to pay.

(b) In reporting every birth and fetal death physicians and others required to make such reports shall state upon the certificate whether or not the blood test required by this section was made. If the test was made the date of the



test shall be given if the test was not made it shall be stated whether it was not made because in the opinion of the physician the test was not advisable or because the woman dissented

**Section 14 Diagnostic Tests for Venereal Diseases** For the purpose of this act a standard or approved test procedure for each of the venereal diseases shall be a test approved by the Department and if a laboratory test is part of the approved procedure it shall be made in a laboratory approved to make such tests by the Department

**Section 15 Confidentiality of Reports and Records** State and local health authorities may not disclose reports of diseases any records maintained as a result of any action taken in consequence of such reports or any other records maintained pursuant to this act or any regulations to any person who is not a member of the Department or of a local board or department of health except where necessary to carry out the purposes of this act State and local health authorities may permit the use of data contained in disease reports and other records maintained pursuant to this act or any regulation for research purposes subject to strict supervision by the health authorities to insure that the use of the reports and records is limited to the specific research purposes

#### **Section 16 Rules and Regulations**

(a) The Board may issue rules and regulations with regard to the following

(1) the communicable and non-communicable diseases which are to be reportable

(2) the methods of reporting of diseases the contents of reports and the health authorities to whom diseases are to be reported

(3) the communicable diseases which are to be subject to isolation quarantine or other control measures

(4) the duration of the periods of isolation and quarantine

(5) the enforcement of isolation quarantine and other control measures

(6) the immunization and vaccination of persons and animals

(7) the prevention and control of disease in public and private schools

(8) the regulation of carriers

(9) the advertisement of treatment prophylaxis diagnosis and cure of venereal diseases and the information which physicians must convey to persons being treated for a venereal disease in a communicable stage

(10) financial assistance for typhoid carriers

(11) the prevention and control of non-communicable diseases and

(12) any other matters it may deem advisable for the prevention and control of disease and for carrying out the provisions and purposes of this act

(b) The Secretary shall from time to time review the rules and regulations and make recommendations to the Board for any changes which he deems advisable

(c) Municipalities which have boards or departments of health or county departments of health may enact ordinances or issue rules and regulations relating to disease prevention and control which are not less strict than the provisions of this act or the rules and regulations issued thereunder by the Board Local ordinances rules or regulations relating to disease prevention and control which are in effect on the effective date of this act shall not be deemed to be repealed unless they are less strict than the provisions of this act or the rules and regulations issued thereunder by the Board

#### **Section 17 Saving Clause**

The provisions of this act so far as they are the same as those of acts repealed by this act are intended as a continuation of such acts and not as new enactments The provisions of this act shall not affect anything done or any right accrued or affect any suit or prosecution pending or to be instituted to enforce any right or penalty or punish any offense under the authority of any act repealed by this act All rules and regulations issued by the Board pursuant to any act repealed by this act shall continue until changed with the same force and effect as if such acts had not been repealed

#### **Section 18 Severability**

If any provision of this act or the application of any provision to particular circumstances is held invalid the remainder of the act or the application of such provision to other circumstances shall not be affected

#### **Section 19 Penalties Prosecutions and Disposition of Fines**

(a) Any person afflicted with communicable tuberculosis quarantined or caused to be quarantined in a State institution who leaves without the consent of the medical director of the institution is guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) or undergo imprisonment for not less than thirty days nor more than six months or both

(b) Any person afflicted with communicable tuberculosis quarantined or caused to be quarantined under the provisions of this act in a State institution who leaves without the consent of the medical director of the institution may be apprehended and returned thereto by any sheriff constable or police officer or any health officer at the expense of the county

(c) Whoever delivers or causes to be delivered any alcoholic or other intoxicating or narcotic substance to any patient in any State sanatoria used for the treatment of tuberculosis without the knowledge of the medical director thereof is guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not less than twenty-five dollars (\$25) nor more than fifty dollars (\$50) or to undergo imprisonment for not less than fifteen days nor more than three months or both

#### **Section 20 Penalties Prosecutions and Disposition of Fines**

(a) Any person who violates any of the provisions of this act or any regulation shall for each offense upon conviction thereof in a summary proceeding before any magistrate alderman or justice of the peace in the county wherein the offense was committed be sentenced to pay a fine of not less than twenty-five dollars (\$25) and not more than three hundred dollars (\$300) together with costs and in default of payment of the fine and costs to be imprisoned in the county jail for a period not to exceed thirty (30) days

(b) Prosecutions may be instituted by the Department by a local board or department of health or by any person having knowledge of a violation of any provisions of this act or any regulation

(c) Any fine imposed for a violation occurring in a municipality which has its own local board or department of health shall be paid to the municipality Any fine imposed for a violation occurring in a municipality served by a county department of health shall be paid to the county wherein the offense was committed All other fines shall be paid into the General Fund of the Commonwealth This disposition of fines shall be controlling regardless of the party instituting the prosecution

#### **Section 21 Specific Repeals**

The following acts and all amendments thereto are hereby repealed absolutely

(1) The act approved the first day of April one thousand eight hundred thirty-four (P. L. 161) entitled "An act to protect the citizens of this Commonwealth from injuries arising from Mad Dogs running at large"

(2) The act approved the fifth day of June one thousand nine hundred thirteen (P. L. 443) entitled "An act for the prevention of blindness by requiring the reporting of cases of ophthalmia neonatorum (inflammation of the eyes of infants) by physicians midwives and others and requiring the reporting of results of treatment of each case of said disease and fixing a penalty for violation thereof"

(3) The act approved the twenty-sixth day of April one thousand nine hundred twenty-one (P. L. 299) Act No 150 entitled "An act requiring the examination and treatment for venereal diseases of prisoners convicted of crime or pending trial and authorizing the State Department of Health to make suitable rules and regulations for its enforcement"

(4) The act approved the sixteenth day of May one



thousand nine hundred twenty-one (P. L. 636) entitled "A supplement to an act approved the twenty-second day of June one thousand eight hundred and ninety-one (P. L. three hundred and seventy-nine) entitled 'An act to provide for the selection of a site and the erection of a State asylum for the chronic insane to be called the State Asylum for the Chronic Insane of Pennsylvania and making an appropriation therefor' providing for the quarantine and for the reception detention care and treatment at said asylum of persons suffering with syphilis and for their commitment thereto and providing for the payment of the cost of commitment care and maintenance of such persons in the same manner as insane persons"

(5) The act approved the twenty-eighth day of June one thousand nine hundred twenty-three (P. L. 888) entitled "An act to safeguard human life and health throughout the Commonwealth by providing for the reporting quarantining and control of diseases declared communicable by this act or by regulation of the Department of Health providing for the prevention of infection and prescribing penalties"

(6) The act approved the twenty-fourth day of March one thousand nine hundred twenty-seven (P. L. 60) entitled "An act to amend sections nine and ten of the act approved the twenty-eighth day of June one thousand nine hundred twenty-three (P. L. 888) entitled 'An act to safeguard human life and health throughout the Commonwealth by providing for the reporting quarantining and control of diseases declared communicable by this act or by regulation of the Department of Health providing for the prevention of infection therefrom and prescribing penalties'"

(7) The act approved the twentieth day of May one thousand nine hundred thirty-seven (P. L. 751) entitled "An act to amend sections one two three and section nine as amended of the act approved the twenty-eighth day of June one thousand nine hundred twenty-three (P. L. 888) entitled 'An act to safeguard human life and health throughout the Commonwealth by providing for the reporting quarantining and control of diseases declared communicable by this act or by regulation of the Department of Health providing for the prevention of infection therefrom and prescribing penalties' by eliminating lists of communicable diseases and giving authority to the Department of Health to declare by regulation what diseases are communicable or communicable and quarantinable shortening reports required of physicians in such cases clarifying the duration of placarding and empowering the Department of Health to obtain additional information from local health authorities"

(8) The act approved the fifteenth day of June one thousand nine hundred thirty-nine (P. L. 363) entitled "An act to amend sections two three four and six of the act approved the fifth day of June one thousand nine hundred and thirteen (P. L. 443) entitled 'An act for the prevention of blindness by requiring the reporting of cases of ophthalmia neonatorum (inflammation of the eyes of infants) by physicians midwives and others and requiring the reporting of results of treatment of each case of said disease and fixing a penalty for violation thereof' by imposing duties on public health nurses social workers county medical directors and physicians and increasing penalties for violation of said act"

(9) The act approved the twenty-fourth day of June one thousand nine hundred thirty-nine (P. L. 808) entitled "An act for the prevention of congenital syphilis providing for and regulating the taking of serological tests of certain women pregnant with child and requiring notation thereof on the birth and stillbirth certificates of their children imposing duties upon the Department of Health and upon physicians and other persons attending women pregnant with child and imposing penalties"

(10) The act approved the eleventh day of April one thousand nine hundred forty-five (P. L. 203) entitled "An act to provide assistance for typhoid fever carriers and persons having typhoid fever carriers in their households and imposing certain responsibilities upon the Secretary of Health the Secretary of Public Assistance and the Secretary of Welfare in connection therewith"

(11) The act approved the sixteenth day of May one thousand nine hundred forty-five (P. L. 577) entitled "An act for the prevention control and cure of venereal diseases by requiring certain persons to submit to physical examination and blood tests providing for the treatment of certain persons requiring reports to be made to the State Department of Health imposing duties upon and authorizing and directing the Secretary of Health to make rules and regulations and to disseminate certain information regulating the advertisement and restricting the sale of certain drugs and remedies and imposing penalties"

(12) The act approved the eighth day of May one thousand nine hundred forty-seven (P. L. 177) entitled "An act to amend section two of the act approved the eleventh day of April one thousand nine hundred forty-five (P. L. 203) entitled 'An act to provide assistance for typhoid fever carriers and persons having typhoid fever carriers in their households and imposing certain responsibilities upon the Secretary of Health the Secretary of Public Assistance and the Secretary of Welfare in connection therewith' by fixing the date on which financial assistance shall begin"

(13) The act approved the tenth day of June one thousand nine hundred forty-seven (P. L. 491) entitled "An act to amend section five of the act approved the sixteenth day of May one thousand nine hundred forty-five (P. L. 577) entitled 'An act for the prevention control and cure of venereal diseases by requiring certain persons to submit to physical examination and blood tests providing for the treatment of certain persons requiring reports to be made to the State Department of Health imposing duties upon and authorizing and directing the Secretary of Health to make rules and regulations and to disseminate certain information regulating the advertisement and restricting the sale of certain drugs and remedies and imposing penalties' authorizing county jails to receive persons under quarantine and providing for reimbursement by the Commonwealth"

(14) The act approved the twenty-fourth day of August one thousand nine hundred fifty-one (P. L. 1333) entitled "An act to amend sections one two three and five of the act approved the fifth day of June one thousand nine hundred and thirteen (P. L. 443) entitled 'An act for the prevention of blindness by requiring the reporting of cases of ophthalmia neonatorum (inflammation of the eyes of infants) by physicians midwives and others and requiring the reporting of results of treatment of each case of said disease and fixing a penalty for violation thereof' by adding county departments of health or joint-county departments of health to the health authorities to which cases of ophthalmia neonatorum must be reported"

(15) The act approved the twenty-sixth day of September one thousand nine hundred fifty-one (P. L. 1499) entitled "An act to amend sections one and two as amended sections four five six seven and eight and sections nine and ten as amended of the act approved the twenty-eighth day of June one thousand nine hundred and twenty-three (P. L. 888) entitled 'An act to safeguard human life and health throughout the Commonwealth by providing for the reporting quarantining and control of diseases declared communicable by this act or by regulation of the Department of Health providing for the prevention of infection therefrom and prescribing penalties' by changing the method of approval of communicable disease regulations by the advisory health board and by adding counties which have established a county department of Health or joint-county department of health to the political subdivisions required or empowered to perform certain duties relating to the reporting quarantining and control of diseases declared communicable by law or regulation"

#### Section 22 General Repealer

All other acts and parts of acts inconsistent herewith are hereby repealed.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.



On the question,

Shall the bill pass finally?

Mr. GOLDSTEIN. Mr. Speaker. I desire to interrogate the gentleman from Allegheny, Dr. Sarraf.

The SPEAKER pro tempore. Will the gentleman from Allegheny, Mr. Sarraf consent to be interrogated?

Mr. SARRAF. I shall, Mr. Speaker.

Mr. GOLDSTEIN. Mr. Speaker, what is the purpose of this bill?

Mr. SARRAF. Mr. Speaker, this bill was presented to me by the Department in order to increase, or lessen the possibility of people with communicable diseases, especially syphilis, from propagating the disease by marrying and having defective children.

Mr. GOLDSTEIN. Mr. Speaker, isn't it a fact that on page 16 of this bill the purpose is exactly the opposite?

The bill provides that any Judge of an Orphans' Court can waive the blood test, and the result of this will be to make it possible for people who suffer from syphilis or other diseases to get a license without a test.

I will read from page 16.

Any Judge of an Orphans' Court within the county in which the license is to be issued is authorized and empowered on joint application by both applicants for a marriage license to waive the requirements as to medical examination.

Isn't that true, Mr. Speaker?

Mr. SARRAF. I am reading the section that the gentleman speaks of, page 16, section (E). Only where it is contrary to a religious creed can they do this, Mr. Speaker. There are some faith-healers who are asking this particular option or grant in this matter. We inserted this because of their religious belief.

Mr. GOLDSTEIN. I thank the gentleman, Mr. Speaker.

Sometime ago the House adopted a bill passed by the Senate, which allowed individuals to obtain marriage licenses even though they had been suffering from a communicable disease, such as syphilis. I understand that bill has been called to the attention of the Governor and since that time has been recalled.

Now, for the enlightenment of the Members of this House, the general Act was passed at the suggestion of the United States Health Department many years ago, I believe by Dr. Thomas Parran of Pittsburgh, who was the leader of that department. The purpose was to prevent the spread of disease, and for us to pass a bill of this character, which would allow an individual who says it is against his religious tenets to have a medical examination, would be defeating the purpose of the legislation we have had on our books. I think it is bad legislation and would tend to increase disease in Pennsylvania. We should make everybody submit to a blood test.

Mr. SARRAF. Mr. Speaker, because of this particular amendment, which deals only with the Christian Science believers, I think it is very poor policy to pick that one section out and not pass this bill, because this bill, for the greater part of the state and the greater part of the people throughout the state, does not break down any of the procedure that we already have in taking blood tests, and making sure of containing syphilis in our people and in marriages. I see no reason why, because of the amendment which deletes a portion and allows those people this privilege, we should let the bill fall.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

#### YEAS—159

Adam,	Flynn,	Magee,	Rovansek,
Agnew,	Frank,	Mahan,	Rubln,
Amarando,	Frascella,	Maxwell,	Rudisall,
Anderson, M. S.,	Frost,	McCann,	Sarraf,
Anderson, S. A.,	Gaffney,	McCormack,	Scarcelli,
Barnatovich,	Garlock,	McGee,	Schuster,
Bazin,	Gelfand,	McKeever,	Sherman,
Bell,	Gibb,	McLaughlin,	Sigman,
Blair,	Greenwood,	McWherter,	Smith, C. O.,
Boles,	Guthrie,	Meholchick,	Smith, Wm. B.,
Bonner,	Hamilton, R. K.,	Metz,	Stank,
Boory,	Hamilton, W. H.,	Mihm,	Stebbins,
Bower,	Hass,	Mikula,	Steckel,
Branca,	Heavey,	Miller,	Stephens,
Brennan, A. P.,	Helms,	Mills,	Stone,
Brennan, J. J.,	Hewitt,	Monroe,	Stroup,
Brenninger,	Holt,	Moran,	Swartz,
Breth,	Horst,	Muldowney,	Taylor,
Bucchin,	Jenkins,	Mullen,	Thomas,
Bullen,	Johnson,	Munley,	Toll,
Capano,	Jones, G. E.,	Murray, J. J.,	Tompkins,
Cianfrani,	Jones, T. H. W.,	Murray, P. G.,	Varallo,
Cloffi,	Jump,	Musto,	Vaughan,
Cochran,	Kamyk,	Naugle,	Verona,
Comer,	Kehler,	Needham,	Wall,
Connelly,	Kent,	Olsen,	Wallace,
Cooper,	Kilne,	O'Neil,	Walsh,
Curwood,	Kolankiewicz,	Pacchioli,	Wargo,
Davis,	Kornick,	Parry,	Weidner,
Donaldson,	Kratz,	Pashley,	Welsh,
Dougherty,	Kromer,	Paulhamus,	Wescott,
Down,	Kubacki,	Petrosky,	Wheeler,
Ehrgood,	Lawyer,	Pettigrew,	Williams,
Elberg,	Leonard,	Polaski,	Wood,
Erb,	Leven,	Polen,	Worley,
Eshleman,	Limper,	Price,	Yetter,
Farabaugh,	Lippincott,	Readinger,	Yetzer,
Filo,	Lopresti,	Reidenbach,	Young,
Fineman,	Lovett,	Renwick,	Andrews,
Flint,	Lutty,	Rigby,	Speaker
Floyd,		Rosen,	

#### NAYS—48

Ashton,	Guss,	Light,	Snider,
Auker,	Haudenshield,	Markley,	Stevenson,
Banker,	Henzel,	McInroy,	Stoner,
Brelsich,	Hocker,	Moody,	Strausser,
Brown,	Houk,	Moscrip,	Thompson,
Donahue,	Isaacs,	Murphy,	Toomey,
Ewing,	Keller,	Murray, H. P.,	Varnier,
Foster,	Knecht,	Ogilvie,	Waterhouse,
George,	Kooker,	Pomeroy,	Whitenight,
Gibson,	Lafore,	Pursley,	Willaredt,
Goldstein,	Leiby,	Reibman,	Wilt,
Gramlich,	Lelsey,	Royer,	Ziegler,

#### NOT VOTING—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

#### PARLIAMENTARY INQUIRY

Mr. HOCKER. I rise to a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. HOCKER. Mr. Speaker, what do the Rules of this House say in regard to a roll call on a controversial bill such as the last two that were just passed?

The SPEAKER pro tempore. In answer to the gentleman's inquiry, the request for a roll call at length comes too late with respect to those two bills. Had he requested slow roll calls, they would have been granted at that



time. With respect to those two bills, the gentleman's request is too late.

Mr. HOCKER. That is not my question.

The SPEAKER pro tempore. The gentleman will please restate his question.

Mr. HOCKER. The question was, what do the Rules of this House say in regard to a roll call on a controversial bill?

The SPEAKER pro tempore. In answer to the gentleman, the Rules state that the roll shall be called at length in full.

Mr. HOCKER. Mr. Speaker, I don't object to taking a short roll call on a bill which is not controversial, but when you have half of this House standing up and counting noses, then I object to it. I think you are going pretty far afield.

### RECONSIDERATION OF VOTE ON HOUSE BILL No. 1864

Mr. BOIES. Mr. Speaker, I move that the vote by which House Bill No. 1864, Printer's No. 1125, entitled:

"An Act amending 'The Vehicle Code' approved May 1, 1929, (P. L. 905) further regulating the use of registration plates warning devices and flags and clarifying the designation of 'No Passing Zones'".

was defeated on final passage, Monday, January 30, 1956, be reconsidered.

Mr. CAPANO. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from Allegheny, Mr. Boies vote on the final passage of this bill?

Mr. BOIES. Mr. Speaker, I voted with the prevailing side.

The SPEAKER. How did the gentleman from Washington, Mr. Capano vote on the final passage of this bill?

Mr. CAPANO. Mr. Speaker, I voted with the prevailing side.

On the question,

Will the House agree to the motion?

It was agreed to.

On the question recurring,

Shall the bill pass finally?

### BILL POSTPONED

Mr. BOIES. Mr. Speaker, I move that this bill be placed on the final passage postponed calendar.

The motion was agreed to.

### PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. SARRAF asked and obtained permission for the Committee on Ways and Means to meet during the session of the House.

### BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1644 as follows,

An Act providing for the construction transportation installation maintenance making use and inspection of tanks and containers for liquefied compressed gases except liquefied petroleum gas prohibiting the filling or refilling of the tanks and containers unless designed for the purpose authorizing the Department of Labor and Industry to prescribe uniform regulations for the carrying out of the provisions of this act requiring fees for permits and providing penalties

On the question,

Will the House agree to the bill on third reading?

### BILL RECOMMITTED

Mr. RENWICK. Mr. Speaker, I move that this bill be recommitted to the Committee on Agriculture.

The motion was agreed to.

The SPEAKER pro tempore. The Chair might inform the House that the reason some of these bills are being passed over is because of the fact that the Republican Members have not had an opportunity to caucus on them.

### BILLS PASSED OVER

There being no objection

House Bill No. 1756, Printer's No. 1359;

House Bill No. 1757, Printer's No. 1360;

House Bill No. 1782, Printer's No. 1114;

House Bill No. 1829, Printer's No. 1203;

House Bill No. 1839, Printer's No. 1120 and

House Bill No. 1854, Printer's No. 1362

were passed over at the request of the SPEAKER pro tempore.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1859, entitled as follows,

An Act amending the act of December 5, 1936 (1937 P. L. 2897), entitled "An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies with personnel (with certain exceptions) selected on a civil service basis; requiring employers to keep records and make reports, and certain employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons; providing procedure and administrative details for the determination, payment and collection of such contributions and the payment of such compensation; providing for cooperation with the Federal Government and its agencies; creating certain special funds in the custody of the State Treasurer; and prescribing penalties," making a further exception to ineligibility for compensation.

On the question,

Will the House agree to the bill on third reading?

### BILL RECOMMITTED

Mr. CAPANO. Mr. Speaker, I move that this bill be recommitted to the Committee on Workmen's Compensation.

The motion was agreed to.

### BILLS PASSED OVER

There being no objection

House Bill No. 1886, Printer's No. 1364

House Bill No. 1892, Printer's No. 1330

House Bill No. 1894, Printer's No. 1232

House Bill No. 1899, Printer's No. 1331 and

House Bill No. 1928, Printer's No. 1365

were passed over at the request of the SPEAKER pro tempore.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1929 as follows:



An Act amending the act of July 18, 1917 (P. L. 1043) entitled "An act establishing a public school employees' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing employees defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon boards having the employment of public school employees exempting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" correcting the names of certain institutions

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The first paragraph and clause 1 of section 3 act of July 18, 1917 (P. L. 1043) entitled "An act establishing a public school employees' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing employees defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon boards having the employment of public school employees exempting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" amended January 14, 1952 (P. L. 1881) are amended to read

#### Employees' Retirement Association

Section 3 A public school employees' retirement association is hereby organized the membership of which shall consist of the following

1 All present employees including employees in the [Pennsylvania Institution for the Instruction of the Blind Overbrook Philadelphia Pennsylvania the Western Pennsylvania Institution for the Blind Pittsburgh Pennsylvania the Pennsylvania Institution for the Deaf and Dumb Mount Airy Philadelphia Pennsylvania and the Western Pennsylvania Institution for the Instruction of the Deaf and Dumb Wilkesburg Pennsylvania Overbrook School for the Blind Overbrook Philadelphia Pennsylvania the Western Pennsylvania School for Blind Children Pittsburgh Pennsylvania the- Pennsylvania School for the Deaf Mount Airy Philadelphia Pennsylvania and the Western Pennsylvania School for the Deaf Edgewood Pittsburgh Pennsylvania except those specifically excluded by paragraph three of this section who by written application to the Superintendent of Public Instruction shall elect before the first day of July nineteen hundred and fifty-three to be covered by the retirement system Provided That such employee shall at the time of making such application pay into the School Employees' Retirement Fund to the credit of the employees' annuity savings account as provided for in paragraph number six of section eight of this act an amount equal to what would have been at that date the contributions from the salary of such employee had the election to be covered by the retirement system been made prior to the first day of July nineteen hundred and nineteen

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

#### YEAS—207

Adam,	Gaffney,	Magee,	Royer,
Agnew,	Garlock,	Mahan,	Rubin,
Amarante,	Gelfand,	Markley,	Rudisill,
Anderson, M. S.,	George,	Maxwell,	Sarraf,
Anderson, S. A.,	Gibb,	McCann,	Scarcelll,
Ashton,	Gibson,	McCormack,	Schuster,

Auker,	Goldstein,	McGee,	Sherman,
Banker,	Gramlich,	McInroy,	Sigman,
Barnatovich,	Greenwood,	McKeever,	Smith, C. C.
Bazin,	Guss,	McLaughlin,	Smith; Wm. B.,
Bell,	Guthrie,	McWherter,	Snider,
Blair,	Hamilton, R. K.,	Meholchick,	Stank,
Boles,	Hamilton, W. H.,	Metz,	Stebbins,
Bonner,	Hass,	Mihm,	Steckel,
Boory,	Haudenschild,	Mikula,	Stephens,
Bower,	Heavey,	Miller,	Stevenson,
Branca,	Helm,	Mills,	Stone,
Brelsach,	Henzel,	Monroe,	Stoner,
Brennan, A. P.,	Hewitt,	Moody,	Strausser,
Brennan, J. J.,	Hocker,	Moran,	Stroup,
Brenninger,	Holt,	Moscrip,	Swartz,
Breth,	Horst,	Muldowney,	Taylor,
Brown,	Houk,	Mullen,	Thomas,
Buccin,	Isaacs,	Munley,	Thompson,
Bullen,	Jenkins,	Murphy,	Toll,
Capano,	Johnson,	Murray, H. P.,	Tompkins,
Cianfrani,	Jones, G. E.,	Murray, J. J.,	Toomey,
Cloffi,	Jones, T. H. W.	Murray, P. G.,	Varallo,
Cochran,	Jump,	Musto,	Vanner,
Comer,	Kamyk,	Naugle,	Vaughan,
Connelly,	Kehler,	Needham,	Verona,
Cooper,	Keller,	Ogilvie,	Wall,
Curwood,	Kent,	Olsen,	Wallace,
Davis,	Kilne,	O'Neill,	Walsh,
Donahue,	Knecht,	Pacchioli,	Wargo,
Donaldson,	Kolankiewicz,	Parry,	Waterhouse,
Dougherty,	Kooker,	Pashley,	Weidner,
Down,	Kornick,	Paulhamus,	Welsh,
Ehrgood,	Kratz,	Petrosky,	Wescott,
Ellberg,	Kromer,	Pettigrew,	Wheeler,
Erb,	Kubacki,	Polaski,	Whitenight,
Eshleman,	Lafore,	Polen,	Willaredt,
Ewing,	Lawyer,	Pomeroy,	Williams,
Farabaugh,	Leiby,	Price,	Wilk,
Filo,	Lelsey,	Pursley,	Wood,
Fineman,	Leonard,	Readinger,	Worley,
Flint,	Leven,	Reibman,	Yetter,
Floyd,	Light,	Reidenbach,	Yetter,
Flynn,	Limper,	Renwick,	Young,
Foster,	Lippincott,	Rigby,	Ziegler,
Frank,	Lopresti,	Rosen,	Andrews,
Frascella,	Lovett,	Rovansek,	Speaker
Frost,	Lutty,		

NAYS—0

NOT VOTING—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1932, entitled:

An Act amending the act of July 12, 1935 (P. L. 677) entitled "An act to fix the status of officers and employees of the Commonwealth and political subdivisions thereof while in training with the armed forces of the United States" including members of the United States Air Corps

On the question,

Will the House agree to the bill on third reading?

Mr. A. PATRICK BRENNAN. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

Amend Title, page 1, last line of Title, by striking out "Corps" and inserting in lieu thereof "Force."

Amend Sec. 1 (Sec. 1), page 2, line 8, by striking out "or Air."

Amend Sec. 1 (Sec. 1), page 2, line 8, by inserting after "Corps" or Air Force.

The SPEAKER. Will the House give unanimous consent



to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

#### BILLS PASSED OVER

There being no objection

House Bill No. 1939, Printer's No. 1266

House Bill No. 1940, Printer's No. 1267 and

House Bill No. 1957, Printer's No. 1281

were passed over at the request of the SPEAKER pro tempore.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1960, entitled:

An Act to provide revenue for Commonwealth purposes by imposing an excise tax on net income as defined by individual residents and nonresidents of the Commonwealth and of estates and trusts fixing the rate of tax thereon providing for the reporting of income payment of tax interest and penalties and installments of estimated tax collection of tax at the source assessments collections liens reviews appeals refunds and penalties and conferring powers and imposing duties upon the Department of Revenue public officers fiduciaries employers corporations partnerships associations and individuals.

On the question,

Will the House agree to the bill on third reading?

Mr. READINGER. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

Amend Section 446, page 28, line 9, by inserting after "whom" it was.

Amend Section 502, page 44, line 19, by inserting after "intent" that.

The SPEAKER. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

#### BILLS PASSED OVER

There being no objection

House bill No. 1974, Printer's No. 1340 and

House Bill No. 1975, Printer's No. 1366

were passed over at the request of the SPEAKER pro tempore.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1977, entitled:

An Act regulating the sale and distribution of mixed fertilizers and fertilizer materials imposing powers and duties on the Secretary of Agriculture and prescribing penalties.

On the question,

Will the House agree to the bill on third reading?

#### BILL RECOMMITTED

Mr. READINGER. Mr. Speaker, I move that this bill be recommitted to the Committee on Agriculture for the purpose of further study.

The motion was agreed to.

#### BILLS PASSED OVER

There being no objection

Senate Bill No. 235, Printer's No. 121

Senate Bill No. 257, Printer's No. 328

Senate Bill No. 383, Printer's No. 492 and

Senate Bill No. 524, Printer's No. 339

were passed over at the request of the SPEAKER pro tempore.

Agreeably to order,

The House proceeded to the third reading and consideration of Senate Bill No. 530 entitled:

An Act limiting the period within which petitions for the assessment of damages may be filled or action for damages commenced for injury to or taking of private land property or material or any interest therein by political subdivisions or by authorities created by political subdivisions in the exercise of their power of eminent domain

On the question,

Will the House agree to the bill on third reading?

Mr. SNIDER. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

Amend Title, page 1, line 4 by striking out the word "or".

Amend Title, page 1, line 5 by inserting after the word "subdivisions" the words: "or by corporations".

Amend Section 2, page 2, line 6 by inserting after the word "authority" the words: "or by any corporation".

Amend Section 2, page 2, line 10 by striking out "the" and inserting in lieu thereof the word "such" and after the word "authority" inserting the words: "or corporation".

Amend Section 3, page 3, line 10 by inserting after the word "authority" the words: "or a corporation".

The SPEAKER. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

#### BILLS PASSED OVER

There being no objection



Senate Bill No. 543, Printer's No. 231;  
Senate Bill No. 646, Printer's No. 224;  
Senate Bill No. 688, Printer's No. 353 and  
Senate Bill No. 698, Printer's No. 349

were passed over at the request of the SPEAKER pro tempore.

Agreeably to order,

The House proceeded to the third reading and consideration of Senate Bill No. 697, as follows:

An Act amending the act of April 18, 1949 (P. L. 512) entitled "An act relating to the administration and distribution of decedents' estates trust estates minors' estates and absentees' estates both as to real and personal property and the procedure relating thereto including the disposition of such estates or portions thereof and the determination of title thereto without the appointment of a fiduciary in certain cases the appointment bond removal and discharge of fiduciaries of such estates their powers duties and liabilities the rights of persons dealing with such fiduciaries and the rights of persons claiming an interest in such estates or in property distributed therefrom whether as claimants or distributees and containing provisions concerning guardians of the person of minors the powers duties and liabilities of sureties and of foreign fiduciaries the abatement survival and control of actions and rights of action and the presumption of death and also generally dealing with the jurisdiction powers and procedure of the orphans' court and of the register of wills in all matters relating to fiduciaries" revising and changing provisions relating to first complete advertisement of the grant of letters payment of accrued pensions without letters amount of estates distributed on petition family exemptions place for grant of letters inventory and appraisal and objections thereto claims against decedents against personal representatives and against decedents' property awards to nonresident beneficiaries presumption of release or extinguishment amount of minors' estates administered without guardian and exercise of powers by foreign fiduciaries

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 102 act of April 18, 1949 (P. L. 512) known as the "Fiduciaries Act of 1949" is amended by adding after clause (7) a new clause to read

Section 102 Definitions The following words when used in this act unless the context clearly indicates otherwise shall have the meanings ascribed to them in this section

(8) "First complete advertisement of the grant of letters" in counties having no legal publication means the first of the three times that the grant of letters is advertised in a newspaper and in counties having a legal publication it means when it has been advertised on at least one occasion in both the newspaper and in the legal publication

Section 2 Section 201 202 211 301 the heading of Article IV sections 401 402 and 403 of the act are amended to read

Section 201 Payment of Wages [or] Salary or Pension to Family Any employer of a person dying domiciled in the Commonwealth at any time after the death of the employee whether or not a personal representative has been appointed may pay wages [or] salary or any accrued pension due the deceased in an amount not exceeding two hundred and fifty dollars due to the deceased employee to the spouse any child the father or mother or any sister or brother (preference being given in the order named) of the deceased employee Any employer making such a payment shall be released to the same extent as if payment had been made to a duly appointed personal representative of the decedent and he shall not be required to see to the application thereof Any person to whom payment is made shall be answerable therefor to any one prejudiced by an improper distribution

Section 202 Settlement of Small Estates on Petition When any person dies domiciled in the Commonwealth owning property (exclusive of real estate and of wages

[or] salary or any accrued pension payable under section 201 but including personal property claimed as the family exemption) of a gross value not exceeding [one thousand] fifteen hundred dollars the orphans' court of the county wherein the decedent was domiciled at the time of his death upon petition of any party in interest in its discretion with or without appraisal and with such notice as the court shall direct and whether or not letters have been issued or a will probated may direct distribution of the property (including wages [or] salary or any accrued pensions not paid under section 201) to the parties entitled thereto The decree of distribution so made shall constitute sufficient authority to all transfer agents registrars and others dealing with the property of the estate to recognize the persons named therein as entitled to receive the property to be distributed without administration and shall in all respects have the same effect as a decree of distribution after an accounting by a personal representative Within one year after such a decree of distribution has been made any party in interest may file a petition to revoke it because an improper distribution has been ordered If the court shall find that an improper distribution has been ordered it shall revoke the decree and shall direct restitution as equity and justice shall require

Section 211 When Allowable The spouse of any decedent dying domiciled in the Commonwealth and if there be no spouse or if he has forfeited his rights then such children as [form a part of the decedent's] are members of the same household as the decedent may retain or claim as an exemption [and as a reasonable requirement for support during the settlement of the estate] either real or personal property or both not theretofore sold by the personal representative to the value of seven hundred and fifty dollars The surviving husband or wife shall be a competent witness as to all matters pertinent to the issue of forfeiture of the right to the exemption

Section 301 Proper County Letters testamentary or of administration on the estate of a decedent domiciled in the Commonwealth at the time of his death shall be granted only by the register of the county where the decedent had his last family or principal residence If the decedent had no such domicile in the Commonwealth letters testamentary or of administration may be granted by the register of any county wherein property of the estate shall be located and when granted shall be exclusive throughout the Commonwealth If the decedent had no such domicile in the Commonwealth and had no property located therein and service of process is to be made in the Commonwealth upon his personal representative as authorized by law then letters testamentary or of administration on his estate may be granted by the register of any county of the Commonwealth and when granted shall be exclusive throughout the Commonwealth

#### Article IV

##### Inventory [and Appraisal]

##### Section 401 Duty of Personal Representative

(a) General Assets Within three months after his appointment every personal representative shall file with the register an inventory [and appraisal] verified by his affidavit of all real and personal estate of the decedent except real estate outside of the Commonwealth Provided That an ancillary personal representative shall include therein only assets for which he is responsible

(b) Real Estate Outside of Commonwealth The inventory shall include at the end a memorandum of real estate outside of the Commonwealth The memorandum at the election of the personal representative may indicate the value of each item of real estate included therein but the values so fixed shall not be extended into the total of the inventory or included as real estate in subsequent accountings

Section 402 Valuations [Appraisers] The personal representative shall determine and state in figures opposite each item of the inventory its fair value as of the date of the decedent's death [based upon a just appraisal of each item made by two or more appraisers who shall be sworn well and truly and without prejudice or parti-



ality to appraise the assets of the estate to the best of their skill and judgment]

Section 403 Supplemental Inventory Whenever any property not included in the inventory [and appraisement] comes to the knowledge of the personal representative he shall file within thirty days of its discovery a supplemental inventory [and appraisement] thereof with the register

Section 3 Article IV of the act is amended by adding after section 404 a new section to read

Section 405 Objections to Inventory Objections to the inventory may be made by any party in interest at any time up to and including the time fixed by rule of court for making objections to the first account of the personal representative Such objections in the discretion of the court may be heard at the audit of the account Objections to the inventory also may be made in the form of objections to the account

Section 4 Sections 613 and 731 of the act are amended to read

Section 613 Statutes of Limitations Claims Not Barred at Death The death of a person shall not stop the running of the statute of limitations applicable to any claim against him but a claim which otherwise would be barred within one year after the death of the decedent shall not be barred until the expiration of one year after his death Nothing in this section shall be construed to shorten the period which would have been allowed by any applicable statute of limitations if the decedent had continued to live

Section 731 Estates Not Exceeding [One Thousand] Fifteen Hundred Dollars When the gross real and personal estate of a decedent does not exceed the value of [one thousand] fifteen hundred dollars the personal representative after the expiration of one year from the date of the first complete advertisement of the grant of letters may present his petition to the court with an annexed account showing the administration and proper distribution of the estate Thereupon the court upon satisfactory proof of notice to all known parties in interest may order the discharge of the personal representative and his sureties from future liability without the expense of proceedings as in a formal account The court may discharge only the surety from future liability and may allow the personal representative to continue without surety upon condition that no further assets shall come into the possession of the personal representative until he files another bond with sufficient surety as required by the register

Section 5 Section 732 of the act amended August 17, 1951 (P. L. 1258) is amended to read

Section 732 At Risk of Personal Representative

(a) Rights of Claimants Against Personal Representative A personal representative at his own risk and without the filing audit or confirmation of his account may distribute real or personal property [or real estate] and such distribution shall be without liability to any claimant against the decedent who has not given notice of his claim as provided by this act within one year after the first complete advertisement of the grant of letters to [him] such personal representatives or thereafter but prior to such distribution [Except on liens of record existing at the time of death no claimant who has not given such notice shall have any claim as to the property so distributed]

(b) Rights of Claimants Against Distributed Property

(1) Personal Property No claimant shall have any claim against personal property distributed by a personal representative at his own risk pursuant to subsection (a) hereof unless such claimant has given notice of his claim to the personal representative as provided by this act within one year after the first complete advertisement of the grant of letters or thereafter but prior to such distribution

(2) Real Property No claimant shall have any claim against real property conveyed by a personal representative in distribution at his own risk pursuant to subsection

(a) hereof unless such claimant within one year after the decedent's death files a written notice of his claim with the clerk Such claim against real property shall expire at the end of five years after the decedent's death unless within that time the personal representative files

an account or the claimant files a petition to compel an accounting

(3) Liens and Charges Existing at Death Nothing in this section shall be construed as affecting any lien or charge which existed at the time of the decedent's death on his real or personal property

Section 6 Article VII of the act is amended by adding after section 736 a new section to read

Section 737 Award to Nonresident Beneficiary When the court believes that a beneficiary who is not a resident of the United States its territories or possessions would not have the actual use enjoyment or control of the money or other property distributable to him the court shall have the power and authority to direct the personal representative (1) to make only such payments to the beneficiary as the court directs or (2) to convert the distributive share into cash and pay it through the Department of Revenue into the State Treasury without escheat to be held for the benefit of such beneficiary The court which directed payment to the State Treasury upon petition of the person entitled to such funds and upon being satisfied that petitioner will have the actual possession benefit use enjoyment or control thereof shall enter a decree directing the Board of Finance and Revenue to make repayment with interest at two per centum per annum from the date the money was paid into the State Treasury to the date of repayment

Section 7 Subsection (a) of section 804 section 983 and the first paragraph of section 1001 of the act are amended to read

Section 804 Presumption of Payment Release or Extinguishment

(a) Lapse of Twenty Years When (1) for twenty years after the same or any part thereof becomes due no payment has been made on account of a dower recognizance legacy annuity instalment or other charge created by will agreement inter vivos trust or court decree upon real property or (2) no proceeding has been brought or no written acknowledgment of the existence thereof or no written promise to pay the same has been made within such period by the owner or owners of the property subject to the charge a release or extinguishment thereof shall be presumed and the charge shall thereafter be irrevocable

\* \* \*

Section 983 Notice Audits Reviews and Distribution The provisions concerning accounts audits reviews distributions and rights of distributees in trust estates shall be the same as those set forth in this act for the administration of a decedent's estate with regard to the following

#### ACCOUNTS

- (1) Notice to parties in interest as in section 703
- (2) Representation of parties in interest as in section 704

#### AUDITS

- (3) Audits in counties having a separate orphans' court as in section 711
- (4) Audits in counties having no separate orphans' court as in section 712
- (5) Statement of proposed distribution as in section 713
- (6) Confirmation of accounts and approval of proposed distribution as in section 714

#### REVIEWS

- (7) Rehearing—Relief granted as in section 721

#### DISTRIBUTION

- (8) Award upon final confirmation of account as in section 733
- (9) Distribution in kind as in section 734
- (10) Recording and registering decree awarding real estate as in section 736
- (10.1) Award to nonresident beneficiary as in section 737

#### RIGHTS OF DISTRIBUTEES

- (11) Liability for interest as in section 754
- (12) Transcripts of balances due as in section 755



Section 1001 When Guardian Unnecessary When the entire real and personal estate wherever located of a resident or nonresident minor has a net value of [one thousand] fifteen hundred dollars or less all or any part of it may be received and held or disposed of by the minor or by the parent or other person maintaining the minor without the appointment of a guardian or the entry of security in any of the following circumstances

Section 8 Subsection (1) of section 1101 of the act amended August 17, 1951 (P. L. 1258) is amended to read

Section 1101 In General A foreign fiduciary may institute proceedings in the Commonwealth (subject to the conditions and limitations imposed on nonresident suitors generally) and may exercise all the other powers of a similar local fiduciary but a foreign personal representative shall have no such power when there is an administration in the Commonwealth Except in the case of powers with respect to securities for which special provision is made in section 1102 the maintenance of a proceeding or the exercise of any other power by a foreign fiduciary shall be subject to the following additional conditions and limitations

(1) Copy of appointment The foreign fiduciary shall file with the register of the county where the power is to be exercised or the proceeding is instituted or the property concerning which the power is to be exercised is located an exemplified copy of his appointment or other qualification in the foreign jurisdiction together with an exemplified copy of the will or other instrument if any in pursuance of which he has been appointed or qualified and when he is an executor administrator cta testamentary trustee or testamentary guardian and wishes to exercise a power [granted by a will] with respect to Pennsylvania real estate the will must be admitted to probate in Pennsylvania as required by law

Section 9 This act shall take effect January 1, 1956

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were as follows:

#### YEAS—207

Adam,	Frost,	Magee,
Agnew,	Gaffney,	Mahan,
Amarando,	Garlock,	Markley,
Anderson, M. S.,	Gelfand,	Maxwell,
Anderson, S. A.,	George,	McCann,
Ashton,	Gibb,	McCormack,
Auker,	Gibson,	McGee,
Banker,	Goldstein,	McInroy,
Barnatovich,	Gramlich,	McKeever,
Bazin,	Greenwood,	McLaughlin,
Bell,	Guss,	McWherter,
Blair,	Guthrie,	Meholchick,
Boies,	Hamilton, R. K.,	Metz,
Bonner,	Hass,	Mihm,
Boory,	Haudensfield,	Mikula,
Bower,	Heavey,	Miller,
Branca,	Helm,	Mills,
Breisch,	Henzel,	Monroe,
Brennan, A. P.,	Hewitt,	Moody,
Brennan, J. J.,	Hocker,	Moran,
Brenninger,	Holt,	Moscrip,
Breth,	Horst,	Muldowney,
Buechlin,	Houk,	Mullen,
Brown,	Isaacs,	Munley,
Bullen,	Jenkins,	Murphy,
Capano,	Johnson,	Murray, H. P.,
Cianfrani,	Jones, G. E.,	Murray, J. J.,
Cloffi,	Jones, T. H. W.,	Murray, P. G.,
Cochran,	Jump,	Musto,
Comer,	Kamyk,	Naugle,
Connelly,	Kehler,	Needham,
Cooper,	Keller,	Ogilvie,
Curwood,	Kent,	Olsen,
Davis,	Kline,	O'Neill,
Donahue,	Knecht,	Pacchioli,
Donaldson,	Kolankiewics,	Parry,
Dougherty,	Kooker,	Pashley,

Down,  
Ehrgood,  
Ellberg,  
Erb,  
Eshleman,  
Ewing,  
Farabaugh,  
Filo,  
Fineman,  
Flint,  
Floyd,  
Flynn,  
Foester,  
Frank,  
Frascella,

Kornick,  
Kratz,  
Kromer,  
Lafore,  
Lawyer,  
Leiby,  
Lelsey,  
Leonard,  
Leven,  
Light,  
Lidmer,  
Lippincott,  
Lopresti,  
Lovett,  
Lutty,

Paulhamus,  
Petrosky,  
Pettigrew,  
Polaski,  
Polen,  
Pomeroy,  
Price,  
Pursley,  
Readinger,  
Reibman,  
Reidenbach,  
Renwick,  
Rigby,  
Rosen,  
Rovanset,

Welsh,  
Wescott,  
Wheeler,  
Whitnigh,  
Willaredt,  
Williams,  
Wilt,  
Wood,  
Worley,  
Yetter,  
Yetzer,  
Young,  
Ziegler,  
Andrews,  
Speaker

NAYS—0

NOT VOTING—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House of Representatives has passed the same without amendment.

#### BILLS PASSED OVER

There being no objection

Senate Bill No. 797, Printer's No. 499;

Senate Bill No. 830, Printer's No. 436;

Senate Bill No. 831, Printer's No. 437 and

Senate Bill No. 832, Printer's No. 438

were passed over at the request of the SPEAKER pro tempore.

#### PERMISSION TO ADDRESS HOUSE

Mr. READINGER asked and obtained unanimous consent to address the House.

In order that the membership of the House may be fully informed concerning the planned procedure for the balance of the week, I would like to state that tomorrow will probably be a consent calendar.

A lot of the Members at the moment either have not come back for today's session or will not be here tomorrow for one reason or another, but the tax bills which have been introduced and which will be reported from Committee today and be read for the first time will be before this House for final passage on Thursday of this week.

When the resolution for reconvening next week was adopted sometime ago, you noted we are fixing next Tuesday as the time to come back, instead of Monday. We are doing that because if we don't have the Members of this House here on Thursday when we go into session at 1:00 o'clock, we are going to send for the Members; we are going to stay here until they are brought in so that they may vote on these tax bills.

We certainly hope the need of doing that does not arise, but all these who are not here today or tomorrow, or those we cannot contact personally today, will be contacted by telephone, wire or some other way so they know we mean business about voting on these bills Thursday.

We hope we can finish the session on Thursday no later than 6:00 o'clock so that most of you can go home and not return until the following Tuesday. Also, if we know by Thursday of this week that there is no impelling reason why all the membership should be here next Tuesday, we will so inform you and have a consent calendar on Tues-



day and Wednesday of next week. We will do that, if possible, but we ask your cooperation on Thursday of this week we may have everybdy present who is not ill, or kept away through a death, or some other very important reason.

### RESOLUTION

#### COMMEMORATING LINCOLN'S BIRTHDAY

Mr. WORLEY offered a resolution and asked and obtained unanimous consent for its immediate consideration.

The resolution was read, considered and adopted as follows:

In the House of Representatives, February 7, 1956.

February 12, 1956, is the one hundred forty-seventh anniversary of the birth of Abraham Lincoln, sixteenth president of the United States, who is frequently known as the "Great Emancipator."

President Lincoln is well known for several great accomplishments. His Gettysburg Address is often called the peak of American eloquence. Reference in the address to "government of the people, by the people, and for the people" is still the best of all descriptions of the United States system of government.

President Lincoln's Emancipation Proclamation was his final accomplishment in his long opposition to human slavery. It showed his deep respect and appreciation of all men.

Mr. Lincoln's rise to the presidency from an humble beginning by hard work and honest effort has long inspired youth the world over. It is a true example of what can be accomplished in this country by the combination of great ability and the willingness to work hard for success; therefore be it

Resolved, That this House of Representatives hereby respectfully acknowledge the great deeds and accomplishments and the inspiring leadership of our sixteenth president, Abraham Lincoln on the anniversary of his birth.

### QUESTION OF INFORMATION

Mr. AUKER. Mr. Speaker, I rise to a question of information.

The SPEAKER pro tempore. The gentleman will state it.

Mr. AUKER. Mr. Speaker, probably this should be addressed to the Majority Floor Leader.

The SPEAKER pro tempore. Does the gentleman desire to interrogate the Majority Floor Leader?

Mr. AUKER. Yes, Mr. Speaker.

The SPEAKER pro tempore. Will the Majority Leader permit himself to be interrogated?

Mr. READINGER. I shall, Mr. Speaker.

Mr. AUKER. I would like to ask, since a consent calendar has been announced for tomorrow, whether all bills that have been passed over today will also be passed over tomorrow, Mr. Speaker.

Mr. READINGER. Mr. Speaker, I can hardly answer that question for the reason that some of the bills passed over today were at the request of the Minority Leader. I believe the minority has not had an opportunity to caucus on certain ones. If during the rest of the day or before tomorrow they find there is no opposition at all on the minority side, I would be inclined to move such bills.

However, if the gentleman does not want to be here and will specify the numbers of the bills he wants passed over, we will certainly pass them over.

Mr. AUKER. Very well, Mr. Speaker, I shall give my Leader all the bills on which I would like to be recorded

as voting "no." What you do with the rest of them, I don't care.

### RESOLUTION

#### CONDOLENCE

Mr. GAFFNEY, Mrs. REIBMAN, Messrs. PACCHIOLI and BUCCHIN offered a resolution and asked and obtained unanimous consent for its immediate consideration.

The resolution was read, considered and adopted as follows:

In the House of Representatives, February 7, 1956.

Henry K. VanSickle, 54, former Northampton County district attorney and assemblyman, died on January 16, 1956 at his residence, 1602 Ferry Street, Wilson, Pennsylvania. Although he had been in failing health for more than a year his death was unexpected and shocked many people.

Mr. VanSickle was born in Easton on July 8, 1901, a son of the late Joseph S. and Olive Reich VanSickle. He was educated in Easton public schools and was graduated from Lafayette College in 1924, and Dickinson Law School at Carlisle in 1928. He was admitted to the bar on September 8, 1928.

The young lawyer started his association with the Smith-Paff law firm before he went to law school as a clerk and practiced with the firm until 1946 when he became a member of the firm known as Smith, Paff, VanSickle and Cafford. The firm was dissolved after Smith died December 22, 1953 and Paff died September 23, 1955.

Mr. VanSickle's law practice was curtailed somewhat in the last year of his illness but he continued to go to his office frequently and practiced in court as recently as last month. He had been a member of the Northampton County Bar since 1928.

The most notable cases prosecuted while he was district attorney were the Easton vice cases, in which nine leaders of a vice ring were convicted. The cases were appealed to the Pennsylvania Supreme Court but the convictions were upheld and the power of the vice ring in Easton and eastern part of the county was broken.

Mr. VanSickle was a Democratic assemblyman from the county's second district for two terms, from 1934 to 1938 and was district attorney from 1940 to 1944. In the House of Representatives he was very active being Chairman of the Manufactures Committee, member of the powerful Appropriations and Ways and Means Committees and of the Judiciary General, Public Utilities and Welfare Committees.

He was a member of the County Board of Viewers, a member of the Easton Lions Club and St. Jane Frances de Chantal Church in Wilson. He formerly was associated with a number of political organizations.

Mr. VanSickle is survived by his widow, the former Sarah McCormick, a daughter, Mrs. William Russo and two grandchildren, and a sister, Mrs. Ada Reilly.

The life of Henry K. VanSickle was a model of diligence, honesty, humility and self-sacrifice. His wise and valuable counsel, both as an individual and attorney, was sought by his associates in all walks of life. His generosity and kindness to others was evidenced by his extensive and relentless efforts to help his fellow citizens and the community on every possible occasion; therefore be it

Resolved, That the House of Representatives of the Commonwealth of Pennsylvania hereby extends its heartfelt sympathy and condolences to his widow Mrs. Sarah McCormick VanSickle and her family; and be it further

Resolved, That a copy of this resolution be sent to the bereaved widow.

### PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. LOPRESTI asked and obtained permission for the



Committee on Elections and Apportionment to meet during the session of the House.

### REPORTS FROM COMMITTEES

Mr. STANK from the Committee on Elections and Apportionment, reported as committed, House Bill No. 472, entitled:

An Act regulating publication of lawful contributions to, or lawful expenditures by, candidates for elective office; and prescribing penalties.

Mr. STANK from the Committee on Elections and Apportionment, reported as committed, House Bill No. 1242, entitled:

An Act to amend subsection (b) of the "Pennsylvania Election Code" \* \* \* by removing prohibition against unincorporated associations making political contributions.

Mr. GARLOCK from the Committee on Agriculture and Dairy Industries, reported as committed, House Bill No. 1978, entitled:

An Act relating to and defining food; providing for the protection of the public health, the prevention of fraud and deception, by prohibiting the manufacture, offering for sale, exposing for sale, or having in possession with intent to sell, adulterated, misbranded or deleterious foods, conferring powers and imposing duties upon State and county officials, and providing penalties.

Mr. SARRAF from the Committee on Ways and Means, reported as committed, House Bill No. 2009, entitled:

An Act to provide revenue for Commonwealth purposes by imposing a tax on the sale, use, storage or other consumption of certain tangible personal property, \* \* \*

Mr. SARRAF from the Committee on Ways and Means, reported as committed, House Bill No. 2010, entitled:

An Act imposing a tax on persons engaged in the business of operating hotels, inns, apartment hotels, motels, tourist homes, restaurants, cafes, public eating places, public drinking places, clubs and catering establishments.

Mr. KOLANKIEWICZ from the Committee on Rules, reported as committed, House Resolution No. 152.

### BILLS ON FIRST READING

Mr. SARRAF asked and obtained unanimous consent for House Bill No. 2009 to be read for the first time.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2009, entitled:

An Act to provide revenue for Commonwealth purposes by imposing a tax on the sale, use, storage or other consumption of certain tangible personal property; providing for licenses, reports, payment and collection of tax interest and penalties, assessments, collections, liens, reviews and appeals; conferring powers and imposing duties upon the Department of Revenue, public officers, manufacturers, wholesalers, retailers, corporations, partnerships, associations and individuals and making an appropriation.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Mr. SARRAF asked and obtained unanimous consent for House Bill No. 2010 to be read for the first time.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2010, entitled:

An Act imposing a tax on persons engaged in the business of operating hotels, inns, apartment hotels, motels, tourist homes, restaurants, cafes, public eating places, public drinking places, clubs and catering establishments; prescribing the manner of collecting the tax measured by gross receipts from sales of food, drinks and lodgings; imposing duties on and prescribing powers of the Department of Revenue; and fixing penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

### SENATE MESSAGE

#### CONCURRENCE IN HOUSE RESOLUTION

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives as follows:

In the House of Representatives, February 3, 1956.

Resolved (if the Senate concur) that House Bill No. 970, Printer's No. 275, entitled "An act amending the Act of May 1, 1929 (P. L. 905) entitled 'An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds' by changing requirements and penalties concerning lamps and illuminating devices," be recalled from the Governor for the purpose of amendment.

### SENATE MESSAGE

#### AMENDED SENATE RESOLUTION CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives to Senate Resolution as follows:

In the Senate, February 6, 1956.

Resolved (the House of Representatives concurring), That when the Senate adjourns this week, it reconvene Monday, February 13, 1956 at a time to be fixed by the Senate, and when the House of Representatives adjourns this week, it reconvene Tuesday, February 14, 1956, at a time to be fixed by the House of Representatives.

#### PERMISSION TO ADDRESS HOUSE

Mr. READINGER asked and obtained unanimous consent to address the House.

Mr. Speaker, I have learned I fell into error a little while ago in speaking about the session on Thursday of this week.



It is planned to call the session for 11:00 o'clock in the morning and not at 1:00 o'clock.

Letters are going to be sent to every Member so that there will be no confusion about it. When you get back home, those of you who don't go home until the end of the week, will get the letter.

#### COMMITTEE MEETINGS

ELECTIONS AND APPORTIONMENT, Mr. Lopresti, Chairman, Room 329, Wednesday, February 8th, at 11:30 a.m.

JUDICIARY, Mr. Lopresti, Chairman, Room 520, Wednesday, February 8th, at 10:00 a.m.

LABOR RELATIONS, Mr. Moran, Chairman, Room 323, Wednesday, February 8th, at 12:00 noon.

#### ADJOURNMENT

Mr. LOPRESTI. Mr. Speaker, I move that this House do now adjourn until Wednesday, February 8, 1956 at 2:00 p.m.

The motion was agreed to, and (at 3:49 p.m.) the House adjourned.



# Legislative Journal.

Session 1955.

141st of the General Assembly.

Vol. 34.

HARRISBURG, PA., WEDNESDAY, FEBRUARY 8, 1956.

No. 136.

## HOUSE OF REPRESENTATIVES

WEDNESDAY, FEBRUARY 8, 1956

The House met at 2:00 p. m.

The SPEAKER (Hiram G. Andrews) in the Chair.

### PRAYER

The Chaplain, Reverend Harold J. Crouse, Pastor of Trinity Lutheran Church, York, offered the following prayer:

Almighty God whose wise providence watches over every human event, be a light and a counsel to these representatives here assembled. Give them courage above anything else. Courage to stand up for their convictions before men. Courage against unkindness, mockery, contradictions, against troubles and temptations. Strengthen them with Thy love and Thy grace. O Lord, help us all in the right fulfillment of our duties. We beseech Thee to direct every moment and action of our living.

Forbid that anyone of us should treat freedom too lightly. Call to our memory the ever faithful heroic souls who have fought and died that freedom might not perish from the earth. Conquer every evil power with Thine all pervading Spirit that would destroy this last best hope of men.

God grant us peace in our day. May all our words and actions be such as makes for peace. Speak so loudly of Thy way and will that even the dumbest of us can hear. In the name of Jesus we pray, Amen.

### JOURNAL APPROVAL POSTPONED

The SPEAKER. If there is no objection, the approval of the Journal for Tuesday, February 7, 1956 will be postponed until printed. The Chair hears none.

### WEST SHORE HIGH SCHOOL STUDENTS WELCOMED

The SPEAKER. The Chair welcomes to the Hall of the House a delegation of students from the West Shore High School of Cumberland County, under the supervision of their teachers Miss Hazel Brown and Mr. Lewis Edwards. They are the guests of the gentleman from Cumberland, Mr. Stoner.

### BILLS INTRODUCED AND REFERRED

By Mr. WILLIAMS. HOUSE BILL No. 2012.

An Act making an appropriation to the Department of Mines for expenses of supervising and administering the Anthracite Mine Drainage Program.

Referred to the Committee on Mines and Mining.

By Mr. A. PATRICK BRENNAN.

HOUSE BILL No. 2013.

An Act amending the act of March 10, 1949 (P. L. 30), entitled "An act relating to the public school system, including certain provisions applicable as well to private and parochial schools; amending, revising, consolidating and changing the laws relating thereto," providing for advance payments, reimbursements and tuition in the case of area technical schools.

Referred to the Committee on Education.

By Messrs. A. PATRICK BRENNAN and

WILLAREDT.

HOUSE BILL No. 2014.

An Act amending the act of May 1, 1933 (P. L. 103), entitled "An act concerning townships of the second class; and amending, revising, consolidating, and changing the law relating thereto," authorizing the supervisors to exercise powers with respect to the creation of offices and departments and employment of personnel.

Referred to the Committee on Cities—Counties—Second and Second Class A.

By Mr. BELL (By request). HOUSE BILL No. 2015.

An Act amending the act of June 24, 1931 (P. L. 1206), entitled "An act concerning townships of the first class; amending, revising, consolidating, and changing the law relating thereto," further regulating the publication of ordinances.

Referred to the Committee on Townships.

By Messrs. BELL and MURPHY.

HOUSE BILL No. 2016.

An Act relating to condemnation proceedings; requiring the filing of plans and imposing duties on the recorder of deeds.

Referred to the Committee on Judiciary.

By Messrs. JOHN J. MURRAY, JENKINS and  
EWING.

HOUSE BILL No. 2017.

An Act amending the act of May 1, 1929 (P. L. 905) entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles,



and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," further regulating the passing of school buses and prescribing penalties.

Referred to the Committee on Motor Vehicles.

### SENATE MESSAGE

#### SENATE BILLS FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence, bills numbered and entitled as follows:

##### SENATE BILL No. 333.

An Act amending the act of January 18, 1952 (P. L. 2111) entitled "An act to provide for minimum compensation and increments for administrators and members of the faculty of State Teachers Colleges providing for leaves of absence imposing certain duties upon the Boards of Trustees and Presidents of State Teachers Colleges and the Superintendent of Public Instruction and repealing inconsistent laws" increasing the minimum compensation and increments and changing conditions of payment.

Referred to the Committee on Education.

##### SENATE BILL No. 857.

An Act authorizing cities of the first class and the members of the paid fire fighting force to enter into written contracts concerning wages and conditions of employment.

Referred to the Committee on Cities—Counties First Class.

##### SENATE BILL No. 913.

An Act amending the "Borough Rural State Highway Law" adding new routes in Carnegie Borough Allegheny County.

Referred to the Committee on Highways.

### SENATE MESSAGE

#### AMENDED SENATE BILL CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives to Senate bill numbered and entitled as follows:

##### SENATE BILL No. 686.

An Act amending the act of May 7, 1935 (P. L. 130), entitled "An act providing for the service of process in civil suits on nonresident operators or nonresident owners, or a resident who becomes a nonresident and conceals his whereabouts, of aircraft operated within or above the Commonwealth of Pennsylvania and making the operation of such an aircraft within or above the Commonwealth of Pennsylvania, the equivalent of the appointment of the Secretary of Revenue of the Commonwealth of Pennsylvania as the agent of the said nonresident upon whom civil process may be served; and providing for further notice to the defendant in any such suit," making the consent deemed to have been given by a nonresident operator or owner of an aircraft involved in an accident or collision within this Commonwealth for appointment

of the Secretary of the Commonwealth as his agent for service of process irrevocable and binding upon his personal representatives; providing for service of process when the nonresident operator or owner has died prior to the commencement of an action, and making changes to conform with existing laws.

### SENATE MESSAGE

#### AMENDED HOUSE BILL RECALLED FROM GOVERNOR CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

##### HOUSE BILL No. 1623.

An Act extending county pension and retirement benefits to veterans of armed conflicts in counties of the second third fourth fifth sixth seventh and eighth class

Said bill having been recalled from the Governor for the purpose of amendment, the vote had on final passage and third reading on said bill was reconsidered in the House and the bill amended, in which amendments the Senate has concurred.

### SENATE MESSAGE

#### HOUSE BILL CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bills from the House of Representatives numbered and entitled as follows:

##### HOUSE BILL No. 1777.

An Act to further amend the act approved the ninth day of April one thousand nine hundred twenty-nine (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" by further defining the powers of the Department of Property and Supplies relating to automobiles

With the information that the Senate has passed the same without amendment.

### BILLS SIGNED BY SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

##### HOUSE BILL No. 1623.

An Act extending county pension and retirement benefits to veterans of armed conflicts in counties of the second third fourth fifth sixth seventh and eighth class



## HOUSE BILL No. 1777.

An Act to further amend the act, approved the ninth day of April, one thousand nine hundred twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" by further defining the powers of the Department of Property and Supplies relating to automobiles.

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

## SENATE MESSAGE

## SENATE BILL No. 192 RETURNED TO GOVERNOR WITHOUT AMENDMENT

The Clerk of the Senate being introduced presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, January 17, 1956.

Resolved (the House Concurring) That Senate Bill No. 192, Printer's No. 246, entitled "An act providing for and regulating the licensing and practice of practical nursing; imposing duties on the State Board of Nurse Examiners and imposing penalties," which was recalled from the Governor December 28, 1955, for the purpose of amendment be returned to the Governor without amendment.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

On the question,

Will the House concur in the resolution of the Senate? It was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

## PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. FLYNN asked and obtained permission for the Committee on Counties to meet during the session of the House.

## LEAVES OF ABSENCE

The SPEAKER. Without objection, the Chair will dispense with the order of leaves of absence. The Chair hears none.

## BILL RE-REFERRED

Mr. FLYNN from the Committee on Counties, returned with the recommendation that it be re-referred to the Committee on Cities—Counties—Second and Second Class A, House Bill No. 2008, entitled:

An Act amending "The General County Assessment Law" of May 22, 1933 (P. L. 853), clarifying the exclu-

sion of cities, boroughs, townships, \* \* \* in counties of the second class from provision excluding certain items in valuing real estate.

The SPEAKER. The bill is re-referred to the Committee on Cities—Counties—Second and Second Class A.

## BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 472, entitled:

An Act regulating publication of lawful contributions to or lawful expenditures by candidates for elective office and prescribing penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1242, entitled:

An Act to amend subsection (b) of the "Pennsylvania Election Code" \* \* \* by removing prohibition against unincorporated associations making political contributions.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1978, entitled:

An Act relating to and defining food providing for the protection of the public health the prevention of fraud and deception by prohibiting the manufacture offering for sale exposing for sale or having in possession with intent to sell adulterated misbranded or deleterious foods conferring powers and imposing duties upon State and county officials and providing penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1987, entitled:

An Act amending "The Fish Law of 1925" approved May 2, 1925 (P. L. 448) authorizing in certain cases fishing in farm ponds without licenses and regulating the transportation of fish taken from such ponds during closed seasons.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of Senate Bill No. 608, entitled:

An Act amending "The Fish Law of 1925" \* \* \* authorizing the use of long bows and arrows for capturing or killing carp.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

## BILL ON FINAL PASSAGE POSTPONED

## TIME EXTENDED ON BILL

Mr. READINGER asked and obtained unanimous consent to extend the time five days on House Bill No. 1828,



Printer's No. 1202, on page 5 of today's calendar, bills on final passage postponed.

### PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. MIHM asked and obtained permission for the Committee on Cities—Counties—Second and Second Class A to meet during the session of the House.

### FORMER MEMBER WELCOMED

The SPEAKER. The Chair notes the presence in the Hall of the House of a very distinguished former Member, Judge Brown of Allegheny County.

We are sorry, Judge, that there are not more Members of the House present, but we would like to have you say a few words of kindly greetings to those of us who are here.

### REMARKS OF HONORABLE HOMER S. BROWN

JUDGE BROWN. Mr. Speaker, Members of the House, and my friends around the dais here, let me assure you I am not here, and this is for my good friends of the Press, lobbying for any increase in the pay of the judges.

I am here, so that you might not misunderstand my presence, to attend a meeting of the Governor's new Commission on crimes and penal affairs, to which I have the honor to have been appointed by him very recently. I hope that will set your mind at rest that I am not lobbying for any pay increases.

However, if there are those who are somewhat so inclined, and knowing the temper of the House and especially our good Speaker of years gone by, I am not so sure that we are in safe hands. But times have changed.

I simply want to say to you, I could not come to Harrisburg when the House is in session without coming here. Fifteen years of my life were spent here in this very Hall, fifteen years of full life. As I get the cards and the well wishes of the Members, and as I communicate and as I go out throughout the state, see the Members who are present here and the Members who are not here at the present time, and then as I think back upon the memory of those who have passed on, you must know that I have the most pleasant recollections.

It is a great honor, as I have said time and time again to be a Member of a legislative body. In my brief public career I have had the honor to be a Member of the legislative body. I have had the honor to be for a short time a Member of the judiciary, as a Member of the School Board of the City of Pittsburgh, and other organizations, somewhat related to the executive, I have been in an administrative capacity.

But let me assure you, ladies and gentlemen of the House, that there is nothing in my mind that so excels, that so challenges a man to think, as is being a Member of the House. For you are the lawmakers. We of the judiciary are the ones who sit and discuss and decide whether you have made laws consistent with the Constitution. The administrative branch enforces the law that you make. Therefore, if you do not make the laws, there would be nothing for the judiciary and probably nothing for the administrative department to do. Then in the making of the laws you have only your conscience

to guide you, except when you are guided by the spotlight of the Constitution.

Even the spotlight of the Constitution does not always guide you in wisdom, for, as you well know, the judiciary cannot inquire into the wisdom of the Legislators, we can only inquire into the fact as to whether or not your legislation, as I have said before, is consistent with the Constitution.

I simply say that, so that I may tell you what I feel is the most important part of our democratic structure. That is the legislative body.

I am particularly proud of the fact that the House of Representatives is the people's forum. I always thought of that when I was here, when our Members would want to fly over across the hall to the Senate. I, of course, sat here for fifteen years and thought I should go over there, too. But as I look back upon it, as I look historically upon why we have these two divisions of the legislative body, the House and the Senate, I feel that I was compensated in not going to the Senate by staying in the people's forum.

Why do I say that? I say that because this is the forum that must originate the taxes for the Commonwealth—and by the way, I shall not get on that subject.

Let there be no impression that I am speaking upon the present matter in controversy. You and you alone can initiate the power to impeach a public official, whoever he may be in the government. Nobody else can.

I think historically the people did not want to trust, and I say this perhaps because there are historians who sometimes dispute this, and perhaps historians and educators are not so much in liking now anyway, but, nevertheless, from what I read in the papers—that is just in parenthesis—I see you don't understand what I am speaking about. But I think the educators who are the historians tell us that the people felt that as long as the House of Representatives was close to them, they had no fear of oppressive legislation.

Mr. Speaker, let me assure you that I feel kindly toward you in giving me this opportunity. I hope I shall have the pleasure of meeting my many friends before I leave. May I wish for you all that is best in life, in health and prosperity, but above all may I wish for you the satisfaction that whatever you attempt, whether the courts will strike it down or not you do it with the full knowledge that you are the conscience of the people, and as the conscience of the people you will let nothing trespass upon your right to determine free and untrammelled what is best for the people of Pennsylvania.

Thank you very much.

### BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 2009, entitled:

An Act to provide revenue for Commonwealth purposes by imposing a tax on the sale use storage or other consumption of certain tangible personal property \* \* \*.

Article I was read.

On the question,

Will the House agree to the article?

Mr. STRAUSSER offered the following amendments:



Amend Sec. 2, page 3, line 5, by striking out "The" and inserting: "and the."

Amend Sec. 2, page 3, line 5, by striking out "and."

Amend Sec. 2, page 3, line 8, by striking out "there" and inserting: "There."

Amend Sec. 2, page 3, line 9, by striking out "any" where it appears the first time, and inserting: "an."

Amend Sec. 2, page 3, line 10, by striking out "of the type purchased" and inserting: "taxable under this act which is."

Amend Sec. 2, page 3, line 19, by striking out "equipment" and inserting: "equipment."

Amend Sec. 2, page 4, lines 2 and 3, by striking out "improvement."

Amend Sec. 2, page 4, line 6, by inserting after "agreement" where it appears the first time "heretofore entered into."

Amend Sec. 2, page 4, line 8, by inserting after "act" "nor shall it apply to tangible personal property to be incorporated into real estate pursuant to a construction bid heretofore submitted upon which a contract is awarded within sixty days after the effective date of this act and is not subject to change or modification by reason of the tax imposed by this act."

Amend Sec. 2, page 4, lines 13 and 14, by striking out "used in conjunction with television receiving sets."

Amend Sec. 2, page 4, line 15, by striking out "and."

Amend Sec. 2, page 4, line 15, by inserting after "instruments" "records and sheet music and."

Amend Sec. 2, page 4, line 16, by striking out "such personal property records and sheet music" and inserting: "the same."

Amend Sec. 2, page 4, line 18, by striking out "for such boats."

Amend Sec. 2, page 4, line 18, by inserting after "parts" "and."

Amend Sec. 2, page 4, lines 18 and 19, by striking out "and supplies."

Amend Sec. 2, page 4, line 19, by striking out "with such equipment goods or boats" and inserting: "there-with."

Amend Sec. 2, page 4, line 20, by inserting after "coats" "luggage."

Amend Sec. 2, page 5, line 9, by inserting after "not" "be."

They were agreed to.

The article was agreed to as amended.

Article II was read.

On the question,

Will the House agree to the article?

Mr. STRAUSSER offered the following amendments:

Amend Sec. 201, page 6, line 13, by inserting after "property" "as defined in this act."

Amend Sec. 201, page 6, line 14, by inserting after "act" "The tax shall be."

Amend Sec. 201, page 6, line 15, by striking out "who purchases the property" and inserting: "making the purchase."

They were agreed to.

The article was agreed to as amended.

Article III was read and agreed to.

Article IV was read.

On the question,

Will the House agree to the article?

Mr. STRAUSSER offered the following amendments:

Amend Sec. 403, page 9, line 19, by striking out "one-half of."

Amend Sec. 405, page 10, line 19, by striking out "whose purchases are subject to this tax."

They were agreed to.

The article was agreed to as amended.

Article V was read.

On the question,

Will the House agree to the article?

Mr. STRAUSSER offered the following amendments:

Amend Sec. 521, page 12, line 13, by striking out "of the returns" and inserting: "thereof."

Amend Sec. 547, page 20, line 4, by striking out "if" and inserting: "and."

They were agreed to.

The article was agreed to as amended.

Article VI and title were separately read and agreed to.

And said bill having been read at length the second time, and agreed to as amended.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 2010, entitled:

An Act imposing a tax on persons engaged in the business of operating hotels inns apartment hotels motels tourist homes restaurants cafes public eating places public drinking places clubs and catering establishments.

The first and second sections were separately read and agreed to.

The third section was read.

On the question,

Will the House agree to the section?

Mr. STRAUSSER offered the following amendments:

Amend Sec. 3, page 2, line 16, by striking out "made in the course or operation of such business."

Amend Sec. 3, page 2, line 17, by inserting after "and" where it appears for the first time in said line "of."

Amend Sec. 3, page 2, line 17, by striking out "of" where it appears after the second "and."

Amend Sec. 3, page 2, line 18 by striking out all of line 18.

Amend Sec. 3, page 3, line 2, by striking out "made by him."

They were agreed to.

The section was agreed to as amended.

The fourth section was read and agreed to.

The fifth section was read.

On the question,

Will the House agree to the section?

Mr. STRAUSSER offered the following amendments?

Amend Sec. 5, page 3, line 14, by inserting after "make" "quarterly."

Amend Sec. 5, page 3, line 16, by inserting after "name" "and the name under which the business is conducted."

Amend Sec. 5, page 3, line 18, by striking out "by him."

Amend Sec. 5, page 3, line 19, by inserting after "three" "calendar."

Amend Sec. 5, page 4, line 1, by striking out "received" and inserting "of gross receipts from sales made."

Amend Sec. 5, page 4, line 1, by inserting after "three" "calendar."

Amend Sec. 5, page 4, lines 1 and 2, by striking out "from sales made by him."

Amend Sec. 5, page 4, line 4, by inserting after "receipts" "from sales made."

Amend Sec. 5, page 4, line 4, by inserting after "three" "calendar."

Amend Sec. 5, page 4, line 6, by inserting after "due" "on the gross receipts from sales made during the quarterly period covered by the report."

They were agreed to.

The section was agreed to as amended.

The sixth section was read.

On the question,



Will the House agree to the section?

Mr. STRAUSSER offered the following amendment:

Amend Sec. 6, page 4, line 19, by striking out "some" and inserting "any."

It was agreed to.

The section was agreed to as amended.

The seventh to eleventh sections inclusive were separately read and agreed to.

The twelfth section was read.

On the question,

Will the House agree to the section?

Mr. STRAUSSER offered the following amendments:

Amend Sec. 12, page 7, line 5, by striking out "in" where it appears the first time and inserting "at."

Amend Sec. 12, page 7, line 5, by striking out "places" and inserting "locations."

They were agreed to.

The section was agreed to as amended.

The thirteenth section was read.

On the question,

Will the House agree to the section?

Mr. STRAUSSER offered the following amendments:

Amend Sec. 13, page 7, line 10, by striking out "the" where it appears both times.

Amend Sec. 13, page 7, line 15, by inserting after "for" a period.

They were agreed to.

The section was agreed to as amended.

The fourteenth section was read and agreed to.

The fifteenth section was read.

On the question,

Will the House agree to the section?

Mr. STRAUSSER offered the following amendment:

Amend Sec. 15, page 8, line 11, by striking out "corporated" and inserting "corporation."

It was agreed to.

The section was agreed to as amended.

The title was read and agreed to.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for third reading.

#### PERMISSION GRANTED COMMITTEES TO MEET DURING SESSION

Mr. READINGER asked and obtained permission for the Committee on Rules to meet during the session of the House.

Mr. MORAN asked and obtained permission for the Committee on Labor Relations to meet during the session of the House.

#### REPORTS FROM COMMITTEES

Mr. RIGBY from the Committee on Cities—Counties—Second and Second Class A, reported as amended, Senate Bill No. 841, entitled:

An Act to promote the welfare of the people of this Commonwealth creating Port Authorities to function in counties of the second class as bodies corporate and politic with power to plan acquire construct maintain and operate facilities and projects for the improvement and development of the port district and to borrow money and issue bonds therefor providing for the payment of such bonds and prescribing the rights of the holders thereof authorizing the authorities to enter into contracts with

and to accept grants from the Federal government or any agency thereof and conferring exclusive jurisdiction on certain courts over rates and services and authorizing the authorities to collect tolls fares fees rentals and charges for the use of facilities defining the authorities' powers and duties and defining the port districts.

Mr. LEONARD from the Committee on Cities—Counties—Second and Second Class A, reported as committed, Senate Bill No. 918, entitled:

An Act amending "Second Class County Assessment Law" \* \* \* requiring the board to certify the total value of real property to clerks or secretaries of political subdivisions and prescribing the time for appeal.

Mr. MURPHY from the Committee on Labor Relations, reported as committed, House Bill No. 1731, entitled:

An Act amending the "Elevator Regulation Law," approved May 2, 1929, (P. L. 1518), regulating the repairing and renovating of elevators, requiring permits and fixing fees for permits and inspections.

Mr. SARRAF from the Committee on Rules, reported as committed, House Bill No. 1967, entitled:

An Act to amend section seventeen of the act, approved the twenty-ninth day of March, one thousand eight hundred three (P. L. 542), entitled "An act to establish a Board of Wardens for the port of Philadelphia, and for the regulation of pilots and pilotages and for other purposes therein mentioned, "by permitting second class pilots to pilot vessels drawing twenty-seven feet of water or under and permitting third class pilots to pilot vessels drawing twenty-three feet of water or under.

Mr. LEONARD from the Committee on Labor Relations, reported as committed, House Bill No. 1996, entitled:

An Act regulating arbitration of controversies between labor and management when arbitration is required by written contract or agreement; providing a method of securing arbitration and the appointment of arbitrators or an umpire; \* \* \*.

Mr. STANK from the Committee on Rules, reported as committed, House Bill No. 2006, entitled:

An Act amending the act of May 21, 1943 (P. L. 595) entitled "An act authorizing the Department of Property and Supplies to establish, operate and maintain self-sustaining restaurants as herein defined, in the State Capitol; \* \* \*" changing provisions relating to the operation of restaurants in the basement of the Main Capitol Building.

Mr. SARRAF from the Committee on Rules, reported as committed, House Resolution No. 143.

Mr. KOLANKIEWICZ from the Committee on Rules, reported as committed, House Resolution No. 147.

Mr. STANK from the Committee on Rules, reported as committed, House Resolution No. 151.

Mr. THOMAS from the Committee on Cities—Counties—Second and Second Class A, reported as Committed, House Bill; No. 2008, entitled:

An Act amending "The General County Assessment Law" of May 22, 1933 (P. L. 853), clarifying the exclusion of cities, boroughs, townships, \* \* \* in counties of the second class from provisions excluding certain items in valuing real estate.

#### BILL ON THIRD READING

Agreeably to order,



The House proceeded to the third reading and consideration of Senate Bill No. 235, entitled:

An Act amending the act of June 21, 1939 (P. L. 566) entitled "An act defining the liability of an employer to pay damages for occupational disease contracted by an employe arising out of and in the course of employment; establishing an elective schedule of compensation; providing procedure for the determination of liability and compensation thereunder; imposing duties on the Department of Labor and Industry, the Workmen's Compensation Board, Workmen's Compensation Referees, and deans of medical schools; creating a medical board to determine controverted medical issues; establishing an Occupational Disease Fund in custody of the State Workmen's Insurance Board; imposing upon the Commonwealth a part of the compensation payable for certain occupational diseases; making an appropriation; and prescribing penalties," by including tuberculosis within the meaning of the term occupational disease in the occupation of nursing.

On the question,

Will the House agree to the bill on third reading?

Mr. HOCKER. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

Amend Title, page 2, last line of Title, by striking out "in the occupation of nursing"

Amend Sec. 1 (Sec. 108), page 2, line 7, by inserting a bracket before "in" where it appears the second time

Amend Sec. 1 (Sec. 108), page 2, line 8, by inserting after "sanitaria]" any occupation.

The SPEAKER. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

### RESOLUTION

Mrs. MARKLEY offered a resolution which was filed with the Clerk.

### SENATE MESSAGE

#### AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 356.

An Act amending the act of March 30, 1917 (P. L. 21) entitled "An act defining optometry and relating to the right to practice optometry in the Commonwealth of Pennsylvania and making certain exceptions and providing a board of Optometrical Education Examination and Licensure and means and methods whereby the right to practice optometry may be obtained and providing for the means to carry out the provisions of this act and providing for revocation or suspension of licenses given by said board and providing penalties for violations thereof and repealing all acts or parts of acts inconsistent therewith" further regulating the refusal cancellation revo-

cation and suspension of licenses providing for rules and regulations and eliminating repealed provisions

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend Section 2, page 5, line 2, by inserting after the word "revoked" the following:

nothing contained in this act shall prohibit any licensed optometrist from practicing optometry as an employe or lessee of a person or firm dispensing opthalmic products to the general public if the person or firm or successor thereto is engaged in dispensing opthalmic products to general public on the effective date of this act

On the question,

Will the House concur in the amendments made by the Senate?

Mr. READINGER. Mr. Speaker, I move that the House non-concur in the amendments made by the Senate.

The motion was agreed to.

Ordered, That the Clerk inform the Senate accordingly.

#### COMMUNICATION AND BILL TAKEN FROM TABLE

Mr. READINGER. Mr. Speaker, I move that Senate Bill No. 729, Printer's No. 431 together with the communication from the Senate be taken from the table.

The motion was agreed to.

### SENATE MESSAGE

#### AMENDED SENATE BILL NON-CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has non-concurred in the amendments made by the House of Representatives to Senate bill numbered and entitled as follows:

SENATE BILL No. 279.

A Joint Resolution proposing an amendment to article two section four of the Constitution of the Commonwealth of Pennsylvania by providing for annual sessions of the General Assembly.

Mr. READINGER. Mr. Speaker, I move that the House insist upon its amendments non-concurred in by the Senate to Senate Bill No. 729.

The motion was agreed to.

Ordered, That the Clerk inform the Senate accordingly.

#### COMMUNICATION AND BILL TAKEN FROM TABLE

Mr. READINGER. Mr. Speaker, I move that Senate Bill No. 813, Printer's No. 734 together with the communication from the Senate be taken from the table.

The motion was agreed to.

### SENATE MESSAGE

#### AMENDED SENATE BILL NON-CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has non-concurred in the amendments made by the House of Representatives to Senate bill numbered and entitled as follows:



## SENATE BILL No. 813.

An Act amending the act of October 27 one thousand nine hundred fifty-five (Act No. 222) entitled "An act prohibiting certain practices of discrimination because of race color religious creed ancestry age or national origin by employers employment agencies labor organizations and others as herein defined creating the Pennsylvania Fair Employment Practice Commission in the Department of Labor and Industry defining its functions powers and duties providing for procedure and enforcement providing for formulation of an educational program to prevent prejudice providing for judicial review and enforcement and imposing penalties" providing that termination of employment or the operation of provisions having the effect of a minimum service requirement under a bona fide retirement or pension plan shall not constitute an unfair employment practice changing certain restrictions relative to age and requiring that attorneys appointed by the commission be approved by the Attorney General

Mr. READINGER. Mr. Speaker, I move that the House insist upon its amendments non-concurred in by the Senate to Senate Bill No. 813 and that a Committee of Conference be appointed.

The motion was agreed to.

APPOINTMENT OF COMMITTEE OF CONFERENCE  
ON SENATE BILL No. 813

The SPEAKER. The Chair appoints as a Committee of Conference on the part of the House, Messrs. TOLL, MORAN and CHARLES C. SMITH.

Ordered, That the Clerk inform the Senate accordingly.

COMMUNICATION AND BILL TAKEN FROM  
TABLE

Mr. READINGER. Mr. Speaker, I move that Senate Bill No. 835, Printer's No. 413 together with the communication from the Senate be taken from the table.

The motion was agreed to.

## SENATE MESSAGE

AMENDED SENATE BILL NON-CONCURRED IN BY  
SENATE

The Clerk of the Senate being introduced, informed that the Senate has non-concurred in the amendments made by the House of Representatives to Senate bill numbered and entitled as follows:

## SENATE BILL No. 835.

An Act amending the act of August 9, 1955 (Act No. 130) entitled "An act relating to counties of the third fourth fifth sixth seventh and eighth classes amending revising consolidating and changing the laws relating thereto" authorizing the appointment of solicitors by clerks of the court of quarter sessions and oyer and terminer in third fourth and fifth class counties and prescribing their duties

Mr. READINGER. Mr. Speaker, I move that the House insist upon its amendments non-concurred in by the Senate to Senate Bill No. 835.

The motion was agreed to.

Ordered, That the Clerk inform the Senate accordingly.

COMMUNICATION AND BILL TAKEN  
FROM TABLE

Mr. READINGER. Mr. Speaker, I move that House Bill

No. 844, Printer's No. 1129 together with the communication from the Governor be taken from the table.

The motion was agreed to.

## COMMUNICATION FROM GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE CONCURRENT RESOLUTION  
RECALLING HOUSE BILL No. 844 FROM GOVERNOR

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, January 26, 1956.  
To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Concurrent Resolution recalling from the Governor House Bill No. 844, Printer's No. 1129, for the purpose of amendment.

Accordingly, the original bill is herewith returned.

GEORGE M. LEADER.

## RECONSIDERATION OF VOTE

Mr. READINGER. Mr. Speaker, I move that the vote by which this bill passed finally be reconsidered.

Mr. SARRAF. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from Berks, Mr. Readinger vote on the final passage of this bill?

Mr. READINGER. Mr. Speaker, I voted with the prevailing side.

The SPEAKER. How did the gentleman from Allegheny, Mr. Sarraf vote on the final passage of this bill?

Mr. SARRAF. Mr. Speaker, I voted with the prevailing side.

On the question,

Will the House agree to the motion?

It was agreed to.

Mr. READINGER. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered.

The motion was agreed to.

On the question recurring,

Will the House agree to the bill on third reading?

Mr. READINGER. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

Amend Section 1 (Section 1110), page 3, line 14, by striking out at the end of the line after the word "subdivisions" the following: a school zone shall be a distance Amend Section 1, (Section 1110), page 3, by striking out lines 15 to 20, inclusive.

Amend Section 1 (Section 1110), page 4, by striking out lines 1 to 3, inclusive, and inserting in lieu thereof the following: "subject however to the following conditions

(1) A school zone shall be a distance not exceeding one hundred (100) feet from the nearest boundary of the school grounds in any direction

(2) No such warning figure shall be left in place on any highway except for the period beginning one hour before school convenes and ending one hour after school adjourns

(3) No such warning figure shall be placed on any highway in conflict with any rule or regulation adopted and promulgated by the Secretary of Highways under section eleven hundred five of this act

(4) The Secretary of Highways with reference to State highways and local authorities in counties cities boroughs incorporated towns and townships with respect to highways under their jurisdiction may in their discretion



determine the proper placing and location of such warning figures"

The SPEAKER. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

### COMMUNICATION AND BILL TAKEN FROM TABLE

Mr. READINGER. Mr. Speaker, I move that House Bill No. 1002, Printer's No. 1076 together with the communication from the Governor be taken from the table.

The motion was agreed to.

### COMMUNICATION FROM GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

#### APPROVAL OF HOUSE CONCURRENT RESOLUTION RECALLING HOUSE BILL No. 1002 FROM GOVERNOR

Commonwealth of Pennsylvania,  
Governor's Office, Harrisburg, January 26, 1956.  
To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Concurrent Resolution recalling from the Governor House Bill No. 1002, Printer's No. 1076, for the purpose of amendment.

Accordingly, the original bill is herewith returned.

GEORGE M. LEADER.

#### RECONSIDERATION OF VOTE

Mr. READINGER. Mr. Speaker, I move that the vote by which this bill passed finally be reconsidered.

Mr. SARRAF. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from Berks, Mr. Readinger vote on the final passage of this bill?

Mr. READINGER. Mr. Speaker, I voted with the prevailing side.

The SPEAKER. How did the gentleman from Allegheny Mr. Sarraf vote on the final passage of this bill?

Mr. SARRAF. Mr. Speaker, I voted with the prevailing side.

On the question,

Will the House agree to the motion?

It was agreed to.

Mr. READINGER. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered.

The motion was agreed to.

On the question,

Will the House agree to the bill on third reading?

Mr. READINGER. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

Amend Section 1, page 2, line 1, by striking out "and filed."

Amend Section 3, page 4, line 3, by striking out "one year" and inserting "five years."

Amend Section 3, page 4, line 5, by striking out "thirty days" and inserting "six months."

Amend Section 3, page 4, line 9, by striking out "he" and inserting "shall be indexed in the index of financing statements maintained by the filing officer pursuant to the Uniform Commercial Code of April 6, 1953 (P. L. 3) showing the buyer as the debtor and the seller or his assignee as the secured party and noting in the index in place of the file number and addresses of such parties the book and page number where the conditional sale was originally entered the filing officer."

Amend Section 3, page 4, line 9, by striking out "three dollars (\$3)" and inserting "two dollars (\$2)."

Amend Section 19, page 14, line 17, by striking out "The" and inserting "Any such."

Amend Section 19, page 14, line 18, by inserting after "refiling" where it appears the first time "prior to the effective date of this act."

Amend Section 19, page 14, line 19, by inserting after "longer" "Any such refiling after the effective date of this act shall be valid for a period of five years from the date of refiling."

The SPEAKER. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

### PERMISSION TO ADDRESS HOUSE

Mr. POLEN asked and obtained unanimous consent to address the House.

Mr. Speaker, for the information of the House, I am happy to announce that the checks for the fourth class school districts are now being mailed, 400 checks totalling approximately \$8 million are in the mail today, 800 checks totalling \$17 million will be in the mail tomorrow and the balance will be in the mail on Friday.

Mr. JOHNSON. Mr. Speaker, I would like to interrogate the gentleman.

The SPEAKER. Will the gentleman from Washington, Mr. Polen, permit himself to be interrogated?

Mr. POLEN. I shall, Mr. Speaker.

Mr. JOHNSON. Mr. Speaker, I again want to congratulate the gentleman on the announcement, but what shall I reply to this school district at Port Allegany which is in very bad financial distress, a third class district? They said, "We understand the fourth class districts are getting their money. How about the third class districts? When will they get their money?"

Mr. POLEN. Mr. Speaker, in reply to the gentleman, I would state that if the State Treasury is going to be bulging with money, as he stated the other day, it will not be too long, I am not in agreement that it will be bulging, but I will say just as soon as the funds are available the payments will be made.

We anticipate during the month of March and April heavy payments under the corporation net income tax will be made, and I believe it will be possible at that time to take care of the third class districts and then the



first and second class. I would state, however, that as early as it can be done the checks will be prepared.

Mr. JOHNSON. Mr. Speaker, has any consideration been given to releasing from Committee immediately the \$110 million tax anticipation borrowing bill which has been sent back to committee? Have you given any consideration to the immediate passage of that bill so the money could be borrowed immediately to pay the third, second and first class districts, rather than forcing them to wait until after March 15th or April 15th?

Mr. POLEN. Consideration has been given to that matter, Mr. Speaker, but we believe at this time to place additional borrowings of approximately \$100 million would not be a very good thing to do until such time as we are going to have a better picture of the tax situation.

We are borrowing against taxes and we are now up to the limit we can borrow under the current act when the additional \$27 million borrowing is made.

We feel with the money coming in and anticipated to come in it will be possible to make the payments without further encumbering the revenues that are now on the tax books.

Mr. JOHNSON. Mr. Speaker, when we consider the fact that eventually over a billion dollars will come into the State Treasury, because everybody knows that eventually we are going to pass a tax program which will be fairly adequate to handle the needs of the Commonwealth, does not the gentleman think in view of the tremendous resources of the Commonwealth and the urgency of the other school districts getting their money, despite the statements of the fiscal officers of the state, that it would be wise to borrow another \$100 million? Does not the gentleman think that is being too frugal and cautious at this time, in view of the great amount of money which will come in during the two year period?

Mr. POLEN. Mr. Speaker, if the gentleman from McKean is asking for my personal opinion, and I am not speaking for anyone else, I would answer him that I believe it would not be good policy to borrow \$100 million at this time. The amount of time that would elapse in the preparation of the necessary papers and the prospectus which must be made in connection with borrowing under tax anticipation notes and the time that ensues in the advertising and the awarding of the certificates, I believe it will be possible to have the funds without resorting to that.

I would say, however, it is not a certainty. That is a matter to which we are giving consideration.

I might further state in connection with the school districts he mentions, such as Port Allegany, I am suggesting, I have suggested, and I intend to pursue it further, that it may be possible to make selective payments to school districts of the third class which are in a serious financial situation.

### PERMISSION TO ADDRESS HOUSE

Mr. JOHNSON asked and obtained unanimous consent to address the House.

Mr. JOHNSON. Mr. Speaker, I am very pleased again with what Mr. Polen has said about the possibility of making emergency payments to school districts that are very much in distress. I just mentioned the Port Allegany School District in my county because I believe the

teachers have not been paid for two months. They have borrowed all the money they can within the seven per cent borrowing limitation. I certainly would beseech the Department of Public Instruction to investigate that particular community and grant them an emergency loan.

I do feel that many of the school districts who are borrowing now are paying six per cent interest. It certainly would be cheaper for the Commonwealth to borrow more money to pay the schools at anywhere from one and one-half to two per cent interest than for these school districts to be forced to pay four, five and six per cent interest.

I think it would be wise and good business to immediately pass the \$100 million increase in the borrowing power of the Commonwealth on tax anticipation notes. I believe it would only take two weeks to prepare a prospectus, offer the bids and get the money so that the schools could be paid early in February, certainly not later than the 20th of February, rather than waiting until March 15th or April 15th.

During the month of March the only corporate payments that will come in will be the payments on the capital stock tax of corporations, which of course is quite a large sum of money, but perhaps will not be enough money to make a payment to the first, second and third class school districts. On April 15th sizeable checks will come in from the corporate net income tax, and I believe the balance will come in May 15th.

Therefore, it seems to me it is very urgent that we make a temporary borrowing on the state level so that these schools can be paid, because there is not any question but what eventually in the not too distant future an adequate tax program will be passed by this Legislature to run the Commonwealth during this biennium.

Mr. POLEN. Mr. Speaker, in connection with the borrowing on tax anticipation notes, it cannot be done in two weeks, as the gentleman stated. Possibly the minimum length of time which would ensue would be at least six weeks. As I stated before, the matter is being given consideration.

I might also state that the matter of borrowing from the Motor License Fund is under consideration.

When I spoke of making selective payments to distressed third class districts, I did not have in mind making loans to them. What I was speaking about was where we have a school district of the third class which is in a distressed condition, we would selectively pick out those school districts and if we had the funds available we would make payments to those school districts which are in the most serious condition.

The gentleman mentioned that a particular school district had exhausted its borrowing power under the limitation of the seven per cent. I would say since Senate Bill 785 was passed and became law that school district has additional base to borrow outside of that limitation because they can borrow against the amount of their appropriation.

### ADJOURNMENT

Mr. BOIES. Mr. Speaker, I move that this House do now adjourn until Thursday, February 9, 1956 at 11:00 a. m.

The motion was agreed to, and (at 5:02 p. m.) the House adjourned.



# Legislative Journal.

Session 1955.

141st of the General Assembly.

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HARRISBURG, PA., THURSDAY, FEBRUARY 9, 1956.

No. 137.

## HOUSE OF REPRESENTATIVES

THURSDAY, FEBRUARY 9, 1956

The House met at 11:00 p. m.

The SPEAKER (Hiram G. Andrews) in the Chair.

### PRAYER

Honorable Harry R. McInroy, a Member of the House of Representatives from Tioga County, offered the following prayer:

Our Heavenly Father, we humbly bow before Thee this morning. Help us to feel Thy presence, and to know beyond the shadow of a doubt, that Thou art not far behind some distant cloud, but that Thou art standing close by each one of us this morning, closer than our nearest neighbor, and that we have but to reach out and touch Thy loving hand.

Lord, this is an important day in the history of our beloved Commonwealth of Pennsylvania. Like Solomon of old we humbly ask Thee today for wisdom, that we may know what is best for us to do in these problems which confront us, particularly of taxation. Thou didst say "Render unto Caesar the things which are Caesar's; and unto God the things that are God's." Help us not to be thinking of how many votes we will gain or how many votes we will lose but what is best for Thy people. Strengthen our backbones and weaken our wishbones. As Thou knowest, Father, we are confronted by conflicting views on these questions. We have certain groups back home, and certain men and women here, who seek to impress on us their opinions. But, oh Father, help us to listen only to Thee, as the true fountain of wisdom, as the Greatest Lobbyist, the only real Teacher, Physician and Leader in the world—yesterday, today, and forever more. Give us the courage to be like Daniel when confronted by almost sure death, he took his stand for Thee. Help us to shoulder our part of the burden, our share of the responsibility, as we so solemnly promised with our hands on Thy Holy Bible when we became full fledged members of this General Assembly, that we may leave this room today holding our heads erect, knowing that we have done our duty.

And so wilt Thou take us by the hand, as Thou didst take Peter by the hand that day so many years ago when he started to sink beneath the waves on the Sea of Galilee, because he suddenly lost his faith in his power and in Thy power. Wilt Thou lead us through the fog and smoke of petty politics and of honest differences of opinion to help attain the right goals that Thou hast

set for us—an honest and a just program of taxation and a right settlement of some of these other perplexing problems confronting us this day and the rest of this session.

Then, when that last day comes, sooner or later, when our weary hearts are slowly ticking out their last beats on this old earth, and our breaths are getting shorter and shorter, wilt Thou again take us by the hand and lead us safely over the Great Divide into that Eternal Home Thou hast provided for us, where someday we may sit quietly together and look back through the mists of the years upon these memorable days spent in these hallowed halls of this great Commonwealth.

Father, have mercy upon us, and help us this day and for ever more. Amen.

### JOURNAL APPROVAL POSTPONED

The SPEAKER. If there is no objection, the approval of the Journal for Wednesday, February 8, 1956 will be postponed until printed. The Chair hears none.

### BILLS INTRODUCED AND REFERRED

By Mr. YETTER.

HOUSE BILL No. 2018.

An Act amending the act of August 9, 1955 (P. L. 323), entitled "An act relating to counties of the third, fourth, fifth, sixth, seventh, and eighth classes; amending, revising, consolidating and changing the laws relating thereto," authorizing the appointment of solicitors by certain county officials and limiting the duties of the county solicitor.

Referred to the Committee on Counties.

By Mr. ERB.

HOUSE BILL No. 2019.

An Act amending the act of May 25, 1945 (P. L. 1050), entitled "An act relating to the collection of taxes levied by counties, county institution districts, cities of the third class, boroughs, towns, townships, certain school districts and vocational school districts; conferring powers and imposing duties on tax collectors, courts and various officers of said political subdivisions; and prescribing penalties," changing compensation provisions with respect to tax collectors in boroughs and townships.

Referred to the Committee on Boroughs.

By Messrs. READINGER and CHARLES C. SMITH.

HOUSE BILL No. 2020.

An Act making an appropriation to the Senate and House of Representatives for contingent expenses for the balance of the legislative session of 1955.

Referred to the Committee on Appropriations.



## RESOLUTIONS INTRODUCED AND REFERRED

By Mrs. MUNLEY, Messrs. REIDENBACH, WARGO and NEEDHAM. (Concurrent) RESOLUTION No. 153.

In the House of Representatives, February 8, 1956.

Three inmates classified as "dangerous" recently made their escape from Farview State Hospital for the Criminal Insane. The escape of this trio brings the total to twenty-seven Farview inmates who have broken out of the Institution since June, 1955. Of the six who escaped last October, two have never been apprehended and one of them, a triple killer, is regarded by the F. B. I. as so dangerous that he was placed on its list of "most wanted" criminals. The present or future escape of inmates poses a constant threat to the safety and security of the people of the Farview area and to all the people of this Commonwealth since past experiences show that the fleeing fugitives will not tolerate interference with any one who blocks their path of escape.

Reliable information indicates that the reason for the intolerable situation of escaping criminally insane inmates is the relaxed security rules which were put into effect last year under the orders of Secretary of Welfare Shapiro. Under this "relaxed security plan" guards are forbidden to lock cell doors on the ground that such action would be "inhumane restraint." It is probably true that the State Mental Health Act makes no distinction between inmates at Farview and other State mental institutions where noncriminal inmates are under treatment. If no distinction is made between such inmates, then something must be done to amend the law for it must not be forgotten that every inmate behind the walls of Farview is a criminal and but for the fact that the inmates were adjudicated insane, they would have been confined in a county or State prison.

To the people in Northeastern Pennsylvania, Secretary Shapiro will have great difficulty in justifying the policy he has put into effect. To them the frequent escape of inmates cast serious doubts as to the soundness of such policy. The people of this area demand an immediate, vigorous, impartial and realistic investigation into the conditions at Farview State Hospital for the Criminal Insane; therefore be it

Resolved (the Senate concurring) That in the interest of fair play the Speaker of the House of Representatives appoint six members of the House, three of whom shall be Republicans and three Democrats, and the President pro tempore of the Senate appoint six members of the Senate, three of whom shall be Republicans and three Democrats, who together shall constitute a Joint Commission and be authorized and directed to make an immediate investigation of all the charges made and to hear all suggestions of an enlightened and progressive program for the proper operation of this institution.

The committee shall have the power to issue subpoenas under its hand and seal requiring and commanding any person or persons to appear before them and answer questions touching matters properly being inquired into and to produce such books, papers, records and documents as the committee may deem necessary. Such subpoenas shall have the force and effect of subpoenas issued out of the courts of this Commonwealth. The committee shall have the power to administer oaths and affirmations to witnesses appearing before them. Any person who shall wilfully neglect or refuse to testify before the committee or to produce books, papers, records or documents shall be subject to the penalties provided by the laws of the Commonwealth in such cases; and be it further

Resolved, That the committee make a report of its findings, together with its recommendations for appropriate legislation at the earliest possible date before the adjournment of this session of the General Assembly.

Referred to the Committee on Rules.

By Mrs. MARKLEY and Mrs. MUNLEY.

RESOLUTION No. 154.

In the House of Representatives, February 8, 1956.

The State has the right to protect its citizens from the threats of moral corruption and obscenity with the same force that it has the unquestioned right to protect them from physical harm.

To protect the young and impressionable from immoral and obscene movies and other entertainment and shows which instigate to crime and promote the use of habit forming drugs is a problem which faces the community. To permit the impact upon our youth of immoral, obscene and criminally provocative shows, movies and entertainment, and which advocate use of habit-forming drugs, without any attempt to control or prohibit them, would be the mark of irresponsibility and carelessness in meeting the obligation to provide good government and other wholesome influences for the development and growth of our youth.

The State Board of Censors is the only governmental body within this Commonwealth qualified to meet the challenge of maintaining a wholesome standard of entertainment for the Commonwealth and its inhabitants. If this legislative assembly does not meet this challenge, the effects will be disastrously far-reaching.

House Bill No. 1974 and House Bill No. 675, which are respectively written for the purposes of providing funds for the State Board of Censors and to strengthen, clarify and make corrections in the law governing the board, should be enacted into legislation for the benefit of the residents of this Commonwealth, particularly the young people who look to government to provide legal means of insuring them wholesome and clean shows, movies and other entertainment; therefore be it

Resolved, That this House of Representatives urges all factions, all parties and all members of the General Assembly to assist in enacting legislation to provide the State Board of Censors with funds to preserve its existence and pay its salaries and expenses and to provide it with necessary power to properly censor movies, shows, and other entertainment.

Referred to the Committee on Rules.

By Mr. JOHNSON. (Concurrent)

RESOLUTION No. 155.

In the House of Representatives, February 8, 1956.

The General Assembly requires for its use, comprehensive factual information concerning the numerous problems of school and school administration, and the problems of budgets, taxes financial matters and transportation in so far as they relate to education as well as the problem of enacting school legislation; therefore be it

Resolved, (the Senate concurring), That the Joint State Government Commission be directed to study and investigate the problems of schools and school administration, and the problems of budgets, taxes, financial matters and transportation in so far as they relate to education, with particular emphasis upon the aid which the Commonwealth of Pennsylvania may be able to render to school districts in successfully resolving such problems; and be it further

Resolved, That the Joint State Government Commission be directed to study the feasibility and practicability of legislation making mandatory upon the General Assembly the priority of treatment of all bills concerning the public schools, and that all educational bills concerning any phase of the public schools in the Commonwealth should be considered by themselves separate and apart from all other legislation; and be it further

Resolved, That the Joint State Government Commission report to the next regular session of the General Assembly its findings and recommendations, with drafts of legislation necessary to carry the recommendations into effect.

Referred to the Committee on Rules.

PERMISSION GRANTED COMMITTEES TO MEET  
DURING SESSION



Mr. POLEN asked and obtained permission for the Committee on Appropriations to meet during the session of the House.

Mr. BOIES asked and obtained permission for the Committee on Professional Licensure to meet during the session of the House.

Mr. AMARANDO asked and obtained permission for the Committee on Motor Vehicles to meet during the session of the House.

#### REPORT OF COMMITTEE OF CONFERENCE ON HOUSE BILL No. 1630

Mr. KENT. Mr. Speaker, I present the report of the Committee on Conference on House Bill No. 1630.

The SPEAKER. The report will lie over for printing under the Rules.

#### LEAVES OF ABSENCE

The SPEAKER. If there are no objections the Chair will defer the order of leaves of absence until later in the session. The Chair hears no objection.

#### BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1731, entitled:

An Act amending the "Elevator Regulation Law" approved May 2, 1929 (P. L. 1518) regulating the repairing and renovating of elevators requiring permits and fixing fees for permits and inspections.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1967, entitled:

An Act to amend section seventeen of the act approved the twenty-ninth day of March one thousand eight hundred three (P. L. 542) entitled "An act to establish a Board of Wardens for the port of Philadelphia and for the regulation of pilots and pilotages and for other purposes therein mentioned" by permitting second class pilots to pilot vessels drawing twenty-seven feet of water or under and permitting third class pilots to pilot vessels drawing twenty-three feet of water or under.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1996, entitled:

An Act regulating arbitration of controversies between labor and management when arbitration is required by written contract or agreement providing a method of securing arbitration and the appointment of arbitrators or an umpire \* \* \*

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2006, entitled:

An Act amending the act of May 21, 1943 (P. L. 595) entitled "An act authorizing the Department of Property and Supplies to establish operate and maintain self-sus-

taining restaurants as herein defined in the State Capitol \* \* \*" changing provisions relating to the operation of restaurants in the basement of the Main Capitol Building.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2008, entitled:

An Act amending "The General County Assessment Law" of May 22, 1933 (P. L. 853) clarifying the exclusion of cities boroughs townships \* \* \* in counties of the second class from provision excluding certain items in valuing real estate.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of Senate Bill No. 841, entitled:

An Act to promote the welfare of the people of this Commonwealth creating Port Authorities to function in counties of the second class as bodies corporate and politic with power to plan acquire construct maintain and operate facilities and projects for the improvement and development of the port district and to borrow money and issue bonds therefor providing for the payment of such bonds and prescribing the rights of the holders thereof conferring the right of eminent domain on the authorities authorizing the authorities to enter into contracts with and to accept grants from the Federal government or any agency thereof and conferring exclusive jurisdiction on certain courts over rates and services and authorizing the authorities to collect tolls fares fees rentals and charges for the use of facilities defining the authorities' powers and duties and defining the port districts.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of Senate Bill No. 918, entitled:

An Act amending "Second Class County Assessment Law" \* \* \* requiring the board to certify the total value of real property to clerks or secretaries of political subdivisions and prescribing the time for appeal.

And said bill having been read at length the first time,  
Ordered, To be laid aside for second reading.

#### BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1242, entitled:

An Act to amend subsection (b) of the "Pennsylvania Election Code" \* \* \* by removing prohibition against unincorporated associations making political contributions.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1978, entitled:

An Act relating to and defining food providing for the protection of the public health the prevention of fraud



and deception by prohibiting the manufacture offering for sale exposing for sale or having in possession with intent to sell adulterated misbranded or deleterious foods conferring powers and imposing duties upon State and county officials and providing penalties.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1987, entitled:

An Act amending "The Fish Law of 1925" approved May 2, 1925 (P. L. 448) authorizing in certain cases fishing in farm ponds without licenses and regulating the transportation of fish taken from such ponds during closed seasons.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate Bill No. 608, entitled:

An Act amending "The Fish Law of 1925" \* \* \* authorizing the use of long bows and arrows for capturing or killing carp.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

## BILLS ON FINAL PASSAGE RECALLED FROM GOVERNOR

### BILL PASSED OVER

There being no objection

House Bill No. 844, Printer's No. 1382 was passed over at the request of the SPEAKER.

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 1002 as follows:

An Act relating to conditional sales made prior to July 1 1954

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Definitions As used in this act

(1) "Uniform Conditional Sales Act" means the act of May 12, 1925 (P. L. 603) entitled "An act concerning conditional sales and to make uniform the law relating thereto" as amended from time to time while the act was in effect

(2) "Conditional sale" means any contract for the sale of goods made and filed prior to July 1, 1954 and which either was filed prior to that date pursuant to the Uniform Conditional Sales Act or was shown before that date on a certificate of title for a motor vehicle trailer or semi-trailer pursuant to the vehicle code of May 1 1929 (P. L. 905) as amended under which possession was delivered to the buyer and the property in the goods was to vest in the buyer at a subsequent time upon the payment of part or all of the price or upon the performance of any other condition or the happening of any contingency

(3) "Buyer" means the person who bought the goods covered by the conditional sale or any legal successor in interest of the person

(4) "Filing district" means the subdivision of the State in which conditional sale contracts or copies thereof were required to be filed by the Uniform Conditional Sales Act or are permitted to be filed by this act

(5) "Goods" means all chattels personal other than things in action and money and includes emblements industrial growing crops machinery and equipment attached to real estate and things attached to or forming a part of land which were agreed to be severed before sale or under the conditional sale

(6) "Performance of the condition" means the occurrence of the event upon which the property in the goods is to vest in the buyer whether the event is the performance of an act by the buyer or the happening of a contingency

(7) "Purchase" includes the creation of a security interest

(8) "Purchaser" includes a person in whose favor there is a security interest

(9) "Seller" means the person who sold the goods covered by the conditional sale or any legal successor in interest of the person

(10) "Filing officer" means a person in charge of the office for filing conditional sale contracts in a filing district

Section 2 Filing Records The filing officer shall continue to keep the separate book which he was required to keep by the Uniform Conditional Sales Act in which he was required to enter the names of the seller and buyer the date of the contract the day and hour of filing a brief description of goods the price named in the contract and the date of cancellation thereof

Section 3 Refiling The validity of a filing or refiling pursuant to the Uniform Conditional Sales Act or this act may be extended for successive additional periods of five years from the date of refiling in the proper filing district a copy of the original contract within six months preceding the expiration of each period with a statement attached signed by the seller showing that the contract is in force and the amount remained to be paid thereon The copy with statement attached shall be filed and entered in the book kept by the filing officer and shall be indexed in the index of financing statements maintained by the filing officer pursuant to the Uniform Commercial Code of April 6, 1953 (P. L. 3) showing the buyer as the debtor and the seller or his assignee as the secured party and noting in the index in place of the file number and addresses of such parties the book and page number where the conditional sale was originally entered the filing officer shall be entitled to a fee of two dollars (\$2)

Section 4 Cancellation of Contract Any contract filed in the office of the prothonotary may be cancelled by satisfaction noted on the docket in the same manner as judgments at law are satisfied In lieu of satisfaction after the performance of the condition upon written demand delivered personally or by registered mail by the buyer or any other person having an interest in the goods the seller shall execute acknowledge and deliver to the demandant a statement that the condition in the contract has been performed If for ten days after demand the seller fails to mail or deliver a statement of satisfaction he shall forfeit to the demandant five dollars (\$5) and be liable for all damages suffered Upon presentation of the statement of satisfaction the filing officer shall file it and note the cancellation of the contract and the date thereof on the margin of the page where the contract has been entered For filing and entering the statement of satisfaction the filing officer shall be entitled to a fee of seventy-five cents (75¢)

Section 5 Prohibition of Removal or Sale Without Notice Unless the contract otherwise provides the buyer may without the consent of the seller remove the goods from any filing district and create a security interest in the goods or sell or otherwise dispose of his interest in them but prior to the performance of the condition no buyer shall remove the goods from a filing district in which the contract or a copy thereof is filed except for temporary uses for a period of not more than thirty days unless the buyer not less than ten days before the removal shall give the seller personally or by registered mail written notice of the place to which the goods are to be removed and the approximate time of the intended removal nor prior to the performance of the condition shall the buyer create a security interest in the goods or sell or otherwise



dispose of his interest in them unless he or the secured party or the person to whom he is about to sell or otherwise dispose of the same shall notify the seller in writing personally or by registered mail the name and address of the secured party or the person to whom his interest in the goods is about to be sold or otherwise transferred not less than ten days before the creation of a security interest or sale or other disposal. If any buyer does so remove the goods or does so create a security interest in them or sell or otherwise dispose of his interest in them without notice or in violation of the contract the seller may retake possession of the goods and deal with them as in case of default in payment of part or all the purchase price. The provisions of this section regarding the removal of goods shall not apply however to railroad or street or interurban railway equipment or rolling stock.

**Section 6 Refiling on Removal** When prior to the performance of the condition the goods are removed by the buyer from a filing district in this State to another filing district in this State in which the contract or a copy thereof is not filed the reservation of the property in the seller shall be void as to any purchaser from or creditor of the buyer who without notice of the contract purchases the goods or acquires by attachment or levy a lien upon them unless the conditional sale contract or a copy thereof shall be filed in the filing district to which the goods are removed within ten days after the seller has received notice of the filing district to which the goods have been removed. The provisions of this section shall not apply however to railroad or street or interurban railway equipment or rolling stock. The filing shall be valid for a period of three years. The provisions of section 3 regarding the necessity for refileing and the duration of the validity thereof shall apply to contracts or copies which are filed in a filing district other than where the goods are originally kept for use by the buyer after the sale.

**Section 7 Fraudulent Injury Concealment Removal or Sale** When prior to the performance of the condition the buyer maliciously or with intent to defraud shall injure, destroy or conceal the goods or remove them to a filing district where the contract or a copy thereof is not filed without having given the notice required by section 5 or shall sell mortgage or otherwise dispose of the goods under claim of full ownership he shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to imprisonment for not more than one year or to pay a fine not exceeding five hundred dollars (\$500) or both.

**Section 8 Retaking Possession** When the buyer shall be in default in the payment of any sum due under the contract or in the performance of any other condition which the contract requires him to perform in order to obtain the property in the goods or in the performance of any promise the breach of which is by the contract expressly made a ground for the retaking of the goods the seller may retake possession thereof. Unless the goods can be retaken without breach of the peace they shall be retaken by legal process but nothing herein shall be construed to authorize a violation of the criminal law.

**Section 9 Notice of Intention to Retake** Not more than forty nor less than twenty days prior to the retaking the seller may serve upon the buyer personally or by registered mail a notice of intention to retake the goods on account of the buyers default. The notice shall state the default and the period at the end of which the goods will be retaken and shall briefly and clearly state what the buyer's rights under this act will be in case they are retaken. If the notice is so served and the buyer does not perform the obligations in which he has made default before the day set for retaking the seller may retake the goods and hold them subject to the provisions of sections 11, 12, 13, 14 and 15 regarding the sale but without any right of redemption.

**Section 10 Redemption** If the seller does not give the notice of intention to retake as provided in section 9 he shall retain the goods for ten days after the retaking within the state in which they were located when retaken during which period the buyer upon payment or tender of the amount due under the contract at the time of retaking and interest or upon performance of any other condition as may be named in the contract as precedent

to the passage of the property in the goods or upon performance or tender of performance of any other promise for the breach of which the goods were retaken and upon payment of the expenses of retaking keeping and storage may redeem the goods and become entitled to take possession of them and to continue in the performance of the contract as if no default had occurred. Upon written demand delivered personally or by registered mail by the buyer the seller shall furnish to the buyer a written statement of the sum due under the contract and the expense of retaking keeping and storage. For failure to furnish the statement within a reasonable time after demand the seller shall forfeit to the buyer ten dollars (\$10) and also be liable to him for all damages suffered because of such failure. If the goods are perishable so that retention for ten days as herein prescribed would result in their destruction or substantial injury the provisions of this section shall not apply and the seller may resell the goods immediately upon their retaking. The provision of this section requiring the retention of the goods within the State during the period allowed for redemption shall not apply to railroad or street or interurban railway equipment or rolling stock.

**Section 11 Compulsory Resale by Seller** If the buyer does not redeem the goods within ten days after the seller has retaken possession and the buyer has paid at least fifty per centum of the purchase price at the time of the retaking the seller shall sell them at public auction in the State where they were at the time of the retaking the sale to be held not more than thirty days after the retaking. The seller shall give to the buyer not less than ten days' written notice of the sale either personally or by registered mail directed to the buyer at his last known place of business or residence. The seller shall also give notice of the sale by at least three notices posted in different public places within the filing district where the goods are to be sold at least five days before the sale. If at the time of the retaking five hundred dollars (\$500) or more has been paid on the purchase price the seller shall also give notice of the sale at least five days before the sale by publication in a newspaper published or having a general circulation within the filing district where the goods are to be sold. The seller may bid for the goods at the resale. If the goods are railroad or street or interurban railway equipment or rolling stock the parties may fix in the conditional sale contract the place where the goods shall be resold.

**Section 12 Resale at Option of Parties** If the buyer has not paid at least fifty per centum of the purchase price at the time of the retaking the seller shall not be under a duty to resell the goods as prescribed in section 11 unless the buyer serves upon the seller within ten days after the retaking a written notice demanding a resale delivered personally or by registered mail. If the notice is served the resale shall take place within thirty days after the service in the manner at the place and upon the notice prescribed in section 11. The seller may voluntarily resell the goods for account of the buyer on compliance with the same requirements.

**Section 13 Proceeds of Resale** The proceeds of the resale shall be applied (1) to the payment of the expenses thereof (2) to the payment of the expenses of retaking keeping and storing the goods and (3) to the satisfaction of the balance due under the contract. Any sum remaining after the satisfaction of the claims shall be paid to the buyer.

**Section 14 Deficiency on Resale** If the proceeds of the resale are not sufficient to defray the expenses thereof and also the expenses of the retaking keeping and storing the goods and the balance due upon the purchase price the seller may recover the deficiency from the buyer or from any one who has succeeded to the obligations of the buyer.

**Section 15 Rights of Parties Where There is No Resale** Where there is no resale the seller may retain the goods as his own property without obligation to account to the buyer except as provided in section 17 and the buyer shall be discharged of all obligation.

**Section 16 Election of Remedies** After the retaking of possession as provided in section 8 the buyer shall be liable for the price only after a resale and only to the extent provided in section 14. Neither the bringing of an action by the seller for the recovery of the whole or any part of the price nor the recovery of judgment in



such action nor the collection of a portion of the price shall be deemed inconsistent with a later retaking of the goods as provided in section 8 but the right of retaking shall not be exercised by the seller after he has collected the entire price or after he has claimed a lien upon the goods or attached them or levied upon them as the goods of the buyer

Section 17 Recovery of Part Payments If the seller fails to comply with the provisions of sections 10 11 12 13 and 15 after retaking the goods the buyer may recover from the seller his actual damages if any and in no event less than one-fourth of the sum of all payments which have been made under the contract with interest

Section 18 Waiver of Statutory Protection No act or agreement of the buyer before or at any time of the making of the contract nor any agreement or statement by the buyer in the contract shall constitute a valid waiver of the provisions of sections 10 11 12 13 and 15 except that the contract may stipulate that on such default of the buyer as is provided for in section 8 the seller may rescind the conditional sale either as to all the goods or as to any part thereof for which a specific price was fixed in the contract If the contract provides for rescission the seller at his option may retake such goods without complying with or being bound by the provisions of sections 9 to 17 inclusive as to the goods retaken upon crediting the buyer with the full purchase price of those goods So much of this credit as is necessary to cancel any indebtedness of the buyer to the seller shall be so applied and the seller shall repay to the buyer on demand any surplus not so required

Section 19 Validity of Conditional Sales Refiled on or after July 1 1954 Every provision in a conditional sales reserving property in the seller shall be valid as to any purchaser from or creditor of the buyer who after the effective date of this act purchases the goods or acquires by attachment or levy a lien upon them if the filing of the contract was valid under the uniform conditional sales act at 12:01 a m on July 1 1954 by reason of (1) having been filed (i) during the period beginning July 1 1951 and ending three years prior to the effective date of this act or (ii) in the case of railroad or street or interurban railway equipment or rolling stock during the period beginning July 1 1939 and ending fifteen years prior to the effective date of this act or (2) having been last refiled during the period beginning July 1 1953 and ending July 1 1954 and if the contract or a copy thereof was refiled on or after July 1 1954 and prior to the effective date of this act pursuant to the method prescribed by the Uniform Conditional Sales Act or is refiled within sixty days after the effective date of this act pursuant to the method prescribed by section three hereof any such refiled prior to the effective date of this act shall be valid for a period of one year from the date of refiled or sixty days from the effective date of this act whichever is longer any such refiled after the effective date of this act shall be valid for a period of five years from the date of refiled

Section 20 Effective Date This act shall take effect immediately

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS--202

Adam,	Frost,	Mahan,	Royer,
Agnew,	Gaffney,	Markley,	Rubin,
Amarando,	Garlock,	Maxwell,	Rudisill,
Anderson, M. S.,	Gelfand,	McCann,	Sarraf,
Anderson, S. A.,	George,	McCormack,	Scarcelli,
Ashton,	Gibb,	McGee,	Schuster,
Auker,	Gibson,	McInroy,	Sherman,
Banker,	Goldstein,	McKeever,	Sigman,
Barnatovich,	Gramlich,	McLaughlin,	Smith, C. O.,
Bazin,	Greenwood,	McWherter,	Smith, Wm. B.,
Bell,	Guss,	Meholchick,	Snider,
Blair,	Guthrie,	Metz,	Stank,
Boles,	Hamilton, R. K.,	Mihm,	Stebbins,
Bonner,	Hass,	Mikula,	Steckel,
Boory,	Haudensfield,	Miller,	Stephens,

Bower,	Heavey,	Mills,	Stevenson,
Branca,	Helm,	Monroe,	Stone,
Breisch,	Henzel,	Moody,	Stoner,
Brennan, A. P.,	Hocker,	Moran,	Strausser,
Brennan, J. J.,	Holt,	Moscrip,	Stroup,
Brenninger,	Horst,	Muldowney,	Swartz,
Breth,	Houk,	Mullen,	Taylor,
Brown,	Isaacs,	Munley,	Thomas,
Bucchin,	Jenkins,	Murphy,	Thompson,
Bullen,	Johnson,	Murray, J. J.,	Toll,
Capano,	Jones, G. E.,	Murray, P. G.,	Toomey,
Clanfrani,	Jones, T. H. W.,	Murray, H. P.,	Varallo,
Cioffi,	Jump,	Musto,	Varnar,
Cochran,	Kamyk,	Naugle,	Verona,
Comer,	Kehler,	Needham,	Wall,
Connelly,	Keller,	Ogilvie,	Wallace,
Cooper,	Kent,	Olsen,	Walsh,
Davis,	Kline,	O'Neill,	Wargo,
Donahue,	Knecht,	Pacchioli,	Waterhouse,
Donaldson,	Kolankiewicz,	Parry,	Weidner,
Dougherty,	Kooker,	Pashley,	Welsh,
Down,	Kornick,	Paulhamus,	Wescott,
Ehrgood,	Kratz,	Petrosky,	Wheeler,
Elberg,	Kromer,	Pettigrew,	Whitenight,
Erb,	Lafore,	Polaski,	Willaredt,
Eshleman,	Leiby,	Polen,	Williams,
Ewing,	Leisey,	Pomeroy,	Wilt,
Farabaugh,	Leonard,	Price,	Wood,
Filo,	Leven,	Pursley,	Worley,
Fineman,	Light,	Readinger,	Yetter,
Flint,	Limper,	Reibman,	Yetzer,
Floyd,	Lippincott,	Reldenbach,	Young,
Flynn,	Lopresti,	Renwick,	Ziegler,
Foster,	Lovett,	Rigby,	Andrews,
Frank,	Lutty,	Rosen,	Speaker
Frascella,	Magee,	Rovanske,	

NAYS--0

NOT VOTING--5

Curwood,	Lawyer,	Tompkins,	Vaughan,
Hewitt,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

## PERMISSION TO ADDRESS HOUSE

Mr. READINGER asked and obtained unanimous consent to address the House.

Mr. Speaker, we are planning to call up the tax bills and make a special order of business of them some time this afternoon. Since we will probably be in session until at least six o'clock, I am suggesting that we now have a recess until approximately 1:30 p. m. or whatever time the House desires, so that the members may have a chance to eat. I urge all Members to come back at the time fixed by the Speaker for the end of the recess as we intend to start taking up controversial bills as soon as the recess is ended.

## RECESS

The SPEAKER. Without objection, the Chair will declare a recess until 1:30 p. m. The Chair hears none, a recess is declared.

## AFTER RECESS

The time of recess having expired, the House was called to order.

The SPEAKER (Hiram G. Andrews) in the Chair.

## LEAVES OF ABSENCE

By unanimous consent leave of absence was granted as follows:



Mr. Helm for Mr. HEWITT because of death in the family.

Mr. Helm for Mr. VAUGHAN because of illness.

Mr. Johnson for Mr. TOMPKINS for today's session because of illness.

Mr. Hass for Mr. LAWYER because of illness.

Mr. Musto for Mr. CURWOOD because of death in the family.

### HOUSE BILLS Nos. 1960, 2009, and 2010 MADE SPECIAL ORDER

Mr. READINGER. Mr. Speaker, I move that House Bills Nos. 1960 on page 5, House Bills Nos. 2009 and 2010 on page 11 of today's calendar be made a special order of business immediately in that order.

The SPEAKER. The Chair lays before the House the first bill on special order fixed for this time, being House Bill No. 1960.

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 1960 as entitled:

An Act to provide revenue for Commonwealth purposes by imposing an excise tax on net income as defined of individual residents and nonresidents of the Commonwealth and of estates and trusts fixing the rate of tax thereon providing for the reporting of income payment of tax interest and penalties and installments of estimated tax collection of tax at the source assessments collections liens reviews appeals refunds and penalties and conferring powers and imposing duties upon the Department of Revenue public officers fiduciaries employers corporations partnerships associations and individuals.

On the question,

Shall the bill pass finally?

### PARLIAMENTARY INQUIRY

Mr. CHARLES C. SMITH. Mr. Speaker, I rise to a parliamentary inquiry at this point.

The SPEAKER. The gentleman will state it.

Mr. CHARLES C. SMITH. Would I be in order if I would ask to interrogate the Speaker of the House?

The SPEAKER. If, in the opinion of the Speaker, the interrogation was a proper interrogation, the gentleman would certainly be permitted to interrogate the speaker.

Mr. CHARLES C. SMITH. In view of the fact, Mr. Speaker, that you sat in on the tax conferences as a coordinator and now that the tax bills happen to be a special order of business, my questions to you would pertain to some of the conferences, if I would be in order at this time, as the coordinator of the conferences.

The SPEAKER. In the opinion of the Speaker, the inquiry would be in order.

Mr. CHARLES C. SMITH. Mr. Speaker, when we at the Governor's request, and you passed it on to us, sat down in a tax conference and tried to work out a tax program that would pass this House and give the people of Pennsylvania and the institutions the money that they needed, was it not in complete agreement among the Committee that when we decided on the taxes now on the calendar I asked the Majority Leader and yourself as coordinator if we voted for these taxes as a package—and I believe that was the agreement it was to ride as a package—would the Governor sign all of the bills as a package.

The SPEAKER. The Chair will answer the inquiry

to this extent: It was the understanding and agreement upon the part of the conferees that the tax package now pending should proceed on its way as a package, proceed as a package and be treated as a package in this House, in the other Chamber, and when it reached the Governor's desk.

Mr. CHARLES C. SMITH. Mr. Speaker, am I definitely clear in stating that in our opinion if the package reaches the Governor's desk as a package he will sign all of the bills?

The SPEAKER. The Chair, both as the Chair and as coordinator, must refer that inquiry to the Majority Leader.

Mr. CHARLES C. SMITH. May I interrogate the Majority Leader, Mr. Speaker?

The SPEAKER. Will the Majority Leader permit himself to be interrogated?

Mr. READINGER. Mr. Speaker, I shall.

Mr. CHARLES C. SMITH. Mr. Speaker, the agreement was made, I believe, after we agreed on the tax package that was to be presented to our caucuses and I believe I specifically asked—and I did this at the request of my caucus—if the bills were to be passed, they were to pass as a package. If one bill fell, all were to fall. If they all passed and passed the Senate in basically the same manner in which they were presented, the three bills would be signed by the Governor and none of the bills allowed to become law by just leaving them stay on the gentleman's desk. If you remember, I asked that specific question and you told me that you thought that the Governor might do that and you would get me an answer to that question.

Mr. READINGER. That is correct, Mr. Speaker.

Mr. CHARLES C. SMITH. Is the Majority Leader in any position at this time to tell me the answer to that question, Mr. Speaker?

Mr. READINGER. I am.

Mr. Speaker, when I first consulted the Governor about this bipartisan tax program which had been proposed, I was assured by him that he would not veto any part of this package if it came to his desk. I asked him a further question whether he would sign all of the bills involved, and he said he would make no commitment on that. That was the first time the program was laid before him.

I spoke to him again today, and the Governor will still not make a commitment as to whether he will sign all of the bills or part of them, but he has still said he will not veto any part of this package if it is passed to him. But he will not state whether he will sign one of them, two of them, or three of them. He has told me though that if this package is passed by the House and Senate, together with other tax bills sufficient to carry out the program which he has outlined, he will sign all of the bills. That is exactly what he told me.

Mr. CHARLES C. SMITH. Mr. Speaker, just as a means of clarification, at the time of the tax discussions in our Committee meetings, the only agreement that you, and I, and any of the Members of the Committee could agree on and reach was the fact that there would be a sales tax, which we were told would be our sales tax, which would bring in approximately \$15 million, and your income tax which would bring in approximately \$210 million. That was really the only package you and I were in any



position to honestly discuss, because at that time we had no other taxes in front of us. Is that right?

Mr. READINGER. That is right, Mr. Speaker.

Mr. CHARLES C. SMITH. Under that assumption, then, I would say that we have no responsibility for any of the business taxes at this time because they are in the Senate and we cannot say what they are going to do. The only thing that we can actually talk about is our own House-passed package?

Mr. READINGER. I would say that is right, Mr. Speaker.

Mr. CHARLES C. SMITH. Mr. Speaker, by the Governor saying he would sign a tax package if it had business taxes in it and brought in sufficient money, he takes rather an indefinite stand as toward the House tax package. Would that be your opinion?

Mr. READINGER. It would, Mr. Speaker.

Mr. CHARLES C. SMITH. I would like to make a brief statement at this time.

The SPEAKER. The Chair would be of the opinion that the Chair should first lay before the House the first bill on a special order, House Bill 1960, Printer's No. 1373, on page 5.

Mr. CHARLES C. SMITH. I will take the Chair's suggestion, Mr. Speaker.

On the question recurring,

Shall the bill pass finally?

Mr. CHARLES C. SMITH. Mr. Speaker, I want to start out today by saying I believe the Speaker of this House, the Majority Leader, the Minority Leader and Committee forgot politics when we were meeting.

I say this with the most sincerity I can convey to every Member of this House. I have been in this House a good many years, I have sat in on a lot of meetings, and certainly all of us know that a tax meeting is not something that is going to keep tempers smooth.

I can honestly say that never once in that meeting of nine men, with the Speaker acting as coordinator, was a voice raised in anger, never once was anyone interrupted in their talking, never once did any individual sit there and say, "This has to be it." Never one man said that. Everyone in there had one thing in mind. We were in there as people trying to solve the terrible mess that we are in. We were in there giving and we were in there taking, it was on a give-and-take basis. The majority of this House were perfectly willing to bend in some of their thinking, we on the minority side were perfectly willing to bend in some of our thinking, as you can see by the package that was agreed upon.

I know that the majority did not like to vote for a sales tax any more than some of our Members wanted to vote for an income tax. Our stand from the beginning has been against an income tax. Let me tell you, gentlemen, it was not too popular a stand on our side of the House when we said we would vote for it, some of us. I can assure you that probably in your position you were exactly in the same position.

We made an honest and sincere attempt to pass a tax program we thought would not hurt the people of this Commonwealth. At least, we tried. We wanted to pass a tax program that would give the Governor something to back out on in his statements against the sales tax, and because of that we even bent over and did not give him a broad base sales tax, we called it a selective tax. Even the words "sales tax" are not in the bill. We on

this side did everything humanly possible to help the gentleman in the front office to back water and save his prestige, save that dignity he has and save the people of Pennsylvania.

You gentlemen on the other side of the House reacted in exactly the same way. You were fair, you were honest, and I cannot criticize one thing that was done by anyone in that tax committee. The only requirement on our part was that when the bills go they go as a package. We even went so far as to agree with the Majority Leader that if the income tax bill passed and the sales tax bill failed I would be one of the men who would stand on the floor of this House and ask to recall that bill. We cannot go much further than that, that is how sincere we were. The Majority Leader said he would do the same.

I just say that to you and give you that background to show you we were honest, everyone of us, in our attempt.

Let us go back a little and find out why we made this attempt, or what was one of the reasons we did. I have a quote here from last January 12th when Governor Leader had a press conference. I have an exact transcript of that press conference before me at this time. At that conference he said he wanted to propose publicly that the Republican leadership provide a tax program to raise half of the revenue needed and the Democrats would take the responsibility for the other half. That was the Governor's suggestion on January 12th. He made that announcement without any prompting from the newspapermen. It was his own idea and he offered the compromise as his own idea.

He was asked at that conference, if the Republicans passed the sales tax would be veto it. Here is what he answered, and I want to be very careful to quote his exact words because we think they are very important, this is, the Governor's quote:

"It will be the Republican program, and I am offering to give them exactly what they want . . ." now get that, "I am offering to give them exactly what they want, so long as they are willing to assume the responsibility for their half of it."

Let me read again what he said when he was asked about the sales tax. His reply was this:

"I am offering to give them just exactly what they want."

Mr. Speaker, I can tell you that none of us were happy on this side voting for an income tax. We did this because of the situation we knew we were in. I can promise you on that side of the House, and I told the Majority Leader this morning, that between the votes he took in his caucus and the votes we took in our caucus there were more than 106 votes to pass the income tax. That is No. 1. There were more than 106 votes to pass the gross receipts tax. That is No. 2. And there were more than 106 votes to pass the sales tax. I give you that on my word, and the Majority Leader will back me up.

Today the Governor pulled the rug out by just refusing to sign a tax program. Mr. Speaker, I want to say, how foolish does he think we are? He says he will not commit himself. I wonder what he thinks these men on this side of the House are doing when they vote "aye" for an income tax? What does he think you men are doing when you vote "aye" on a sales tax? Is that a commitment on your part? I ask you what it is? You know it is a commitment as well as I know it. If the men in this



House have the courage to back down and stop playing politics, and the women in this House have the courage to do that, it is a fine thing for the state for the Governor to say he will not sign a bill when every man is putting his own political future at stake. It is a fine time to be putting your political future at stake when your papers are out being signed for Members of the House and as state candidates, and the Governor says he will not commit himself.

I do not know if the Governor is sincere. I thought he was sincere, and I am sure every Member here thought he was sincere. I say to you today that this is the end of this program. It can never be passed, as you well know, if we do not vote on it today and pass it. There will be no votes at this time for the tax package on this side of the House by agreement with our caucus, because my caucus particularly asked that the Governor sign a sales tax. That was the only request they made.

We were willing to accept the responsibility for this sales tax. The Governor needs the money and, if it is a matter of his signature, he is throwing \$150 million out the window and he is throwing your \$210 million out the window. I do not believe he needs money and I do not believe he is honest and sincere in the statements he made.

I hate to bring this bipartisanship in after having such a meeting as we have had. I do not think we have ever seen the minority in the House before willing to come up with votes to pass \$150 million in new taxes, and we did it. We did it for the people of Pennsylvania. And I do not believe that we ever saw the majority of the House willing to sit down, as willing as they were, without playing politics. I say today—and I am not doing this to run for cover, because, Members, we were not running for cover any more than you were—if that is the Governor's attitude, it is his baby. Let him come up with 106 votes for his tax program on his side of the House. We wash our hands of it as of this minute.

Mr. READINGER. Mr. Speaker, there are certain mean moments in one's life which are hard to take, and this is one of mine.

The gentleman from Philadelphia has stated very clearly how hard this tax committee worked on this matter. I think every Member of the House is aware of how hard and long everybody has thought about it, considered it, and come to a decision.

We hoped that today we could pass a truly bipartisan program which would find acceptance in the Senate and eventually become law and solve this problem.

I have done my level best to make the Governor understand that this is a package sponsored by both sides and to be supported in part by both sides. I tried to make him understand that he should be willing to make a commitment that if these bills reach his desk he will sign all of them. I suggested to him that he might even attach a message to the sales tax to set forth again, and very clearly, what he thinks of it, but nevertheless sign it into law. He has refused to do that.

We have heard the position of the minority stated, and we know we cannot pass the income tax. It was our agreement that if any part of this program did not pass, none of it would. It was to be a package or nothing.

Whether this is the end of the road as far as any bipartisan efforts are concerned or not, I don't know. Mr.

Smith thinks it is. Certainly I hope it is not. I do not know whether we can ever get a decent tax program through without a bipartisan effort. I doubt it. I do not even know whether this proposal of ours would have been accepted by the Senate of Pennsylvania, but at least we were trying.

The first thing we could do and had to do was get it to the Senate and try to convince the Senate of Pennsylvania that it was the only feasible and right program. We may never get to that point, I don't know, and I certainly regret deeply the developments that have taken place in the last day.

I confidently hoped this group of bills would all pass by at least 120 votes, some Republicans and some Democrats. I think the public is going to hold all of us responsible for our failure to agree up to this time, and none of us can feel too happy about the situation, about this long delay. To have this thing happen at the very time we thought we had it solved and were on our way to a final solution, to me is almost heartbreaking.

We know today that we cannot pass the income tax without Republican help. We have only 111 Democrats. We know that one is sick, he can't be here, one is at a funeral he had to attend; and we know that we have four other Members on our side who just will not vote for this income tax. So we don't even have 106 votes, we cannot pass it.

I am going to ask, Mr. Speaker, that all of these bills be now placed on the postponed calendar.

The SPEAKER. The Chair might remind the House that irrespective of the fate of the tax program there are other measures of interest upon which this House must pass sometime. Since we have so many Members in the House today, now would be the time to dispose of the calendar before us.

Mr. CHARLES C. SMITH. Mr. Speaker, I hope I can do the job here the way I honestly feel. I do not think I am capable of it.

I would like to say, first of all, that you have just heard a man speak who in my estimation is one of the most honest, sincere and great individuals of Pennsylvania today. (The Members rose and applauded)

I do not think, Mr. Speaker, any better tribute could be paid to any man than what we just heard. I had to mention Al Readinger for the job he has done. He has worked his heart out, believe me. Everything he has done has been done with one idea, to solve our problem.

I think, Mr. Speaker, that you come in for a share of the credit. I think the Members on the other side of the House who were willing to give and vote for a sales tax, and the Members on our side of the House who are willing to give and vote for an income tax, should also be congratulated.

I think something has happened today in this House that we have never seen before, and probably never will again. I just want to end by again saying that the highest tribute that is possible has been paid Al Readinger and your Speaker, but particularly Al Readinger, for the job they tried to do. They have been trying to do a tremendous job with the Governor since early morning.

Mr. HOCKER. Mr. Speaker, I came in this House today with fire in my system ready to fight as long as was possible to whip this package of bills. I did not come in here today with the purpose in mind of voting for any



of them, because two weeks ago I stood on the floor of this House and made the statement that I would not be part of any package that would put a noose around my people's necks in the form of an income tax.

The thing has changed to this extent, and the gentleman from Philadelphia has taken some of my words, the fire has gone out and the only thing I have in my system right now is pity and compassion for three great men in this House.

I speak first of the Speaker, and I spoke of him two weeks ago, the caliber of the man who could bring together a body to pass a tax package such as this, bad as it was in my opinion. Then for these two gentlemen to lay down their swords and get together and decide on a program about which the Governor made the statement on TV that that was what he wanted, a fifty-fifty deal, he was in line to receive it. Now he has humiliated three of the greatest men in this House.

I say again, the fire is going out of me and I feel sorry for these three great men, and I feel sorry for the man in the front office that caused this injustice.

Mr. McCORMACK. Mr. Speaker, after listening to these very brief remarks by both the Majority and Minority Leader, I feel that I am not armed with all the facts. My first impression was and until a question has been answered in the negative, I will still feel that I am not armed with all the facts.

I, therefore Mr. Speaker, would like to interrogate the Minority Leader.

The SPEAKER. Will the Minority Leader permit himself to be interrogated?

Mr. CHARLES C. SMITH. I shall, Mr. Speaker.

Mr. McCORMACK. Mr. Speaker, when this bipartisan tax committee was conceived and born in this House, was it predicated, the success of it rather, predicated on the Governor's giving his word that he would vote for all the bills?

Mr. CHARLES C. SMITH. I suppose the gentleman means sign all the bills. I don't believe at the creation of the committee anything was predicated, but I do believe that the rules were being laid down by the committee itself at the time of its meeting.

Mr. McCORMACK. Never in this House immediately prior to the committees being formed was anything mentioned about Governor Leader giving his prior consent to these bills, indications that he would sign them?

Mr. CHARLES C. SMITH. Mr. Speaker, I don't believe that ever before, prior to the committee's being created, did we talk about a joint sponsorship or anything else of any bills or any type of bills, we didn't talk about it. There was no need to do so.

Mr. McCORMACK. There was no need to Mr. Speaker, why wasn't there a need to?

Mr. CHARLES C. SMITH. I can't hear the gentleman.

Mr. McCORMACK. Why was there not a need to talk of that?

Mr. CHARLES C. SMITH. Well I believe, Mr. Speaker, I don't know what the gentleman is trying to drive at, but I believe that—

Mr. McCORMACK. I want to get the facts, Mr. Speaker.

Mr. CHARLES C. SMITH. The only thing I can say to the gentleman is that it was my understanding that a committee was created by your side of the House and a committee by our side of the House with the Speaker to

act as a coordinator. The idea of coordination for the gentleman's information in my opinion was that we would work on certain things and not deviate from anything at all, or deviate into the different channels.

We went in there knowing with one idea in mind, to get a program that would be agreed upon by both sides of the House and would be agreed upon by the Governor. That is the best we could do.

Mr. McCORMACK. Mr. Speaker, I will ask one further question, whether or not you can state for the record that the majority in the Senate, if this package goes over to them, will vote for the bill, vote for all of the bills?

Mr. CHARLES C. SMITH. I believe, Mr. Speaker, if the gentleman would refer to your remarks, and would remember that tax programs start in the House and are subject to the Governor's veto, approval or disapproval, I don't believe he would even bother asking that question. It is our responsibility and as the Speaker said, we divorced ourselves from any thinking, we are a working body, a legislative body that tried to do a job and we didn't get into all of those intricacies as to what was going to happen in the Senate or what would happen before it passed the Senate or anywhere else.

Mr. McCORMACK. Mr. Speaker, can you state today whether or not the Republicans in the Senate would bring out this tax package if it were passed on the floor and vote for it?

Mr. CHARLES C. SMITH. I would suggest Mr. Speaker, that he go and ask the Senate. I cannot speak for the Senate.

Mr. McCORMACK. Am I right—

The SPEAKER. The Chair does not want to be to technical, but the Chair would remind both gentlemen that we are not privileged in this House to discuss the probabilities of legislation in the Senate. Knowing that he is transgressing the rules, the gentleman may proceed.

Mr. McCORMACK. Is it the Speakers ruling that the Governor is fair game in this House and that the Senate is not?

The SPEAKER. It is not a proper inquiry at this time.

Mr. McCORMACK. Mr. Speaker, I came up here from Philadelphia today to vote for this tax package.

The SPEAKER. The Chair gave the gentleman the privilege of transgressing the Rules unless some Member of the House objected it.

The gentleman will now proceed after his own fashion.

Mr. McCORMACK. Am I right in concluding that we do not know what the Senate would do with this package if it were sent over to them?

Mr. CHARLES C. SMITH. It is the brightest conclusion of the day at this point.

Mr. McCORMACK. Very well. That is what I thought. I just wanted to get the facts.

Mr. Speaker, is there anything in the Constitution that gives this House the right to override the Governor's veto?

The SPEAKER. The gentleman is simply consuming time. He well knows there is.

Mr. McCORMACK. The question was directed at the Minority Leader, Mr. Speaker.

Mr. CHARLES C. SMITH. I will second the Speaker's suggestion.

Mr. McCORMACK. I would appreciate it if I can ask



questions here that are proper questions and get the answer from the person to whom they are directed. I don't think the Chair is fair in ruling that I have . . . .

The SPEAKER. The gentleman is out of order. If he wants to appeal for the decision of the Chair he is privileged to do so.

Mr. McCORMACK. Mr. Speaker, what is the ruling of the Chair?

The SPEAKER. The Chair stated that the gentleman was transgressing the Rules and that if nobody objected the Chair would not hold him to an observance of the Rules, that he could proceed in his own free fashion as long as the House would endure his questions.

Mr. McCORMACK. And I am attempting to do that. I asked the Minority Leader, Mr. Speaker, if there was anything in the Constitution that gives this House the right to override the veto of the Governor.

The SPEAKER. The Chair states to the gentleman that he is privileged to ask the question and the person interrogated is privileged to refuse to be interrogated.

Mr. CHARLES C. SMITH. Mr. Speaker, I would not refuse anyone to be interrogated, but I want to remind the gentleman that I do not believe his questions have anything to do with what has just happened.

If the gentleman thinks I have made a breach of faith or a political breach of faith in any way, I would ask him to question the Speaker or the Majority Leader who sat in on all of our conferences, and I am quite sure it would be a more honest decision than I could make. If the gentleman feels that way, that we are trying to evade something, I would suggest that he ask if there has been a breach of faith by anybody on the committee and particularly myself.

Mr. McCORMACK. No further interrogation, Mr. Speaker.

Mr. McCORMACK. The last few questions will demonstrate the unfairness that is inherent in the arguments of the Minority Leader. I have listened to the Speaker suggest the creation of this bi-partisan committee and I have never once heard on the floor of this House that the success of the committee would depend upon the Governor's O.K. of the tax package. Perhaps that came about later, I don't know.

We well know that this government is divided into a legislative, executive and judicial body, the three of which are co-equal. The Governor is the sovereign head of a sovereign state, and I do not think our vote should depend upon what the Governor is going to do. If we are motivated by politics, then I think it does, but we are reaching the state today where we have got to do something for the institutions, the schools and the mental institutions that are dependent upon revenues of this Commonwealth. We have a duty to perform, and I say we are not facing up to it.

I do not care what the Governor does with this package. He does not need to have anyone come in here and apologize for him. The people of Pennsylvania elected him and they elected us to do a job. I think we have a right to vote on any bill regardless of whether the Governor has indicated that he is not going to veto it. Nowhere was it mentioned, and that is what I am amazed at, by the Majority Leader, never was it mentioned, what the Senate was going to do with this package. I am amazed at that. We are asking Governor

Leader to stick his neck out and say what he is going to do, and we do not even know what they are going to do across the street. I think it is fundamentally unfair to suppose that the Governor should come out and say, "I am 100 per cent behind this," then the taxes go over to the Senate and they defeat it.

I think it is very unfair. I think the Governor would be crazy to do that.

We are in this Legislature to do a job regardless of what the Governor says or does, and I propose to do it. I came up here today to vote for the three taxes and I am going to do that. I do not care whether the Governor likes it, or he does not, my first obligation is to the taxpayers and the people of this Commonwealth. I propose to do that duty today, and I hope we get a chance to vote on the bill regardless of any political consequences.

This is thirteen months after we convened and I think it is a little late to be playing cute or to say that the Governor won't sign the package. It is too late for that. Let us send it to him. We know in this House that if it comes back to us with his veto we can override the veto. It is right in the Constitution.

The SPEAKER. Before recognizing the Minority Leader the Chair, the coordinator of the bi-partisan committee, would ask the privilege of making a factual statement.

When groups meet it is necessary for them to define the range of their discussions and for the various groups to make such stipulations as to policy as they may be disposed to make.

In the opinion of the Minority, it was essential if they were to deliver votes, that certain agreements be arrived at. One of the prior agreements necessary before the committee could function was that the package should move as a package all along the line. If basic changes were made in another place those basic changes would be resisted by all the power inherent in this House. So there was the understanding upon the part of the committee representing this House that the package should move as a package, and without that agreement no conference would have been possible.

Mr. READINGER. I would like to say at the outset that I was so touched by the remarks of the Minority Leader that I was not capable immediately of thanking him and the members of the House for their kind expression of feeling. I, perhaps, am too emotional about the thing but it has been a shock and a big disappointment, and I do want the Members to know that I deeply appreciate the expression they have made.

I would like to say in connection with the remarks of the gentleman from Philadelphia, Mr. McCormack, that I think he has fallen into error in some of his thinking. I was not able to hear all the remarks of the Speaker but I think he has covered quite well the conditions and circumstances under which our bipartisan group could function.

It is true that the Governor can veto bills and that we can override vetoes. It is also true that the Governor definitely said before we even had these bills printed and placed before you that he would not veto any part of this package if it came to his desk. But the question was whether he would sign all of the bills or whether he would sign some of them. That has been the cause of all



the trouble today. Since he would not make a commitment that he would sign all of them, the Members in the minority whether rightly or wrongly, and they certainly have a right to take the position they are taking, that they are not going to furnish votes for a bill they do not like without knowing if he would sign it if it does get to his desk.

This question of whether or not the Senate will accept this package is something that nobody has been able to determine. If you recall, when I first spoke, I said that we hoped if we could pass it through the House we could persuade the Senate that this under the circumstances is the best solution.

We Members on this side, of course, feel that you were wrong in voting against our prior tax measures and that the Senate was wrong in killing them, but that is water over the dam. That has happened. We are faced with the necessity of raising this money and it is a dire necessity. And that is why this bipartisan effort is so very important and has been so very important.

I think every Member here feels deeply that it is our duty to solve this thing and raise this money, and if we cannot do it by sitting down sensibly and agreeing with each other, somebody has got to give somewhat on his side. You have to take some things you do not like, we have to take some we do not like, and we do that when we vote for bills that we do not believe in ourselves. We do it because of the necessity. And I am going to go on hoping that we will have a further bipartisan effort and that we can make the Governor understand that it is truly a bipartisan effort and should be supported by him.

Mr. LOVETT. Mr. Speaker, I do not rise in the defense of the Governor or in opposition to the committee. I feel that after my many years in Harrisburg and my statements of "let's be fair," I should make myself clear.

When the bipartisan committee was formed, I was in hopes that we should get a one hundred per cent bipartisan program. Maybe I expected too much. Maybe it was an impossibility. There is no man in this House that would hate worse to vote for a sales tax than I myself, but my hopes were that our committee would get to the place where we could go to our caucuses and get a one hundred per cent agreement for a tax program that both sides of this House could vote one hundred per cent for.

Now, I say that maybe I was asking too much. But that was what I was in hopes of. Had that come about, I would have voted for a package, regardless of what was in the package. Now, if you want to get rid of politics, if you want to be bipartisans, that is the way to do it.

As to the Governor of Pennsylvania, I somewhat agree with the gentleman from Philadelphia, I don't ask the Governor if he will sign or veto a bill. There are two or three ways for it to become law. He doesn't have to sign it for it to become law. He could sign one part of the program and not sign the other part, but it still would become law.

So, my friends, I just want to make that one point clear, that I hope that this is not the end of the bipartisan committee. I am in hopes now that we can get such a program that both sides of this House will agree to support, regardless of what the Governor says, regardless of what the Senate says, and send it to them.

On the question recurring,  
Shall the bill pass finally?

#### BILL POSTPONED

Mr. READINGER. Mr. Speaker, I move that this bill be placed on the final passage postponed calendar.  
The motion was agreed to.

The SPEAKER. The Chair lays before the house the next Bill on special order fixed for this time, being House Bill No. 2009.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2009 entitled:

An Act to provide revenue for Commonwealth purposes by imposing a tax on the sale use storage or other consumption of certain tangible personal property providing for licenses reports payments and collection of tax interests and penalties assessments collections liens reviews and appeals conferring powers and imposing duties upon the Department of Revenue public officers manufacturers wholesalers retailers corporations partnerships associations and individuals and making an appropriation

#### BILL POSTPONED

Mr. READINGER. Mr. Speaker, I move that this bill be placed on the third reading postponed calendar.  
The motion was agreed to.

The SPEAKER. The Chair lays before the house the next Bill on special order fixed for this time, being House Bill No. 2010.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2010 entitled:

An Act imposing a tax on persons engaged in the business of operating hotels inns apartment hotels motels tourist homes restaurants cafes public eating places public drinking places clubs and catering establishments prescribing the manner of collecting the tax measured by gross receipts from sales of food drinks and lodgings imposing duties on and prescribing powers of the Department of Revenue and fixing penalties

On the question,

Will the House agree to the bill on third reading?

#### BILL POSTPONED

Mr. READINGER. Mr. Speaker, I move that this bill be placed on the third reading postponed calendar.  
The motion was agreed to.

The SPEAKER. The Chair now commits the tax problems of the Commonwealth into the special keeping of His Excellency, the Governor, and his advisors.

#### PERMISSION TO ADDRESS HOUSE

Mr. CHARLES C. SMITH asked and obtained unanimous consent to address the House.

Mr. CHARLES C. SMITH. Mr. Speaker, I think the Members should know the Speaker did request, and I am talking particularly to Members on our side at this time, that even though the tax bills have been postponed there is other business on the calendar. If we can arrange to roll some of these bills, we can certainly lighten the calendar in view of the suggestion of the Majority Leader that next week we shall probably be here on a consent calendar on Tuesday and Wednesday. With that sug-



gestion in mind, I would request that we vote on as many bills today as possible.

Mr. READINGER. I certainly agree with the Minority Leader that we should process as many bills as we can and still leave here at a reasonable time. I am asking the Members to remain here so that we can do that. These bills must be acted upon sometime, and I cannot think of a better time than right now.

The SPEAKER. The Chair requests the gentleman from Cambria, Mr. Lopresti, to preside.

Mr. LOPRESTI IN THE CHAIR

#### REPORTS FROM COMMITTEES

Mrs. PASHLEY from the Committee on Motor Vehicles, reported as committed, House Bill No. 2011, entitled:

An Act amending "The Vehicle Code" of May 1, 1929 (P. L. 905), changing penalties for failure to stop in the event of accident.

Mr. KOLANKIEWICZ from the Committee on Professional Licensure, reported as committed, Senate Bill No. 316, entitled:

An Act amending the "Optometrists' Licensure Law" \* \* \* regulating the advertising of products used for ophthalmic purposes and providing penalties for violation thereof.

Mrs. MARKLEY from the Committee on Motor Vehicles, reported as committed, Senate Bill No. 866, entitled:

An Act to further amend section nine hundred two of "The Vehicle Code" \* \* \* by changing the total maximum length of certain vehicles.

Mr. KOLANKIEWICZ from the Committee on Appropriations, re-reported as amended, House Bill No. 885, entitled:

An Act relating to plumbing providing for certification registration and regulation of persons engaged in plumbing creating a State Public Health Plumbing Board in the Department of Health prescribing its powers and duties and those of local governments with respect and making an appropriation.

Mr. COCHRAN from the Committee on Appropriations, reported as committed, House Bill No. 2020, entitled:

An Act making an appropriation to the Senate and House of Representatives for contingent expenses for the balance of the Legislative session of 1955.

#### BILL ON FIRST READING

Mr. COCHRAN asked and obtained unanimous consent for House Bill No. 2020 to be read for the first time.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2020, entitled:

An Act making an appropriation to the Senate and House of Representatives for contingent expenses for the balance of the Legislative session of 1955.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

#### PERMISSION TO ADDRESS HOUSE

Mr. AUKER asked and obtained unanimous consent to address the House.

Mr. Speaker, I sincerely ask your indulgence on the remarks I am going to make in reference to this Resolu-

tion. I sincerely say to you that I am offering the Resolution, as co-sponsored by the gentleman from Erie, Mr. Waterhouse, in a non-critical mood of the administration in power, or of the executive officers and secretaries of the different departments, and in an entirely non-partisan approach. I am very much concerned, and I believe we all should be, about a policy which apparently has been adopted by the Secretary of Welfare in breaking up the animal herds and the poultry flocks on the farms connected with our state institutions.

From these herds and from these flocks flow produce of the highest order that is used to maintain and feed the patients in these institutions. These herds and flocks have been built up on these farms by experimentation and research and at a great cost to the people of this Commonwealth. If it is true that all of these herds and flocks are going to be broken up by executive order of the Secretary of Welfare, then I would ask you to consider this, that all of the produce and products that came from these herds and flocks will have to be bought on the open market by contract.

The only reason I have seen so far why this action is being taken by the Secretary of Welfare is that in his opinion the patients of these institutions should not engage in farm work and animal husbandry.

Just recently, Mr. Speaker, there was an investigation of the Morganza Training School—it is pretty noisy, Mr. Speaker, and I won't be long. I would like to have a little order, if I may.

The SPEAKER pro tempore. Will the gentleman yield?

The Chair must ask the Members to take their seats and conversation to cease. If we want to get out of here this afternoon at a reasonable hour, The Chair must have order. When the Chair has recognized a gentleman for the purpose of making remarks, he is entitled to be heard. I will also ask that visitors refrain from conversation and that we go about our business in an orderly fashion for the rest of the afternoon.

The gentleman will proceed.

Mr. AUKER. Mr. Speaker, I will repeat very briefly the last few remarks that I made.

The only reason I have been able to find that this order has gone out from the Secretary of Welfare to break up the herds and flocks on the farms connected with the state welfare institutions is that the patients of these institutions should not engage in this kind of work.

Just recently in an investigation by Members of this House, signed unanimously by Members of both sides of the House, this recommendation was made, and I quote Section J of the report: "The Committee recommends that an on the job training program, which shall include farming and animal husbandry, be established at the Training School, and that an over-all athletic program be established under the supervision of a competent athletic director."

I am one that is not at all satisfied, and I do not believe any Member of this House should be satisfied, with that reasoning simply because he thinks—we do not know on what basis he has arrived at that conclusion, but simply because he thinks that the patients at these institutions should not engage in farm work and should not engage in animal husbandry, he is going to break up all the farm herds and poultry flocks connected with



these farms. This will certainly mean a great financial loss to the people of this Commonwealth. It would mean a great financial loss at this time when we are studying a tax program, hoping that one can be adopted, and can mean considerably heavier taxes on the people of the Commonwealth if all of these products have to be brought on the open market.

We are offering a resolution, therefore, Mr. Speaker, that an investigating committee composed of Members of both sides of the House be appointed by the Speaker and that this committee be given the power of subpoena, of swearing in witnesses and subpoenaing books and records.

If there is justification for it, all well and good. If there is no justification for it, then I say to you that it should be stopped, and stopped at once, before any further financial loss is suffered by the people of this Commonwealth, by the autocratic, if the committee so finds, breaking up of these herds and flocks by the Secretary of Welfare.

I believe it is of such importance, not only to the welfare of the patients in these institutions, but of all the people of this state who pay taxes, that this matter be investigated as promptly as possible.

I, therefore, file the following resolution.

The SPEAKER pro tempore. The resolution will be filed with the Clerk under the Rules.

### PERMISSION TO ADDRESS HOUSE

Mr. WATERHOUSE asked and obtained unanimous consent to address the House.

Mr. Speaker, I desire to speak very briefly on this resolution. I certainly urge its adoption. Take as an example the Warren State Hospital, they have a very fine herd of registered Holsteins and the inmates there who are not too bad have certainly benefitted greatly by being able to occupy themselves working on the farm and taking care of these cattle. It has certainly been a profitable venture, and I believe it is something that should be studied. I urge the adoption of the resolution.

### HOUSE RESOLUTION No. 152

Mr. McCANN. Mr. Speaker, I call up House Resolution No. 152 on page 14 of today's calendar.

The resolution was read by the Clerk as follows:

In The House of Representatives, February 6, 1956.

Whereas it has come to the attention of the House of Representatives that Dr. James C. Charlesworth the Secretary of Administration in a recent address in Philadelphia before the Federation of Community Councils has expressed himself in favor of denying the exercise of the franchise by citizens of this Commonwealth to persons "illiterate indifferent and cynical" and of limiting said exercise to persons "competent" to vote and

Whereas the House of Representatives is of opinion that the remarks Dr. Charlesworth in no way reflect the views of its members or of any of the elected representatives of the citizens of the Commonwealth or of the Administration holding office Now Therefore be it

Resolved That it is the sense of the House of Representatives that the right of suffrage by all adult citizens of this Commonwealth without regard to formal education attainments is a right which is guaranteed by Article I Section 3 of the Constitution of Pennsylvania it is a right inherent in a free society that any attempt to limit or abridge this right to make it available only to a special class of citizens or to convert it into a privilege available only to a few is violative of the Constitution of Pennsyl-

vania and of the oath of any administrative officer sworn to uphold same that the government of the Commonwealth of Pennsylvania as well as that of the United States is founded on the proposition that the just powers of government stem only from the consent of those governed which consent can be expressed only through exercise of the franchise that any attempt to subvert the right to vote is the first and most dangerous step toward subverting our government of liberty under law that representative government assumes and assures the right of the poorest and most humbly stationed citizen to participate or not to participate as he pleases in the governmental process by exercising his vote and that it ill becomes any administrative official in this Commonwealth's employe to express himself publicly in opposition to those principles which the citizens of Pennsylvania so deeply cherish and for the defense of which they and their sons have and will again gladly shed their blood And be it further

Resolved that the General Assembly unanimously deplores the tenor of the remarks made by Secretary Charlesworth and suggests to his superiors that they either silence him or appoint a successor

On the question,

Will the House adopt the resolution?

Mr. McCANN. Mr. Speaker, the resolution that is before the House at this time has been presented to this House as the consensus of thinking of the Democratic Members of this House through its appointed committee and through its secretary of the Caucus.

Doctor Charlesworth in his speech on February 2d in Philadelphia delivered this famous address in which his theories and thoughts were expressed. He himself as an appointed official of this Government, the same as you and I are as elected officials, is obliged to uphold the Constitution of Pennsylvania.

The Constitution that we live and are guided under was adopted here on February 13, 1873 and no place in that Constitution will you find the definition of illiteracy, indifference or cynical in regard to the franchising or the right to vote.

We of the Democratic caucus of the House of Representatives through this resolution make known our feelings and our wishes to the Governor of this Commonwealth regarding Doctor Charlesworth's address, and his views are not the views of this individual Member nor many other Members of the Democratic side of this House. The Lieutenant Governor of this Commonwealth and the Democratic State Chairman deplore the remarks of Doctor Charlesworth in his address on that particular day. True enough those who have taken up political science have various theories as to the Government, but we as an individual body have sworn to uphold and defend the Constitution of Pennsylvania, and that Constitution provides for the right of all of its citizens to vote as they wish. They are not deprived of the right because of race, creed or color and they certainly are not deprived of the right because of illiteracy cynicism or indifference.

And with that I ask that the Democratic Members and the entire membership of this House to make known their feelings and pass Resolution No. 152, Printer's No. 1374, with a unanimous vote.

On the question recurring,

Will the House adopt the resolution?

It was adopted.

### BILLS ON FINAL PASSAGE

#### BILLS PASSED OVER



There being no objection  
House Bill No. 68, Printer's No. 1302 and  
House Bill No. 667, Printer's No. 1256  
were passed over at the request of the SPEAKER pro  
tempore.

Agreeably to order,

The House proceeded to the consideration on final  
passage of House Bill No. 1932, as follows:

An Act amending the act of July 12, 1935 (P. L. 677)  
entitled "An act to fix the status of officers and em-  
ployes of the Commonwealth and political subdivisions  
thereof while in training with the armed forces of the  
United States" including members of the United States  
Air Force

The General Assembly of the Commonwealth of Penn-  
sylvania hereby enacts as follows

Section 1 Section 1 act of July 12, 1935 (P. L. 677)  
entitled "An act to fix the status of officers and em-  
ployes of the Commonwealth and political subdivisions  
thereof while in training with the armed forces of the  
United States" is amended to read

Section 1 Be it enacted &c That all officers and em-  
ployes of the Commonwealth of Pennsylvania or of any  
political subdivision thereof members either enlisted or  
commissioned of any reserve component of the United  
States Army Navy [or] Marine Corps or Air Force shall  
be entitled to leave of absence from their respective  
duties without loss of pay time or efficiency rating on  
all days not exceeding fifteen in any one year during  
which they shall as members of such reserve components  
be engaged in the active service of the United States or  
in field training ordered or authorized by the Federal  
forces

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the  
yeas and nays were taken and were as follows:

#### YEAS—202

Adam,	Frost,	Mahan,	Royer,
Agnew,	Gaffney,	Markley,	Rubin,
Amarando,	Garlock,	Maxwell,	Rudisill,
Anderson, M. S.,	Gelfand,	McCann,	Sarra,
Anderson, S. A.,	George,	McCormack,	Scarcell,
Ashton,	Gibb,	McGee,	Schuster,
Auker,	Gibson,	McInroy,	Sherman,
Banker,	Goldstein,	McKeever,	Sigman,
Barnatovich,	Gramlich,	McLaughlin,	Smith, C. O.,
Bazin,	Greenwood,	McWherter,	Smith, Wm. B.,
Bell,	Guss,	Meholchick,	Snider,
Blair,	Guthrie,	Metz,	Stank,
Boles,	Hamilton, B. K.,	Mihm,	Stebbins,
Bonner,	Hass,	Mikula,	Steckel,
Boory,	Haudenschild,	Miller,	Stephens,
Bower,	Heavy,	Mills,	Stevenson,
Branca,	Helm,	Monroe,	Stone,
Breisch,	Henzel,	Moody,	Stoner,
Brennan, A. P.,	Hocker,	Moran,	Strausser,
Brennan, J. J.,	Holt,	Moscrip,	Stroup,
Brenninger,	Horst,	Muldowney,	Swartz,
Breth,	Houk,	Mullen,	Taylor,
Brown,	Isaacs,	Munley,	Thomas,
Bucchin,	Jenkins,	Murphy,	Thompson,
Bullen,	Johnson,	Murray, H. P.,	Toll,
Capano,	Jones, G. E.,	Murray, J. J.,	Toomey,
Cianfrani,	Jones, T. H. W.,	Murray, F. G.,	Varallo,
Cloffi,	Jump,	Musto,	Varnier,
Cochran,	Kamyk,	Naugle,	Verona,
Comer,	Kehler,	Nedham,	Wall,
Connelly,	Keller,	Ogilvie,	Wallace,
Cooper,	Kent,	Olsen,	Walsh,
Davis,	Kline,	O'Neil,	Wargo,
Donahue,	Knecht,	Pacchioli,	Waterhouse,
Donaldson,	Kolankiewicz,	Parry,	Weidner,
Dougherty,	Kooker,	Pashley,	Welsh,
Down,	Kornick,	Paulhamus,	Wescott,
Ehrgood,	Krats,	Petrosky,	Wheeler,
Elberg,	Kromer,	Pettigrew,	Whitenight,
Erb,	Lafore,	Polaski,	Williams,
Eshleman,	Leiby,	Polen,	

Ewing,  
Farabaugh,  
Filo,  
Fineman,  
Flint,  
Floyd,  
Flynn,  
Foster,  
Frank,  
Frascella,

Lelsey,  
Leonard,  
Leven,  
Light,  
Limper,  
Lippincott,  
Lopresti,  
Lovett,  
Lutty,  
Magee,

Pomeroy,  
Price,  
Pursley,  
Readinger,  
Reibman,  
Reidenbach,  
Renwick,  
Rigby,  
Rosen,  
Rovanssek,

Wilt,  
Wood,  
Worley,  
Yetter,  
Yetzer,  
Young,  
Ziegler,  
Andrews,  
Speaker

#### NAYS—0

#### NOT VOTING—5

Ourwood,  
Hewitt,

Lawyer,

Tompkins,

Vaughan,

The majority required by the Constitution having voted  
in the affirmative, the question was determined in the  
affirmative.

Ordered, That the Clerk present the same to the Senate  
for concurrence.

Agreeably to order,

The House proceeded to the consideration on final  
passage of Senate Bill No. 235, as follows:

An Act amending the act of June 21 1939 (P. L. 566)  
entitled "An act defining the liability of an employer  
to pay damages for occupational disease contracted by  
an employe arising out of and in the course of em-  
ployment establishing an elective schedule of compen-  
sation providing procedure for the determination of  
liability and compensation thereunder imposing duties  
on the Department of Labor and Industry the Work-  
men's Compensation Board Workmen's Compensation  
Referees and deans of medical schools creating a medical  
board to determine controverted medical issues estab-  
lishing an Occupational Disease Fund in custody of  
the State Workmen's Insurance Board imposing upon  
the Commonwealth a part of the compensation payable  
for certain occupational diseases making an appro-  
priation and prescribing penalties" by including tuber-  
culosis within the meaning of the term occupational  
disease

The General Assembly of the Commonwealth of Penn-  
sylvania hereby enacts as follows

Section 1 Clause (m) of section 108 act of June 21  
1939 (P. L. 566) known as "The Pennsylvania Occupational  
Disease Act" amended July 19 1951 (P. L. 1089) is  
amended to read

Section 108 The term "occupational disease" as used  
in this act shall mean only the following diseases

\* \* \*

(m) Tuberculosis in [the occupation of nursing in  
hospitals or sanitarial] any occupation involving exposure  
to such disease

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the  
yeas and nays were taken and were as follows:

#### YEAS—202

Adam,	Frost,	Mahan,	Royer,
Agnew,	Gaffney,	Markley,	Rubin,
Amarando,	Garlock,	Maxwell,	Rudisill,
Anderson, M. S.,	Gelfand,	McCann,	Sarra,
Anderson, S. A.,	George,	McCormack,	Scarcell,
Ashton,	Gibb,	McGee,	Schuster,
Auker,	Gibson,	McInroy,	Sherman,
Banker,	Goldstein,	McKeever,	Sigman,
Barnatovich,	Gramlich,	McLaughlin,	Smith, C. O.,
Bazin,	Greenwood,	McWherter,	Smith, Wm. B.,
Bell,	Guss,	Meholchick,	Snider,
Blair,	Guthrie,	Metz,	Stank,
Boles,	Hamilton, B. K.,	Mihm,	Stebbins,
Bonner,	Hass,	Mikula,	Steckel,
Boory,	Haudenschild,	Miller,	Stephens,
Bower,	Heavy,	Mills,	Stevenson,



Branca,	Helm,	Monroe,	Stone,
Brelsich,	Henzel,	Moody,	Stoner,
Brennan, A. P.,	Hocker,	Moran,	Strausser,
Brennan, J. J.,	Holt,	Moscrip,	Stroup,
Brenninger,	Horst,	Muldowney,	Swartz,
Breth,	Houk,	Mullen,	Taylor,
Brown,	Isaacs,	Munley,	Thomas,
Bucchin,	Jenkins,	Murphy,	Thompson,
Bullen,	Johnson,	Murray, H. P.,	Toll,
Capano,	Jones, G. E.,	Murray, J. J.,	Toomey,
Cianfrani,	Jones, T. H. W.,	Murray, P. G.,	Varallo,
Cioffi,	Jump,	Musto,	Varner,
Cochran,	Kamyk,	Naugle,	Verona,
Comer,	Kehler,	Needham,	Wall,
Connelly,	Keller,	Ogilvie,	Wallace,
Cooper,	Kent,	Olsen,	Walsh,
Davis,	Kline,	O'Neil,	Wargo,
Donahue,	Knecht,	Pacchioli,	Waterhouse,
Donaldson,	Kolankiewicz,	Parry,	Weidner,
Dougherty,	Kooker,	Pashley,	Welsh,
Down,	Kornick,	Paulhamus,	Wescott,
Ehrgood,	Kratz,	Petrosky,	Wheeler,
Elberg,	Kromer,	Pettigrew,	Whitenight,
Erb,	Lafore,	Polaski,	Willaredt,
Eshleman,	Leiby,	Polen,	Williams,
Ewing,	Lelsey,	Pomeroy,	Wilt,
Farabaugh,	Leonard,	Price,	Wood,
Flo,	Leven,	Pursley,	Worley,
Fineman,	Light,	Readinger,	Yetter,
Flint,	Limper,	Reibman,	Yetzer,
Floyd,	Lippincott,	Reidenbach,	Young,
Flynn,	Lopresti,	Renwick,	Ziegler,
Foster,	Lovett,	Rigby,	Andrews,
Frank,	Lutty,	Rosen,	Speaker
Frascella,	Magee,	Rovansek,	

## NAYS—0

## NOT VOTING—5

Curwood,	Lawyer,	Tompkins,	Vaughan,
Hewitt,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate with information that the House has passed the same with amendments in which the concurrence of the Senate is requested.

Agreeably to order,

The House proceeded to the consideration on final passage of Senate Bill No. 530, as follows:

An Act limiting the period within which petitions for the assessment of damages may be filed or actions for damages commenced for injury to or taking of private land property or material or any interest therein by political subdivisions by authorities created by political subdivisions or by corporations in the exercise of their power of eminent domain.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 As used in this act "Authority" means any body corporate and politic created by one or more political subdivisions pursuant to a law of the Commonwealth

Section 2 No person having an interest in any land property or material appropriated taken used occupied injured destroyed or otherwise adversely affected by any political subdivision or authority or by any corporation in the exercise of its power of eminent domain may petition for the appointment of viewers for the assessment of damages or bring an action for damages after the expiration of a period of six years from the date on which such political subdivision or authority or corporation became entitled to possession of the land property or material or any interest therein This act shall not apply to petitions for the appointment of viewers for the assessment of damages or to actions for damages as the result of the exercise of the power of eminent domain by any authority unless (1) a copy of

the resolution by which such authority exercises its power of eminent domain is personally served on the owner of the affected property or (2) if the owner cannot be served personally service of a copy of the resolution is made on the owner by registered or other mail service as will result in the post office department making a record of delivery and the sender receiving a receipt signed by the addressee or his agent evidencing delivery or (3) if the owner cannot be served personally or by mail as herein provided unless the resolution is published at least one time in a newspaper of general circulation in the county in which the affected property is located and at least one time in the legal periodical if any of such county

Section 3 In any case where by the exercise of the power of eminent domain a political subdivision or authority or a corporation has become entitled to the possession of private land property or material or any interest therein prior to the effective date of this act a petition for the appointment of viewers for the assessment of damages may be filed or an action for damages may be brought within six years from such date and not thereafter All claims shall be forever barred after the expiration of the period of six years

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

## YEAS—202

Adam,	Frost,	Mahan,	Royer,
Agnew,	Gaffney,	Markley,	Rubin,
Amarando,	Garlock,	Maxwell,	Rudisill,
Anderson, M. S.,	Gelfand,	McCann,	Sarra,
Anderson, S. A.,	George,	McCormack,	Scarcell,
Ashton,	Gibb,	McGee,	Schuster,
Auker,	Gibson,	McInroy,	Sherman,
Banker,	Goldstein,	McKeever,	Sigman,
Barnatovich,	Gramlich,	McLaughlin,	Smith, O. O.,
Bazin,	Greenwood,	McWherter,	Smith, Wm. B.,
Bell,	Guss,	Meholchick,	Snider,
Blair,	Guthrie,	Metz,	Stank,
Boles,	Hamilton, R. K.,	Mihm,	Stebbins,
Bonner,	Hass,	Mikula,	Steckel,
Boory,	Haudenshield,	Miller,	Stephens,
Bower,	Heavey,	Mills,	Stevenson,
Branca,	Helm,	Monroe,	Stone,
Brelsich,	Henzel,	Moody,	Stoner,
Brennan, A. P.,	Hocker,	Moran,	Strausser,
Brennan, J. J.,	Holt,	Moscrip,	Stroup,
Brenninger,	Horst,	Muldowney,	Swartz,
Breth,	Houk,	Mullen,	Taylor,
Brown,	Isaacs,	Munley,	Thomas,
Bucchin,	Jenkins,	Murphy,	Thompson,
Bullen,	Johnson,	Murray, H. P.,	Toll,
Capano,	Jones, G. E.,	Murray, J. J.,	Toomey,
Cianfrani,	Jones, T. H. W.,	Murray, P. G.,	Varallo,
Cioffi,	Jump,	Musto,	Varner,
Cochran,	Kamyk,	Naugle,	Verona,
Comer,	Kehler,	Needham,	Wall,
Connelly,	Keller,	Ogilvie,	Wallace,
Cooper,	Kent,	Olsen,	Walsh,
Davis,	Kline,	O'Neil,	Wargo,
Donahue,	Knecht,	Pacchioli,	Waterhouse,
Donaldson,	Kolankiewicz,	Parry,	Weidner,
Dougherty,	Kooker,	Pashley,	Welsh,
Down,	Kornick,	Paulhamus,	Wescott,
Ehrgood,	Kratz,	Petrosky,	Wheeler,
Elberg,	Kromer,	Pettigrew,	Whitenight,
Erb,	Lafore,	Polaski,	Willaredt,
Eshleman,	Leiby,	Polen,	Williams,
Ewing,	Lelsey,	Pomeroy,	Wilt,
Farabaugh,	Leonard,	Price,	Wood,
Flo,	Leven,	Pursley,	Worley,
Fineman,	Light,	Readinger,	Yetter,
Flint,	Limper,	Reibman,	Yetzer,
Floyd,	Lippincott,	Reidenbach,	Young,
Flynn,	Lopresti,	Renwick,	Ziegler,
Foster,	Lovett,	Rigby,	Andrews,
Frank,	Lutty,	Rosen,	Speaker
Frascella,	Magee,	Rovansek,	

## NAYS—0



## NOT VOTING—5

Curwood,                      Lawyer,                      Tompkins,                      Vaughan,  
Hewitt,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed the same with amendments in which the concurrence of the Senate is requested.

## BILL PASSED OVER

There being no objection

Senate Bill No. 655, Printer's No. 498 was passed over at the request of the SPEAKER pro tempore.

## BILLS ON FINAL PASSAGE POSTPONED

## TIME EXTENDED ON BILLS

Mr. HACKER asked and obtained unanimous consent to extend the time five days on House Bill No. 319, Printer's No. 1137, on page 5 of today's calendar, bills on final passage postponed.

Mrs. PASHLEY asked and obtained unanimous consent to extend the time five days on House Bill No. 1219, Printer's No. 383, on page 6 of today's calendar, bills on final passage postponed.

Mr. WELSH asked and obtained unanimous consent to extend the time five days on House Bill No. 1379, Printer's No. 1196, on page 6 of today's calendar, bills on final passage postponed.

Mr. READINGER asked and obtained unanimous consent to extend the time five days on House Bill No. 1562, Printer's No. 607, on page 6 of today's calendar, bills on final passage postponed.

## BILLS ON THIRD READING

## BILLS PASSED OVER

The SPEAKER pro tempore. If there is no objection all bills on the third reading calendar with the exception of Senate Bill No. 383 will be passed over. The Chair hears none.

Agreeably to order,

The House proceeded to the third reading and consideration of Senate Bill No. 383, as follows:

An Act amending the act of May 20, 1949 (P. L. 1594) entitled "An act for the protection of the public health and to prevent fraud and deception in the manufacture sale offering for sale exposing for sale and possessing with intent to sell of adulterated or deleterious ice cream french ice cream french custard frozen custard frozen ice confections frozen sherbet confections sherbet ice and fruit ice including coated ice cream and the coating thereof fixing standards for ice cream custard ice cream french ice cream french custard including sherbet frozen ice confections frozen sherbet confections frozen dairy confections ice and fruit ice and to prevent the sale of imitation ice cream and defining said imitation ice cream providing for licensing conferring powers and imposing duties upon the Department of Agriculture prescribing penalties and providing for the enforcement thereof" authorizing and regulating the manufacture and sale of artificially sweetened ice cream for diabetics

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The definition of "ice cream" in section 1 act of May 20, 1949 (P. L. 1594) entitled "An act for the protection of the public health and to prevent fraud and deception in the manufacture sale offering for sale exposing for sale and possessing with intent to sell of adulterated or deleterious ice cream french ice cream french custard frozen custard frozen ice confections frozen sherbet confections sherbet ice and fruit ice including coated ice cream and the coating thereof fixing standards for ice cream custard ice cream french ice cream french custard including sherbet frozen ice confections frozen sherbet confections frozen dairy confections ice and fruit ice and to prevent the sale of imitation ice cream and defining said imitation ice cream providing for licensing conferring powers and imposing duties upon the Department of Agriculture prescribing penalties and providing for the enforcement thereof" is amended to read

Section 1 For the purpose of this act "ice cream" is defined as any frozen sweetened milk product which is agitated during the process of freezing and includes every such frozen milk product which contains more than five per centum (5%) by weight of milk or milk solids not fat or milk fat and milk solids not fat and which in any manner simulates the texture or characteristic of ice cream no matter under what coined or trade name it may be sold Ice cream shall be made from a combination of one or more of the following ingredients viz any clean and wholesome cream milk and all forms of milk fat and any clean and wholesome form of milk solids not fat with one or more of the following ingredients sucrose dextrose corn syrup invert sugar any of which may be in dry or syrup form water flavor stabilizer emulsifier egg or egg products harmless color which does not conceal either damage or inferiority each of which ingredients shall be wholesome edible material The finished product may contain not more than one-half of one per centum ( $\frac{1}{2}$  of 1%) by weight of stabilizer and may contain not more than one-fifth of one per centum ( $\frac{1}{5}$  of 1%) by weight of emulsifier Provided however That the stabilizer and/or emulsifier has been approved by the Department of Agriculture The finished product shall contain not less than ten per centum (10%) of milk fat by weight except when fruit nuts cocoa or chocolate cakes or confections are added for the purpose of flavoring then it shall contain not less than ten per centum (10%) by weight of milk fat except for such reduction in milk fat as is due to the addition of such flavoring but in no such case shall it contain less than eight per centum (8%) by weight of milk fat and chocolate and cocoa flavored ice cream shall in no event contain less than ten per centum (10%) of total fat Ice cream manufactured prepared or processed for consumption by diabetics shall contain only those ingredients prescribed by this section but shall be sweetened with an artificial sweetening agent and contain edible carbohydrates other than sugar the artificial sweetening agent and the edible carbohydrates must be approved by the Department of Agriculture and no sugars other than those naturally present in the milk solids or fruit agent shall be added thereto

\* \* \*

Section 2 The first clause of section 3 of the act is amended to read

Section 3 Any frozen sweetened product referred to in this act shall be deemed to be adulterated within the meaning of this act

First [If] Except as provided in section 3.1 of this act if it contains any added preservative any artificial sweetener including saccharin dulcin or any other substance or compound that is deleterious to health

Section 3 The act is amended by adding after section 3 a new section to read

Section 3.1 (a) Subject to the standards provided by law or prescribed by the Department of Agriculture pursuant thereto any person may manufacture or prepare ice cream containing an artificial sweetening agent approved by the Department of Agriculture to make the ice cream suitable diet for diabetics The manufacturer shall place the ice cream in packages or containers which







before the committee or to produce any books papers records or documents shall be subject to the penalties provided by the laws of the Commonwealth in such cases. Each member of the committee shall have power to administer oaths and affirmations to witnesses appearing before the committee and be it further

Resolved That the House of Representatives requests the Attorney General to advise with the committee provided for hereby and under the powers of his office to conduct investigations and to hold hearings at times and places he considers necessary and appropriate to determine the past and present functioning of the Delaware River Joint Toll Bridge Commission with especial reference to its operation administration and financial policies and be it further

Resolved That after the adjournment of the present session of the General Assembly the committee shall continue to advise with the Attorney General in the furtherance of his investigatory powers for the purposes herein specified and be it further

Resolved That the committee make a report of its findings together with its recommendations for appropriate legislation to the next General Assembly

#### HOUSE RESOLUTION No. 147

Mr. READINGER. Mr. Speaker, I call up House Resolution No. 147 on page 13 of today's calendar.

The resolution was read, considered and adopted as follows:

In the House of Representatives, January 30, 1956.

With the discovery of the atom and hydrogen bombs and with the development of guided missiles and jet propelled planes the probabilities of sneak enemy attacks on the United States comes closer to realization. The general public should realize the seriousness of the situation

The House of Representatives recognizes the splendid work being done by the State Council of Civil Defense its Director and all the local civil defense units in the organization recruiting training maintenance and operation of aircraft warning services observation and listening posts information and control centers including the location thereof and such other services and facilities as may be necessary for the prompt reception and transmission of air raid warnings and drills. The State Council of Civil Defense is empowered by law to formulate and execute plans for the carrying out of practice blackouts air raid drills and warning and of all precautionary measures under actual conditions of hostile air raids or enemy attack. Presently the method practiced in warning the general public of an air raid or enemy attack is by sirens located at so called strategic points. Due to sound proof buildings to the tumult of crowds in department stores and places of amusements to the noise of factory machinery it has been pointed out that the siren warning is not audible or effective as to the public congregated in such buildings business establishments factories places of amusement and many other buildings used by the general public therefore be it

Resolved That the House of Representatives recommends and urges the State Council of Civil Defense to promulgate and adopt regulations for establishing a system of listening posts for the purpose of communicating vital information directly and simultaneously to those people at work and in public places who do not have access to radio or other methods of communication during business or working hours or in times of any emergency when it is of extreme importance to communicate directly with a great number of people by recommending the installation of public address systems or such similar equipment in all buildings stores factories places of amusement and business catering to twenty-five or more persons and be it further

Resolved That a copy of this resolution be sent to the State Director of Civil Defense

#### HOUSE RESOLUTION No. 151

Mr. READINGER. Mr. Speaker, I call up House Resolution No. 151 on page 14 of today's calendar.

The resolution was read, considered and adopted as follows:

In the House of Representatives, February 1, 1956.

Whereas Act No. 259 (P. L. 595 Session of 1943) authorizes the Department of Property and Supplies to provide for the maintenance in the main capitol building of a restaurant or cafeteria "For the proper accommodation of state administrative legislative judicial personnel and capitol visitors" and

Whereas the Capitol Cafeteria now maintained in the main capitol building has been operated on an accommodation basis and

Whereas operation which makes possible the type of operation compatible with the proper accommodation of those served is incompatible with any plan designated to operate on a profit basis and

Whereas the type of management now in effect has served to create a friendly atmosphere that cannot be created by a commercially-minded organization and

Whereas the present type of management has provided capable personnel and has provided food of top quality and

Whereas the Members of this House have received word that the Secretary of Property and Supplies intends to discontinue the present operating methods and place the operation of the capitol cafeteria in the hands of a commercial concern

Therefore be it resolved that this House respectfully inform the Secretary of Property and Supplies through this resolution that it favors the continuance of the present method of operating the capitol cafeteria it being the conviction of the Members of this House that only through such a type of management can the purposes for which the cafeteria was established be served

#### SENATE MESSAGE

#### AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

#### HOUSE BILL No. 1924.

An Act amending the act of June 24, 1939 (P. L. 872) entitled "An act to consolidate amend and revise the penal laws of the Commonwealth" regulating the advertising and offering for sale of merchandise commodities and services

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend title, page 1, line 3, by inserting after the word "advertising" the following: "and offering for sale"; line 4, by striking out at beginning of line the following: "and offering for sale".

Amend Section 1, page 3, line 4 by striking out the bracket before the word "and"; line 5 by striking out the bracket after the word "misleading"; page 4, line 13 by inserting after the word "publication" the following: "or radio or television station"; page 5, line 9 by inserting after the word and figures "Section 857.1" the words "offers for sale of" and striking out the words "offers for sale of"; line 11, by inserting after part-ward "vertises" the following: "or offers for sale to the general public" and striking out last word in line 11 and beginning of line 12 the following: "or offers for sale"; line 13 by striking out after word "sell" the word "it" and inserting in lieu thereof the following: "or with intent not to sell"; line 15, by striking out after the word "fine" the following: "of not less than five hundred dollars (\$500) nor more than" and inserting in lieu thereof the words



"not exceeding"; line 17 by inserting after the word "or" the word "to" and striking out after the word "imprisonment" the following: "for not less than six months nor more than one year or both" and inserting in lieu thereof the following: "not exceeding"; by striking out at end of line the word and figure "one" (1); by striking out first word in line 19, "year" and inserting in lieu thereof the following: "six (6) months or both"; page 6 line 5 by inserting after the word "thing" the following: "advertised or offered for sale to the general public"; line 6, by inserting after the word "be" the following "prima facie evidence of"; by striking out last word in line 6 and beginning of line 7 as follows: "prima facie evidence of"; line 7, by inserting after the word "section" the following:

Provided that this subsection shall not be applicable when a person advertises or offers for sale any merchandise commodity service or thing and clearly sets out in such advertisement or offer by quantity or number that he has a specific quantity of such merchandise commodity service or thing for sale and when at the time of such advertisement or offer such person did in fact have at least such quantity or amount for sale

On the question,

Will the House concur in the amendments made by the Senate?

## COMMUNICATION AND BILL LAID ON TABLE

Mr. READINGER. Mr. Speaker, I move that the communication from the Senate together with the bill be laid on the table.

The motion was agreed to.

## SENATE MESSAGE

### SENATE INSISTS ON AMENDMENTS NON-CONCURRED IN BY HOUSE

The Clerk of the Senate being introduced, informed that the Senate has insisted upon its amendments, non-concurred in by the House of Representatives, to House Bill No. 1361, entitled:

An Act authorizing the creation of regional planning commissions by counties cities boroughs towns or townships authorizing interstate participation in regional planning under certain conditions and conferring powers and imposing duties on regional planning commissions

## COMMUNICATION AND BILL LAID ON TABLE

Mr. READINGER. Mr. Speaker, I move that the communication from the Senate together with the bill be laid on the table.

The motion was agreed to.

## BILL INTRODUCED AND REFERRED

The SPEAKER pro tempore. The Speaker has referred the following bill:

By Mr. WHEELER.

HOUSE BILL No. 2021.

An Act amending the act of August 9, 1955 (P. L. 323), entitled "An act relating to counties of the third, fourth, fifth, sixth, seventh and eighth classes; amending, revising, consolidating and changing the laws relating thereto," providing for the fixing of compensation for officers whose salaries are not prescribed by law.

Referred to the Committee on Counties.

## RESOLUTION INTRODUCED AND REFERRED

The SPEAKER pro tempore. The Speaker has referred the following resolution:

By Mr. MULDOWNEY. RESOLUTION (Not Printed)

In the House of Representatives, February 9, 1956.

The death of Cornelius McGillicuddy, better known as Connie Mack, on Wednesday, February 8, 1956, brought to a close, a notable career in the field of sports.

First a baseball player, and later a major league manager and club owner, Mr. Mack is best known for his outstanding achievements during fifty years as manager of the Philadelphia Athletics. His teams won nine league championships and five world series titles.

He made an impression upon baseball which will preserve his name and leave a happy memory of his accomplishments with those who knew and worked with him. His clean sportsmanship and exemplary conduct earned him the respect and admiration of his opponents and associates. He well exemplified the great American tradition of fair play coupled with a keen competitive spirit and a will to win.

Of equal importance with his ability to develop championship teams, was his ability to develop young players into competitors of outstanding calibre. These men whom he developed have paid tributes to him which speak well of him as a person of high inherent qualities and fine personal attributes as well as possessing great qualities of leadership; therefore be it

Resolved, That the members of this House of Representatives express their personal condolences and feelings of grief at the passing of Connie Mack to his widow, the former Katherine Hallahan, and to his surviving children, Roy, Earle, Mary, Ruth, Rita, Elizabeth and Connie Jr., and be it further

Resolved, That copies of this resolution be sent to the widow and children of the late Connie Mack.

Referred to the Committee on Rules.

## PERMISSION TO ADDRESS HOUSE

Mr. READINGER asked and obtained unanimous consent to address the House.

Mr. READINGER. Mr. Speaker, for the information of the Members concerning the plans of next week, at the moment I do not know of any reason why we would have any session next week other than a consent calendar session.

However, if there is any change at all in plans a letter will be sent to all of the Members. As a matter of fact, a letter will be sent tomorrow, regardless of changes in plans, advising the Members that they need not come next week or that for some particular reason they might have to come, so that by Saturday or at the latest by Monday every Member will be fully informed concerning the need to be here next week.

## ADJOURNMENT

Mr. PAULHAMUS. Mr. Speaker, I move that this House do now adjourn until Tuesday, February 14, 1956 at 3:00 p. m.

The motion was agreed to, and (at 4:40 p. m.) the House adjourned.











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